

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-194

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace's requests to neighborhood associations to arrange meetings at which he could explain his candidacy for reelection would, if accepted, cause those associations to violate the law.

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).

Dated: August 31, 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 August 31, 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.

I and other neighborhood association officers received an email from _____ and _____ promoting his current campaign in a contested election to _____ (_____) . He currently occupies that seat through an appointment to _____.

The issue we have is that he either knows or should know, as a judge and an attorney, that if we meet in a City-owned or other public facility to discuss his campaign, or that if we announce such a meeting through City-financed mailings, a violation of statutory provisions prohibiting the use of public resources for a political campaign would occur. In addition, our neighborhood association status with the City could be jeopardized as to continued eligibility to receive public resources. For neighborhoods that have attained 501(c)(3) tax exempt status from the Internal Revenue Service, such status could also be at risk for the same reason.

The _____ has provided guidance on this matter, citing the applicable statutory provisions (_____), and has indicated that neighborhood associations utilizing City resources may only hold campaign fora where all candidates for a particular office are invited to participate on an equal footing. The email from _____ neither mentions that his JP race is contested nor in any way suggests that such a forum with all candidates participating be held.

Some of our other sister neighborhood associations may naively rely on the fact that since the invitation comes from an _____ it is appropriate to meet with him using City resources (or to announce such a meeting or disseminate campaign materials using City resources). He should not be allowed to use his position to take advantage of us in this manner and imperil our status for his own advantage in an electoral campaign. We request an appropriate sanction for this conduct.

