

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-028

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Complainant: No. 1327910729A

Judge: No. 1327910729B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issue raised by the complainant is legal in nature.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rule 16(a).

Dated: March 5, 2008.

FOR THE COMMISSION

          \g\ Keith Stott            
Executive Director

Copies of this order were mailed to the complainant and the judge on March 5, 2008.

*This order may not be used as a basis for disqualification of a judge.*

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

To Whom It May Concern:

I am enclosing a completed complaint form, personal documentation, as well as court documentation relevant to a court case that I have been involved in. I find the results of the court case just as appalling and disturbing as the actions that made this all come about. I tried very hard from the beginning of this incident to get a resolution without entering the judicial system. This didn't work, as the organization did not acknowledge any wrongdoing. There are many disturbing factors regarding this case, most of which is described in my personal documentation. Their arrogance and lack of acknowledgement regarding this issue, I feel, goes far beyond just acknowledging they made a mistake. They only managed to twist their printed rules in an attempt to make them fit their actions.

I'll try to summarize briefly. I purchased a raffle ticket for \$20. The Grand Prize was advertised as a \$54,000 Mercedes-Benz. The runner-up prize was \$1,000. A maximum of 15,000 certificates would be sold. "Rule 9. In the event 15,000 certificates are sold, each certificate has a 1-in-15,000 chance to win the Grand Prize." The odds for the runner-up prize was not printed in their rules, as it is reasonable and accurate to have the runner-up ticket drawn from the remaining tickets, after the Grand Prize ticket has been drawn. When the first ticket was drawn was the only time all tickets were eligible for the Grand Prize. They announced the first ticket drawn as 'their runner-up prize winner'. A second ticket was then drawn, without the first ticket included. The second ticket drawn was announced as 'their Grand Prize winner'. They did not award the prizes according to their odds. If their intention was to build suspense in anticipation of the announcement of the Grand Prize, they should have delayed announcing the first ticket drawn until the second ticket was drawn and announced as the runner-up prize winner. I did not accept the \$1,000 runner-up prize, as my belief has always been that my ticket was the Grand Prize winner. I disputed their actions on several occasions and I hand-delivered my dispute to the director within their deadline; however, they went ahead and awarded the Grand Prize to the owner of the second ticket drawn; before their advertised release date.

This case was first assigned to \_\_\_\_\_ and was later assigned to \_\_\_\_\_  
Did \_\_\_\_\_ not want to hear this case? Why was it transferred?

\_\_\_\_\_ did not base his decision on the facts. The fact remains that the Rule 9 is the rule that should determine the winner of the Grand Prize. The director, \_\_\_\_\_ acknowledged in her deposition that if 15,000 certificates are sold, each certificate would have a 1-in-15,000 chance to win the Grand Prize. Since there were 7,649 certificates were sold, she also acknowledged that each certificate would have a 1-in-7,649 chance to win the Grand Prize. She also acknowledged that my ticket was drawn first and that a second ticket was drawn and that second ticket was awarded the Grand Prize. She said that all tickets had an equal chance for the Grand Prize and then said that at the time the Grand Prize ticket was drawn, either she or I was holding my ticket. How could it have been eligible for the Grand Prize if it wasn't even in the ticket bin when the Grand Prize was being drawn for? It had already been drawn first. All of these facts were presented; did he not see them?

\_\_\_\_\_ executive director, insists that the rules govern the ticket sales. The title of the rules is \_\_\_\_\_ The raffle is the event, which includes the complete process from start to finish. The rules begin by describing the prizes offered, tells how to purchase tickets and who may be eligible and who is not. It goes on to mention many details regarding

ticket sales. Again "Rule 9. In the event 15,000 certificates are sold, each certificate has a 1-in-15,000 chance to win the Grand Prize." The rules cannot apply during ticket sales since their comparison is to the number of tickets sold. Sold is past tense and must apply after ticket sales has ended whether it be by selling the maximum number of tickets as printed in their rules or by meeting the deadline of tickets sales, also printed in their rules.

These rules were filed with the Arizona Attorney General's office. Everyone who purchased a ticket did so in good faith; trusting that all tickets would have an equal chance at the Grand Prize. If you're not going to follow the rules, why have them?

Now to address their modification theory. How could they modify the contract with over 7,649 people when only a small number of those people were present at the raffle event? There was no mention of any modification or change in their rules. After my ticket was drawn and after asking whether I had a chance at the car, the emcee said, "I'm afraid not." There was no modification! He said my ticket wasn't eligible! They had no intent to modify the rules because they've used the same drawing procedure for the two previous raffles. This modification theory is a huge afterthought.

Since the beginning of this whole ordeal, I have wanted to ask one question. "Using the printed odds with all tickets having an equal chance for the Grand Prize and with each ticket being eligible to win only one prize, can you show me any other way than to have the Grand Prize ticket drawn first?" They can't. I had no opportunity to say or ask anything at the board meeting that I attended because I was ordered to leave by a Security Guard. Unbelievable!

Several of the officers and members of this organization are representatives of very large, well-known companies. From what I understand, \_\_\_\_\_ largest employer and \_\_\_\_\_ fourth largest employer. They are both represented here, along with

and several local organizations.

\_\_\_\_\_ are listed as members in \_\_\_\_\_ was ex-officio member in \_\_\_\_\_ was the emcee for the event. How can the Judge not know these people? The influence of these companies and certain people could be overwhelming, whether contact was made or not. One can see the impact \_\_\_\_\_ has just by driving through the \_\_\_\_\_ and along the \_\_\_\_\_ let alone the numerous articles that's been printed in \_\_\_\_\_ about his success. This same newspaper's editorial staff printed the libelous article about me suing the foundation. The title of the article was \_\_\_\_\_ - all because of their mistake. They've given me no reason not to pursue this. My personal documentation, particularly the letter to investigative reporter, \_\_\_\_\_ tells exactly how this all came about. This letter was written after our initial conversation and after an investigation had begun. After he received this letter, he decided not to do the story, I'm sure because of the number of people involved and who they are. Things that were said and done to me are terrible accounts of their actions, not from just one person, but from several who are affiliated with the foundation. All I've done is point out their mistake. Regardless of who's mistake it is, it is wrong! I believe it is possible the Judge could have been influenced by any one of the members of this organization or even persuaded by the media. There were several articles in \_\_\_\_\_ pertaining to my dispute and lawsuit. I find it very interesting that \_\_\_\_\_ judgment is exactly the suggestion made by the editorial staff of \_\_\_\_\_ This shouldn't be a matter of who you know, it's the judicial system; although, I'm sure \_\_\_\_\_ life is less complicated by passing judgment against me, rather than against the organization. After all, I'm one person and they are many and can have much more influence within

During a conversation with \_\_\_\_\_, attorney/raffle official, she made a comment that I find quite disturbing. "Just be careful what you say, there are people here who can ----" How should I take that? Was she referring to exactly what I'm questioning in my previous paragraph, or worse?

The city's name, \_\_\_\_\_ is included in the organization's name and it is not likely that the Judge would ignore this, particularly, when the matter may challenge the integrity of such an organization with, perhaps, so much political influence. It would be very embarrassing, I'm sure, to have the public know that an \_\_\_\_\_ made such an unexplainable decision. This is another reason I think contacts have been made; but I would have hoped their honesty would have taken them beyond that. My intention has never been to discredit anyone or the organization.

Considering all of the above information, I do not believe that \_\_\_\_\_ decision was completely impartial. He actually made his decision before the deadline of my last reply. He did allow my reply; however, the decision remained the same. My attorney was in disbelief. He thought, at the very least, he would have an oral argument before the court. This did not happen! The Judge not only ruled against me, but awarded \$13,000, plus costs, in their favor. This is extremely unjustifiable. It was their mistake that made this all happen. I feel that this decision by \_\_\_\_\_ is only creating a future problem for the judicial system by allowing this decision to set an unjust precedent.

This action of injustice creates dishonor among the judicial system. This imbalance discourages many honest and upright citizens, leaving them with little or no faith in our judicial system. This is very sad. Should we be surprised that much of our youth lacks motivation? Many think it's acceptable to be dishonest to accomplish personal gain. Where do they get that idea? I've talked with many people regarding my situation; including eight attorneys (two of them have been judges). They've all agreed with my reasoning.

If you will please review all of my documentation, I believe you will have a better understanding of the whole situation and why I have such a strong conviction in this matter. The actions of several people, some within the organization and others who are not affiliated but may have influential contacts, leads me to believe that there is more than meets the eye. Their actions do not fit the portrait they paint of themselves.