

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-101

Judge:

Complainants:

ORDER

July 24, 2019

The Complainant alleged a justice of the peace issued erroneous rulings.

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 Rules 16(a) and 23(a).

Copies of this order were distributed to all appropriate persons on July 24, 2019.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019-101

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 was the first case that the newly elected _____ presided over.

We were scheduled to appear on _____ before Judge _____ on a charge of failure to pay the final amount due on a contract with a building contractor who remodeled part of our house. It was our contention that the work was not to standard, not finished on time, and not finished at all.

On or about _____ we requested an extension for this hearing, after we found out that we could have an inspection done by the _____ we believed the _____ would find in our favor and that this would be relevant to our case. (We previously knew about the _____ but not the inspection program.)

Judge _____ denied our request for an extension, saying it would take too long and would tie up his calendar. He eventually ruled against us and ordered us to pay the disputed amount of \$ _____ and attorney fees of over \$ _____

We were able to schedule a _____ visit to our house, which resulted in the findings in our favor on complaints. In other words, the inspector found the contractor's work not up to minimum standards in _____ of _____ areas (see attached). We believe that if we had been allowed the extension, that Judge _____ would have had to decide the case differently. We never had a problem paying for the work to be done, we were only withholding payment in an effort to correct egregious mistakes, which we took pictures of and presented information to support our case.

Our complaints are:

- 1) Judge _____ should have allowed us an extension to collect needed verification of shoddy work.
- 2) Judge _____ should have reviewed the attorney bill for the defense more thoroughly. It is unreasonable in our opinion to have to pay \$ _____ attorney fees on a \$ _____ case.

BUILDING CONFIDENCE PROGRAM

Property Owner: _____

Contractor: _____

Case No.:

Investigator:

Inspection Date:

Inspection Time:

BUILDING CONFIDENCE PARTICIPANTS

Here are some things you should know about the

Building Confidence Program:

This visit is performed as a service to the public in an informal attempt to address questions that might involve construction workmanship. A completed copy of this notice will be mailed to the contractor and the property owner within five days after the inspection. No further written reports will be sent nor will the inspector perform any follow up calls after this Building Confidence visit.

If the items in question do not meet workmanship standards and the contractor does not resolve those items, it may be necessary for you to file a formal complaint. You can call us at any of our locations throughout the state or check our website at _____ for information concerning filing a complaint.

Taken by: _____ Dat _____ Assigned Inspector: _____

Visit Requested by: _____ Can Contractor Be Present? _____

Date Contractor Completed the Work: _____ Date Contractor Last Performed Work: _____

Date of Contract: Click or tap to enter a date. Date of Move-in: Click or tap to enter a date.

BUILDING CONFIDENCE PROGRAM

This is the only written notice you will receive of this visit. The findings in this notice represent the opinion of the assigned inspector, and are based on information and conditions present at the time of jobsite visit.

In the future, should you file a formal complaint, it may be assigned to a different inspector.

The following item(s) were addressed by an _____ indicates the work either meets or does not meet

Inspectors shall initial and check the box which Workmanship Standards for each item.

Newly Built wall in laundry room leaks when it rains.

Meets Workmanship Standards Does NOT Meet Workmanship Standards

Living room chimney cap left exposed.

Meets Workmanship Standards Does NOT Meet Workmanship Standards

Numerous seams in sheetrock throughout entire house.

Meets Workmanship Standards Does NOT Meet Workmanship Standards

Vanity light in master bathroom not centered.

Meets Workmanship Standards Does NOT Meet Workmanship Standards

BUILDING CONFIDENCE PROGRAM

Pocket doors not leveled, latch does not catch, poorly installed.

Meets

Workmanship Standards Does NOT Meet

Workmanship Standards

Heating and air conditioning does not work properly.

Meets

Workmanship Standards Does NOT Meet

Workmanship Standards

Master bedroom ceiling repaired not re painted.

Meets

Workmanship Standards Does NOT Meet

Workmanship Standards

Window latches scratch windows.

Meets

Workmanship Standards Does NOT Meet

Workmanship Standards

Master bathroom splattered with spackle after newly painted.

Meets

Workmanship Standards Does NOT Meet

Workmanship Standards

BUILDING CONFIDENCE PROGRAM

Porch roof still leaks, no plywood under corrugated metal sheeting.

Meets

Workmanship Standards Does NOT Meet

Workmanship Standards

Venting on heating and air conditioning unit fell off.

Meets

Workmanship Standards Does NOT Meet

Workmanship Standards

Heating and air conditioning unit door has huge gaps, wont shut.

Meets

Workmanship Standards Does NOT Meet

Workmanship Standards

Heating air conditioning unit misplaced outside.

Meets

Workmanship Standards Does NOT Meet

Workmanship Standards

Meets

Workmanship Standards Does NOT Meet

Workmanship Standards

**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.**