

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-098

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Judge:

Complainant:

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**ORDER**

November 23, 2022

The Complainant alleged a justice of the peace was biased against him and made improper legal decisions in a small claims action.

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).

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

Attachments:

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From:

Sent:

To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>

Subject: Filing a Complaint Against Judge \_\_\_\_\_ of \_\_\_\_\_ Justice Court, Case # \_\_\_\_\_

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Commission Staff;

I am writing to you to file a complaint against Judge \_\_\_\_\_ of the \_\_\_\_\_ Justice Court, concerning a recent case named \_\_\_\_\_ vs. \_\_\_\_\_, Case # \_\_\_\_\_ - \_\_\_\_\_, filed by Plaintiff on \_\_\_\_\_ in which Plaintiff asserts that Defendant did not properly mix the \_\_\_\_\_ Deep Slate Pearl automotive paint before \_\_\_\_\_ proceeded to spray the paint on my \_\_\_\_\_. **I wish to go on official record by asserting that Judge \_\_\_\_\_ ignored crucial evidence in this case and also displayed a prejudice towards me when rendering his Decision to award the Plaintiff only \$ \_\_\_\_\_ to respray the rear quarter panel versus the relief sought in this case in the amount of \_\_\_\_\_ in order to repaint the entire \_\_\_\_\_. The rationale that Judge \_\_\_\_\_ used to reach his decision was flawed for the two (2) following fundamental reasons.**

**Reason #1).** I questioned the Judge how it was possible to have three (3) separate colors of paint outside of the paint can if \_\_\_\_\_ had actually mixed up the paint to obtain one uniform paint color and the Judge responded that this was due to overspill. \_\_\_\_\_ testified under oath that he put both sealed gallons of paint on his shaker for three (3) minutes in order to mix up the various pigments that make up the Deep Slate Pearl paint color in order to obtain one uniform paint color before opening up the gallon can of paint and then pouring the mixed paint into his spray cup.

The overspill of paint from three (3) separate paint colors is physically impossible if \_\_\_\_\_ had actually mixed up the paint prior to opening the can because the only overspill that could possibly occur after mixing the paint would be from only one mixed paint color and certainly not three (3) individual paint colors! In fact, the only way that there can be three (3) paint colors on the outside of the paint can from paint overspill would be if the paint was not mixed up prior to opening it and pouring it into his spray cup! Thus, common sense dictates that the paint overspill from three (3) paint colors on the outside of the paint can proves that \_\_\_\_\_ did not mix up the paint prior to spraying it and instead

he simply poured the paint off of the top of the paint can and into his spray cup which is why there are three (3) individual paint colors on the outside of the gallon paint can! (Please See Attached Exhibit #6)

Reason #2). The Judge refused to honor a signed Agreement between \_\_\_\_\_ and myself, claiming that the complete warranty that \_\_\_\_\_ had provided on the paint did not include the base coat Deep Slate Pearl paint. The base coat Deep Slate Pearl \_\_\_\_\_ - \_\_\_\_\_ paint was the only paint that was used on my \_\_\_\_\_ and when \_\_\_\_\_ and I drafted this Agreement, stating that he would provide a warranty on the paint and his labor, it was the Deep Slate Pearl \_\_\_\_\_ paint that \_\_\_\_\_ and I were referring to. (Please See Attached Agreement Exhibit #22)

Plaintiff asserts that \_\_\_\_\_ did not properly mix the \_\_\_\_\_ Deep Slate Pearl automotive paint that was provided to him on \_\_\_\_\_ before he proceeded to spray the paint on my \_\_\_\_\_. I submitted a total of thirty-two (32) separate Exhibits that support this claim vs. \_\_\_\_\_ verbal statement claiming otherwise.

Specifically, I provided Exhibit #5 that clearly shows that there are three (3) individual colors of paint overspill on the outside of the gallon paint container that proves that the paint was not mixed up before spraying it on my \_\_\_\_\_. If \_\_\_\_\_ had actually mixed the paint prior to spraying it, only one color of paint overspill would be on the outside of the paint can and certainly not three (3) individual colors of paint overspill!

I provided Exhibit #31 which clearly shows that the grey paint remaining inside of the paint can when \_\_\_\_\_ returned it to me was the same grey overspill that was one of the three (3) colors on the outside of the paint can and also the same grey paint color as the door locks and the gas lid that \_\_\_\_\_ had just repainted, which were the wrong paint color. I provided scientific data in the report that was prepared by \_\_\_\_\_ from the \_\_\_\_\_, two Exhibits # 29 & # 30 which were completed by compiling paint pigment data information with the use of his spectrophotometer which clearly supports the fact that the color of the paint that \_\_\_\_\_ sprayed on the \_\_\_\_\_ is not the same paint color as the \_\_\_\_\_ Deep Slate Pearl paint which was provided to \_\_\_\_\_ on \_\_\_\_\_. And since the paint color on the \_\_\_\_\_ is the wrong color, additional paint must be purchased and the \_\_\_\_\_ will need to be completely repainted which is why I sought financial relief from the Court in the amount of \$ \_\_\_\_\_. (Please See Attached Exhibit #7, Exhibit #10, Exhibit # 29, Exhibit #30 and Exhibit #31)

As a practical matter, I had submitted this same evidence to two different law firms to find out if they would represent me and both assured me that I had a very strong case which they would take, however since their retainers started at \$ \_\_\_\_\_, they suggested that I represent myself in a small claims action instead. I followed up with one law firm concerning this case and was told that the Judge handled this case poorly and made a fundamental error in his decision.

Based upon the two (2) fundamental reasons that I have provided, I submit that Judge ignored crucial evidence in this case and also displayed a prejudice towards me when rendering his Decision to award the Plaintiff only \$ versus the relief sought in this case in the amount of \$ . Accordingly, on the advice of counsel, I have been instructed to file a complaint against Judge with the Judicial Conduct Investigation's Office, along with all of the Exhibits that were submitted as evidence in this case.

I have also attached a copy of the Plaintiff's Response to Judge Decision which was filed with the Justice Court on . (Please See Attached Response signed and dated on )

I have also attached a copy of the Plaintiff's Exhibit's List Consisting of Thirty-two (32) Separate Exhibits below.

## COMPLAINT ( )

**Case Number:**

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### **PLAINTIFF'S EXHIBIT LIST:**

**Exhibit #1:** Factory Image of a . Out of nearly a quarter of a million made in , only 12,286 of these were

**Exhibit #2:** listed for sale in for \$ . This ad is included in this case to demonstrate the current market value for this model year vehicle with very low miles.

**Exhibit #3a:** Advertisement for located at . Phone: Email:

**Exhibit #3b:** Invoice for \$ dated from and . This labor invoice included a complete paint job and also complete buffing out of the paint on the vehicle.

**Exhibit #4:** Receipt and credit card statement in the amount of \$ for the purchase of (2) gallons of Professional Quality Automotive Paint from the

**Exhibit #5:** Photos of a paint can ( ) purchased from the . Photos show three (3) distinctly different paint colors on outside of can demonstrating the fact that the paint was not stirred up properly before spraying the paint on

my

**Exhibit #6:** Close-up photos of the outside of the can of the paint can showing three (3) distinctly different paint colors and also the various colors of paint on the lid once again demonstrating that this paint was not stirred up properly before spraying it on my

Note that Basic Paint Instructions on the can stipulate to Stir/Shake Paint Well before spraying paint!.

**Exhibit #7:** The top two (2) left and right photos of my taken on clearly show a much lighter exterior paint color with a predominantly violet tint to the paint resulting in an incorrect exterior paint color on my which is supposed to be a Deep Slate Pearl color instead.

The lower two (2) left and right photos of my taken a few years ago are shown here to illustrate the original and correct OEM factory exterior paint color for this model year vehicle.

**Exhibit #8:** The two photos marked (#8b) and (#8c) were taken of the rear tailgate area before I brushed on some of the auto paint to cover up the dealer logo above the

And the two photos marked (#8a) and (#8d) were taken of the rear tailgate after I brushed on some of the auto paint to cover up the dealer logo above the emblem. Please note the area circled in orange on both of these photos clearly show that the paint that I brushed on the tailgate is a dark black color and clearly not a light violet color! And I brushed this paint on the tailgate area the same day that came to provide me with an estimate to paint my

**Exhibit #9:** The two photos marked (#9a) and (#9b) were taken of the rear tailgate after I brushed on some of the auto paint to cover up the dealer logo above the . Once again you will notice the area circled in orange on both of these photos clearly show that the paint that I brushed on the tailgate is a dark black color and clearly not a light violet color!

And the two photos marked (#9c) and (#9d) were taken of the rear tailgate after painted the . You will clearly notice the difference in the paint color when comparing the before/after photos. Now the paint color is a light violet color and not the correct factory OEM Deep Slate Pearl color!

**Exhibit #10:** The two photos marked (#10a) and (#10d) were taken to show the difference in paint color between the violet color paint on the outside of the compared to the original color of the paint on the inside of the door jams of my

The two photos marked (#10b) and (#10c) were taken to show the difference in paint color between the paint inside of the white cup compared to the violet

paint color on the compared to the poor color match of the gas lid to the rest of the paint on the body of the

**Exhibit #11:** The three photos marked (#11a), (#11b) and (#11c) were taken to show the wide variations in the paint color on the gas lid when compared to the violet color on my . Photo (#11d) shows the difference in the paint color from the first attempt to color match the gas lid and other parts to the color of the body molding which is not even the correct paint color in the first place!

And because the paint on the gas lid, the door locks and the trim piece do not match the paint on the rest of the , the will need to be completely repainted in order to obtain the correct paint color.

**Exhibit #12:** The two photos marked (#12a) and (#12b) were taken to show the difference in paint color between the violet color paint on the outside of the compared to the black door handle and also to the inside of the gas lid which still shows the original OEM paint color.

Photo (#12c) shows the current and extremely low original mileage of miles on my which makes this vehicle very collectible and also in extremely high demand but only with the correct factory OEM Deep Slate Pearl exterior paint color!

And photo (#12d) shows the large stain due to water damage on the passenger side headliner caused directly by allowing water to enter the sunroof area when the glass was removed for painting.

**Exhibit #13:** These two photos are shown here to demonstrate the fact that there was body work involved to repair the driver's side rear quarter panel including the area surrounding the gas lid which agreed to perform himself before completing the paint job and the buffing of the new paint on the

**Exhibit #14:** This photo was submitted to show the large magnet that was required in order to open the gas lid that was wedged inside of the body after returned the to me on after painting it.

**Exhibit #15:** This photo was submitted as evidence to show that the sunroof was not broken but removed in order to allow access to paint the edges of the roof area that surround the glass sunroof seal for the sunroof.

**Exhibit #16:** The two photos of the left and right side of the engine compartment were submitted to show the water spots containing buffing compound that remained on the when delivered the on . These water spots are a direct result of using water to wash away excess buffing compound from the Limited after he completed the buffing process on the new paint job.

**Exhibit #17 & Exhibit #18:** Page 1 and Page 2 of Defendant's phone log submitted by Plaintiff to show that I called on at , one full week before

**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.**