

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-148

Judge:

Complainant:

ORDER

September 22, 2023

The complainant alleged a superior court judge improperly denied a motion to intervene in a civil case along with a subsequent motion to reconsider.

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, Barbara Brown, and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 22, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-148

COMPLAINT AGAINST A JUDGE

Name:

Judge's Name: HON

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.

ALL ATTORNEYS PERMITTED WERE PAID FOR BY (Receiver), Items 2, 3 and 4 of STIPULATIONS (ENCLOSURE 1) APPOINTED AS CONCOMITANT RECEIVERS OF PHASE 1 AND PHASE 2, THE BOARDS WERE ALSO FIRED AND REPLACED BY RECEIVER.

AS HOA BOARD REPRESENTATIVE, PHASE 1 AND PHASE 2 ATTORNEYS WERE PAID BY AND REPRESENTED THE RECEIVER.

LETTER OF CLARIFICATION (ENCLOSURE 3) CONFIRMED THAT FACT ALSO, EMAIL FROM FORMER MEMBER AT LARGE TOLD HIM HE COULD NOT REPRESENT HIM (ENCLOSURE 2)

RECEIVER ADMITTED TO DISOBEYING COURT ORDER LETTER FROM OVERDUE WATER BILL AND TAKING PHASE 2'S MONEY AND TAKING IT TO PHASE 1. ALSO FINANCIALS (ENCLOSURE 4) SHOW THAT PHASE 2 WAS CREDITED AS RECEIVING INSTEAD OF STATEMENT RECEIVER SHOWED PHASE 1 AND 2 ACCOUNT WITH THE 0.60 BALANCE IN PHASE 1 WAS ACTUALLY - ALSO TAKEN

Income - MOSTIN

CONFIDENTIAL

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

FOR OFFICE USE ONLY

COMPLAINT AGAINST A JUDGE

Name: Judge's Name: How

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.

FROM PHASE 2 Regeerby (ENCLOSURE 4), STIPU-
LATIONS (ENCLOSURE 1) ITEM 5C PAGE 3 LINE 18 AND
19
THAT IS WHAT THE RECEIVER did
ALTHOUGH ITEMS 2 AND 3 IN STIPULATIONS
(ENCLOSURE 1) ORDERED CONCURRENT RECEIVERS
RECEIVER ACTED AS IF HE WAS JOINT RECEIVER,
ASSESSMENTS WERE LEVIED FOR IMPROVEMENT
OF ALL, NOT IMPROVEMENT OF EACH. HOW IS
-PUTTING MONEY IN ANOTHER HOA TO RAISE THE
VALUE OF YOURS LEGAL? (ENCLOSURE 5) ALL
HOA dues WAS PUT IN PHASE 1 BANKING ACCOUNT
(ENCLOSURE 6), EVEN THOUGH A RECEIVER
ADMITTED TAKING MONEY FROM PHASE 2 TO PAY
PHASE 1 EXPENSE, JUDGE in REFUSING
INTERVENTION SAID THAT RECEIVER did
NOTHING WRONG. (ENCLOSURE 7)
RECEIVER ALSO IS DOING WORK THAT IS
NOT NEEDED. FALL OF PHASE 2

PAVED THEIR PARKING AREA INCLUDING THE ACCESS
THAT BOTH PHASES USE. THERE APPEARS TO BE
MORE REPAIRS TO PLUMBING IN PHASE 1 THAN PHASE 2.
REDEVELOPER IS PAINTING PHASE 2 BECAUSE HE DOES
NOT LIKE THE COLOR EVEN THOUGH PHASE 2 WAS
PAINTED IN 2021 (PICTURES, ENCLASURE 3)

FINANCIALS (ENCLASURE 4) SHOW THAT THERE IS
NO ACCOUNTABILITY FOR WHERE ASSESSMENTS GO,
PHASE 1 OR PHASE 2 (ENCLASURE 4)

I KNOW THAT REDEVELOPERS CANNOT BE SUED
WITHOUT THE COURTS PERMISSION, BUT DUE TO
THE DELIBERATE THEFT OF PHASE 2 FUNDS TO
SUBSIDIZE PHASE 1 EXPENSES IS EGREGIOUS
ENOUGH TO ALLOW THIS.





**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.**