State of Arizona

COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-040		
Judge:		
Complainant:		

ORDER

September 1, 2023

The complainant alleged improper legal rulings by a hearing officer presiding over a small claims hearing.

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 Roger D. Barton did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 1, 2023.

CONFIDENTIAL

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

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2023-040

COMPLAINT AGAINST A JUDGE		
Name:	Judge's Name:	
words what you believe the judge did that constit names, dates, times, and places that will help	e same size to file a complaint. Describe in your own cutes judicial misconduct. Be specific and list all of the the commission understand your concerns. Additionalls) of relevant court documents. Please complete one side r your records.	
	presiding. The entire hearing was completely	
that it was very difficult as a Defendant to write an a negligence with no details as far as dates, how the description of her damage or how she came to the problem when the Defendant has to guess at the P received Plaintiff's exhibits, they were mostly irreleven	Plaintiff came to the determination of negligence, amount she was requesting. It's definitely a laintiff's claim to write an answer. Then when I want and there was no way to know what Plaintiff ail. My answer was very thorough and referenced all	
hearsay) that some worker I knew named haknow what they were doing and caused her damag also had texts from him as an exhibit (see Plaintiff's eleventh hour in desperation for something for her background on as he turned out to be a prohad to sue him and we settled out of court (see Cassays should be discounted as he's a professional lie	the (previous to the damage she was suing for). She is attached Exhibit B). She contacted him at the case. When I was rebutting, I wanted to give offessional con artist who stole money from me and I se#). This shows that everything he	
fact, the judge told me not to interrupt and she wou was determined that the laundry drain in the wall th repair not done correctly. Plaintiff immediately star incorrectly" when that is entirely false. The units ar That repair could have been decades ago (and it w	ting making claims that " must have fixed it re over years old and I owned the unit for years. ras not disclosed to me by seller). Also, the Plaintiff the case. She was suing for water damage and then patio from my workers who didn't clean it. That is nother interrupting her saying that she was being	

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e:
file a complaint. Describe in your own sconduct. Be specific and list all of the erstand your concerns. Additional pages documents. Please complete one side of

The most outrageous element of this hearing, is despite all the bias I endured, the judge stated that I did prove that there was no negligence on my part and I was not personally responsible for Plaintiff's damage. That should result in a dismissal as that was exactly the Plaintiffs claim and I successfully proved it as invalid. Yet the judge still ruled in favor for the Plaintiff for the full amount which is unbelievable. Her rationale was that it was because the source of the water was my unit. However, I do not believe that is legally sufficient to determine liability just based on the fact that water came from above Plaintiff's unit. The damage was caused by old pipes in the walls. The condos are over old and the build quality is suspect. So as a laundry drain separated in the living room wall, once discovered we quickly fixed the issue. There was no way to predict this ahead of time and I was prudent and went above and beyond to resolve the issue quickly. The Plaintiff made insurance claims for her previous water issues which were similar to this and which she thought I was liable for. One was a supply line in my living room wall had a pinhole leak that flooded her apartment. Her insurance never issued a liability claim to my insurance for that or for another issue she had, for which she was also trying to attribute blame to me. Insurance companies are experts on liability determination and also have to follow law so it's amazing how I was not found liable in similar situations by insurance yet I was found liable in court for a similar issue. I raised this point about not receiving liability determination by insurance, and the judge ignored it.

Another issue of this ruling is that the Plaintiff was suing solely because she didn't want to make another claim on her insurance (as stated in her Complaint). So she paid out of pocket and then sued me to try to pay for her damage. This ruling sets a precedent now that any time the Plaintiff has another issue, even if it's not clearly my liability, she would probably sue me versus making a claim on her insurance. So I have essentially become her personal insurance.

In conclusion, I never dealt with such an unprofessional judge in a hearing before. I didn't realize small claims would be such a lawless process (especially with presiding). I spent a lot of time and effort to gather documentation and respond to the allegations to show the Plaintiff had no valid case and proved it and it was still for nothing. If I am served a small claims suit in the future, I will definitely motion to civil court where I will have a judge who actually rules based on the rule of law and fact.

EXhibit B pt 4

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Messages from

hired constructor)





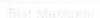
In response to your inquiry of the water leak to your condo from the condo above yours .on or around

contacted me to come fix a leak at his condo and stated that the leak was causing problems with the unit below his. When I arrived! found that the entire bathroom had been demoed and there were no shut off valves to the shower water supply. Water was shutoff at the main which was no sufficient to shut off completely so water was leaking on the floor and down into unit below. I contacted and told him what was going on and he asked me to stop the leak and to contact the lady below and see what damage there was . I did contact checked her unit and found there was water damage from leak up above. I told what I found and he asked me to deal with her and see if I could repair the damage because he didn't





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checked her unit and found there was water damage from leak up above. I told what I found and he asked me to deal with her and see if I could repair the damage because he didn't want to deal with her or insurance company because of past issues. He also stated he had hired guys from and that he

Fired them and that was how they left his unit. asked me to take care of the situation which I did stop the leak if you need any more info on this matter let me know I do have all the text messages between you and I during that time period and as well as my text messages between me and

Hope this helps

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