

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-342

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Judge:

Complainant:

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**ORDER**

October 25, 2024

The Complainant alleged a pro tem justice of the peace made an improper ruling related to alternative service of process in a civil 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).

Copies of this order were distributed to all appropriate persons on October 25, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2024-342

**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.

I am an owner of [ ] One of the client's for whom we provide security service is [ ] Our role for the community is to provide access control for a private, gated community. One of the rules from the Association is that process servers are not allowed into the community. This is a rule which we have enforced for the duration of our tenure with this client.

On [ ] at approximately [ ] a process server approached the guard shack/ front gate and made contact with the on duty [ ] She identified herself as a process server and attempted to serve the security officer ( [ ] ). [ ] informed the woman that he could not accept service. She taped the document to the window of the guardshack, took a photo of it and departed the area. When [ ] emailed me a photo of the document, I discovered it was an "Order for Alternative Service" signed on [ ] by Judge [ ] out of the [ ] Justice Court. The applicable part of the order (which I have no doubt you'll have access) is that lawful service may be accomplished by serving the security officer at the gated community entrance of the defendant's last known address, [ ]

When I was notified of this service to my employee, my first thought was "Now are we obligated to find the resident in question and serve him the documents?" It didn't make much sense to me that a Judge would allow the service of a 3rd party not known to any of the parties involved in the action and consider it reasonable. I guess the Judge could have allowed the process server to go to [ ] and serve the person who drives the garbage truck and tell them to serve the papers when they go to pick up the trash.

Having no legal foundation for our next steps, I contacted our Corporate Counsel who advised me there was no basis under the law for our staff member to be considered to be someone who could be legally served. As with any form of legal representation, my Corporate Counsel bills me according to time, and I have no doubt the 15-30 minutes to review and respond to my request will cost me [ ] or so. It's not a huge amount of money, but it's money I should not have to spend. I was minimally damaged because a temporary Judge doesn't understand the law or have the common sense not to allow service to a security guard who has no knowledge of either party. I seek no recouse and simply want to make this concern known.

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1  
2  
3

[Redacted]

[Redacted]

[Redacted]

COUNTY, ARIZONA  
JUSTICE COURT

Case No. [Redacted]

Plaintiff,

ORDER FOR ALTERNATIVE SERVICE

vs.

[Redacted] and J Doe, a married couple  
Defendant(s).

Based upon the pleadings and affidavits of record, and good cause appearing;

IT IS ORDERED that Plaintiff may obtain personal service of process in pursuit of a monetary judgment upon Defendant, [Redacted], by:

1. serving a copy of the Summons, the Complaint, this Order and any necessary accompanying documents upon the security officer at the gated community entrance of Defendant(s)' last known residential address, [Redacted]; and
2. mailing a copy of the Summons, the Complaint, this Order, and any necessary accompanying documents to Defendant(s) by regular first-class mail, certified with return receipt mailing, to:
  - a. [Redacted]

pursuant to Rule 4.1(k), Arizona Rules of Civil Procedure.

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

[Redacted]

JUDGE

