

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.

I, _____, am a candidate for the _____ and am
 _____ opponent for the _____ General Election.

After filing my petition signatures and nomination papers on _____ I decided to
 order _____ petition signatures.

I then discovered that _____ uses one of his Court Employees,
 to gather _____ pages of signatures for _____ Nomination (Exhibit A).

Based on my understanding, this is a clear violation of Canon 4 of the Arizona Code of
 Judicial Conduct, Rule 4.1 (8) which states that "a Judge or Judicial Candidate will not:"
 (8) use court staff, facilities, or other court resources in a campaign for judicial office;

On or about the same time I discovered _____ violation, I called his
 opponent, _____ has since lost the _____ Primary to
 in a very close race.

This was considered to be an " _____ " as _____ had won the support of many
 prominent _____ leaders, and had won the _____ poll by a wide margin.

_____ was a highly qualified candidate for a JP seat, bringing both a
 and _____ as credentials.

Since I was interested in a race with opponents of integrity, I called _____ on

to introduce myself. He called me back on to tell me that he didn't have time to speak. as he was attending a meeting. He promised to call me

did call me back on at , but I was busy, and couldn't answer.

When I called back at on , in a conversation which lasted I couldn't believe what I was being told about

In this conversation, who is a told me that offered him a bribe to withdraw his candidacy for

According to while was soliciting petition signatures at the approached him and told him:

1) That couldn't win, because he was and because was too well know in the

2) That would offer a " " position if he agreed to withdraw his candidacy;

3) That had no intention of fulfilling his term, as he planned on going on a

4) That as a " ," that would be the likely successor for position as Justice of the Peace.

While I believed what was telling me at this time, I also knew that he would be only person who could report these allegations in the first person.

I made separate attempts to contact to either confirm or deny these allegations, and despite opening and forwarding my emails to other people, he declined to respond.

I know this because all of my emails are sent with tracking tags, and I have retained the records of being made aware of these allegations, and then forwarding them.

Ultimately, made me aware of his complaint, (Exhibit B), on

I see no reason why the Arizona Commission on Judicial Conduct has not issued a ruling on at least the " " portions of this complaint, including use of his to collect nomination petition signatures.

This is unfair in my opinion, and voters have a right to know about these violations.