

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-331

Judge:

Complainant:

ORDER

December 27, 2024

The Complainant alleged a justice of the peace pro tem erroneously denied a motion to dismiss and failed to disclose a conflict of interest in an eviction action.

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 Denise K. Aguilar and Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 27, 2024.

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

FOR OFFICE USE ONLY

2024-331

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.

The Justice Court received a motion to Dismiss which included legal reasons as to why the justice Court should not entertain/rule upon the eviction request submitted by [] on behalf of [] filed an eviction Action Complaint in [] County Justice Court, Case # [] on []

The eviction action hearing was held on [] wherein the judge set the trial for [] The motion to Dismiss was filed on [] requesting to dismiss pursuant to Rule 19, failure to join an indispensable party which was the Church, [] that had occupied the premises since [] without a lease or requirement of rental payment. The church was responsible (financially) for paying all utilities, the maintenance/repair of the interior/exterior of the building, improvements to the building & for paying the yearly property taxes for the church as well as the rental properties located at [] in [] AZ,

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Prior to filing this eviction action, raised similar allegations in the Mad Court
Case # _____ on _____
The Court was aware that this matter was Pending in the _____ Court; however, denied the motion to dismiss proceeding with the hearing resulting in an order requiring the Church to enter a lease or vacate the premises by _____. The Church was unable to negotiate a good faith lease with _____; therefore, to be in compliance vacated the premises. This judge failed to recognize that the _____ Court had proper jurisdiction over this matter; failed to adhere to the laws concerning proper service for an indispensable party; failed to clearly articulate whether the church would be responsible for back pay/late fees or to set the date for the commencement of the ordered lease.

Judge
Protem
Prior
to this hearing, ~~the~~ Judge also attended church & requested prayer for his mother.

Lastly, the judge also had an apparent conflict of interest as we are both associated with the

as He is known & I am an emeritus established by our Common (President) friend/leader of the

Both the reported failure to adhere to rules governing this case & the conflict of interest for which he should have declined presiding over is of great concern. Therefore I'm requesting that this Commission to review this formal complaint.

Signed By: _____

Date: _____