

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-049

Complainant: No. 1436410569A

Judge: No. 1436410569B

ORDER

The complainant alleged that a superior court commissioner did not give her an opportunity to present her case, accepted false evidence, and relied on opposing counsel to help her conduct the hearing.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant and various electronic court records, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. The commission does not have jurisdiction to investigate the legal sufficiency of the commissioner's ruling. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: March 21, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on March 21, 2012.

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

2/14/12

On 1/17/12 at the NE Courthouse, I had a Child Support Hearing in front of Comm. At that hearing was the attorney for the state, Carol Park. Comm. did not comport herself in a manner that respected the position that she holds. Comm. did not make the decisions in the case, instead choosing to abdicate her role to Carol Park. A role that Carol Park is not allowed to take on.

During the course of the hearing, Comm. refused to acknowledge evidence I had brought that the opposing party, Adam James with counsel Judy Morse, had manufactured and falsified evidence they provided in determining child support with regards to day care expenses.. Comm. refused to apply the same rules of evidence to the opposing party that she applied for me. Comm. refused to listen to my arguments and sought answers from Carol Park. When I attempted to explain to Comm. that Carol Park provided false information in the previous hearing (June 2011) regarding my salary, Comm. refused to hear me out.

The basis of proof that the opposing party provided for day care expenses has been discredited by Judge Gerald Porter and the opposing party has been ordered to provide me copies of receipts for the day care costs that I am being charged for with my child support. The very fact that I have had to file a motion to compel, and that motion has been upheld, should have told Comm. that Carol Park was misinforming her and that the opposing party has never provided proof of the day care expenses that we were arguing about.

I brought pay stubs to the hearing to prove that Carol Park had erroneously assigned child support against me on the basis of two jobs that totaled in excess of 60 hours a week for most of the time she was basing her calculations on. Comm. refused to look at any of my documentation. If Comm. had even glanced at any of my pay stubs, she would have seen that based on employment of \$9 and \$10 an hour jobs, the only way that I could have an income averaging \$2777 a month would be to work in excess of 40 hours a week.

I believe that Comm. relied on Carol Park to act as the Commissioner in this case. Comm. refused to act as the Commissioner and even asked Carol Park when I was allowed to address the issue of child support again. Carol Park has deliberately misinformed the court regarding my income, however it is Comm. responsibility to listen to the facts, look at all the evidence and make a decision based on her knowledge, training and experience as a Commissioner. Comm. did not do any of these things.

I am attaching copies of the spreadsheet I have created to show that I am working in excess of 40 hours a week, with the exception of the first two weeks on the spreadsheet, the two weeks in August that I transitioned between jobs. I can also provide copies of pay stubs for Olive Garden and H & R Block, if needed. I did provide the copies of pay stubs for Comm. however she refused to look at my documents. This was all that Comm. had to do, just look at the documentation that I had brought with me, yet she refused.

Thank you,