

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-304

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Judge:

Complainant:

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**ORDER**

October 18, 2024

The Complainant alleged a superior court judge made improper rulings by awarding temporary spousal maintenance and attorney's fees in a 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 member Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 18, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2024-304**

**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.

Court of AZ and to all concerned parties in this matter before the above-mentioned judge.

**COMPLAINT**

Comes now,  Defendant, and files the complaint against, Arizona Court  
Judge  for cause would show as follows:

**NOW AND THEREFORE;**

1. An evidentiary hearing in this matter occurred on  During the hearing the judge underestimated the expenses as they relate to the actual net income. The judge was egregious and erroneous in her numbers. The Judge failed to adequately use proforma expense numbers to arrive at the appropriate income that would allow the court and in particular Judge  to rule impartially. Ref temporary orders page 3, the Court finds that the evidence supports an income of  per year. This ruling is erroneous and grossly overstated thus considering "Defendant's" disposable cash on hand of approximately  on . Incidentally, the cash or funds available belong to  and not myself or Petitioner. Those funds had not been withdrawn out of the company and were for company expenses, and not yet allocated for personal expenditures. With an order to pay spousal maintenance of  per month plus Petitioner's applicable legal fees of  for an alleged "I-130 Fraud based marriage. Defendant finds and alleges this ruling is an abuse of judicial power and gross judicial misconduct with prejudice undertones.
2. The Judge failed to provide the "Defendant" due process considering the marriage was a "Green-Card" I-130 based marriage with intent to defraud Husband, "Defendant". The judge failed to provide specific like-for-like precedent for a -month marriage with similar circumstances. The judge also failed to consider timelines prudent to this case, the Petitioner's U.S. status and the marriage duration which resulted in an impartial judicial ruling and egregious misconduct from the bench.
3. The judge furthermore failed to recognize the Petitioner's illegal status. During the evidentiary hearing, defendant's testimony highlighted the Petitioner's "Wife's" illegal status which had no decisive impact whatsoever on this court. Petitioner is inadmissible to the U.S., and the fact that she was not paroled into the U.S. adequately, makes the court's ruling questionable. The Petitioner cannot legally obtain a U.S. visa from within the United States without being paroled into the U.S. legally. The petitioner crossed the U.S. border illegally and was apprehended by ICE officials and was detained. Upon entering the U.S., she met the Defendant, and she "Petitioner" pressured "Defendant" "into an I:130 based Green-Card fraudulent Marriage. The clear intent of the Petitioner was to undermine the justice system, manipulate the Immigration Court, thus tossing out Petitioner's Immigration Case before the court all based on a fraudulent I:130 Green Card Based Marriage Application. This was a smoke screen from the onset and the court once again failed to consider the evidence, or take under advisement and rule impartially.

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4. The Judge failed to render and provide any weight to the aforementioned facts. Additionally, it was ordered that Defendant pay Petitioner legal cost equal to Defendant should not be liable for other counsel's fees as Defendant has no control over their agreement, hourly rate, Etc. It was Petitioners decision to leave marriage and file for divorce after a month fraud-based marriage and Defendant should not be liable for its cost whatsoever. The court's decision also underscored its misconduct as it relates to reconciliation of assets, i.e. company revenue/expenses and lack of impartiality. Furthermore, the court failed to render a like-for-like precedent as mentioned above in light of the fraud based I-130 filing with intent of Petitioner circumventing the immigration court. Judge failed to recognize company based assets that cannot be purged to satisfy Petitioner's counsel's request for Temporary Orders.; Judge is not a CPA "Certified Public Accountant" and Defendant questions court's authority to rule in such complex financial matters. The Defendant finds the court was prejudice without merit, overstated its authority to define and recognize generally accepted accounting principles and failed to consider the marriage's duration and further failed to set a standard precedent for such a marriage with certain evidence i.e. month duration, illegal crossing, manipulation, intent to defraud, and deceit should be important and not go unrecognized by the court to gain any credibility with the judicial bench herein. The court's standard of care should and needs to be upheld to the highest standard considering all the facts and not just for "Petitioner's" benefit, financial gain and not recognizing the Petitioner's intent on circumventing her immigration status with intent to defraud and manipulate the systems as a whole; including using a I:130 marriage-based Green Card mechanism.

5. For the record, Defendant will appeal the court's findings and request the judge recuse herself from the case and the case be brought before an Mediator to negotiate a final degree. The aforementioned judicial complaint is being submitted prior to a possible Enforce Contempt filing by opposing counsel. The Defendant will use every means to defend its cause and will appeal to the higher court, and petition to have Judge relieved, if she fails to recuse herself as would be appropriate.

COURT OF ARIZONA  
COUNTY

Filing ID

HONORABLE

Case Number:

Petitioner

AND

Respondent

**TEMPORARY ORDERS**

The Evidentiary hearing in this matter occurred on . During the proceedings, the Court has considered the evidence which includes where applicable/presented, the demeanor of the witnesses, reviewed the exhibits as well as the case history, and considered the parties' arguments and agreements.

As a preliminary matter, the Court notes that a temporary order is always subject to reassessment. A temporary order "[d]oes not prejudice the rights of the parties or of any child that are to be adjudicated at subsequent hearings in the proceeding," A.R.S. § 25-316(D)(1). A temporary order "[t]erminates when the final decree is entered . . ." A.R.S. § 25-316(D)(4); see Ariz. R. Fam. P. Rule 47(j)(1) ("Temporary orders become ineffective and unenforceable upon termination of an action either by dismissal or following entry of a final decree ...."). Even before the final decree, a temporary order "[m]ay be revoked or modified." A.R.S. § 25-316(D)(2). A.R.S. § 25-403 findings are not required on temporary orders. *Gutierrez v. Fox*, 242 Ariz. 259, 268, 394 P.3d 1096, 1105 (App. 2017).

The Court emphasizes that the rulings set forth herein arise out of requests for temporary orders. As such, these rulings are provisional only and should not be read as the Court's final determination regarding any issue. The rulings are based on the limited evidence presented in an abbreviated hearing and with the understanding that the parties might not have completed all of their discovery and disclosure. Consequently, the parties should be aware that, at a future hearing, additional evidence might be produced and that such additional evidence might compel different rulings than those made herein.

The Court makes the following findings and enters the following orders:

**TEMPORARY SPOUSAL MAINTENANCE**

COURT OF ARIZONA  
COUNTY

HONORABLE

and

Case Number:

Wife is years old and she has a child, age , from another relationship. Wife entered the United States (US) from in to ask for political asylum. Wife moved to in , she currently rents a room in and she testified that she does not have enough funds to continue to pay her rent. She said she will have to seek a shelter at the end of the month for her and her child. She said that she moved to because she discovered that Husband was cheating on her. Ex A8. Husband has requested an annulment and accuses her of fraudulently entering into the marriage. She counters that she believed she entered into a valid marriage and she ended it due to his conduct. She said that when she served the divorce papers he became aggressive and angry toward her and insisted she leave the marital residence.

Wife now has a work permit but she has never worked in the US. Her profile shows she works for a . She worked for this corporation in and she resigned in . Wife testified that she has applied to many jobs in the US and has had many rejections. ExA2 and Ex A3. She does not have a vehicle or a bicycle. She had a bicycle but she sold it along with furniture to make money to live on. As of today, she said she has a negative balance in her account and she has approximately left in cash. When she moved from in , she had . Ex A14. In , she moved her money to and Ex A12, 13, 26. Wife testified that when she married Husband her intention was to create a strong family for her and her son. She believed Father would be a good husband and father to her son. She testified that Husband has tried more that times to reconcile with her since . Wife testified that she is trying to obtain legal status in the US through asylum not through marriage.

Wife believes that Husband was making *Not* per year. Wife stated that Husband indicated in his AFI that his total monthly expenditures are or per year. Ex A17. Wife stated that in reviewing his expenses she believes his stated expenses are lower than what she believed to be his true expenses. She said they were living a higher lifestyle than he claims which included travel and shopping.

She is asking for half of the account balance as of the date of service in the amount of *Not possible* subject to reallocation at trial. Ex A19 and A5. She is asking for in advance for attorney fees. As of Mother owes over to her attorney and she has paid to date. She cannot continue to employ counsel without an award of attorney fees.

For employment purposes, Wife recently became re-certified in quality control. She said that she can speak some English. Husband presented Her profile which he believes shows she lives in and works at , Ex B1. However, she said that this is not her full profile and shows as part of her past experience not her current job. She denies that she is currently employed and stated that she worked at when she lived in

Husband said that they met online when Wife lived in . However, Husband said it was her intention to come to the US whether they met or not. He said that he helped her with her application for legal status and he helped pay the fees. He said he paid plus other fees. He said they were married months before Wife brought up divorce and he denies that he made her leave the marital home. He denies that she ever accused him of abuse until she left and he believes she always intended to move to . Husband said Wife is fluent in and English. He believes she could become employed if she made a real effort or that she is possibly not reporting income she is making. He has not given her any financial support since she left. Husband testified that he is a self-employed real estate broker and he acknowledges that he is well established in his career.

COURT OF ARIZONA  
COUNTY

HONORABLE

and

Case Number:

Pursuant to A.R.S § 25-319(A), in a proceeding for dissolution of marriage or legal separation, the court may grant a maintenance order for either spouse for any of the following reasons if it finds that the spouse seeking maintenance:

1. Lacks sufficient property, including property apportioned to the spouse, to provide for that spouse's reasonable needs.

Wife is in the US seeking asylum from \_\_\_\_\_ and entered the US in \_\_\_\_\_ through \_\_\_\_\_. She was employed while in \_\_\_\_\_ and has recently obtained a work permit but she has been unable to obtain employment despite applying for many positions. She continues to seek employment.

2. Lacks earning ability in the labor market that is adequate to be self-sufficient.

Wife currently lacks earning ability in the labor market.

3. Is the parent of a child whose age or condition is such that the parent should not be required to seek employment outside the home.

This factor does not apply.

4. Has made a significant financial or other contribution to the education, training, vocational skills, career or earning ability of the other spouse or has significantly reduced that spouse's income or career opportunities for the benefit of the other spouse.

This factor does not apply.

5. Had a marriage of long duration and is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient.

This factor does not apply.

**THE COURT FINDS** that \_\_\_\_\_ in accordance with A.R.S. § 25-319(A), has established a statutory basis for spousal maintenance on a temporary basis and is entitled to an award of temporary spousal maintenance.

**THE COURT FINDS** The court finds that Husband's stated monthly expenses are \_\_\_\_\_ per month including payments on debts. Ex A17.

The court finds that the evidence supports that Husband income is at least as much as his stated expenses, which is approximately \_\_\_\_\_ a year. ?

The court finds that Wife's current income is zero.

The Court, therefore, must address the amount and duration of spousal maintenance.

**THE COURT FINDS** that an award of temporary spousal maintenance is appropriate and is capable of paying spousal maintenance. ?

**IT IS THEREFORE ORDERED** that effective as of \_\_\_\_\_ shall pay spousal maintenance in the amount of \_\_\_\_\_ per month.

**IT IS FURTHER ORDERED** that the temporary spousal maintenance order shall continue until further order of the Court, until final orders are entered or unless the parties agree otherwise in writing.

All spousal maintenance payments are governed by the applicable federal and state tax laws.

**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.**