

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-312

Judge:	No. 105511104314815A No. 105511104314815A
Complainant:	No. 105511104314815B

ORDER

The complainant alleged she was mistreated by two superior court judges.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: March 12, 2014.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on March 12, 2014.

This order may not be used as a basis for disqualification of a judge.

2013-312

Dear Sir or Madam,

I would like to call attention to a recent situation which in my opinion represents unethical business practices and unethical professional conduct by the numerous parties named below:

attorney
business owner
County Superior Judge
County Superior Court Judge
Collections
attorney

On or around I responded to a newspaper ad for a commercial location in which to start a cheerleading academy and dance studio. I was shown a perfect "turn key" location by the property manager/owner claiming to represent A section of the building contained an existing wooden dance floor, which made a point to place emphasis on .

After numerous emails and even what I consider to be coercion (see copies attached) I agreed to rent said location on , prior to the current tenant vacating the location, with the express implication that the dance floor would be remaining. When I actually received the keys to the location not only was the floor gone but so was the drop ceiling, baseboard, lighting and doors.

Again after many emails and phone calls were made to the property manager to obtain satisfaction and have the location returned to the condition presented to me at the time I agreed to lease said property. (copies included) the property remained in a condition nothing like that which I was shown and agreed to lease.

After the first which were to have been free but were utilized by repair people), we notified of our intent to move out. Trying to get restoration requests done and attempting to run a business in a substandard facility, of which we were only able to utilize half of due to uncorrected safety concerns, were not providing us with the anticipated income we needed to keep the gym open. When we notified of our intent to move out, we indicated to him that WE had made the property suitable for showing to potential tenants, but due to lack of business could no longer afford to continue in the location. In addition, we were having difficulty getting our certification and insurance due to the condition of the property both interior and exterior. All along made promises he obviously had no intention of keeping. Email copies are attached stating his offers.

Sometime in unbeknownst to myself, now calling himself filed a breach of contract lawsuit for the remaining rents. All attempts to contact me were made at an address which I have not resided since which was awarded to my ex husband in our divorce which was finalized and was not the address given to at any time.

I did not find out about this suit until when the constables office served notice to my ex husbands girlfriend at the time, My personal financial information was disclosed to her as was it disclosed to my ex husband who contacted me informing me that **WE WERE BOTH NAMED** in this suit although we were divorced at the time I entered into this contract and if we did not respond a warrant for

our arrest would be issued. I contacted the _____ County Constables office and spoke to _____ who informed me that _____ had the documents and that I could pick them up the next day at his office, which I did.

I then had to travel to _____ and pay a fee to obtain copies of this lawsuit, presided over by judge _____ and then proceeded to contact over _____ attorneys in _____, none of which handle civil suits, and was finally referred to _____ who agreed to handle my case.

I have since endured a debtors exam, unsuccessful attempts at a settlement and a court hearing which was the most biased situation I have ever witnessed.

During this hearing I was basically called a liar by judge _____ that I knew about this lawsuit all along and was just trying to play stupid. After all I could have told the post office I moved and where. Why would I, I was receiving my mail that's all I cared about. Plus I have moved three times and the purpose of the post office box was I had already been receiving my mail there for several years prior and would not have to change my address every time I moved. I was also never told this was something I was required to do. It's no ones business where I choose to live and I did not feel the need to advertise my divorce to the world. Now suddenly being a single mom I didn't necessarily WANT anyone to know where I lived.

He also stated I could have filed a "quit claim" deed and removed my name from my ex husbands property. First off I don't know what that is and can't afford any more legal fees if I had known. We handled the divorce without attorneys because we couldn't afford their fees.

The judge then proceeded to tell my attorney that she was incompetent and that she should have filed the paperwork immediately upon being hired, even though she had no information yet in which to file this pleading. She did make two requests for continuances in order to contact the plaintiffs attorney and compile information. Yes, she probably did take longer than was necessary but again I hired her based on the fact that she was the professional in her field, not me, and she should know how the process works. The judge even made comment that the continuances and the untimely manner was primary cause for his denying our motion, even so much as blaming me for the requests of which I had no control over, these were made by my attorney.

I feel this judge was vindictive toward myself from the very beginning as when I was scheduled to appear for the debtors exam, my ex husband was also required to attend and arrived late, due to being tied up at work, and without required documents and my attorney chose not to attend. The judge made it very clear he was not happy with either of them - yet I was the one who was punished.

It was VERY OBVIOUS that the judge had not even looked at the pleadings nor had any intention of doing so. Had he bothered to look at the documents, a reasonable person would have requested to see the emails from _____ and it would have been quite evident that _____ made promises solely for the purpose of renting the property and to this day claims he doesn't have a financial interest in the property that he is representing someone else. That being said, why is his name the only one listed as the plaintiff, if he in fact is not the owner. Mid way thru the paper trail, the plaintiff also changes from _____ to _____

I have included copies of my pleadings to the court, emails from _____ including a recent one threatening me with continued lawsuits if I didn't give up my counterclaim, all court documents and will be happy to send whatever else you may need to investigate this issue.

My wages are being garnished due to the lack of ethical procedures by so called professionals connected to this matter. I've struggled as a single mom for the past five years to recover from a divorce, pay off the debts my ex husband left me with, and clean up my credit record only to have what I have managed to accomplish destroyed by selfish greed and corrupt "legal" maneuvers.

According to the Arizona Corporation Commission website, _____ has business connections to two

mortgage firms, several land developments, mobile home parks and dealerships, a car dealership, a construction company and a solar equipment firm, as well as shopping centers and commercial locations. Yet he is not listed as having a real estate license by which to conduct these transactions, but claims he doesn't have a financial interest, and is acting in a professional capacity on someone else's behalf.

His attorney, according to the Arizona State Bar Association website is practicing at an address where the post office indicates he does not exist and according to his former secretary AND he has retired - yet he appeared telephonically (and not under oath by the way) at my final hearing. That could have been anyone on the other end of that phone for all I know. He also made a request for additional attorney's fees, which was denied.

As for of I have made several attempts to contact him in regards to a settlement rather than garnishment, yet he too has chosen not to respond to phone calls nor return messages. He has also reported to the credit reporting firms an amount considerably larger than the actual judgment, contacted me at work on more than one occasion and prior to 8:00 am, and knew from the beginning that I was represented by an attorney and should not be contacting me at all.

If I truly were trying to lie about all of this and avoid this lawsuit, would I even bother with all of this mess? I don't think so.

Thanks to these "professionals", I am now unable to obtain a simple charge card with the bank that I have used since (denial letter enclosed). I can not even get an auto title loan to help pay off any debts or pursue my attempt to purchase a home before I'm too old to qualify. Nor can I even move to a different rental property as my credit has been destroyed. Depending on how extensive the background check, I could possibly loose my job if I'm denied access to the military base where I work due to new entrance and identification requirements based on the results of the privately conducted background check performed by the company hired by the military.

I would appreciate your taking the time to look over my situation and offer your opinion of the matter, as I feel that I have been victimized by the County Justice system.

Furthermore, my ex husband attempted to have his name removed from this lawsuit as he was never a party to the original transaction and the judge also ruled against him. Not only has my life now been messed up for the next however many years but so has someone else who should never have been sued in the first place. They have also filed a lien against his property.

Although I still retain the option to file bankruptcy, if I should do so they would then go after his wages and assets and force him into bankruptcy also, and for no legitimate reason other than to avoid this debt that is not even his. Copies of his legal documents are also included.

I realize this is a very lengthy complaint and I thank you for your time.

Sincerely,

Complaints filed with the following:
Arizona State Bar Association
Arizona State Attorney General
Arizona Board of Realtors
Commission on Judicial Conduct