

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-038

Complainant: No. 1411710308A

Judge: No. 1411710308B

ORDER

The complainant alleged that a superior court judge was rude and made incorrect decisions. After considering the allegations and listening to the recordings of the hearings, the commission found insufficient evidence of ethical misconduct on the part of the judge to justify further investigation. The recording revealed that the judge's statements were firm but his tone was not rude or improper. Whether the judge ruled correctly is a legal issue outside the jurisdiction of the commission. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: June 29, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on June 29, 2011.

This order may not be used as a basis for disqualification of a judge.

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

Complaint Regarding: The improper, unprofessional and unethical behavior and conduct of Judge _____ while presiding over an Oral Argument in the Superior Court of the State of Arizona, County of Maricopa, February 1, 2011, Case Number CV 2010-_____,
 vs.

In the aforesaid Oral Argument, I, _____, represented myself as the Countercomplainant and Cross-Complainant. Attorneys Jennifer E. Wiedle and Randy L. Kingery, represented _____ and _____ respectively.

It was my understanding that the purpose of the Oral Argument, a motion filed in the Court by Mr. Kingery and granted by Judge _____, in addition to discussing the granting or refusal of all Motions filed in the court by Countercomplainant and Cross-Complainant and Counterdefendant and Cross-Defendant, was to give both parties an opportunity to discuss all factors relating to the case. **This discussion, it was my understanding, was to include my position that to date _____ Plaintiff; and Gurstel, Staloch & Chargo, P.A., had never produced any evidence to prove that there was even was a case.** For that reason, I had claimed numerous times in motions filed in the Court prior to the motion was submitted to the court by the Cross-defendant for an Oral Argument, that the case was null and void, hence, fraudulent.

The evidence I was requesting and that, to date, has never been supplied by any party involved in this lawsuit, was a certified copy of a wet ink counter-signed contract between

and , and proof that CAPITAL ONE BANK had in fact opened an account in the name of and actually deposited the amount of alleged credit awarded to ADLER in that account. It is my contention that the only activity that ever happened on the part of CAPITAL ONE BANK after receiving my signed Pre-Application for a Credit Card converted to a Promissory Note, was a computer "blip" that allowed CAPITAL ONE BANK to use my name, my property, as an asset upon which to loan alleged credit to others.

None of the issues of this case were even mentioned during the Oral Argument by Judge . The substance of the case itself was never brought forward nor was it discussed by anyone except me, when I read into the Record, for the Record, a summary of the case that included numerous citations as precedence and validity supporting my contentions that the case was fraudulent and therefore void on its face.

This complaint is based on the fact that presiding Judge :

1) Chose not to adjudicate on the substance of the case itself, but rather, on court procedural rules—a judgment based on form instead of substance; and

2) Breached his Oath of Loyalty and Oath of Office by exhibiting unethical, unprofessional and improper conduct as per the State of Arizona Code of Judicial Conduct, Canons 1 and 2; including but limited to:

a) bullying, degrading and derogatory remarks directed toward me and captured on my digital recorder as evidence¹

¹ Judge attempted to discourage from making her own recording. [Patronizing and condescending tone of voice]. This, followed by the Judge's remark: "Our recording is more accurate than your little [tape] recorder."

Then: "I'm going to let you argue your points. I don't think I'm interested in hearing a one hour redo from you of material that you have here. You are certainly welcome to file your documents, which you said you have an extra copy, and I'm certainly more than willing to read them. But can read them much better than listening to them... are you willing to just file your copy?"

- b) unmistakable display of conflict of interest, verified to me afterward by the five (5) witnesses present, and further verified by notarized affidavits from two (2) of the witnesses, and
- c) trespass on the case and upon my property.

It was evident to me and to five other witnesses present, as expressed to me afterward, that Judge had no intention of adjudicating on this case because he had already made his rulings before the Oral Argument even began.

This is conspiracy of the first order, in addition to deliberate perpetration of fraud as outlined in my document read that day into the Record for the Record, and referred to during the Oral Argument as "quackery" and "nonsense."

The charges against the Judge are listed in the attached copy of the Notice of Appeal that as filed in the Superior Court February 7, 2010. I am also attaching two (2) Affidavits from witnesses who attended the Oral Argument.

I respectfully request that your Commission treat this matter with the gravest concern.

"I'm going to ... this is quite frankly, Ma'am... is quackery. You filed a lis pendens on Texas against the State of Arizona. That's fine, they took your 30 dollars and they're happy to take your 30 dollars. I'm going to let you respond to their motions. I'm not going to require the court reporter to listen to you. I will excuse my staff I will sit here while you read this nonsense into the record."

"I'll sit here and listen to all of it, but I'm not going to make the lawyers do it because, quite frankly, they have a right to make a decent living with other stuff. And I've said my piece."

"Mr. Kingery, your motions have been submitted, and Ms. Wiedle, you don't need to have any response..." "We are now off the record." [To Mr. Kingery on the phone] "Next time I'm going to make you come down..."

I am confident that the members of your Commission, as representatives of the people, for the people, will not permit yourselves to be co-conspirators with Judge
and the attorneys representing the aforementioned
entities.

As a citizen of the State of Arizona, I demand justice in the Courts.

Respectfully yours,