

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 19-367

---

Judges:

Complainant:

---

**ORDER**

February 19, 2020

The Complainant alleged a municipal court judge and a pro tem municipal court judge failed to follow the law in a dog at large case.

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 does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Colleen E. Concannon and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 19, 2020.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2019-367**

**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.

Please see attachments:

Exhibit A: Letter of explanation and reasons for complaint to Members of the Commission.

Exhibit B: Statement read to Judge \_\_\_\_\_ the day of sentencing.

Exhibit C: First request of dismissal.

Exhibit D: Second request for dismissal.

Exhibit E: Prosecutor's denial of both requests.

Exhibit F: Analysis of prosecutor's denial.

Exhibit G: Relevant segments of Animal codes from the

(A)

2019-367

Arizona Commission on Judicial Conduct  
1501 W. Washington St., Suit 229  
Phoenix, Arizona 85007

Case  
Violation of Sec. 10-56, Animal code.  
Dogs at large  
City of

Members of the Commission:

This is a formal complaint against Judge \_\_\_\_\_ for failure to act diligently (Canon 3), failure to maintain competence in the law (Canon 3-A-1) and failure to follow the law (Canon 2-A) as follows:

- 1) Per \_\_\_\_\_ law, **dogs used or trained for hunting are not at large.**
- 2) In above case I and my **hunting dogs** were found guilty of violating the animal laws of the AZ. As a consequence I was fined \$ \_\_\_\_\_ because, and I quote Judge \_\_\_\_\_ “ \_\_\_\_\_ ”.

Per attached documents and statements it should be clear that my **hunting dogs were not at large** and were acting within the law per the \_\_\_\_\_ animal code Chapter 10, Sec. 10-24.

The State of Arizona, \_\_\_\_\_ the \_\_\_\_\_ and others **all have basically the same law and exception.** The exception relates to K9, **hunting**, herding, racing and kennel (?) dogs and it is rather convoluted and obscure. It states that these dogs can be without a collar or harness which, by default, equates to “**no collar or harness equals no leash**”. The State of Arizona, in practice, follows that reasoning and considers these dogs “not at large” and allows them to train and perform their trade legally without a leash throughout the State. \_\_\_\_\_ and others go one step further and actually translate this exception and **write these dogs are not at large.** This written translation can usually be found just a few paragraphs or lines following the exception. See attachments.

I submitted two requests for dismissal before the hearing (**Marked C and D**). These requests were denied by Judge \_\_\_\_\_ based, in part, on Prosecutor’s \_\_\_\_\_ response (**Marked E**) to my motions to dismiss.

This document clearly indicates that Prosecutor \_\_\_\_\_ understood that my request had very strong and valid arguments for dismissal but still proceeded to discredit it and recommend against it. In the process, and in support for his denial, he made several **untruthful and outrageous** statements including that wearing a leash **some of the time** qualifies K9 dogs for “not at large” status. See document (**Marked F**).

This is a complaint against Judge \_\_\_\_\_ but, in the opinion of the writer, it should include Judge \_\_\_\_\_ for the same reasons and Prosecutor \_\_\_\_\_ for misrepresenting the law and acting in bad faith.

Respectfully, \_\_\_\_\_

Note: I paid the fee to appeal but then I found that it will cost me almost \$ \_\_\_\_\_ to file. After paying for the fine and fee I could not afford the extra expense and aborted the appeal.



Case No. Violation of Section 10-56, Dogs at large.

Argument:

Dogs were not at large per City Ordinance Section 10-24-b.

Law reference – Dogs not at large, Section 7-b-d-d2

Due to his hearing impediment, Defendant will attempt to do most of his argument **in writing** and be as concise as possible. In the quest for brevity, Defendant will not address **here the fact** that the **complaint filed by the Officer is not the original and which he signed under duress after the fact** nor will he discuss the outrageous comments made by the Prosecutor in his response to Defendant petitions to dismiss. Instead, he will submit a separate document. Therefore, the **Defendant will focus in Sec. 10-14-b** which is the heart of the matter at hand to wit:

- 1) **Section 10-19, Definitions, states that anything said in the section is subject to be overruled where the context indicates a different meaning.** (Abstract)
- 2) Section 10-19 defines “at large” as: Any dog not confined within an enclosure or not restrained and controlled by a leash. (Abstract)
- 3) Section 10-19 defines “controlled” as: Owner directs and supervises the animal’s behavior so the animal does not harm, bite or attack any person or animal.
- 4) Section 10-19 defines leash as a devise to be attached to a collar or harness. (Abstract)
- 5) **Section 10-24-b** states “dogs used for control of livestock, dogs used or trained for hunting, racing dogs (limited) and dogs used for law, medical or fire service **need not wear a collar or harness with a valid license attached** provided they are properly vaccinated, licensed and controlled.” (Abstract)
- 6) Defendant Dogs are trained hunting dogs, properly vaccinated, licensed and were controlled. Currently, they are being trained to respond to hand signals. No equipment required.
- 7) The Prosecutor says “**need not wear**” refers to the license only. (Abstract)
- 8) Defendant **disagrees** and states that, if so, Section 10-24-b would read: “**need not wear a license attached to a collar or harness**” or, more specifically, “**Need not wear a license**”.
- 9) Furthermore, herding, hunting, K9 and racing dogs **can be trained and or perform to their fullest whether they wear a license or not but absolutely can’t do so while controlled by a leash.**
- 10) Therefore, **Defendant concludes that hunting dogs, herding dogs (while performing), racing dogs (limited) and K9 dogs need not wear a collar, harness or license.**

NOT ALLOWED  
OK!  
READ

- 11) **Defendant further concludes that the absence of a collar or harness precludes the use of a leash.**
- 12) **Section 7-b-d-d2 concurs with Defendant (9, 10, 11 and 12 above) and further labels it "NOT AT LARGE".**
- 13) **law and law share the same relevant wording.**
- 14) **Prosecutor's lame conclusions, assumptions and comparisons fabricated in an attempt to justify the absence of a leash in herding and K9 dogs further support Defendants and County's conclusions that 10-24-b is about leashes (obscure as it is) as well as tags.**
- 15) **The so called "City Park" (a 5 ft. deep flood control basin with no structures, parking, benches, trash cans, rest rooms, water fountains or playgrounds) as well as "defecating freely" are not relevant to Chapter 10, Animals.**

Per above, dogs were not at large and meet all of the law requirements. As such, Defendant requests Case No. be dismissed.

Respectfully,

Defendant

Attachment:

- (1) Ordinance, P-13 pages 1, 6 and 7.
- (2) Chapter 10, Animals page 1, 3 and 6.



**Motion to dismiss complaint No.**

**Sec. 10-56, Dog at Large.**

Section 10-56 definition of dog at large is augmented and modified by sec. 10-24 to wit:  
.....Dogs used for the control of livestock, dogs used or trained for hunting.....need not wear a collar or harness.....

Section 10-19 defines a leash as:

Leash means a chain, rope or strap.....that is capable of being fastened to a collar or harness.....

The absence of a collar or harness precludes the use of a leash.

The dogs in question are \_\_\_\_\_ and the breed is defined as gun/hunting dogs by the AKC and many other sources.

Dogs are vaccinated and registered.

At the time of the complaint the dogs were being trained to recognize and obey hand signals which are essential for controlling their direction of travel when the owner wants them to go to a spot likely to hold birds. Dogs were also used for hunting during the \_\_\_\_\_ season. They are young and roughly trained to search, find and retrieve. Live birds, bird wings and dummies are used. Training will continue for years to come.

Note: Defendant held a \_\_\_\_\_ State of Arizona Gamebird Field Training License and a Hunting License. He will get both again this year.

The defendant honestly believes that the

\_\_\_\_\_ recognize the need for additional and separate rules for herding and hunting dogs. Thus some wording (almost equal word by word) has been added by all three jurisdictions to their general rules of "dog at large".

\_\_\_\_\_ makes it easier to understand these exceptions by a "Dog **not** at large" definition. Ordinance 13, Sec. 7, d, 2 states: A dog is **not** at large if said dog is used for the control of livestock or while being used or trained for hunting.

Additionally, these provisions recognize that the small backyard of a private residence or Dog Parks are not adequate for their training. If they were, these exceptions would not exist because Sec. 10-19 already defines a dog confined in private residences as **not** at large and Sec. 10-56-c already states that dogs in Dog Parks are **not** at large.

All documents in support of above statements are available and will be submitted if requested by the Court.

It is the contention of the defendant that he has not broken the law and respectfully requests that this complaint be dismissed.

**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.**