

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-092

Judge:

Complainant:

ORDER

The complainant alleged a small claims hearing officer improperly dismissed his claim.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the hearing officer 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 hearing officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the hearing officer 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: May 23, 2018

Copies of this order were distributed to all appropriate persons on May 23, 2018.

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

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2018-092

COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name:** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

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Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007

Re:

Dear Sir/Madam:

I purchased a home in _____ from the _____ the _____
purchased the home from the original owners who had built the home in _____ Except for the
pool the home was in a very sad state of repair. It took me _____ and _____ to bring it back
from the dead.

Upon move in I found several items that needed repair. These repairs were completed over a
period of several months at a cost of _____ I gave the sellers a pass on this one since it was
a 22 year old home and I had hired a home inspector that apparently did not do a very good job.

Fast forward to late _____ I am eating breakfast in the kitchen when something comes sailing by
the window. When I went outside to investigate it turned out to be a pieces of Masonite like mat-
erial about 16" w x 4' long. I looked up to see where it had come from and I saw a gaping hole 6"
in diameter. There was dried up calking and plywood residue on the Masonite and matching
marks where it had adhered to the patio roof sheeting.

I contacted _____ by letter on the _____ I received a letter back in
which he denied knowing anything about it.

I had already had a representation of _____ honesty upon first moving in and finding no
hot water in the master shower, a stovetop burner that was in-op and seven (7) dual pane win-
dows that had to be replaced because they had lost their thermal properties when the inert gas had
escaped but it still came as a surprise to him that I would accuse him of something like this.

_____ had originally tried to place the blame on the original owners they had purchased
the property from. When I pointed out that I doubted that the calk/glue would have maintained
the integrity of it's holding properties for the _____ that they and I had lived in the house thru
all the heat/cold cycles in the Arizona weather, he changed his story. His new tact was that I had
signed off on the roof portion of the inspection report, which I had. I deduced from this that
since he was no longer stating that it was the original owners that had committed the cover up of
the damaged roof sheeting that he was admitting to doing it himself or hiring it done. How could
I have signed off on this dry rot damage when it was not in the inspection report? It was not in
the inspection report for good reason because it had been covered over and was not visible. I
subsequently found two (2) additional locations of dry rot that had also been covered over.

I filed a _____ in _____ . Today
I appeared in courtroom _____ before presiding

This was a very simple case if one uses a little logic and common sense.

1. Damage to the roof sheeting had been deliberately covered over to make the house
saleable without going to the expense of repairing it

2. Only two parties had a motive for doing the cover up, the original owners that had lived in the house for 12 years and the second owner that lived there for 10 years and who had done little to no maintenance on the property
3. One has to believe that the calk/glue could retain the integrity of it's holding properties for 12 years
4. That this extensive amount of dry rot could occur in a new house in only 12 years

Let me say up front that the purpose of this letter is not to get the Judge's verdict over Turn ned, I can live with the verdict. The purpose of this letter is strictly educational. I believe that the Judge made an error in her judgment of this case. Possibly something can be learned by a second party reviewing the evidence in this matter. Besides the enclosed pictures of the dry rot damage, I also brought the material used in the fraudulent cover-up to court. I informed the Judge that the material was in the lobby if she wanted to see it. She said she did not need to see it and I believe this was a mistake. Maybe she was under a time constraint. I think that with a review by a second party something might be learned that would be helpful in the way some small claims cases are handled.

This was an egregious example of fraudulent behavior. And I have seen a lot in the 45 years I have been in the real estate business. Because of the fraudulent cover up of a serious matter, I purchased a piece of property that I would not have purchased otherwise if I had known the true condition of the roof. The seller withheld serious information that was needed by the purchaser to arrive at the true value of the property.

The address of the property in question is I am a this is my second home. I expect to be here for approximately 4 weeks from the date of this complaint. I do not receive mail while I am in Arizona. All my mail goes to my so I will not have access to it until I return to However, while I am in town I can be reached by both telephone and email. You will find both below. I will make myself and my physical evidence available to anyone while I am here.

Respectfully yours,

Enclosed: Disposition of case
Small Claims Notice of Hearing
Small Claims Complaint & Summons
Summary Report on Condition of roof (5 pages)
Pictures of dry rotted roof sheeting (9 pages)
Copies of correspondence (3 letters)
Deed history