

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-215

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Judge:

Complainant:

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**ORDER**

October 15, 2020

The Complainant alleged a superior court commissioner displayed bias and made erroneous rulings in a protective order proceeding.

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 member J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 15, 2020.

Comp  
2020-215

Re: Complaint against Commissioner

Dear Judge

I was informed that since you \_\_\_\_\_ you are the one who handles any complaints against him. I was the victim of a horrible surgery in \_\_\_\_\_. I have had multiple surgeries since trying to repair the damage the surgeon caused. When I was well enough, I requested the hospital conduct a peer review, which I was granted. I also later learned that the surgeon had falsely charted that I said I was doing drugs and drinking alcohol as part of my recovery. I am \_\_\_\_\_ I don't do drugs and was not drinking as part of my recovery. Horrified that such lies were written in my medical records, I wrote 2 letters to the doctor challenging the content of my medical records. Every patient has a Federally guaranteed right to challenge the contents of their medical records under HIPAA, 45 CFR section 164.526 -- Amendment of Protected Health Information. \_\_\_\_\_ claimed that my actions harassed him and \_\_\_\_\_ improperly and illegally gave \_\_\_\_\_ an Injunction Against Harassment in

In his petition, \_\_\_\_\_ violated my HIPAA rights by revealing the surgical procedure he performed on me along with personal post-operative medical information. Since this was a clear violation of my protected health information, I requested Commissioner \_\_\_\_\_ who was now assigned to this case, seal the injunction. \_\_\_\_\_ denied my request, but sealed the petition.

Once I filed the motion to seal the petition, \_\_\_\_\_ attorney, \_\_\_\_\_ proceeded to bombard me and the court with motion after motion, which served no other purpose than to threaten, harass and intimidate me. \_\_\_\_\_ threatened me in the motions stating that if I dared challenge the injunction, that they demanded \_\_\_\_\_ release all of my medical records. Additionally, \_\_\_\_\_ has asked in multiple motions since that I be put in prison immediately. Commissioner \_\_\_\_\_ told me that if I didn't respond to all of \_\_\_\_\_ motions, then he would have only one side to consider. I was forced to respond to all of these ridiculous motions even though I had not requested a hearing. During the first hearing, \_\_\_\_\_ also announced that he didn't even bother to read any of our Motions.

I was forced to request a hearing just to try and stop the bombardment of harassing motions. However, as the law requires, \_\_\_\_\_ did not grant me a hearing within 5 to 10 days. Instead, \_\_\_\_\_ let \_\_\_\_\_ run over him and treat this matter like it was a civil lawsuit. Deadlines were set for Motions in Limine and List of Witnesses and Exhibits. \_\_\_\_\_ stated he needed at least 30 days to arrange video testimony from my ex-boyfriends in \_\_\_\_\_ and a former roommate who was arrested for assaulting me whom he had investigators contact and were going to testify against me. Even though

these ex-boyfriends were over \_\_\_\_\_ ago, \_\_\_\_\_ was allowing their testimony. \_\_\_\_\_ filed over \_\_\_\_\_ pages of garbage and fabricated evidence from these horrible people who had nothing to do with \_\_\_\_\_ claims that I harassed him. \_\_\_\_\_ even included a nude photo in his exhibits that he obtained from one of these animals. \_\_\_\_\_ also filed the petition among his exhibits twice after \_\_\_\_\_ had Ordered it be sealed. I requested the Petition and exhibits be sealed again and \_\_\_\_\_ be held in contempt, but \_\_\_\_\_ did not respond. Not responding to motions is what \_\_\_\_\_ did best in this matter. In his ME, you can see the list of motions that were over 60 days to which he never responded and just gave a blanket "Moot," order.

Because of these horrible people in my past and the destruction they caused to my life, I had my name legally changed in \_\_\_\_\_ and that name change was sealed. \_\_\_\_\_ illegally gave \_\_\_\_\_ and his investigators, \_\_\_\_\_ my medical records and my new name. These investigators illegally revealed my new name, address, phone number, profession and protected health information. \_\_\_\_\_ also ruled that he would allow the investigators to testify. When I questioned him whether or not it was hearsay, \_\_\_\_\_ said it was not. \_\_\_\_\_ later, I finally gave up on ever being granted a hearing and withdrew my request.

In \_\_\_\_\_ sent directly to my personal email \_\_\_\_\_ account, an email threatening me. The email includes many threats and plans to ruin my life including my \_\_\_\_\_. He even stated that he was going to get me to commit perjury. \_\_\_\_\_ claims he meant to send the email to his attorney and not me even though I had never emailed \_\_\_\_\_ and had no idea what his personal email address was. Given the viciousness of the attacks to date against me, and the damage \_\_\_\_\_ had already caused to my body, I took this email as a threat against my life since he said he was going to "take me down." I filed a Motion requesting that \_\_\_\_\_ instruct \_\_\_\_\_ to stop sending me threats. My Motion was literally ignored and never addressed. Instead, I was forced to file a motion with the court by \_\_\_\_\_ stating that I had deleted the email since \_\_\_\_\_ claimed that he meant to send those threats to his attorney, instead of me. The court said \_\_\_\_\_ threats were attorney client privilege.

On \_\_\_\_\_ I filed a motion telling the court I would delete the email as ordered by \_\_\_\_\_ I also filed a Motion for Reconsideration the next day when I learned that was available. \_\_\_\_\_ filed a Motion in early May to seal the threatening email. \_\_\_\_\_ did not rule on my Motion for Reconsideration or the Motion to Seal the email until \_\_\_\_\_. In that Minute Entry, \_\_\_\_\_ sealed the email, denied my Motion for Reconsideration and ordered me to appear in Court and explain why I shouldn't be held in contempt of Court for not deleting the email.

One \_\_\_\_\_ I filed a Motion to Vacate and submitted a notarized Affidavit stating that I had deleted the email by \_\_\_\_\_ as the Court had ordered even though I had already filed a Motion on \_\_\_\_\_ stating that I deleted the email. Even if I hadn't I was told that I had until he ruled on the Motion for Reconsideration, legally, to delete the email. I was also advised that a person cannot be held in contempt for procedure.

\_\_\_\_\_ ignored all of my filings and on \_\_\_\_\_ held me in contempt for not telling the Court that I had deleted the email even though I had filed multiple motions and affidavits stating I had and fined me \_\_\_\_\_. What system of justice finds me in contempt wherein I'm the one who was literally threatened by her doctor? \_\_\_\_\_ then gave me less than \_\_\_\_\_ to comply again and file another motion stating that I had deleted the email. I also had to guarantee that all entities, agencies and person who had a copy had deleted their copy. That is impossible. I don't have the power to control other people and companies, but I did the best I knew how to comply.

Additionally, even though I was told to delete my copy by \_\_\_\_\_ the Court's copy was public record for everyone to see and get a copy until \_\_\_\_\_ Only I was made to delete

threatening email.  
contempt ruling.

ruling was legally unsound and absurd. Not surprisingly, I appealed his

clear bias and inability to control and manage the courtroom started early on. In a telephonic hearing, only required that I be sworn under oath when questioned. When questioned he didn't require he be sworn under oath. When I questioned this unequal application and protection under the law, I was told to mind my own business.

ruling that exercising my right to challenge my medical records is a form of harassment is a clear violation of my Federal Rights. is clearly incapable of being a commissioner. He obviously lacks the legal knowledge, demeanor and assertiveness to manage a courtroom. He demonstrated multiple times he is quick to anger and has no place on the bench. You can hear in his voice how fast he went from 0 to 100 and irrationally started defending himself and his job. He is a man of little character and moral turpitude.

prejudicially and openly blamed Defendant for the existence of this case stating that I am the reason this case keeps going on and on. I reminded that I didn't file this action and that my only initial request was that he protect my illegally published medical records included in his perjurious petition.

I don't know what possessed you to put such a man on the bench or to whom you owed such a favor, but you have clearly shown an error in judgment. The deserve better. I hope you right this wrong immediately lest you lose your seat because of this ridiculous appointment of

Sincerely,

Ccs:

SUPERIOR COURT OF ARIZONA

HONORABLE

CLERK OF THE COURT

v.

MINUTE ENTRY

This is the time set for telephonic Status Conference. Plaintiff is present and represented by counsel, Defendant is neither present nor represented by counsel. Non-party, is present.

A record of the proceedings is made digitally in lieu of a court reporter.

LET THE RECORD REFLECT that contacted this division's Judicial Assistant and indicated that she did not intend to appear for today's hearing.

There being no objection, the hearing will proceed without her.

SUPERIOR COURT OF ARIZONA

Discussion is held regarding the Motion to Quash Subpoena filed by \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_ is sworn and testifies.

THE COURT FINDS that there is nothing that \_\_\_\_\_ could offer by way of his testimony that is relevant or would be helpful to the Court in deciding the issue on the Injunction Against Harassment.

IT IS ORDERED granting \_\_\_\_\_ Motion to Quash Subpoena and relieving \_\_\_\_\_ of any responsibility with respect to attending the Injunction Against Harassment hearing, barring some further order by the Court.

Non-party, \_\_\_\_\_, is released from the telephonic Status Conference and is no longer present telephonically.

Discussion is held regarding Defendant's Motion to Continue dated \_\_\_\_\_

IT IS ORDERED granting Defendant's Motion to Continue and vacating the hearing on Injunction Against Harassment set for \_\_\_\_\_ at \_\_\_\_\_ and continuing same to \_\_\_\_\_ ( \_\_\_\_\_ allotted) before the Honorable \_\_\_\_\_ Superior Court,

While the Court is not going to address the motions that are pending today,

\_\_\_\_\_ is advised that she is obligated to follow the Rules that all litigants and lawyers are susceptible to and to the extent that she has any communication that is privileged or confidential that was inadvertently disclosed to her, she is ordered to destroy that.

IT IS ORDERED that \_\_\_\_\_ shall provide notice to the Court and to counsel that she has in fact destroyed that communication which she has that was inadvertently disclosed to her. That notice should be filed with the Court no later than \_\_\_\_\_ on \_\_\_\_\_

Matter concludes.

**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.**