

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaints 16-168 and 16-260

Judge:

Complainants:

ORDER

Two complainants filed complaints with nearly identical allegations that a justice of the peace had business interests that interfered with his judicial duties and created disqualification issues. Additionally, the complainants alleged the justice of the peace improperly used court staff for campaign purposes and attempted to bribe one of his opponents into withdrawing from the judicial race.

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 approved sending the judge an advisory letter that any educational materials not violate Rule 1.3 of the Code (Avoiding Abuse of the Prestige of Judicial Office), and that he disclose pertinent information about his business ownership to litigants who may come before him on cases involving issues similar to his businesses. The complaints are dismissed pursuant to Rules 16(b) and 23(a).

Commission members Anna Mary Glaab and Art Hinshaw did not participate in the consideration of this matter.

Dated: November 14, 2016

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainants and the judge on November 14, 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.

Please see attached.

Judicial Ethics Committee:

I have been researching fellow judicial candidate Justice of the Peace _____, and I have uncovered some alarming material that I believe directly violates several rules of the Arizona Code of Ethical Conduct. This includes an interaction that I had with _____ on _____

As an opposing candidate for the judicial seat he currently holds, I am keenly aware of the situation divulging these matters creates. On one hand, it appears that I am disclosing this material before the ramp-up of the election season. On the other, I have an ethical obligation as _____ to report such matters and as a possible elected judge I must conduct my affairs in the most ethical manner possible.

Using the test described in Comment 5 of Rule 1.2 of the Arizona Code of Ethical Conduct, I have concluded that the information provided here would create the appearance of impropriety to a reasonable mind that _____ honesty, impartiality, and fitness as a judge would reflect adversely on the public confidence of the judiciary. As such, I feel compelled to disclose this information notwithstanding any negative perceptions this may cause. Regardless of the outcome, I have met my obligations to disclose suspected ethical violations as required by the Rules of Professional Conduct.

In an attempt to be transparent as possible, I am presenting all the documentation I have and assume there is more that will be gathered if this issue is investigated. I have done my best to be brief about the facts and rules I suspect have been violated, leaving the final decisions to the Ethics Committee and to determine if any other violations have occurred.

FACTS

In _____, _____ in the _____
(Attachment 1). Upon its inception, _____ has been acting as the President/CEO
and a director of the corporation, including his time as a candidate and Justice of the Peace.

_____ has also held himself out to be the President and designated broker of the
corporation, as specified on the organization's website (Attachment 2). _____ has also
continued to personally conduct business with tenants, as stated by reviewers on other property
management websites (Attachment 3).

_____ is a full service property management company that
collects rent and makes improvements to real estate properties in the _____ including
properties within _____ precinct. _____ also provides owner services to other
properties not held by the company, including advertising for vacant properties, showing
properties to prospective tenants, verifying and approving rental applications, establishing a legal
residency, collecting monthly rent, subcontracting maintenance, directly depositing owner's
payments, deals with issues of non-payment of rent, and termination of lease or rental
agreements (Attachment 4).

According to the _____ since _____ has assumed the
role as the _____ during the years of _____ only one of the
forcible detainer actions was transferred to another precinct to be adjudicated (Attachment 5).

_____ organized a _____
that specializes in instructing realtors on how to manage properties in _____ (Attachment 6). This

administered by _____ is composed of _____ instructors who teach a variety of classes including specific instruction in risk reduction in property management, Arizona Landlord-Tenant Act, agency in property management, and how to evict tenants (Attachments 7 & 8).

_____ is still active with educating realtors and continues to list himself as an

(Attachment 9). For the past _____ he has continued to teach classes while a justice of the peace, including major regional conferences on _____ in

_____ and _____ in _____ in

_____ in _____ and is continuing to teach online in the future on

(Attachment 10). In a flyer distributed by the

_____ states role as a Justice of the Peace in the _____ as a reason for

individuals to select him as an instructor in the _____ class he was teaching

(Attachment 11).

_____ has deep connections to the several real estate organizations he instructs. In _____ was on the _____

_____ . He was also a founding member, past president, and past national board member of the _____

_____ has also chaired the _____

_____ and was a member on the _____

_____ He also served as President of the _____ for _____ years as well as claiming to be an instructor for the organization (Attachment 12).

Nomination Forms

During the candidate election process, petition nomination forms were circulated and signed by (Attachments 13 & 14).

Use of an Official Office

On I was gathering nomination signatures to appear on the primary ballot when I was approached by . During part of our conversation, suggested he would appoint me as a Justice Pro Tem in the , and make a make a strong recommendation to . In turn, I would be required to suspend my campaign so that would run unopposed in the upcoming election.

**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.**