

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-323

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Judge:	No.1093914826A
Complainant:	No.1093914826B

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**ORDER**

The complainant alleged a tax court commissioner was not fair, open-minded, or objective in deciding his tax court small claims case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: January 22, 2014.

FOR THE COMMISSION

/ s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the commissioner on January 22, 2014.

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

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COMPLAINT AGAINST A JUDGE

Name:

Judge's Name:

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

I appealed my assessed valuation to the small claims. During the trial I presented expert reports from \_\_\_\_\_ that my residence suffered some \_\_\_\_\_ in damages from being built on expansive soils that caused the house to heave up when the soil is wet from rain and sink when the soil dries out. The evidence was that these conditions are continuing and that further damage will occur in the future. The damages exceed the current cash value of the property and what I paid for it before learning of the soil problem. The Assessor presented no evidence countering the damages. The Assessor relied solely on sales data on houses that did not have damages from expansive soils. About half of the houses in the subdivision joined a suit against the Builder for damages from being built incorrectly or/and being built on expansive soil. The damages varied from a few thousand to the catastrophic damage I suffered.



CONFIDENTIAL

State of Arizona  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

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Only a handful of houses suffered the expensive damages I suffered. And most of houses the owners just walked away from the damaged houses. Each house is unique in the damages to the house. You cannot lump my damages with a house ~~with~~ that had no damage on a house that suffered only minimal damage or damage due only to construction omissions. My evidence of damage was clear and uncontroverted. Mr.            should have based his decision solely on the facts and uncontroverted evidence. Instead he was ignoring the facts + evidence and searching for a way to decide against a self-represented party. I have talked to many people about this and they without exception are appalled by Mr.            acts. He has no business deciding cases. His impartiality is nonexistent. He did not act in a manner that promotes public confidence in the Judiciary. He was not fair, open minded or objective. His intentional disregard of the facts bring the public's view of the bench into disrepute. I was told there is a rating system for Judges. Does that system apply to commissioners also?