

**Judicial Merit Commission – Regular Quarterly Meeting  
Tang Conference Room, Law Library, Third Floor  
101 West Jefferson, East Court Building  
Tuesday, June 7, 2016**

**General Session Meeting Minutes**

The Judicial Merit System Commission met on Tuesday, June 7, 2016, for its regularly scheduled quarterly meeting. The meeting was conducted in the Tang Conference Room located at 101 W. Jefferson Street, East Court Building, Law Library, 3<sup>rd</sup> Floor.

**I. Meeting Convened**

The meeting was called to order at 2:00 p.m. with the following Commissioners in attendance: Commissioners Craig Waugh (Chair), Logan Young, Anna Baca, Judith Clinton, and Lauren Eiler.

Also in attendance were Scot Claus, Counsel to the Commission, Danna Quinn, Secretary to the Commission, Jamie Ahler, Human Resources Attorney, Jennifer Harvey, Human Resources Manager, Randi Stephens, Human Resources Representative, Peter Perez, Appellant, and James Green, Assistant Attorney General.

**II. Appeals Pending Decision**

*Peter Perez v. Juvenile Court of Maricopa County*

The matter of *Peter Perez v. Juvenile Court of Maricopa County* was the first item before the Commission.

Commissioner Waugh stated that Peter Perez filed a timely appeal of termination of his employment by the Juvenile Court of Maricopa County on January 8, 2016. Following a hearing conducted by Hearing Officer Douglas C. Erickson on February 23, 2016, Hearing Officer Erickson issued his Findings of Fact, Conclusions of Law, and Recommendation on April 7, 2016, concluding that the disciplinary action that resulted in Mr. Perez's termination was not arbitrary, and was supported by reasonable cause, and recommended that the appeal be dismissed on the merits, and the disciplinary action be upheld. Mr. Perez submitted Objections to the Hearing Officer's Findings, Conclusions and Recommendation on April 15, 2016, and the Respondent submitted a Response to the Objections on April 29, 2016.

Commissioner Waugh advised that the Judicial Merit System Commission considers this appeal pursuant to Section 15 of the Judicial Merit System Resolution, and Rule 11.16 of the Judicial Merit System Rules. Commissioner Waugh invited the parties to make a statement to the Commission and asked that such statements be limited to five minutes each.

Appellant, Peter Perez, on his own behalf, and Assistant Attorney General, James Green, appearing for the Juvenile Court of Maricopa County, made statements to the Commission.

After the party's statements, the Chair called for questions by the Commission. Upon completion of questions presented to the parties by the Commission, the Chair moved to enter Executive Session.

**Motion:** Commissioner Waugh moved to enter Executive Session to seek legal advice from counsel.

Commissioner Baca seconded the motion.

The motion passed by a unanimous vote of 5 in favor, none opposed.

General Session Ended.

Executive Session Convened.

Executive Session Ended.

General Session Re-convened.

Upon re-convening the General Session, Commissioner Eiler advised that due to a perceived conflict, she would abstain from deliberating and voting in the matter of *Peter Perez v. Juvenile Court of Maricopa County*.

Deliberations ensued.

After having heard the brief presentations by the parties and consideration of the record in this matter, the Commission completed the Judicial Merit Commission Decision Summary, and the Chair made a motion in this matter, as follows:

**Motion:** Commissioner Waugh moved for the Commission to decide in the matter of *Peter Perez v. Maricopa County Superior Court Juvenile Court* and enter an order: (1) that the disciplinary action against the appellant was appropriate in this case, was not arbitrary, and was not taken without reasonable cause; (2) that the Judicial Merit System Commission adopt the Findings and Conclusions of the Hearing Officer; and (3) that the Commission make these findings based on the hearing of this matter on February 23, 2016, and the Commission's consideration of such additional elements as a review of the Findings, Conclusions and Recommendation of the Hearing Officer, evidence presented at the February 23, 2016 hearing, and comments from both parties, and a determination that there is no need to further review the transcript of the case.

Commissioner Baca seconded the motion.

The motion passed by a vote of 4 in favor, none opposed, and 1 abstention.

The Commission issued Judicial Merit System Commission Decision and Order, No. 16-001, outlining its decision.

### III. Approval of the Minutes

Commissioner Waugh called for a motion to approve the minutes of the 1 December 2015 General Session, and the proposed revised minutes of the 1 March 2016 Quarterly General Session.

**Motion:** Commissioner Waugh moved to approve the minutes of the 1 December 2015 Quarterly General Session.

Commissioner Clinton seconded the motion.

The motion passed by a vote of 2 in favor, none opposed, and 3 abstentions.

**Motion:** Commissioner Young moved to approve the minutes of the 1 March 2016 Quarterly General Session, as amended.

Commissioner Baca seconded the motion.

The motion passed by a vote of 4 in favor, none opposed, and 1 abstention.

#### **IV. Recognition of Commissioners**

Commissioner Waugh reported that Commissioner Young and Commissioner Clinton decided not to seek reappointment of their term on the Commission, and would be leaving the Commission as of this meeting. The Commissioners thanked Commissioner Young and Commissioner Clinton for their service and expressed their appreciation and pleasure working with them over the years. The Commission and staff presented both Commissioners with a plaque as a token of appreciation for their service.

Commissioner Young and Clinton expressed their gratitude.

#### **V. Appeals Pending Notification of Status**

No appeals pending notification of status for this meeting.

**Motion:** The Chair moved to re-enter Executive Session to obtain legal advice from counsel.

Commissioner Baca seconded the motion.

The motion passed by a vote of 5 in favor and none opposed.

General Session Ended.

Executive Session Re-convened.

Executive Session Ended.

General Session Re-convened.

#### **VIII. Call to the Public**

A call to the public was made by Commissioner Waugh, and no response to the call was made.

#### **IX. Future Agenda Items**

1. Appointment of New Commissioners.

**X. Meeting Adjournment**

The Chair entertained a motion to adjourn.

**Motion: Commissioner Young moved to adjourn the meeting. Commissioner Clinton seconded the motion, and the Commission approved it unanimously.**

The meeting was adjourned.

Respectfully submitted,

Billie J. Berry  
Staff to the Commission

For

Danna M. Quinn  
Secretary to the Commission

**Next Meeting: Tuesday, September 13, 2016 @ 2:00 p.m. in the Tang Conference Room**