

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-349

Judge:

Complainant:

ORDER

March 4, 2021

The Complainant alleged a superior court judge had a conflict of interest in handling his divorce 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 Joseph C. Kreamer and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 4, 2021.

20-349

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.

COMPLAINT - Violation of conflict of interest under A.R.S. §§ 38-501 to -511 as listed in Chapter 8: Conflict of Interest in the Arizona Attorney General Agency Handbook, and are married and have a pecuniary, financial, personal, and professional relationship creating bias.

(1) - Judge _____ signs a Financial Disclosure Statement in the _____ stating: " _____ " Within the Statement, Judge _____ lists " _____ (aka _____) _____ under NAME OF PUBLIC OFFICER OR MEMBER OF HOUSEHOLD OWNING THE BUSINESS. The NAME AND ADDRESS OF BUSINESS is " _____ . Both " _____ " and " _____ boxes are checked under the box heading: CHECK THE APPROPRIATE BOX IF THE BUSINESS IS "CONTROLLED" BY OR "DEPENDENT" ON YOU OR A MEMBER OF YOUR HOUSEHOLD on page 9 of Judge _____ Financial Disclosure Statement. Additional references linking Judge _____ and _____ pecuniary, financial, personal, and in self-dealing interests are throughout the document.

(2) - _____ (_____) company " _____ represents the City of _____ in Case No. _____ , charges Defendant, _____ with a violation of A.R.S. 13-2904(A)(2) - Disorderly Conduct - Unreasonable Noise from a _____ incident.

(3) - _____ serves the City of _____ with a NOTICE OF CLAIM for _____

(4) - Judge _____ delivers the DECREE OF DISSOLUTION OF MARRIAGE clearly skewed against Defendant, _____ for Plaintiff, _____ who used _____ case to discredit Defendant stating: Page 4: point 11 - Father pled guilty to ARS 13-2904.A2, Disorderly Conduct (unreasonable noise) as a result of the incident in _____ / Page 4: There are allegations of domestic violence/neglect. Mother further asserts... Father... put (son) in a chokehold / Mother also asserts Father would make the children throw up. Page 5: _____ has alleged that _____ has committed domestic violence. / Page 6: _____ has alleged that the other party has abused drugs or alcohol or was convicted of the offense. / Page 4: It is concerning that Father accepts no responsibility for any wrongdoing / Neither party intentionally misled the court. / Page 12: Father was a stay at home dad for the last _____ / _____ is entitled to an award of spousal maintenance / Page 14: _____ shall pay _____ spousal maintenance / \$ _____ per _____ for _____ / Page 20: THE COURT FINDS that there is substantial disparity of financial resources between the parties. Because of the disparity _____ has considerably more resources available to contribute toward _____ attorney fees and costs. / THE COURT FURTHER FINDS that _____ and _____ did not act unreasonably in litigation. THE COURT FURTHER FINDS that neither _____ nor _____ knowingly presented a false claim, knowingly accused the other parent of making a false claim... such that an award of an attorney fees and costs is appropriate / IT IS THEREFORE ORDERED denying _____ and _____ request for attorney fees and costs. Signed and dated by Judge _____ on _____

CONFIDENTIAL

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

FOR OFFICE USE ONLY



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.

(5) - Arizona Handbook (Revised)

8.2 The Arizona Conflict of Interest Laws. Arizona law requires a public officer or employee who has a conflict of interest to disclose the interest and refrain from participating in the manner:

8.2B. Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

ARS 38-503.

8.2.1 Purpose of the Conflict of Interest Laws. "The object of conflict of interest statutes is to remove or limit the possibility of personal influence which might bear upon an official's decision." *Yetman v. Naumann*, 16 Ariz. App. 314, 317, 492 P.2d 1252, 1255 (1972). Arizona's conflict of interest laws serve to prevent self-dealing by public officials. *Maucher v. City of Eloy*, 145 Ariz. 335, 338, 701 P.2d 593, 596 (App. 1985). The financial interests of public officers or employees must not conflict with the unbiased performance of their public duties because "one cannot serve two masters with conflicting interests." *Id.* Public officials should avoid situations where their professional or financial concerns might conflict with the unbiased performance of the duties. *Id.*; see generally *United States v. Miss. Valley Generating Co.*, 364 U.S. 520, 549, (1961) ("The statute is thus directed not only at dishonor, but also at conduct that tempts dishonor. This broad proscription embodies a recognition of the fact that an impairment of impartial judgment can occur in even the most well-meaning men when their personal economic interests are affected by the business they transact of behalf of the Government.").

Appendix: All referenced documents are included and numbered.

- (1) Arizona Financial Disclosure Statement, Judge ()
- (2) Court, Complaint, & ()
- (3) Notice of Claim, City of ()
- (4) Decree of Dissolution of Marriage, Judge p.1, 4, 5, 6, 12, 14, 20, 24 ()
- (5) Revised Arizona Handbook, Ch. 8 p, 8-1, 8-2, 8-13 ()

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FINANCIAL DISCLOSURE STATEMENT
(For use by all Public Officers and Candidates in the State of Arizona)

Name of Public Officer or Candidate: _____

Business, Residential or Mailing Address: _____

Public Office Held or Sought: _____
Judge

District / Division # (if applicable): _____

Please select the appropriate box that reflects your service for this filing year (double-click the box and change the default value to "checked"):

- X I am a **public officer** filing this Financial Disclosure Statement covering the _____ of calendar year _____ and am filing this Financial Disclosure Statement covering the _____ period ending with the last full month prior to the date I took office.
- I am a **public officer who has served in the last _____ of my final term** which expires less than thirty-one days into calendar year _____. This is my final Financial Disclosure Statement covering the last _____ plus the final days of my term for the current year.
- I am a **candidate** for a public office, and am filing this Financial Disclosure Statement covering the _____ preceding the date of this statement, from the month of _____, to the month of _____.

VERIFICATION

I verify under penalty of perjury that the information provided in this Financial Disclosure Statement is true and correct.

Signature of Public Officer or Candidate
(Typewritten signatures accepted)

A. PERSONAL FINANCIAL INTERESTS

This section requires disclosure of you're and/or a member of your household's personal financial interests.¹

1. Household Members' Names

What to disclose: If they reside in your household, disclose your spouse's name and the names of any minor children of whom you have legal custody. If none, please write "N/A". For the remaining questions in this Financial Disclosure Statement, the term "member of your household" will be defined as the persons listed below.

YOUR SPOUSE'S NAME	[REDACTED]
	[REDACTED]
	[REDACTED]
CHILDREN'S NAMES	[REDACTED]
	[REDACTED]
	[REDACTED]

2. Sources of Personal Compensation

What to disclose: The name and address of each employer who paid you or any member of your household more than \$1,000 in salary, wages, commissions, tips or other forms of compensation (other than "gifts") during the period covered by this report. Describe the nature of each employer's business and the type of services for which you or a member of your household were compensated.

Also, list anything of value that any other person (outside your household) received for you or a member of your household's use or benefit. For example, if a person was paid by a third-party to be your personal housekeeper, identify that person, describe the nature of that person's services that benefited you, and provide information about the third-party who paid for the services on your behalf.

You need not disclose: Any money you or any member of your household received that constitutes gross income paid to a business that you or your household member owns or does business as. This will be disclosed in Section 11 below.

¹ If additional space is needed to report information on this Financial Disclosure Statement, select the appropriate reporting area and add additional rows to the form. For example, to report an additional child's name in Section 1, right-click in any row, click "Insert," click "Insert Rows Above;" (The user should add rows "above" or "below" based on the resulting effect on formatting in the Financial Disclosure Statement).

NAME OF PUBLIC OFFICER OR HOUSEHOLD MEMBER BENEFITTED	NAME AND ADDRESS OF EMPLOYER WHO PROVIDED COMPENSATION > \$1,000	NATURE OF EMPLOYER'S BUSINESS	NATURE OF SERVICES PROVIDED BY PUBLIC OFFICER OR HOUSEHOLD MEMBER FOR EMPLOYER
		Court Services	Judicial Officer
		Law Firm	Attorney

Continued, if applicable:

NAME OF PUBLIC OFFICER OR MEMBER OF HOUSEHOLD BENEFITTED	NAME AND ADDRESS OF PERSON WHO PROVIDED SERVICES VALUED OVER \$1,000 FOR YOUR OR MEMBER OF YOUR HOUSEHOLD'S USE OR BENEFIT	NATURE OF SERVICES PROVIDED BY PERSON FOR YOUR OR MEMBER OF YOUR HOUSEHOLD'S USE OR BENEFIT	NAME AND ADDRESS OF THIRD PARTY WHO PAID FOR PERSON'S SERVICES ON YOUR BEHALF
N/A			

3. Professional, Occupational and Business Licenses

What to disclose: List all professional, occupational or business licenses held by you or any member of your household at any time during the period covered by this Financial Disclosure Statement.

This includes licenses in which you or a member of your household had an "interest," which includes (but is not limited to) any business license held by a "controlled" or "dependent" business as defined in Section 11 below.

**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.**