

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-134

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge exceeded his authority in closing the county's juvenile detention facility.

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. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission member Gus Aragón did not participate in the consideration of this matter.

Dated: June 29, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on June 29, 2016.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

Arizona Code of Judicial Conduct

2016-134

(Below there are Cannons listed that appear to have been violated)

Introduction:

secretively planned to close the Juvenile Detention Center. They were in such a rush to close the detention facility that they had not completed the educational aspect of the although the facility closed. The emails that received per public record request from appear to conclude the secretive behavior clearly. There are also news articles, where clearly states for the record that was closing the detention facility due to the budget. The the Board of Supervisors should have been involved and voted on closing the facility if the reason and cause for such action were based solely on budget reasons as was quoted as saying (). The Board appears to have been bullied by the (). The abused authority over judicial employees who worked at the detention center by jumping over the Board of Supervisors, and the while skipping there due process regarding the reduction-in-force policy. had the lav off all of the Juvenile Detention staff. motive also appears to be clear, it has to do with and freeing up a budget that believed to be under purview of \$ from the The wanted more money for the Since believed had purview over juridical departments including the tried to use authority to meet means with in departments, budgets believed to be under purview. Sadly appears to have forgot that, Reduction-In-Force Policy should have been implemented, Open Meetings were not held but are mandatory, also appears to be above the law in that denied Public Record Request when they regard administrative inquiry, and the use of requires the Board of Supervisors involvement. skipped over the Board of Supervisors and appears to have had the and , move the funds from the to the general fund and than to the this appears to be clear as was the one to notify the of the use of the funds. also appears to have used the funds to pay for two new positions that appears to have created, one was for a This position did not exist prior to the closing of the juvenile detention center or at least they were not funded out of the prior to the closing. Than there appears to be a new position created for out of the There are also many questions about the use of funds from the that should be asked regarding the Board of Supervisors Meeting Minutes ().

The paper trail tells us a lot about what happened. Whats missing in the naner trail tells us even more. I believe that the evidence and paper trail appear to show that overstepped and abused juridical authority. I have attached a complete list of laws that have been violated by everyone involved so that you may have a clear picture of the events that took place. I have also included Exhibits.

Arizona Code of Judicial Conduct

(Below there are Cannons listed that appear to have been violated)

appears to have violated the Arizona Code of Judicial Conduct along with many Arizona State Statues. Below I have listed the Canon's that appear to have been violated.

Canon 1

Rule 1.1 Compliance with the Law

A judge shall comply with the law, including the Code of Juridical Conduct.

Rule 1.2 Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Rule 1.3 Avoiding Abuse of Prestige of Juridical Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.

Canon 2

Rule 2.5 Competence, Diligence, and Cooperation

(A) A judge shall perform judicial and administrative duties competently, diligently, and promptly.

(B) A judge shall reasonably cooperate with other judges and court officials in the administration of court business.

1. Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office.

4. A judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay.

Rule 2.12 Supervisory Duties

(C) A judge shall require staff, court officials, and others subject to the judge's direction and control to comply with the provisions of the Code of Conduct for Judicial Employees adopted by the supreme court.

1. A judge is responsible for his or her own conduct and for the conduct of others, such as staff when those persons are acting at the judges direction or control. A judge may not direct court personal to engage in conduct on the judges behalf or as the judges representative when such conduct would violate the code if undertaken by the judge.

Rule 2.13 Administrative Appointments

(A) In making administrative appointments, a judge:

(2) shall avoid nepotism, favoritism, and unnecessary appointments.

(B) A judge shall not approve compensation of appointees beyond the fair value of services rendered.

Canon 3

Rule 3.1 Extrajudicial Activities in General's

(C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality or demand the judicial office

Rule 3.2 Appearances Before Governmental Bodies and Consultation with Government Officials.

A judge shall not appear voluntarily at a public hearing before, or otherwise consult with, an executive or legislative body or official, except:

(Listed below are what appears to have been violations of the code of juridical conduct)

1. appearance of improper professional conduct has endangered the independence of position as a judge for the , impropriety, and lack of integrity, compromised the impartiality of the juridical branch. As is to support professionalism with in the judiciary and promote justice for all. appears to have used position to gain favorable and differential treatment, to obtain goals with in departments that believed to be under purview, through continual and secretive consultation with the of the county. With what appears to have been a total disregard to due process, state statues including the state legislator. lacks the ability to properly and professionally work with county government, juridical employees and the state legislator. also appears to lack the obvious competence, and diligence required to do job. The supervisory duties of a require staff to comply with the provisions of the Code of Conduct for Judicial Employees adopted by the Supreme Court. There is an appearance, that has not require staff to comply with provisions of law and appears to have problems with following the law and the Code of Juridical Conduct. Beyond juridical employees appears to have subjected direction and control over legislative officials, appointees and employees. There appears to have been a continual and secretive consultation with the executive and legislative body, which extends to other juridical offices. Administrative appointments are just another problem area were favoritism, and unnecessary appointments are taking place along with compensation of appointees beyond the fair value.

2. Violated: Due to actions there appears to have been violations of ARS and The Arizona Code of Judicial Conduct also appears to have been violationed: Rule 1.1, Rule 1.2, Rule 1.3, Rule 2.5 (A), Rule 2.12 (C), Note Exhibits:

It appears that directed a juridical employee by the name of who is the to lay off the entire this included juridical employees. These employees were denied there due process, as the county's Reduction in Force Policy was not implemented. The Employees of the juvenile detention center were wrongfully discharged as it was against public policy, there was a RIF Reduction-In- Force Policy that

was not engaged, days' notice should have been given per county resolution. Due to the secretive nature and abrupt closing that was apparently orchestrated by The juridical employees of the juvenile detention center were given no prior warning that the facility was closing. action denied the juridical employees there due process and as a result actions caused undue burden and financial hardship on the employees that that lost their jobs.

3. There appears to be violations of law regarding: "Open Meetings" there were no open meetings regarding the closing of the due to the secretive nature of the closing. A violation of ARS and violation of

appears to have obstructed justice by being secretive and not allowing open meetings. also appears to have A violation of Arizona Code of Judicial Conduct

also appears to have been violated: Rule 1.1, Rule 1.2, Rule 1.3, Rule 2.5 (A), Rule 2.12 (C), Rule 3.1 (C)

4. appears to have directed to do bidding for in that it was job to inform and instruct the Board of Supervisors. as and part of the was responsible for notifications given to the Board of Supervisors. Regarding the closing of the It appeared to be responsibility to place notification on the Agenda. appears to have been a party to the secrecy, regarding the closing, per directive, also appears to have Aid and Abet. It appears that the violations committed below commenced as a result of directives. There appears to be violations of and there also appears to be violations of and

Note:

page

appears to have obstructed justice and Committed Conspiracy by being secretive and not allowing open meetings.

makes authority clear to the County. There also appears to be a violation of and Arizona Code of Judicial Conduct violations appear to have accrued as well: Rule 1.1, Rule 1.2, Rule 1.3, Rule 2.5 (A), Rule 2.12 (C), Rule 3.1, Rule 3.2

5. appeared to have given directives to who is the appear to have caused to Commit Conspiracy, failure to place on the Agenda also made it so that there was no future need to place on the agenda that \$ from the that needed approval for redirection after it hit the general fund, so that it could be redirected to the authorization through a Board vote was not made. If you look at you will notice the funds shifted on , yet is still commenting on on There appears to have been violations of. and there also appears to be a violation of Note: Exhibit

. Arizona Code of Judicial Conduct appears to have violations as well: Rule 1.1, Rule 1.2, Rule 1.3, Rule 2.5 (A), Rule 2.12, Rule 3.1.

6. appears to have directed to do bidding for it was job to inform and instruct the Board of Supervisors. was responsible for notifications given to the Board of Supervisors, regarding the use of . It was Responsibility to place notification on the Agenda. The violations committed below appear to

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**