

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 17-187

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge was biased against him, engaged in improper demeanor, and made improper rulings in a custody proceeding.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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 review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission approved sending an advisory letter to the judge reminding him of his obligation under Rule 2.8(B) at all times. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Commission members Roger D. Barton, Peter J. Eckerstrom, Art Hinshaw and Diane M. Johnsen did not participate in the consideration of this matter.

Dated: November 13, 2017

FOR THE COMMISSION

/s/ Louis Frank Dominguez  
Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were distributed to all appropriate persons on November 13, 2017.

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

**I understand the commission cannot reverse court orders or assign a new judge to a case.**

**I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**INSTRUCTIONS**

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

A large, empty rectangular box with a thin black border, occupying the central portion of the page. It is intended for a signature or stamp.

## Judicial Injustice

### Rulings of past that worked versus present rules that insure parental isolation against me.

(The day before the first child support hearing) The petitioner filed a falsified protective order against me for alleged events that occurred in [redacted] on [redacted]. Among other things, she claimed that I choked her. Judge [redacted] held a hearing [redacted]. I had to appear by phone because of logistics with only [redacted] notice of the hearing. No evidence was presented at that hearing and Judge [redacted] stated in open court that he was concerned " [redacted] " put forth, and he would leave the protective order in place in regards to the petitioner but not the child until a proper evidentiary hearing could take place and evidence could be presented. No evidentiary hearing has ever taken place! Judge [redacted] also put into place orders that stated that the petitioner " [redacted] ". The only exception would be an emergency such as a death in the family.

In the [redacted] parenting time hearing Judge [redacted] ruled that since [redacted] left the protective order in place then he had to **assume** that it was validated. A proper evidentiary hearing has never been heard and during the [redacted] hearing, while the Petitioner was giving her account of that incident, she left out the part of me choking her as she alleged in her filing of the original protective order. This was pointed out in my cross examination by the Petitioner's counsel but [redacted] ignored this fact and left the protective order stand against me.

The Petitioner refused to allow me to visit [redacted] after she filed the falsified protective order in [redacted]. I didn't see [redacted] in [redacted] and [redacted] until [redacted] made it a rule that she let me have visitation. Judge [redacted] made the following concessions for me to be able to visit [redacted] ruled that I was to give the Petitioner [redacted] notice of my planned visitation and the Petitioner must make the child available for my visit. [redacted] changed that in a parenting time hearing in [redacted] to now say I must give a [redacted] notice and the Petitioner can reuse my request for ANY REASON. [redacted] refuses to give any reasoning as to why he changed it. [redacted] has further changed that order in a hearing for the Petitioner to be held in contempt and enforce my parenting time in [redacted] to the following; I must make my visitation proposal with listed exact times and dates of pickup and return [redacted] in advance and the Petitioner can refuse my proposed dates for "**ANY**" reason. I must then propose a second set of dates and times and the Petitioner can again refuse them for any reason. I must then propose a third set of exact times and dates and if she refuses the third set then my only course of action is to petition the court for " [redacted] ". I cannot even hold her in contempt. The Petitioner is to answer my requested dates and times yes or no with a reasonable explanation. This ruling insures parental isolation. It makes no concessions for my work schedule or any requirements in my life while giving the petitioner complete control as to whether I get to see [redacted] or not for *any* reason. I visited [redacted] I visited [redacted] and so far in [redacted] the Petitioner has refused to allow me to visit [redacted] due to the [redacted] rule, refuses to agree for me to

exercise my second court ordered visit and has already informed me that I cannot have dates that I have available due to my work schedule.

order of protection hearing; Judge ordered that the Petitioner must answer my request for visitation dates within . This order has never been addressed or changed by any proceedings therefore it should remain in effect to present day. has completely ignored my request to enforce this rule and refuses to make the Petitioner answer my request at all. I requested visitation dates for the entire calendar year of and but the Petitioner and her counsel have both refused to respond with the court ordered ' ' answer to any month other than which they answered no and the reasonable explanation is that " ". So, " " in the eyes of court has been upheld as a reasonable explanation and thus I did not get visitation with He has also denied any and all attempts to enforce my parenting time of that he ordered me to receive and he has ruled different times that I do not get any make-up time.

From Judge ruling in to ruling on Parenting Time in , I visited ; with the Petitioner refusing to allow more. From to I visited for a total of ' and both times the petitioner allowed visitation was because we were in court the day before my visitation was to start so the court ordered her to let me have the child. The Petitioner did not allow me to visit in or and I pointed this out in open court on but ruled that it was all my fault that I missed my visits and refused to even address letting me make up my lost time.

For the calendar year of I received a total of of my court ordered of visitation but again refused to allow any make-up time with his ruling on a petition to enforce my parenting time on . And again he cited that it was my fault for missing my visitation and therefore no make-up time will be allowed.

law regarding parenting time states that it is in the best interest of the child that any missed visitation time with the non-custodial parent is " . I received in and in . The petitioner has used the notice rule to not allow visitation in and refused to allow me to have visitation over the even though I have not had the child for any holiday in entire . Her excuse for is " ' .

#### Orders:

One has to look no further than the ignorance of the visitation orders that have been put into place during hearings to find that he is incompetent, completely biased and has no concern for the best interest of the child!!

Hearing on Temporary Legal Decision Making Authority/Parenting Time. orders "Joint" legal decision making in full knowledge that a temporary protective order was left in place by judge [redacted]. The Petitioner was not present at the beginning of the hearing but when she showed up [redacted] later the court had already made its ruling. [redacted] then stopped the hearing and explained everything to the Petitioner allowing concessions for her because she claimed that she was unaware of court proceeding protocol. He refused me the same courtesy at a hearing to hold the Petitioner in contempt on [redacted] and held me to the standards of a licensed attorney. Complete judicial Bias

[redacted] ordered that I get [redacted] visitation in the month of [redacted]. Petitioner then refused to answer my request for dates in [redacted] pursuant to the order to respond within [redacted] and I lost my visitation for that [redacted] made concessions for Petitioner during the subsequent Order to enforce parenting time hearing in [redacted] and would not hold her accountable for refusing to answer my request for [redacted] dates. Nor did he allow any make-up days for the time I lost due to the Petitioner's negligence.

[redacted] ordered that my visitation must take place in [redacted]. I do not live [redacted] for my visitation and alienating the child from his home and family and doesn't allow him to be in his safe, stable environment. The [redacted] guidelines and all studies of child psychology specify that a child should be provided a safe, stable and familiar environment for development. This cannot be provided if I have to [redacted]. Here [redacted] completely ignores the best interest of the child.

[redacted] ordered in [redacted] that I am to receive [redacted] r [redacted]. The Petitioner did not comply with this ruling for the following [redacted] and [redacted] refused to enforce it or allow make-up time.

NOTE; no reference to this point for the Petitioner having a [redacted] response time for visitation request, [redacted] prior notification of intended visitation dates, nor the "[redacted]" orders were addressed or even discussed so they should remain in effect.

**Resolution Management Conference.** Since Petitioner refused to give me dates for [redacted] makes concessions for her and orders to reset the visitation schedule beginning with [redacted] instead of [redacted] So I loose visitation and there are no concessions to make it up.

Previous orders stated that I was to have [redacted]. The Petitioner did not allow these sessions to begin in defiance of orders and then cut them off before the [redacted] every time she did allow me to [redacted]. Some only lasted [redacted] refused to acknowledge any wrong doing by Petitioner and made concessions in the Resolution Management conference on [redacted] by ordering the [redacted]

**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.**