

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-137

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Judge:

Complainant:

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**ORDER**

The complainant alleged that a municipal court judge improperly failed to waive a fee for the cost of service of process despite the fact that the citation being served was found to be invalid.

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 authority of the court to charge and collect a fee for service of process (see Arizona Rule of Civil Procedure 4.1(c)(2)) is a legal issue the commission does not have jurisdiction to review. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: June 18, 2014.

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on June 18, 2014.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2014-137

**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.

In \_\_\_\_\_ I was served a traffic citation by the \_\_\_\_\_ resulting from the controversial photo radar still be used there. I provided the court with documentation that showed conclusively that I was not the driver of the vehicle. I also provided the court with the name of the person who was driving the vehicle along with where \_\_\_\_\_ might be living or working, to the best of my knowledge. And finally, I provided the court with a copy of an Order of Protection issued by this same court in \_\_\_\_\_ that specifically stated I did not have possession of this vehicle at the time of the violation.

In spite of all that the Judge denied my motion to dismiss the case. I appealed it and rightfully won the appeal.

A \_\_\_\_\_ weeks later I received a bill from the \_\_\_\_\_ for \_\_\_\_\_ to pay for the cost of them serving me with an erroneous citation. I wrote to the Judge to ask why I should be required to pay this fee since the case had been dismissed, it was clearly not me, and I had violated no laws in \_\_\_\_\_. Rather than responding to my letter, I received another bill a few weeks after that stating that I now owed \_\_\_\_\_ because apparently it was sent to collections as quickly as possible.

I have contacted the Mayor of \_\_\_\_\_, the City Manager and several members of the town council. While some members sympathize and agree that this is a travesty, a miscarriage of justice and blatant political activism, there is nothing they can do. I filed another motion to have the fees dismissed and received the predictable denial the \_\_\_\_\_.

I plan to appeal this to the \_\_\_\_\_ Court, however I am on a limited budget and it is a financial strain for me to come up with the \_\_\_\_\_ filing fee. I pay taxes. I am involved in my community, and if I were to violate any laws or ordinances I would not question any fines or punitive actions taken against me. But I have not violated any laws. I am being punished and forced to pay a ridiculous sum of money for no reason whatsoever other than to raise revenue to fund the photo radar program in \_\_\_\_\_. A program that has rightfully been banned and outlawed nearly everywhere in \_\_\_\_\_ as well as the rest of \_\_\_\_\_.

It's one thing for Judges and politicians to intentionally ignore the will of their constituents and pursue shady and arguable unconstitutional, unethical ways to fleece the citizens they are sworn to serve and protect. But this goes beyond even that.

I'm not sure if there is anything this commission can do to help, but I cannot stay silent and simply allow the \_\_\_\_\_ to extort money from me, or any residents, in this devious unethical manner.