

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-040

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Judge:

Complainant:

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**ORDER**

The complainant alleged a justice of the peace improperly allowed service by publication and was influenced by a court employee who was a relative of the opposing party.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The Commission approved sending the judge an advisory letter reminding her of her obligations under Rule 2.12(C) to ensure her staff is appropriately trained in the Code of Conduct for Judicial Employees and to ensure her responses to the Commission are complete and thorough so as not to violate Rule 2.16(A). The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Dated: May 14, 2019

FOR THE COMMISSION

/s/ Louis Frank Dominguez  
Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were distributed to all appropriate persons on May 14, 2019.

2019-040

**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.

See the letter dated \_\_\_\_\_ written by \_\_\_\_\_  
my lawyer with my help enclosed.  
Judge \_\_\_\_\_ allowed service by publication for  
her clerk's mother \_\_\_\_\_ Besides  
not trying to serve me personally when  
knew my address,  
the motion for alternate service  
wasn't supported by an affidavit.  
I think publication was done to avoid giving  
me notice of the suit.  
I swear the above is the truth to the best  
of my first hand knowledge and belief.

\_\_\_\_\_  
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## LAW OFFICES OF

**Re:**

To Whom It May Concern:

This letter is written concerning the above-referenced matter, after a review of the file prompted by ; inquiry upon this office concerning alternate service effected in the above-referenced matter, culminating in a default judgment.

From my review of the file, ; was allowed to use alternate service, though the actual address of ; was known to ; did reside, as does

; daughter-in-law,  
The claim at issue is a ; Page of the enclosed record reflects an unsigned motion to serve ; by publication. The motion is not verified, the motion is not signed, nor is there an attempt of service by a Constable or by mail enclosed with the motion to serve ; by publication. (See pg. of the enclosure dated ; ).

The Court ; to serve ; and ; for service by publication (pg. of enclosure). The public notice, published apparently to serve ;, describes ; as the Plaintiff and states “

”

Page 2

The publication notice is defective and, pursuant to the Rules of Civil Procedure in place for the [redacted], a motion must be signed by either the party or a licensed attorney. The motion filed by [redacted] is not signed. The motion is not in compliance with the rule and should have been stricken from the record, or at least denied.

The attachment to this letter is a copy of the court file purchased by [redacted], subsequent to filing a motion to set aside the default judgment entered against her by the [redacted]. The motion to set aside [redacted]

Here, a motion, unsigned and without sufficient evidence to show cause, [redacted] and a default was allowed in favor of [redacted], whose daughter-in-law, [redacted]

The attachment to this correspondence, which is the court file, reflects a default judgment obtained by publication outside the Rules of Procedure, reflecting corruption in the [redacted]. This is a severe issue in a court where the common person looks for justice.

Sincerely,

Enclosures: Court File

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

**FedEx Office**

APPLICATION TO SET ASIDE JUDGMENT  
 ORDER

Total Due: \$28.00  
(S) CreditCard: \$28.00  
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Defendant/Attorney for Defendant/Probation Officer

ation and know and understand the contents therein; that the statements made  
information, and belief.

orney General. Date: \_\_\_\_\_ By: \_\_\_\_\_

ance with the statutes, being fully appraised of the premises, IT IS

me is, set aside.  
e, and the same is dismissed.  
abilities resulting from the conviction or plea other than those imposed  
I.S. 28-455 or 28-446, EXCEPT that the conviction may be placed and  
or any offense as if the judgment of guilty had not been set aside.

JUDGE: \_\_\_\_\_

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APPLICATION TO SET ASIDE JUDGMENT

ORDER

APPLICATION

This Application is made in conformance with the Arizona Revised Statutes and is addressed to the Judge who pronounced sentence or imposed probation or to said Judge's successor.

The undersigned states that Defendant has fulfilled the conditions of probation or sentence and was discharged by this Court. If the Application is sworn to by Defendant's attorney or probation officer, either was authorized to do so as indicated by defendant's signature below. Defendant, in connection with the above mentioned conviction, is authorized to do so as indicated by defendant's signature below.

... conviction, EXCEPT that the conviction may be pleaded if the judgment of guilty had not been set aside.

Defendant/Attorney for Defendant/Probation Officer

STATE OF ARIZONA )  
COUNTY OF PINAL )ss.

Being duly sworn, I depose and say: that I have read this Application and know and understand the contents therein; that the statements made in this Application are true and correct to the best of my knowledge, information, and belief.

SUBSCRIBED AND SWORN to before me this date.

My commission Expires: \_\_\_\_\_

This Application is SET FOR HEARING in the above-named court as follows: Date: \_\_\_\_\_ Time: \_\_\_\_\_  
COPIES SENT to the \_\_\_ Defendant, \_\_\_ County Attorney, and \_\_\_ Attorney General. Date: \_\_\_\_\_ By: \_\_\_\_\_

The Court, having read the foregoing Application, and in conformance with the statutes, being fully apprised of the premises, IT IS ORDERED:

- Granting the Application and further ordering:
  1. That the judgment of defendant's guilt be, and the same is, set aside.
  2. That Defendant's accusation, citation, or complaint be, and the same is dismissed.
  3. That defendant be released from all penalties and disabilities resulting from the conviction or plea other than those imposed by the Department of Transportation pursuant to A.R.S. 28-455 or 28-446, EXCEPT that the conviction may be placed and proved in any subsequent prosecution of Defendant for any offense as if the judgment of guilty had not been set aside.
- Denying the Application for the following reasons:

TESTED: \_\_\_\_\_

JUDGE: \_\_\_\_\_

**THE COMMISSION'S POLICY IS  
TO POST ONLY THE FIRST FIVE  
PAGES OF ANY DISMISSED  
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE  
REMAINDER OF THE  
COMPLAINT IN THIS MATTER,  
PLEASE MAKE YOUR REQUEST  
IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**