

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-286

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner was biased against him, made improper rulings, and set unnecessary hearings in a child support matter.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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.

The commission does not have jurisdiction to review the legal sufficiency of the commissioner's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the commissioner 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: December 7, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on December 7, 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 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.

- Petitioner filed for Modification of Child Support

- there was a hearing and review and child support was set

here was a change and a hearing was set

After many other hearings and reviews (case log attached)

- child support was set with a review set for why, because Petitioner felt Respondent could get a better job and make more money) Right here is where this should have stopped! At this point in time the Respondent states that he has been self-employed for years and has his tax returns present. The State of Arizona says that income should be based off tax returns but sets this for Review due to Petitioner's dislike of set child support amount.

Respondent was involved in an incident and requested that the orders from be confirmed or to have the review hearing pushed out until after recovery - due to there being no change.

Petitioner was not in agreement because she felt that Respondent could be getting more money and wanted to continue - So again granted Petitioner's request

- Review hearing processed and much lower support payment was entered all along Respondent requesting that his taxes be used for child support calculation so that it can be set and moved on - Petitioner disagrees and states that Respondent can make much more money and is not will to settle - yet again sides with the Petitioner and set yet another review hearing

- Another Review hearing - no change on Respondent side still requesting the same thing and Petitioner is still not happy and wanting more - Now s wanting bank statements because of Petitioner (state is at a loose and does not understand why this is happening)

- Another Review hearing - Respondent is Self-employed again and is yet again requesting that his tax returns be used and is denied by the again because the Petitioner is not happy with this and wants more money.

- Petitioner filed a Motion to Continue due to her being on vacation when the had set the return date for. That day clerk contacted Respondent, left voice mail. The next day she called again and spoke to Respondent regarding changing the Reviewing Hearing date. Respondent stated that he was not in agreement and that is had one on too long and wanted to know why he was not being given the time allowed by law to respond to the Motion to Continue. He was told, by clerk, that he could file whatever he wanted but the was going to change the date for Petitioner. He did just that on the without waiting for Respondent to respond. This is and was a blatant disregard to the law set forth by the State of Arizona and further shows his bypass to the Petitioner.

Anyone reviewing this case (including the State of Arizona) has noticed that e not acting in the best interest of the court or the child. He is solely working off the emotions of the Petitioner in this case. If were to take the time and look at this case and see that the Petitioner does nothing but continually file for child support modification maybe he would see that she is using the system to waste time and trying to get money where there is none. There is no reason at all that this child support modification should have continued to go as long as it has. This is most certainly a complete unreasonable delay in decision-making as well as a total bias for the Petitioner.

- See motion for Reconsideration Filed (attached)