

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-100

Judge:

Complainant:

ORDER

March 21, 2024

The Complainant alleged a justice of the peace improperly performed wedding ceremonies.

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 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 Regina L. Nassen and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 21, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-100

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.

On _____ Justice of the Peace Judge _____ performed a wedding ceremony in violation of _____ County Ordinance _____

Factual background.

On _____ The _____ County Board of Supervisors established Ordinance _____ as a cost recovery fee for wedding ceremonies conducted inside a Justice Court facility, See attached ordinance. The ordinance set forth the requirements when conducting wedding ceremonies inside the Courthouse and specifically limited the amount to be charged to the wedding couple, _____ of which _____ was to be transferred to the _____ County General fund as a cost recovery for the use of the facility.

On _____ Judge _____ performed a wedding ceremony inside the _____ County Justice Court facility, _____, at approximately _____ Judge _____ charged the wedding couple approximately \$ _____ to perform the wedding ceremony. This amount far exceeds the required maximum of _____ and Judge _____ failed to remit payment to _____ County for the use of the facility as required by the ordinance.

Prior to submitting this complaint I verified with the _____ County Attorney that any after-hours weddings performed inside the _____ County Justice Court Facility would require adherence to the ordinance and they said yes, specifically the ordinance refers to a facility. The purpose of the ordinance was to capture fees to reimburse the County for any expenses involved in after-hours weddings such as lighting, air-conditioning, security etc. To be outside of the ordinance the wedding would have to be "off campus".

_____ County Ordinance _____ does not list a specific penalty for violating the ordinance which then reverts to _____ County Code _____ which states,

" _____

_____ (Ord. _____ ."

I have included a USB that provides video footage of the wedding conducted on _____ inside the _____ County Justice Court Facility lobby.

Based upon the above factual information I believe Justice of the Peace _____ has violated _____ County Ordinance _____ and has committed an act constituting a Class 3 Misdemeanor.

RECORDER

RECORDER

SEQUENCE: _____

NO. PAGES: _____

PICKUP

ORDINANCE NO.

COUNTY ORDINANCE NO. _____ RECORDED IN
SEQUENCE NO. _____ PAGE NO. _____ IS HEREBY BEING
RE-RECORDED DUE TO A SCRIVENER'S ERROR IN

RECORD

RECORDER

SEQUENCE:
NO. PAGES:

PICKUP

DOCUMENT TITLE:

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF COUNTY, ARIZONA, RELATING TO COST RECOVERY IN THE COUNTY JUSTICE COURT, AMENDING ORDINANCE NO. AS PREVIOUSLY AMENDED BY ORDINANCE NOS. AND BY ESTABLISHING AN ADMINISTRATIVE COST-RECOVERY FEE FOR ADMINISTRATIVE COSTS ASSOCIATED WITH MARRIAGE CEREMONIES.

The Board of Supervisors of County, Arizona, finds that:

1. The County Board of Supervisors is authorized by A.R.S. § to adopt fee schedules to defray the cost of products and services provided to the public by County.
2. The County Board of Supervisors adopted a cost-recovery fee schedule for the County Justice Court in Ordinance No. , and has subsequently amended that fee schedule in Ordinance Nos. and
3. Justices of the Peace have authority to perform marriage ceremonies under A.R.S. Justices of the Peace typically collect a standard marriage-ceremony fee for their time and conduct ceremonies outside normal court hours. County currently does not collect any fee associated with these ceremonies, even though there are administrative costs incurred by County associated with these ceremonies, including staff time associated with scheduling and administration of the ceremonies and overhead expenses associated with the use of Justice Court facilities.
4. It is in the best interest of the County to amend Ordinance No. as previously amended, to provide for a Marriage Ceremony Fee to help defray the costs of providing services associated with marriage ceremonies performed at Justice Court facilities or using Justice Court resources.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF COUNTY, ARIZONA:

Section 1. County Ordinance No. as previously amended by Ordinance Nos. amended as follows:

Section 1. The following fees are hereby established:

9. Marriage Ceremony Fee

A. No fee is charged for any marriage ceremony conducted during regular business hours of Monday through Friday, 8:00 am to 5:00 pm.

B. Marriage Ceremony Fee of _____ is hereby imposed for each marriage ceremony outside of regular business hours conducted by a Justice of the Peace at a Justice Court facility and using any Justice Court resources, in order to defray the costs associated with those ceremonies. \$ _____ of the fee shall be paid to the Justice of the Peace conducting the ceremony as an honorarium.

C. For any marriage ceremony conducted outside of regular business hours and not at a justice court facility and not using any justice court resources, the Justice of the Peace may accept an honorarium.

D. Quarterly, the Justice Court Administrator shall report to the County Administrator the number of marriage ceremonies conducted during the quarter for those marriages conducted under paragraphs A and B above. The report shall include the names of the individuals being married and the Justice of the Peace who conducted the ceremony.

Section 2. Section 5 of Ordinance No. _____ does not apply to the Marriage Ceremony Fee established by this Ordinance.

Section 3. Except as modified by this Ordinance, all the provisions of Ordinance _____ as previously amended, remain in effect.

Section 4. This Ordinance takes effect on _____.

PASSED AND ADOPTED by the Board of Supervisors, _____ County, Arizona, this _____ day of _____, _____.

Chair,

County Board of Supervisors

APPROVED AS TO FORM:

Clerk of the Board

Deputy County Attorney

**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.**