

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-340

Judge:

Complainant:

ORDER

February 24, 2021

The Complainant alleged a superior court commissioner was biased against her, denied her requests to meet in chambers, interrupted her during court proceedings, and made erroneous decisions in a probate proceeding. The Complainant also requested to appear before the Commission.

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), and the request to appear is denied.

Commission member Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 24, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-340

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.

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This is a formal concern regarding case number _____ and commissioner _____ Commissioner _____ has treated me and racially and sexually discriminatory and unprofessional manner for the following reasons. Commissioner _____ was assigned to my case after a rotation in _____ and since then Commissioner _____ has banned me from moving into the deceased _____ camper _____ house when I was previously advised that this court did not have jurisdiction over who could move in or out of the house and at that time Commissioner _____ advised me that she was not going to re-pair or refurbish the property to prepare it for sale because I was probably just trying to use a simple paintbrush and order that I was to find a buyer for the house and sell it and then split the proceeds to the _____ of the estate including myself. Commissioner _____ also threatened to have me arrested for recording my conversations when it was not against the law and took up a good amount of our initial hearing to leave the court room to go find out whether or not it was against the law to record conversations when it was not illegal and the fact that I recorded the conversation it was totally off-topic to the actual case . One of the heirs _____ filed a petition to have me removed as personal representative when she was not able to present any factual reason for why she wanted me to be removed that petition was denied..Despite this, (The personal representative has also filed a complaint to the commission of judicial conduct and attached it to this letter), during every single hearing, Commissioner _____ allows _____ to speak first before the personal representative interrupt the personal representative whenever it's the personal representative turn to speak evade the personal representative questions and intentionally abstract all of the hearings and the settling of the estate by voicing concerns that do any factual basis basis; as she and the other _____ heirs pledged they we do in writing via an instant messenger conversation that the personal representative and _____ presented to the court.

I have asked to speak with the commissioners _____ and was advised that the commissioner did not allow patrons to visit her chambers to speak with her outside of the quart room but at the same time Commissioner _____ does not allow me the personal representative to make any comments outside of any direct questions that I have been asked and repeatedly interrupts me whenever I'm providing information to the court and does not allow me to provide any additional information during any court hearing. The same commissioner has allowed the other areas of the estate that have been very disrespectful and indifferent to the settling of the estate and have even harassed and vandalize the person representing his property and the estate to take over all of the hearings they attend with extra comments and extra expressions of their personal dislike for the personal representative that have no factual basis at all. Even though there has been more than _____ hearings where this has occurred the commissioner continues to allow the behavior and it's as if the commissioner believes or wishes that the personal representative was actually _____ of the heirs and not the personal representativ. The personal representative has been banned from even fully replying to any of the errors accusations and his is repeatedly cut off by the commissioner whenever she tries to act as personal representative at all, unless it is at the personal representatives expens. The personal representative wish to visit the commissioners _____ to notify her that stemming all the way back to _____, The heir is this estate other then the personal representative and one other air rushy green are living with documented behavioral emotional developmental emotional mental disabilities that caused them to live with the same repeated behaviors and behavior patterns including oppositional defiant disorder _____ and _____ and that has a behavior of arguing nonstop w everyone in authority or that is Trying to complete a task until the individual is removed from harassing that person and trying to ruin that they were trying to complete a task and that this is an actual mental disability that before ours have that has been documented by Arizona tile protective services and several different schools and instructors and therapist and institutional system workers and every family member that knows _____ .The _____ has tried to visit the commissioners _____ to save time for the court

and explain this to her and such things as it is documented that whenever _____ or _____ is doing anything that requires her to pay attention or requires her to complete a complex task the heirs that have contacted the court other than _____ have been documented to those efforts and try to sabotage _____ until they are removed from her and this caused him to be put in foster care and be in separate homes more than once because they would not stop harassing _____ and _____ and their other siblings and family about when they were getting something done or not paying _____ % put attention to them. The heirs also have documented criminal history that is that is associated with the same dilemmas and problems and _____ (IE: _____ has been apprehended more than once for assaulting _____ and another day for _____ ..which is the reason he grew up in a different state than his mother's home and was then arrested and incarcerated, stemming from sabotaging his father, someone in authority. It is a behavioral pattern of enlisting in investigation into someone in authority or someone trying to complete it out ask and then trying to sabotage that person or that task and then repeatedly harassed and incite the person to anger (repeatedly harassing the individual about something off topic or some other mischief that they created and repeatedly creating new situations or staged events between them in the other party that are obstructive or sabotaging to that party or the task/trying to start physical altercations sexual assaults w party) until they are unable to or are arrested. All of these behavioral patterns of the heirs are documented and even a part of the case _____ the _____ has testified to the court from the first hearing and during the petition for supervised probation. The documents supporting the _____ statements relating to the behavior of the errors and how it has affected the settling of the estate and the proper serving of court documents and timely notification of hearings. Nevertheless, Commissioner continues to imply that she does not take me seriously because I don't have a paid attorney and implying that _____ and _____ might be the personal representative as I am by allowing them to speak first and over speak and interrupt the personal representative and obstruct the settling of the estate with comments and concerns that have no factual basis.

During the last _____ hearings the personal representative explained that they wanted to use their right to buy the property of the estate and pay the proceeds of the sale to the heirs. The personal representative's legal right being one of the areas of the estate. The commissioner has forced the personal representative to file a petition for advisement asking to buy out the mortgage. During the first hearing _____ attended and was invited to explain why she was at the hearing before the personal representative was allowed to make any statement. After the personal representative was allowed to voice their petition _____ to you _____ made an objection that she wanted to see all of the receipts of costs that the personal representative wanted to be refunded for before her petition was granted. The commissioner acknowledged personal representatives prior comments regarding the personal representative having to repeat the preapproval process _____ over the course of _____ and how that could affect the personal representatives buying of the property. The personal representative agreed to return with the receipts and documents and a written breakdown of the new mortgage. It was ordered that the personal representative present a letter or even have the mortgage representative that assisted the personal representative show up to court and break down how much money the heirs would be paid after the house was put in the personal representative's name and the person representing bought. This was after the personal representative explained during the first petition for hearing how the errors would be paid their share of the properties appraised value at the time which was \$ _____. The personal representative had to come back into court and explain to the commissioner that rocket mortgage does not involve themselves and lean companies do not involve themselves in what is done with money that they paid to their patrons as a part of the loan and so they would not be able to discuss where the personal representative was going to be doing with the monies after buying the mortgage out because that is not something that they are involved in and that they're

only involved in writing out the new mortgage and then paying the personal representative the monies that she was approved for/that it was not their " " to discuss what the would be doing with any monies. During The most recent hearing, The commissioner acknowledged that she had received the documents that I provided to the court showing the cost that I believe I was owed but then interrupted the person represents his presentation of the information that the person represented was ordered to arrive to the court with to ask if she had any new objections and then turn and ask (Who would not allow the to serve him properly by repeatedly refusing to provide any of his contact information including his email address and phone number to the personal representative all throughout the settlement of the estate and has never attended a hearing) The reason that he was at the court hearing.

When explained that he was at the court hearing because he had objections about and then went on further to explain that he " ' and " ', The commissioner went on to offer the option of beginning a petition against the personal representative appointment instead of just explaining to that not liking how the personal representative voice sounds and a misunderstanding about whether or not has added equity to the house-which was already determined at a prior hearing-aren't necessary to petition against personal representative appointment. I believe Commissioner is insenuating to the heirs during hearings that they should complain about me being again, by connotatively making that she does not know who to allow to speak first and using a tone that the commissioner thinks or are more responsible or better, than the somehow as that it is clear to her that the is irresponsible or much younger than she actually is and has repeatedly implied that she finds attractive which I find insulting towards the and appointment as well. Commissioner then allowed to take up the majority of the hearing in simply making repeated comments about how he just did not like the personal representative and how even though he and had adamantly asked the court that the house to be sold as is, immediately he didn't necessarily want that.. and admitting that he had attended the hearings to make such comments very late in the executorship his own doing.

The commissioner granted the of the requested refund during the hearing , leaving The personal representative remaining task being to find a buyer for the property of the estate and pay the heirs after hearing. The commissioner then used the remainder I have the hearing to interrupt the personal representative and explain to the personal representative without allowing her to interject at all how she needed a " ' of the what the mortgage would be and how she had asked her for it the prior hearing and that it was important that she brought the correct information to the appropriate hearings. The commissioner never allowed the personal representative to present the information that she had asked her for at the prior hearing she never invited her to present the information and she would not allow the personal representative I even offer the information. IE: The personal representative was told by the commissioner that she could not speak out of turn and to watch it but then the white was allowed to say things and the commissioner totally abandoned the prior trend of not allowing the personal representative to interject and started giving her room to interject and then tried to scold the personal representative when the personal representative would not reply without the commissioners permission. After The personal representative was able to respond to the commissioner and show her that the commissioner had just not allowed the personal representative for to present the " ' requested the commissioner then made light of the interaction and then just scheduled an additional hearing with extra time on it in the future.

**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.**