

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-190

Judge:

Complainant:

ORDER

October 1, 2020

The Complainant alleged a justice of the peace had improperly allowed the tenants in an eviction action to remain in possession of the property.

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.

2020-190

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 _____ I filed eviction paperwork with Judge _____ court (Exhibit A). My eviction case was not part of the "in certain circumstances" delay directive for evictions that governor _____ set in place on _____. My case originated on _____ when Tenants living on my property were served with a non-renewal lease notice. The notice was acknowledged and signed by _____ (Exhibit B). Tenants were given _____ days to remove themselves and their belongings out of my property.

On _____ I had my initial hearing, which was conducted over the phone. Judge _____ awarded me a judgment for delinquent rent and court expenses (Exhibit C). However, Judge _____ postponed signing the judgment based on Defendant _____ allegations that her name did not belong on the eviction paperwork, even though her name was and has always been included on all rental related paperwork since _____. Please refer to Exhibit B which was submitted along with original complaint on _____. A follow up hearing was set for _____. At this hearing, Judge _____ granted Defendants another _____ days to vacate my property.

On _____ I filed a Writ of Restitution with the court. On _____ Defendant _____ tried and failed to serve the Writ to the Defendants. Defendant _____ once again made allegation that she had been tested for _____ the previous day, which made _____ "stand down" from removing Defendants from my property (Exhibit D).

On _____ I filed a Motion to Compel requesting a second hearing (Exhibit E). The purpose of this motion was to make Judge _____ aware that Defendant _____ circumstances did not apply to this case, as she and Defendant _____ should have been out of my property by this time, and her claim initiated _____ after the fact. Hearing date was set for _____. Once again, another _____ days were allowed for trespassing.

In order to help my situation and to refresh Judge _____ memory, I submitted _____ different exhibits for the latest hearing. To my dismay, none of the exhibits were of any help. Judge _____ focus the hearing on Defendants' needs and claims, even though he was made aware of the financial and mental hardship this case was causing for me as well.

An Amended Judgment was awarded to me, but once again, Judge _____ completely dismissed the actual facts and granted Defendants another _____ days to trespass on my property (Exhibit F).

CONFIDENTIAL

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

FOR OFFICE USE ONLY



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Based on the latest case outcome, I filed a Motion to Reconsider with the court or _____ Hoping that Judge _____ would take a _____ look at his ruling in regard to allowing Defendants to trespass for additional time, and because according to Amended Judgment the new Writ of Restitution could not be served on a _____ day

As I called the court to ensure that they had received the motion, I was told that Judge _____ would not look at the document until _____ days had passed. At the same time, I was informed that the Writ could not have been served anyway, as I needed to file another motion to have it served a _____ time.

On _____ I received a notice (minute entry) from the court informing me of a status hearing scheduled for _____ This hearing was later rescheduled to _____

Important to point out that another _____ days were granted to trespassers.

Once again and hoping to help my case, I submitted another _____ exhibits. Just like in the previous hearing, the exhibits were not even acknowledged. Judge _____ ruling this time included: Parties to communicate in good faith, parties to workout a plan so that trespassers can vacate property as soon as Judge did warned Defendants that he will sign a _____ Writ of Restitution as soon as I file one.

PERSONAL STATEMENT:

My case, from the very beginning, had nothing to do with any of the unexpected pandemic issues that eventually affected all procedures. My case was a simple breach of contract which I rightfully followed by an eviction complaint so that the legal system would not only reinforce my case, but would protect my rights against criminals lashing out. Unfortunately, Judge _____ his courtroom, and his poor rulings relentlessly omitted the good and fair use of the law.

Afraid to or practically unqualified to uphold what was righteous, Judge _____ even allowed for the Defendants to commit perjury without any consequence.

During the last hearing closing remarks, the Judge ordered both parties to amicable talk and resolve our differences. To work out a plan "in good faith" so that Defendants can vacate my property. I ask you honestly, were his last words a joke? I personally came to his court room because I acted in good faith all alone and could not get the Defendants to live up to their contracts. After all the anguish, frustration, financial hardship, and lost of respect for our court system, this Judge simply orders that I figure things out what the heck is he there for then?

Violation of my rights has been done!! Damage to the way the law system is applied has been done!!

Very disappointing!!

Damage to others possibly done by this type of public servant in the future has not been done!

PLEASE do something about this man!!! Thank you!!

Attorney for Plaintiff(s) Name / Address / Email / Phone

Bar Number

County Justice Courts, Arizona

Justice Court

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

COMPLAINT (Eviction Action)

Residential Mobile Home Commercial Immediate

YOUR LANDLORD IS SUING TO HAVE YOU EVICTED, PLEASE READ CAREFULLY

1. This court has jurisdiction to hear this case. The property is within this court's judicial precinct and is located at: _____
2. The Defendant wrongfully withholds possession of this property.
3. Any required written notice was served on the Defendant on _____ and was served in the following manner:
Hand Delivered _____ . A copy of this notice is attached to this complaint.
4. This case involves a subsidized rental property.

SUBSIDIZED: The total amount of monthly rent is \$ _____ The Tenant's portion of that monthly rent is \$ _____
The current outstanding balance owed by the tenant is \$ _____

5. The Plaintiff is authorized to file this action and has done so for the following reason(s):

RENT: The Defendant has failed to pay rent as agreed. The rent is unpaid since _____ and had a prior unpaid balance of \$ _____
The rental agreement requires rent to be paid each month on the _____ day of each month in the following amount: \$ _____
The lease provides for late fees and that the late fees be calculated in the following manner: _____

Notice: If you are a residential tenant and the only allegation from your landlord is that you have not paid your rent, you may contact your landlord or your landlord's attorney and offer to pay all of the rent due, plus any reasonable late fees, court costs and attorney's fees. If you pay these amounts prior to a judgment being entered, then this case will be dismissed and your lease will be reinstated and will continue.

NON-COMPLIANCE: The Defendant committed and has failed to remedy, a condition that is a material non-compliance of the rental agreement. Specifically, after receiving a notice to remedy the problem, the Defendant, on the _____ day of _____, _____ caused or allowed the following condition to occur: Defendants have not removed themselves and/or their belongings from rental property.

IRREPARABLE BREACH: The Defendant has committed a material and irreparable breach. Specifically, on the _____ day of _____, the Defendant did the following: _____

OTHER: _____

6. The Defendant owes a rental concession in the following amount: \$ N/A
The nature of the rental concession (if any) is: _____

7. As of the date that this action is being filed, the Defendant owes the following:

Rent (From Current and Prior Months) Totaling: \$ _____

Late Fees: \$ _____

Rental Concessions: \$ _____

Costs: \$ _____

Attorneys Fees: \$ _____

Other Damages: \$ _____

Total Amount Requested: \$ _____

8. The Plaintiff requests a money Judgment for the amounts described above and also a Judgment for possession of the property.

9. WRIT OF RESTITUTION: The Plaintiff requests the court issue a Writ of Restitution returning the property to the Plaintiffs possession _____ days from the date of the judgment or _____ to _____ hours from the time of the judgment. (Applies to material and irreparable breach only)

10. By signing this complaint, I verify that the assertions are true and correct to the best of my knowledge and belief and that they are based on a reasonably diligent inquiry.

Date: _____

Please inform court staff if interpreter services are required. <input type="checkbox"/> Yes, I need interpreter services. Language: _____

Group

NOTICE OF NONRENEWAL OF LEASE AGREEMENT

Document updated:

The pre-printed portion of this form has been drafted by the Arizona Association of REALTORS®. Any change in the pre-printed language of this form must be made in a prominent manner. No representations are made as to the legal validity, adequacy and/or effects of any provision, including tax consequences thereof. If you desire legal, tax or other professional advice, please consult your attorney, tax advisor or professional consultant.

- 1. To: _____ and All Occupants
- 2. Premises: _____

3. **NONRENEWAL OF LEASE**

- 4. The term of your present Lease Agreement is due to expire and will not be renewed.
- 5. You must vacate the Premises no later than _____ at _____ a.m./ p.m.
MO/DA/YR

6. **NONRENEWAL OF MONTH-TO-MONTH TENANCY**

- 7. Pursuant to A.R.S §33-1375(B), you are hereby notified that the Landlord has elected to terminate your month-to-month
- 8. tenancy. Your tenancy will terminate on _____ at _____ a.m./ p.m., which is at least _____ days
- 9. after your next rental due date. MO/DA/YR

- 10. All rent must be paid through the end of your Lease Agreement and your security deposit(s) may not be used for your last month's
- 11. rent. Your security deposit(s) will be applied towards any damages beyond normal wear and tear. Please notify the Landlord/Property
- 12. Manager of your forwarding address so that your refundable security deposit(s), minus any deductions, may be mailed to you. In most
- 13. circumstances, pursuant to A.R.S. §33-1321(C), you may require that the landlord notify you of when the move out inspection will occur.
- 14. If you remain in possession beyond the date set forth above, your conduct will be deemed willful and you will be considered a
- 15. "holdover tenant" at which point the landlord may bring an action for possession and may recover damages in an amount equal to not
- 16. more than _____ s periodic rent or twice the actual damages sustained by the landlord, whichever is greater. A.R.S. §33-1375(C).

17. **Landlord/Property Manager**

DocuSigned by:

18. _____
LANDLORD/PROPERTY MANAGER / AUTHORIZED REPRESENTATIVE'S SIGNATURE

19. _____
LANDLORD/PROPERTY MANAGER/AUTHORIZED REPRESENTATIVE'S PRINTED NAME

20. _____
ADDRESS CITY STATE ZIP CODE

21. _____
TELEPHONE EMAIL

22. Notice Delivered this _____ day of _____

23. Certified or Registered mail
24. Receipt Number: _____

25. Hand Delivered
26. Acknowledgement of Hand Delivery by Tenant: _____

Pursuant to A.R.S. §33-1313, receipt of notice occurs when the notice is actually received, delivered in hand to the tenant, or mailed by registered or certified mail to the tenant at the place held out by the tenant as the place for receipt of the communication or, in the absence of such designation, to the tenant's last known place of residence. If notice is mailed by registered or certified mail, the tenant is deemed to have received such notice on the date the notice is actually received by tenant or _____ after the date the notice is mailed, whichever occurs first.

**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.**