

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-378

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Judge:

Complainant:

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**ORDER**

March 1, 2024

The Complainant alleged a justice of the peace had pre-determined the decision in a traffic ticket case.

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 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 March 1, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2023-378

**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 \_\_\_\_\_, I received a parking citation for backing into a parking space in downtown AZ. I contacted the court on \_\_\_\_\_ at \_\_\_\_\_ per the citation and was subsequently scheduled for \_\_\_\_\_ at \_\_\_\_\_ hrs.

I conducted some research and spoke with the traffic engineer, police department and researched city ordinances. I found (and confirmed with the police department) that there was a software programming error on their tablets that they officers use to issue citations. It was not previously noticed by any of the police officers nor judge that adjudicates these citations.

Upon notifying the civilian police parking enforcement individual that their system was issuing citations under an incorrect and irrelevant ordinance, I was ignored so I took it before the judge.

Judge \_\_\_\_\_ found the gentlemen in front of me responsible for his citation for the exact same thing, though he provided adequate evidence that the wrng ordinance was being applied in the citations. He stated he had to pay the \_\_\_\_\_ and asked him if he could pay that day and then dismissed him from the courtroom.

When it was my turn (very next person), I pulled out my folder of evidence and told the judge the same thing and also showed him written evidence that the city was incorrect. I further explained to him that the officer was incorrect and I had spoken to his supervisor about retraining the department on using the correct ordinance moving forward.

Even after hearing irrefutable evidence proving that the city was wrong and that the ordinance was incorrect, the judge told me to get the law changed with the city council and held me responsible for the citation. I explained that he was in the wrong and he agreed to re-open the issue for the previous person ( \_\_\_\_\_ ) and then continued the case for \_\_\_\_\_ days until \_\_\_\_\_ at \_\_\_\_\_ hrs.

The judge basically refused to listen to the evidence and had a demeanor that he was correct and was not going to be proven wrong, nor was the parking attendant / police department employee.

The judge, in a nutshell made me feel as if he was gambling with me - he stated I had \_\_\_\_\_ days to have the city council change the law or I had to pay the \_\_\_\_\_ + an added \_\_\_\_\_ admin fee. In order to prove my point, I agreed to the \_\_\_\_\_ day continuance (he also recalled \_\_\_\_\_ case for the same date).

I left the court and emailed our police chief and recived a call from our assistant chief within an hour. I explained it to him and he said that yes, this should have been dismissed and he has no idea why the police employee and judge did not dismiss it. He agreed to speak with and retrain the department and stated he would personally contact the judge to dismiss the citations.

On \_\_\_\_\_, I was called by the assitant police chief again. He stated that the problem arose from the mis-programming of their city issued tablets and it was using the incorrect ordinance. I was proven correct. He thanked me for bringing this to their attention so it could be fixed.

I will still show up to court on \_\_\_\_\_ as the police chief stated he was unable to do anything after they already go to court.

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It is my opinion, as a local business owner, Veteran and educated person that the judge failed to properly listen to the evidence and had a pre-determined decision in his mind, completely ignoring any and all evidence presented to him.

Ipso facto, I had to continue to defend myself from what is a bogus parking citation. I mentioned to the judge that the city is unjustly enriching their coffers through his decisions and their failure to use the correct ordinance when issuing citations. This is when he told me to get the law changed in days or I would be paying.

I believe that the judge is unprofessional and should listen better. I understand that he likely has people that try to persuade him daily but if he would have listened, he could have properly executed his duties as an elected official. Unfortunately, even after presenting evidence that proved my position as correct, he chose to act unprofessional and treated myself and as if we were pawns in a game that he chose to engage in.

It is unfortunate that this has taken days of my time in order to identify, bring attention to and resolve a problem that the city and justice court have failed to research and identify on their own. The main problem is that the judge failed to listen, which caused him to improperly adjudicate this case.///

17 cc.  
#6 Pages/documents follow this page.

COURT

CITY PROSECUTOR Plaintiff	Case No:	HEARING NOTICE-CIVIL TRAFFIC
Vs	Complaint No:	
Defendant		

The Defendant having provided reasonable cause to contest the charges and current statuses. The Court will Continue the hearing to allow the Defendant time to challenge City Code.

The Defendant is to provide proof to the Court that their challenge is processed, and if code changes are in order.

If proof is not provided the fines will be imposed on the Defendant.

This matter has been scheduled for Civil Hearing on \_\_\_\_\_ at \_\_\_\_\_ in **COURT ROOM**

By scheduling a civil hearing you give up your right to attend defensive driving school and if you fail to appear a default judgment will be entered.

Pursuant to Rule 11, Rules of Procedure in Civil Traffic violation Cases, if an attorney is retained, the attorney's Notice of Appearance must be filed with the court at least 10 days prior to the hearing date. Failure to file a Notice of Appearance in a timely manner constitutes a waiver of defendant's right to counsel.

If you are found responsible all fines and fees are due on the date of sentencing.

If you fail to appear on this date and time, a default Judgment will be entered against you, and your case may be referred to a collection agency.

**IT IS YOUR RESPONSIBILITY TO BE AWARE OF ALL FUTURE COURT DATES SHOULD ANY SCHEDULED MATTER BE CONTINUED, YOU MUST CONTACT THE COURT OR YOUR ATTORNEY TO GET THE NEW DATE.**

**Please notify the Court of any change of address in order to continue receiving court notices.**

Please contact the court if you need special accommodations (such as assistive devices, interpreters, etc.)

Date:

Judge Name:

Judge Signature:

Why do I have to get the law changed when the citation was the incorrect ordinance and the PD'S tablet is programmed incorrectly?

IN THE JUSTICE/CITY COURT

STATE OF ARIZONA

)  
Plaintiff, )

NO.

vs.

)  
Defendant, )

**CIVIL JUDGMENT AND  
CIVIL SANCTION ORDER**

Appearances: State: \_\_\_\_\_ Defendant: \_\_\_\_\_

**JUDGMENT AND ORDERS**

Charge A. 9-1-12 Miscellaneous Parking

Finding:  Responsible  Not Responsible  Default  Dismiss with/without prejudice

Sanction: \$ \_\_\_\_\_.

Other \_\_\_\_\_

Charge B. \_\_\_\_\_

Finding:  Responsible  Not Responsible  Default  Dismiss with/without prejudice

Sanction: \$ \_\_\_\_\_.

Other \_\_\_\_\_

**PAYMENT ORDER**

The Defendant is ORDERED to pay \$ \_\_\_\_\_ today by \_\_\_\_\_ at the address above.

*Requires me to  
get code changed*

The Defendant is ORDERED to pay \$ \_\_\_\_\_ + Time Fee in the following manner:

\$ \_\_\_\_\_ today with monthly payments of \$ \_\_\_\_\_ due on the \_\_\_\_\_ of each month

Balance of \_\_\_\_\_ to be paid in full by \_\_\_\_\_

Bond/Deposit \$ \_\_\_\_\_ - Bond \_\_\_\_\_ Forfeited \_\_\_\_\_ Exonerated \_\_\_\_\_ Used to Pay Fine

Collection costs may be added for all balances referred to collection agencies. Non-payment of a fine may result in a suspension of your driver's license. A copy of this Order was given/mailed to the Defendant.

DATE

Magistrate/Judge

*Cont to*

*to provide proof of  
city parking  
code changes.  
to get me change this*

MUNICIPAL COURT

CITY PROSECUTOR Plaintiff	Case No.	HEARING NOTICE-CIVIL TRAFFIC
Vs	Complaint No:	
Defendant		

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Date:

Judge Name:

Judge Signature: 

Defendant Signature: 

**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.**