

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 18-218

---

Judge:

Complainant:

---

**ORDER**

The complainant alleged a justice of the peace engaged in extrajudicial activities that created conflicts of interest, used different names and multiple addresses on his nominating petitions, and made false or misleading statements about his educational background.

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

After review, the commission found no evidence of ethical misconduct and concluded that the judicial 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).

Commission members George H. Foster, Jr., Diane M. Johnsen and J. Tyrrell Taber did not participate in the consideration of this matter.

Dated: November 7, 2018

Copies of this order were distributed to all appropriate persons on November 7, 2018.

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

COMP

2018-218

Sent Via Hand-Delivery

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

**Re: The Honorable**

Dear Members of the Commission:

I am a concerned citizen and a [redacted] who has had the [redacted] Community members have contacted me to voice their concerns about Judge [redacted] (hereinafter [redacted]), and they asked me to file a judicial complaint on their behalf. Judge [redacted] received an appointment as Justice of the Peace for [redacted] Court, and he is a current candidate for re-election to the same office. The community members' concerns may affect his candidacy for a judicial position.

First, Rule 3.1(C), Arizona Code of Judicial Conduct, provides that a judge shall not "participate in [extrajudicial] activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality or demean the judicial office." Exhibit 1 shows that Judge [redacted] is the [redacted] web site describes it as:

(Exhibit 1 from [redacted]).

[redacted] also provides [redacted] to affected parties, along with support. (Exhibit 2,

).

Conflicts of interest may arise with Judge \_\_\_\_\_ serving as both the \_\_\_\_\_ and Justice of the Peace. For example, \_\_\_\_\_ cases might involve \_\_\_\_\_ on \_\_\_\_\_ problem list who are attempting to \_\_\_\_\_ that are clients of \_\_\_\_\_

Secondly, Judge \_\_\_\_\_ nominating petitions reveal some inconsistencies. Judge \_\_\_\_\_ has held himself out on election materials as residing at \_\_\_\_\_ separate addresses, \_\_\_\_\_ which are within the \_\_\_\_\_ Court Precinct boundaries. (Exhibit 6, Partisan Nominating Petitions).

On page \_\_\_\_\_ of the petitions, in the prefatory language at the top, the petition claims he resides at \_\_\_\_\_ as an \_\_\_\_\_ (Exhibit 8, \_\_\_\_\_). On page \_\_\_\_\_ of Exhibit 6, the judge apparently acted as his own petition circulator as he signed the endorsement on \_\_\_\_\_ Therein, he lists his actual residential address as \_\_\_\_\_ Thereafter, on page \_\_\_\_\_ he lists his actual residence address as \_\_\_\_\_ a \_\_\_\_\_

Likewise, on page \_\_\_\_\_ he is listed as having the \_\_\_\_\_ address as his actual residential address. I should also note that there are inconsistencies with his name which he sometimes lists as \_\_\_\_\_ and \_\_\_\_\_ I have attached a copy of \_\_\_\_\_ Motor Vehicle Record from the \_\_\_\_\_ as Exhibit 9 which shows a legal name of \_\_\_\_\_ and an actual residence address as \_\_\_\_\_

Also, the name identified on the petitions, \_\_\_\_\_ ' does not match the Judge's legal name \_\_\_\_\_

These inconsistencies and mis-statements with respect to his legal name and actual residence are grounds for disqualification from the judicial candidacy.

Finally, Judge \_\_\_\_\_ may be using false or misleading statements in his biographical and campaign materials to increase the chances of him getting elected. Rule 4.3 provides that a judge or judicial candidate shall not:

- (A) Post, publish, broadcast, transmit, circulate, or distribute information concerning the judicial candidate or an opponent that would be deceiving or misleading to a reasonable person;
- ....
- (G) Make a false or misleading statement concerning the formal education or training completed or attempted by a judicial candidate; a degree, diploma, certificate, scholarship, grant, award, prize, or honor received, earned, or held by a judicial candidate; *or the period of time during which a judicial candidate attended any school, technical program, college, or other educational institution; (Emphasis supplied).*

Judge [redacted] judicial biography refers to the fact that he “ [redacted] ” (Exhibit 3, Judicial Biography). His educational qualifications described in the website for [redacted] where he purported to work for a period of time, describe his educational background. (Exhibit 4, [redacted]). The biographies imply that he either attended, or graduated from, an accredited law school. In fact, Judge [redacted] only connection with the [redacted] is that in [redacted] he attended a summer study/seminar in [redacted] sponsored by the [redacted]. Since he was not formally admitted to the law school, this endeavor was probably not credited toward a legal degree, and he may not have received any kind of academic credit for the seminar. (Exhibit 5, Declaration of [redacted])

Judge [redacted] candidacy is based on a mis-leading statement of his educational background – he was never a student at [redacted] but he describes himself as one who has taken at least some formal classes at [redacted]. This should disqualify his candidacy.

Additionally, Rule 4.3(H) makes it improper for a judge or candidate for judicial office to:

Make a false or misleading statement concerning the professional, occupational, or vocational licenses held by a judicial candidate, or the candidate’s employment history and descriptions of work-related titles or positions;

The comments to this Rule state that a “[a] judicial candidate must be *scrupulously accurate, fair, and honest* in all statements made by the candidate and his or her campaign committee.” (Emphasis supplied).

Judge [redacted] has implied his professional experience includes work as an attorney. In his biography for [redacted] he asserts he is the “ [redacted] ” His firm biography lists his specialties as: “ [redacted] ”

These “ [redacted] ” particularly “ [redacted] ” are unique to attorneys, and they strongly imply Judge [redacted] was a practicing attorney, when, in fact, he was not. Was Judge [redacted] practicing law without a license? Judge [redacted] has been less than “ [redacted] ” with all of the terms he has used to describe himself and his educational background. This lack of candor and accuracy should preclude him from being a candidate for Justice of the Peace [redacted]

Based on the foregoing, I and several community members respectfully request that Judge [redacted] candidacy be terminated.

I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true.

Sincerely yours,

Enclosures

## EXHIBITS

- 1.
- 2.
3. Judicial Biography
- 4.
5. Affidavit of
6. Partisan Nominating Petitions
- 7.
- 8.
9. Record from the