

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-182

Complainant: No. 1339410714A

Judge: No. 1339410714B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The commission is not a court and cannot review evidence to determine whether or not a judge's decision is correct. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: August 27, 2008.

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 27, 2008.

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

I had a Return Hearing for Temporary Orders. This Hearing was heard before Hon. [redacted] it was ordered that [redacted] and I have joint custody of our minor children and that they are enrolled in school at [redacted] to where I was moving and that [redacted] have parenting time with the children on alternating weekends. Also it was ordered that we attend a parenting conference on [redacted] and also the children be interviewed by the conciliation service.

[redacted] and I attended a parenting conference and it didn't go to well because the conciliator [redacted] had a problem with me moving to [redacted] and that I had a protection order against [redacted] and I tried to explain to her that the court already knew that I was moving and I had a protection order for a reason and she just got upset about it and she left to go talk with the Judge after she came back we finished up our conference. After I left from the conference I got a call from [redacted] asking me to bring the children in for an interview by 3:30 p.m. that same day so I went back to [redacted] where I had moved to, to pick up the children. [redacted] got interviewed first and [redacted] after that we went home.

I attended an Evidentiary hearing re: temporary custody and parenting time. This hearing was heard before Hon. [redacted] The children were also interviewed again [redacted] with the conciliation service. The court set a hearing after receiving the Conciliation Services Report from [redacted] It was until the hearing that I received a copy of the Conciliators report most of what was on the report was incorrect. The conciliators concern was that I abuse alcohol and spanking the children. (attach is a copy of the conciliators report) It was ordered that [redacted] and I have joint custody of the children and [redacted] shall enroll them in school near her residence, that neither parent shall drink alcoholic beverages while the children are in their care or within eight hours before exercising parenting time, that both parents shall refrain from striking the children with a belt or any other object, that [redacted] and I undergo random alcohol testing three times per month between [redacted] when the case goes to trial. In the

Minute Entry Docket Code U19 it states in paragraph three that Father works from 5:30 a.m. to 5:30 p.m. and he commutes two to three hours to and from work each day. Father's girlfriend has been getting the children ready for school, caring for them after school and making them dinner. All things being equal, the children are better off with Mother as their primary caretaker than the Father's girlfriend. Also in Paragraph four it states there is also reason to be concerned about Father's use of Alcohol. The oldest Child, [redacted] reports that Father's behavior changes when he drinks and that he hides alcohol. In paragraph five it states. Mother's alcohol use is also an issue. Father claims that Mother abuses alcohol, although there was no evidence of this at the hearing. Mother says she drinks only socially. (Attached is a copy of minute entry Docket Code U19 and 20).

the trial was heard before Hon _____ it was
ordered awarding _____ sole custody and primary physical custody of the
minor children. That Father have parenting time every weekend from after
school on Friday until 6:00 p.m. on Sunday, Father or someone designated by
Father shall pick up the children from school on Friday afternoon and the parties
shall exchange the children on Sunday at 6:00 p.m. All exchanges of the
children, except Friday afternoons, shall take place at _____ grocery store on
_____. It is ordered that Husband pay wife \$1,834 no later
than _____ as reimbursement for half of the _____ tax debt. (attach is a
copy of Decree Of Dissolution of Marriage Docket Code 903)

My complaint is why did the Judge _____ award custody of our
minor children to _____ when she admitted that she uses alcohol and she
didn't complete her alcohol tests if this was one of his concerns. I took all my
alcohol tests and they all came back negative. I also testified that I haven't used
alcohol in over a year. Also the Judge stated that the children are better off with
their mother, well _____ testified that she has to be at work at 5:45 a.m. She
drops off the children at the babysitters in the morning and the children go to
school from the babysitters house and they come back to the babysitters after
school. I would rather have my children be taken care of in my home by
someone that is family and not the babysitter so how is that better than my
girlfriend caring for my children. Also I was still with _____ so why do
I have to pay her \$1,834 for taxes when this should have been taken care of
back then also there was no receipt on this. Also why do I have to drive all the
way to _____ from _____ where I live on Sundays to drop off the children to
their mother and their mother lives in _____ I think that is ridiculous that we
both have to drive in the opposite direction of where we live to do the exchange.
To me all this is unfair that I have to pay her all this money I have to make a
living to.