

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-377

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Judge:

Complainant:

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**ORDER**

February 19, 2020

The Complainant alleged a superior court judge had a conflict of interest in handling his civil case and improperly dismissed his amended complaint.

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 George H. Foster, Jr., 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**

2019-377

**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.

On \_\_\_\_\_ filed a Motion to Amend Complaint; First Amended Complaint (Tort-Motor Vehicle); Certificate Regarding Compulsory Arbitration with the Clerk of the Court.

On \_\_\_\_\_ Judge \_\_\_\_\_ dismiss Plaintiff, First Amended Complaint, she stated along with Defense Counsel it was too late.

Let turn our attention to Arizona Rule of Evidence, Rule 1005. Copies of Public Records to prove Content. It says in Part:

The proponent may use a copy to prove the content of an official record—or of a document that was recorded or filed in a public office as authorized by law—if these conditions are met: the record or document is otherwise admissible; and the copy is certified as correct in accordance with Rule 902(4) or is testified to be correct by a witness who has compared it with the original. If no such copy can be obtained by reasonable diligence, then the proponent may use other evidence to prove the content.

**CONTROLLING INTEREST**

In the calendar year \_\_\_\_\_ Judge \_\_\_\_\_ filed a " \_\_\_\_\_ " . See (Exhibit- R-1).

In her " \_\_\_\_\_ " , she listed \_\_\_\_\_ as having controlling interest in " \_\_\_\_\_ " located at \_\_\_\_\_

\_\_\_\_\_ had process servicer hand delivered and served a copy of the Summons; Motion to Amend complaint; First Amended Complaint (Tort-MotVehicle); Certificate Regarding Compulsory Arbitration to \_\_\_\_\_ Address listed as " \_\_\_\_\_ " located at \_\_\_\_\_ See (Exhibit- R-2, Process Service).

The Evidence shows that Judge \_\_\_\_\_ gave a favorable ruling to " \_\_\_\_\_ " a business who perform business transaction inside the same office as \_\_\_\_\_ Thereby denying Plaintiff his right to Amend his Complaint, because of some type of business transaction, which Judge \_\_\_\_\_ use a (Pre-text) under the Federal Rule of Civil Procedure (15) (a) (2), to deny Plaintiff his rights. No where in the Federal Rules of Civil of Procedure, do the Plaintiff loss his rights, because of a business transaction to protect to " \_\_\_\_\_ " a business who locate in the same office as \_\_\_\_\_ controlling interest.

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The above is applicable to this court by application of Article VI of the United States Constitution and *Stone v. Powell*, 428 US 465, 483 n. 35, 96 S.Ct. 3037, 49 L. Ed. 2d 1067(1976). " State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law. " Also see Arizona Supreme Court Rule 81 and Rule 1.1, Rule 2.2, Rule 2.11 and Canons1, and 2.

**UNBIASED**

The above-mentioned Judge has deliberately violated \_\_\_\_\_ personal liberties and /or has wantonly refused to provide due process and equal protection to \_\_\_\_\_ before the court or has behaved in a manner inconsistent with that which in need for full, fair, impartial hearings.

For instance, in part, of Judge \_\_\_\_\_ " \_\_\_\_\_ " \_\_\_\_\_ forbids the Plaintiff from using " \_\_\_\_\_

" Therefore, interrogatories about violations of traffic laws and whether Defendant \_\_\_\_\_ has an employee handbook and whether it covers employee drug testing are irrelevant to Plaintiff ' s claim and not proportional to the needs of this case. Plaintiff ' s second complaint is not valid. "

The United States Constitution guarantees an unbiased Judge who will always provide litigants with full protections of ALL RIGHTS. Therefore, Plaintiff respectfully demands said judge recuse themselves in light of the evidence attached as (Exhibit- R-1), and (Exhibit- R-2, Process Service), detailing unethical and/ or illegal conduct or conduct which gives Plaintiff good reason to believe Judge \_\_\_\_\_ cannot hear the above case in a fair and impartial manner.

(Exhibit- R-1) "

".

Name of Public Officer or Candidate:

Address:

Public Office Held or Sought:

Court Judge

District / Division Number (if applicable):

Please check the appropriate box that reflects your service for this filing year.

- I am a **public officer** filing this Financial Disclosure Statement covering the 12 months of calendar year
- I have been **appointed** to fill a vacancy in a public office within the last 60 days and am filing this Financial Disclosure Statement covering the 12 month period ending with the last full month prior to the date I took office.
- I am a **public officer who has served in the last full year of my final term**, which expires less than thirty-one days into calendar year. This is my final Financial Disclosure Statement covering the last 12 months plus the final days of my term for the current year.
- I am a **candidate** for a public office, and am filing this Financial Disclosure Statement covering the 12 months preceding the date of this statement, from the month of \_\_\_\_\_ to the month of \_\_\_\_\_.

**VERIFICATION**

I verify under penalty of perjury that the information provided in this Financial Disclosure Statement is true and correct.

Signature of Public Officer or Candidate  
(Digital and Typewritten signatures accepted)

## B. BUSINESS FINANCIAL INTERESTS

This section requires disclosure of any financial interests of a business owned by you or a member of your household.

### 12. Business Names

**What to disclose:** The name of any business under which you or any member of your household owns or did business under (in other words, if you or your household member were self-employed) during the period covered by this Financial Disclosure Statement, which include any corporations, limited liability companies, partnerships, sole proprietorships or any other type of business conducted under a trade name.

Also disclose if the named business is controlled or dependent. A business is "controlled" if you or any member of your household (individually or combined) had an ownership interest that amounts to more than 50%. A business is classified as "dependent," on the other hand, if: (1) you or any household member (individually or combined) had an ownership interest that amounts more than 10%; and (2) the business received more than \$10,000 from a single source during the period covered by this Financial Disclosure Statement, which amounted to more than 50% of the business' gross income for the period.

**Please note:** If the business was either controlled or dependent, check the box to indicate whether it was controlled or dependent in the last column below. If the business was both controlled and dependent during the period covered by this Financial Disclosure Statement, check both boxes. Otherwise, leave the boxes in the last column below blank.

PUBLIC OFFICER OR HOUSEHOLD MEMBER <sup>12</sup> OWNING THE BUSINESS	NAME AND ADDRESS OF BUSINESS	CHECK THE APPROPRIATE BOX IF THE BUSINESS IS "CONTROLLED" BY OR "DEPENDENT" ON YOU OR A HOUSEHOLD MEMBER
		<input checked="" type="checkbox"/> Controlled <input type="checkbox"/> Dependent
		<input type="checkbox"/> Controlled <input type="checkbox"/> Dependent
		<input type="checkbox"/> Controlled <input type="checkbox"/> Dependent

**Please note:** If a business listed in the foregoing Question 12 was neither "controlled" nor "dependent" during the period covered by this Financial Disclosure Statement, you need not complete the remainder of this Financial Disclosure Statement with respect to that business. If none of the businesses listed in Question 12 were "controlled" or "dependent," you need not complete the remainder of this Financial Disclosure Statement.

<sup>12</sup> You are not required to disclose the names of your spouse or minor children. Thus, you may identify your household members as "spouse," "minor child 1," "minor child 2," etc.

**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.**