

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-242

Judge:

Complainant:

ORDER

The Complainant alleged a justice of the peace dismissed a case without affording him an opportunity to be heard through a 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.

After review, the Commission found the judge violated Rules 1.1, Compliance with the Law, and 2.6(A), Ensuring the Right to be Heard, for dismissing a small claims complaint for failure to state a claim when the applicable rules did not provide for a dismissal on this basis, and there was no motion pending that requested a dismissal. While the judge's action was improper, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer regarding his conduct.

Commission members Roger D. Barton, Louis Frank Dominguez, and Regina L. Nassen did not participate in the consideration of this matter.

Dated: December 27, 2023

FOR THE COMMISSION

/s/ Christopher P. Staring
Hon. Christopher P. Staring
Commission Chair

Copies of this order were distributed to all appropriate persons on December 27, 2023.

Members of the Arizona Commission on Judicial Conduct

I understand that being a judge is a difficult occupation but mistakes were made and the sooner those mistakes are corrected the better it will be for everyone. If

never got the info & delivered to their staff when a simple apology from those who failed to deliver it would be good. If he got the info and failed to read it then a sincere apology from judge would suffice.

If he got the info and read it and chose to ignore it then there needs to be some sort of reprimand. I am not asking for a severe punishment but only that he learn from it.

Many defendants claim to be innocent when in fact they are guilty. That is why trials and hearings are held so the facts can be examined.

If I had a legal dispute with my brother and we could not resolve it I could consult a lawyer for advice or I could hire a lawyer to represent me and tell my brother to work out a settlement with my lawyer.

between ^{hired} and patients. They have the full authority to render any verdict they think is appropriate. ^{to handle disputes}

Sincerely ...

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:

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.

This case has two defendants. [] and [] I chose to file a claim against [] first. Thier answer surprised me. I expected them to claim [like [] that [] and [] were two differant drugs. I have explained in the packet that they are in fact the same drug with just a differant manufacturing name attached. [It is ironic that [] labels [] {Exhibit A } as a preferred brand and [] identifies [] {Exhibit B} as a Lower Cost Therapeutic ALTERNATIVE. [] does not claim that [] is the EXCLUSIVE drug for diabetics and that every member of MUST purchase [] and only []] [] has falsely claimed that they are not involved in this dispute but thier lawyer [] has insisted that [] has been hired by [] to adjudicate conflicts between patients and [], a customer representative [] phone# [] for [] verified that [] is responsible for making the decision to deny my claim, and in thier answer they admit that they processed my claim denied my claim, and even promoted a false reason for doing so. Why would [] require me to send my APPEAL to [] if they are not involved? If [] wants to claim that they are doing exactly what [] has hired them to do then give us a copy of thier contract and highlight those portions that instruct them to ONLY DELIVER paperwork from [] to patients and to defend and support [] when [] denies authorization for life-saving drugs in an emergency. [] was hired not to exclusively lower costs but also to make certain that patients who need medication [diabetics, people with severe allergies or a heart condition or a snake bite etc.] can get the drugs they need. [] can not do []'s job for them but when they condone and support bad policies that could result in serious complications or even death they become co-conspirators or collaborators. They have failed miserably to do the job they were hired to do which is to assist [] in properly caring for patients. If [] had done what was right they would not be sued. Hypothetically if when I needed [] while visiting [] the pharmacy had [] I would have purchased it with my normal copay and [] would have contributed thier normal copay [approximately as near as I can guess] instead the pharmacy only has the alternative [] and I am asked to pay the full cost of the drug while [] pays ZERO. Fortunately I could afford it but others may not be able to and could die. Am I responsible that the in-network pharmacy does not have the drug. I would not be able to get away with this without the help of [] I submitted about [] pages of evidentiary content to [] and he either never got it or never read it or chose to ignore the evidence it contained. Not only does it prove that [] and [] are the same drug but it exposes the countless lies that [] and [] have told. He never held a hearing he simply ruled that the defendant was innocent because he said so and the evidence did not matter. Every judge is obligated to make a reasonable attempt to ascertain the facts of a case before making a ruling.

Rule 2.6



MedPerform – Preferred Drug List (PDL)

Exhibit A

PDL DRUG CATEGORY	GENERIC	PREFERRED BRAND	NON-PREFERRED BRAND	EXCLUDED
		Ozempic Rybelsus Trulicity Victoza		
INSULINS, RAPID-ACTING		Humalog Lyumjev	Afrezza	Admelog Apidra Fiasp insulin aspart (authorized generic) insulin Lispro (authorized generic) Novolog
INSULINS, SHORT-ACTING		Humulin		Novolin
INSULINS, LONG-ACTING		Levemir Semglee (yfgn) Tresiba		Basaglar Insulin degludec Insulin glargine (yfgn) insulin glargine, hum.rec.anlog (authorized generic) Lantus Toujeo
INSULIN (LONG-ACTING) AND GLP-1 AGONIST COMBINATIONS		Soliqua Xultophy		
DIABETIC SUPPLIES		Abbott diabetic supplies (Precision, FreeStyle, FreeStyle Neo) BD insulin syringes BD pen needles		All non-Abbott manufacturers of diabetic test strips and meters All non-BD insulin syringes All non-BD pen needles
ENDOCRINE				
ANDROGENS	me-testosterone testosterone cypionate testosterone enanthate testosterone gel testosterone solution		Androderm patch Kyzatrex Methitest Striant Tlando Xyosted	Natesto Jatenzo
ESTROGENS/ESTROGEN MODIFIERS	estradiol gel estradiol patch estradiol/norethindrone estropipate medroxyprogesterone norethindrone ac-eth progesterone, micronized	Combipatch Crinone Duavee Premarin Premphase Prempo	Bijuva Cenestin Climara Pro Elestrin Enjuvia Imvexxy Prefest	Estring Estrogel Femring Intrarosa Menest Osphena
FERTILITY AGENTS (IF COVERED)	cetorelix	Endometrin Gonal-F Menopur Novarel Ovidrel	Chorionic gonadotropin Crinone Follistim AQ Granirelix Pregnyl	
ELECTROLYTE REGULATION		Lokelma	Veltassa	



CHART 1.
Your prescriptions for covered Part D drugs

	Plan paid	You paid	Other payments (made by programs or organizations; see Section 3)	Drug Price & Price Change
<p>34 day(s) supply Lower Cost Therapeutic Alternative(s):</p>				0.00%
<p>90 day(s) supply Lower Cost Therapeutic Alternative(s):</p>				0.00%
<p>TOTALS for the month of</p> <p>Your "out-of-pocket costs" amount is (This is the amount you paid this month () plus the amount of "other payments" made this month that count toward your "out-of-pocket costs" (). See definitions in Section 3.)</p> <p>Your "total drug costs" amount is (This is the total for this month of all payments made for your drugs by the plan () and you () plus "other payments" ().)</p>	(total for the month)	(total for the month)	(total for the month)	Not Applicable

Exhibit B

I am not familiar with how our small claims court system works but when I called the court I was told that I could submit evidence to bolster my case. If this communication is ⁱⁿ any way inappropriate I am sorry.

On pages # 2 & 9 ^{#9} rightly claims that they are a third party, separate company that processes prescription drug claims. They have the authority to rule for or against me or is the independent reviewer mentioned on page 6. Neither

nor have told me how to pursue a further appeal which is why I filed in court. To use an example, if a tax services company filed a false tax return that claimed a taxpayer owed for less than he actually did then that tax services company can be held liable for their actions {page 9} so a benefit services company can be held liable for making false statements that deny a patient the legal and moral benefits he is entitled to. In a phone conversation with

{Attorney} for and on page #1 they falsely claim that they are not processing prescription drug claims but are "only" sending a notice of a decision or determination made by it is completely illogical for them to claim that they are like or and that their only involvement is as a delivery service to take a decision made by put it

waffled back and forth on what

responsibility was.

**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.**