

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-187

Judge:

Complainant:

ORDER

October 1, 2020

The Complainant alleged a superior court commissioner erroneously denied his request for an injunction against harassment.

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 Louis Frank Dominguez and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 1, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-187

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.

To whom it may concern:

I wish not file a formal complaint against Commissioner [redacted] I feel that i would be remissed if i didnt do so. I am waiting on a motion to reconsider in case number [redacted]

Please see enclosed order denying my injunction. I am requesting a new hearing because the commissioner failed to consider all the evidence against the defendant. Commissioner [redacted] errored in his ruling stating the lines of communication need to be open.

Not only does the complaint state there are other employees in the office that can communicate with me the motion to reconsider also states this. I am requesting disciplinary measures take place to prevent this kind of error to take place in the future.

I am immeasurably and irreparably harmed if this injunction doesnt get approved. I fear reprisals from the office.

with respect,

*If the commissioner would grant my injunction
i would withdraw my complaint.*

COPY

Superior Court of Arizona

Plaintiff <input type="checkbox"/> Employer-Plaintiff if Workplace Injunction	Defendant	Case No. PETITION for: <input type="checkbox"/> Order of Protection <input checked="" type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Workplace Injunction
<input type="checkbox"/> On behalf of minor/person in of protection named:	Defendant's address	
Agent's name (if Workplace Injunction)	Defendant's phone	

This is NOT a court order.

This petition contains Plaintiff's allegations and requests. To see what the court has ordered, see "Order" form.

DIRECTIONS: Please read the Plaintiff's Guide Sheet before filling out this form.

1. Defendant/Plaintiff Relationship (or relationship between Defendant and minor/person in need of protection)

- | | |
|--|--|
| <input type="checkbox"/> Married (past or present) | <input type="checkbox"/> Related as parent, grandparent, child, grandchild, brother, sister (or in-law/step) |
| <input type="checkbox"/> Live/lived together as intimate partners | <input type="checkbox"/> Live/lived together but not as intimate partners |
| <input type="checkbox"/> Romantic or sexual relationship (past or present) | <input type="checkbox"/> Dating (but not romantic or sexual) |
| <input type="checkbox"/> Parent of a child in common | <input checked="" type="checkbox"/> Other: assistant manager at |
| <input type="checkbox"/> One party is pregnant by the other | |

2. If checked, Defendant and I have a pending action involving maternity, paternity, annulment, legal separation, dissolution, custody, parenting time, or support in _____ County Superior Court, Case # _____.

3. Name of court, if any, in which any other protective order related to this conduct has been filed.
 Court name _____ Case # _____

(Continue to next page)

4. Tell the judge what happened and why you need this order. PRINT both the dates and a brief description of what happened. If there is a contested hearing, a judge can consider only what you write here.

NOTE: Defendant will receive a copy of this petition when the order is served.

Approx. Date	(Do not write on back or in the margin. Attach additional paper if necessary.)
	<p>I was harassed by _____ for providing me false information on a _____ day notice and I'm claiming retaliation by my neighbors _____ and _____. While I have an injunction against my neighbors for harassment And retaliation I would like to proceed with one against the office staff. All _____ of them process work orders and failed to give _____ our notice over the past _____ years. failure to conduct a complete investigation by _____ by not getting my side of the story verifying any inconsistencies gathering all the facts separating the complaints and asking them the same questions to see if they have the same story would benefit me in more then one way. if its proven im not at fault the testimony could be used to dismiss the charges in full with no action. While its the duty to investigate harassment accusations the office staff are in no way responsible for policing the apartment complex because that would be impossible and to much work. while i respect the authority of the office staff i feel i was unfairly treated by _____ taking _____ side and serving me with a _____ day notice for harassment with false information. furthermore no evidence was ever provided to me in the accusations dates, times, text message ,phone calls, police reports, intention to harass or telling me to stop what is considered harassment. furthermore i am claiming discrimination and retaliation by _____</p> <p>Nevertheless i fear reprisal from the office staff. while im sure my order of protection benefits me in fighting harassment against my neighbor _____ i wish to have the same protection in this case</p>
	<p>conducting a wellness check is the responsibility of the police not the land lord. in _____ and _____ conducted a wellness by the request of _____ and _____</p> <p>While this act in it self would not necessary constitute harassment itself by just checking up on me its an invasion of privacy and a pattern of it for the past _____ years. i would make a guess of _____ repairs over the past _____ years. i have testimony of _____ showing up at my door _____ minutes after the wellness check to ask "if i was ok" I told _____ my neighbors presents was no longer welcome and called the police but was told later the police cant intimidated a resident into not contacting another neighbor. Furthermore i have asked the office to remove the _____ day notice from my file but have heard nothing back expect the lawyers are looking into it. It's harassment by the landlord which is criminal under the Protection from Eviction Act 1977 Protection from Harassment Act 1997. If the office staff would retract the false accusations of harassment they could do away with my claim of defamation of character. I am requesting Punitive damages for the retaliation by the office and my neighbors for unspecified damages under the landlord tenant act. I am submitting a separate claim with the attorney general for disability harassment and disability discrimination retaliation by the office staff because of the false information provided on a legal notice of _____ days. I will file this under fair housing violations, civil rights violations in a separate case pending the attorney general civil rights division. Also defamation of character in this court hearing but also in fair housing rights. I look forward to your ruling. HUD Rule Section 100.600(A) (2) defines hostile environmentharassment as "unwelcome conduct that is sufficiently severe or pervasive to interfere with the availability, sale, rental, or use or enjoyment of a dwelling; the terms, conditions, or privileges of the sale or rental, or the provision or enjoyment of services. if other residents are affected by this this would be known as vicarious liability because its indirectly involving them. rather its playing devils advocate. this is also direct liability because the office had knowledge and failed to act but also participated in the actions direct liability refers to a situation in which a person or a company becomes liable to another on the basis of their own act or omission. this is an intentional act on both the tenant and landlords part. i feel like punitive damages should be awarded in this case because the carelessness of the office and tenant in this situation. furthermore its damaging to my reputation for those accusations to be in my file because it stays there a long time like maybe _____ years and any other acts of retaliation by the office would result in a _____ day notice and an eviction that would leave me homeless and lose my section 8. this is a battle that would cause a lot of anxiety, anger, depression, frustration and possible hospital treatment for my mental illness. while i cant make the judge rule on dismissing the _____ day notice because im not responsible for whats in it and i have no control over it i have asked the office to remove the _____ day notice rip it up and throw it in the trash. furthermore its not public record so it wont affect my ability to get an apartment this also has made me so made the last time i was this mad my wife died _____ years ago. im still trying to calm down. i have an Injunction against harassment against _____ and no third party contact so that part of my case is solved. In order for the tenant to claim an act of retaliation, the tenant's action must have taken place no more than _____ months' prior to the landlord's supposed retaliatory act. The tenant must also provide evidence that they took such an</p>

	<p>action. This evidence must include the date on which the action took place. the false complaint was alleged in [redacted] with retaliation by the accuser and office in the same month. we are in [redacted] so im well within my rights to file this claim. i want to ask for damages in the amount of [redacted] months rent for damages under ars 33-1484 if the landlord makes unlawful entry to the apartment with the affect of intentionally harassing or unreasonably harassing the tenant i may seek an injunction to prevent the recurrence. By harassing your tenants who know I'm disabled not only are you directly liable for it your failed to take reasonable steps to prevent it. I have other ways to say the apartment is harassing me by entering my apartment without notice, lying to a tenant or intimidating them I felt intimidated by that [redacted] day notice. Giving a notice or other legal actions with False information refusing to do repairs that are required by law. Intentionally disturbing the peace and quiet enjoyment. The Supreme Court has ruled tenants have a heightened expectation of privacy in there own home</p>
	<p>Entering an apartment without proper notice is harassment Lying or intimidating a tenant Giving a [redacted] day notice" or other eviction notice that is based on false charges Refusing to do repairs that are required by law intentionally disturbing a tenant's peace and quiet i am not suggesting the office is guilty of negligence. How do the previous statements of harassment, discrimination, defamation of character and retaliation by the neighbors false complaint of harassment and the office retaliation with false notice constitutes negligence. I understand the legal argument of various points of what constitutes negligence and the various defenses too but wanted further insight on this As a neighbor if I was concerned about a neighbors well being I would probably buy a pizza knock on his door and hand him a slice. The office could always ask the resident to waive the [redacted] day notice but I still want to be called on the phone so I can be dressed or not sleeping. I could of been an asshole and not let you in with no notice but I'm a reasonable person who has always been nice to everyone. i would also probably have legal ramifications if the lawful entry was refused. Landlord retaliation is illegal under arizona law under ars 33-1367 and 33-1381 which entitles me [redacted] months damages. i am claiming an act of retaliation by the office staff [redacted] the assistant manager because false information was provided by the tenant [redacted] and i was served a [redacted] day notice. while the actions of [redacted] would not necessary be considered retaliation by the office failing to investigate the false allegations and getting my side of the story is further testimony of discrimination and harassing me knowing im disabled by doing a wellness check. thats the police responsibility and there is no indirect evidence or direct evidence of me being in danger when [redacted] served me the [redacted] day notice back in [redacted] my rent is being paid there is no police at my door fire of ambulance at my door fire department either. As of [redacted] the office staff knew i was disabled because i provided my social security disability statement as proof of income when renewing my lease in the case against [redacted] stated wellness check were conducted over the past [redacted] well [redacted] only admitted to one and like i said earlier the event it self would not necessary be harassment its still a invasion of privacy and harassment where its intentional or not is subjective in nature. Im not sure what the motive here is maybe the office doesn't like me or wants me to move. This has really put me in an extremely untenable position!! Furthermore this whole situation has caused me a great deal of pain and suffering and emotional distress. i am asking you to allow third party contact to allow [redacted] and [redacted] to conduct required business with me. furthermore im stating that its not [redacted] party contact by the office staff because they live in separate households and are separate employees of [redacted] While i am not requesting to move out and i would argue im not required to i wish this kind of treatment to stop so i can get back to a normal life. i fear great irreparable harm if this injunction is not granted. if for some reason my other order of protection is no enough to invalidate the [redacted] day notice i fear of reprisal and a [redacted] notice would get me evicted lose my section 8 and be homeless.</p>
	<p>i called the emergency maintenance hot line after hours on [redacted] at [redacted] pm but he didnt leave his name. he asked me to call him back and he stated that a electrical problem would be handled on [redacted] but never showed up. so i called on [redacted] and spoke with [redacted] and she still told me no. i enclosed the email from section 8 but this issue look way to long to fix. it turned out it was just a breaker that tripped but i couldnt see because the panel is also in the kitchen. so my earlier testimony this is also harassment because they are refusing to fix</p>
	<p>repairs required by law. the office also sent us notice of there refusal to make minor repairs because of [redacted] i disagree because this is implied warranty under our lease. once you make repairs i feel its the apartment complexes responsibility to continue to do so. [redacted] of people are surviving [redacted] and furthermore can they prove that on a national level all landlord are refusing to do repairs. thats not in the best interest of the tenant. you can always wear a mask. I am not trying to fight every single issue on my own because i choose to pick my battles. Nevertheless refusing to</p>

**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.**