

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-305

Judge:

Complainant:

ORDER

March 23, 2022

The Complainant alleged that a pro tem justice of the peace made an incorrect legal ruling, and had a conflict of interest in hearing his matter.

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 Denise K. Aguilar and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 23, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-305

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.

In my opinion, a Judge, Justice of the Peace, or a Mediator should be of sound-mind and free of "Conflicts of Interests". On Friday _____ acted as a "Justice of the Peace" on my small claims case. Since, then I have learned she was a Judge _____ or _____ The primary reason for my complaint is the following. In my original small claims complaint, I included photo evidence of the 2" front suspension leveling kit installed by _____ In the defendants response, _____ included a product data sheet for a 3" spacer he claims to have installed. In my follow-up evidence submitted to the Court prior to the hearing, I included a product data sheet for the 2" spacer ACTUALLY installed on my _____ The 2" spacer product data sheet specifically states " _____ For reference, the _____ had only _____ miles and was in impeccable condition prior to Arizona _____ working on it. During the trial, _____ adamantly testified that the 3" spacer was installed according to manufacturers instructions. In my rebuttal during the trial, I stated the photo evidence submitted in the original complaint proved the 2" spacer was installed, NOT the 3" spacer. It is "GROSS NEGLIGENCE" and/or "GROSS INCOMPETENCE" of _____ to not understand the difference between TWO (2") and THREE (3") suspension leveling spacers. I think the quote "I can explain it to you, but I can not help you understand" is applicable. I acknowledge that this may be a minor detail, but it was essential to my case for _____ to understand it. Please obtain the video recording of the hearing. Upon review of the recording, you will be amazed that _____ was UNABLE to comprehend the detail or differences, or possibly had prior intentions to ignore it. Obviously, she simply ruled "It is ordered dismissing this claim with prejudice". I understand that her other part-time gigs including _____, etc. may task her time, attention, and create "Conflicts of Interest", or otherwise make it difficult for her to understand the details and difference between 2" and 3". It is unfortunate that a public servant thinks they can profit from multiple gigs while grossly completing the "municipal responsibility" I needed _____ to complete to the best standards of the LAW. It baffles me that _____ County employs a person to act as a Justice of the Peace when that person gets paid by _____ to be a _____ and thinks they can be impartial. As a law-abiding taxpayer, I assumed my _____ would be heard by an individual aware of the ramifications of his or her ability to be impartial, understand (comprehend) and fairly rule on the facts. I hereby substantively ACCUSE _____ of GROSS NEGLIGENCE and/or INCOMPETENCY in applying the law. Additionally, I accuse _____ of having many CONFLICTS OF INTEREST, since she profits from _____ which sells advertisements, and also as a _____ Although this complaint is only related to a _____ I feel the responsibility to continue bringing awareness to the inability of _____ to fulfill her OATH to uphold the LAW. Upon submission of this Complaint to this Commission; I will also be delivering a copy to the _____ County Board of Supervisors, State of Arizona Office, and the State of Arizona

Corrected

This matter was heard by the Court on this date: _____

Plaintiff(s) appeared in person failed to appear

Defendant(s) appeared in person failed to appear

Plaintiff Claim

Judgment is entered upon default with hearing without hearing

Judgment is entered upon agreement of the parties.

IT IS ORDERED granting judgment to:

Plaintiff(s)

\$ _____ Principal Amount

\$ _____ Accrued interest, if any

\$ _____ Court Costs

\$ _____ TOTAL

Defendant(s)

\$ _____ Court Costs

With interest thereon at the rate of _____ % per annum on principal amount from the date of judgment until paid in full.

With interest on court cost of _____ % per annum from the date of judgment until paid in full.

IT IS ORDERED dismissing this claim with prejudice without prejudice

Counterclaim

Judgment is entered upon default with hearing without hearing

Judgment is entered upon agreement of the parties.

IT IS ORDERED granting judgment to:

Plaintiff(s)

\$ _____ Court Costs

Defendant(s)

\$ _____ Principal Amount

\$ _____ Accrued interest, if any

\$ _____ Court Cost

\$ _____ TOTAL

I am the Plaintiff Defendant

I object to this case being heard by a _____ Hearing Officer. I request that this case be heard in the
Division by the Justice of the Peace.

Pursuant to ARSCP 12(a), a party may request that a justice of the peace, rather than a hearing officer, decide the lawsuit.
A party must make this request in writing at least 15 calendar days before the hearing date.

Date _____ Signature _____

I CERTIFY that I delivered / mailed a copy of this document to:

Plaintiff Plaintiff's attorney Defendant Defendant's attorney

Date _____ By _____
Signature

Case Number:

Plaintiff

Defendant(s)

- ANSWER (RESPONSE) TO PLAINTIFFS ANSWER

, as managing member of responded on response states in part “3) I have attached all pertinent information from the part vendor showing proper application, quality of the parts used and no claim or warning that the upper control arms are to be replaced when using this kit”. also attached a screen print from ebay.com showing a Motofab brand 3” front leveling kit for

did NOT install a 3” spacer, **they installed a 2” spacer**. This is substantiated with the picture including a tape measure point of reference included in my original complaint. The picture shows a non-branded 2” spacer.

A search on ebay.com for Motofab branded 2” front leveling kit for

kit has the following in bold print marked with asterisk on both sides of the alert.

The fact that the wrong part was installed is not a “proper application”. Installing the part that caused the upper ball joint to fail or break after only miles. This is proof that the work was completed improperly. As a consumer, is it too much to ask “Please do not install parts on my vehicles suspension that the parts manufacturer alerts you

Case Number

In regards to “quality of the parts used”, the 2 spacers were removed and given back to me from _____; they do not have a single brandname , logo or part number on them.

In regards to “no claim or warning that the upper control arms are to be replaced when using this kit”; they did NOT install the 3” spacers. They installed the 2” spacers with the warning “Does not fit _____ Why would a “kit” that states “does not fit” also state any alert about needing to replace control arms?

As stated in my original complaint, _____ seems to lack the attention to detail and expertise needed to install suspension modifications. They do NOT even know what part they installed.

Additionally, in my original complaint, I stated that _____ told me the front leveling kit was improperly installed. To clarify the expertise of _____, they have an aftermarket department that also installs from leveling kits; they have the experience to determine proper installations versus improper installations.

Attachments (Exhibits):

[ebay.com](#) Motofab brand 2” front leveling kit for :
screen print.

**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.**