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November 26, 2012

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Re: *In the Matter of an Investigation by the Minnesota Board of Judicial Standards re: Judge George Perez*

BJS File No. 11-74

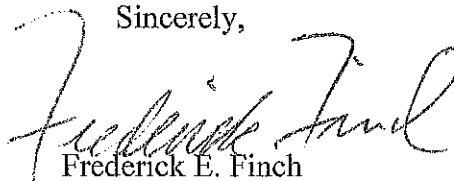
Our File No. 7077-1

Gentlemen:

Enclosed and served upon you by U. S. Mail is Judge Perez' Answer to the Formal Complaint in this matter.

I want to inspect all of the witness statements and interview notes obtained or prepared since I last inspected these materials at your offices. Please call me (or have your staff call me) to arrange a mutually convenient time, preferably this week.

Sincerely,



Frederick E. Finch

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**STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA BOARD ON JUDICIAL STANDARDS**

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Inquiry into the conduct of  
The Honorable George W. Perez.

BJS File No. 2011-74

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**ANSWER**

For his Answer to the Formal Statement of Complaint, the Honorable George W. Perez states as follows:

1. Judge Perez admits paragraph 1 of the Complaint.
2. Paragraph 2 states only a conclusion of law and requires no response.
3. Paragraph 3 states only a conclusion of law and requires no response.
4. Paragraph 4 states only a conclusion of law and requires no response.
5. Paragraph 5 states only a conclusion of law and requires no response.
6. Paragraph 6 states only a conclusion of law and requires no response.
7. Answering paragraph 7, Judge Perez denies that he engaged in a pattern of delay in issuing court opinions. Judge Perez admits that from time to time he was unable to decide cases within 90 days of submission; in some cases due to illness, and that in some cases he requested an extension of time to decide cases from the parties.
8. Answering paragraph 8, Judge Perez denies that he falsified court records or submitted false certifications.
9. Paragraph 9 states only a conclusion of law and requires no response.
10. Judge Perez denies paragraph 10.
11. Judge Perez denies paragraph 11.

12. Judge Perez denies paragraph 12.

13. Judge Perez denies paragraph 13.

14. Judge Perez admits paragraph 14.

15. Judge Perez denies paragraph 15.

16. Judge Perez denies paragraph 16.

17. Judge Perez denies paragraph 17 and asserts that the chart contained in paragraph 17 is inaccurate and misleading.

18. Judge Perez denies paragraph 18.

19. Answering paragraph 19, Judge Perez admits that the practice described was in effect during most of the time periods material to this proceeding.

20. Judge Perez admits paragraph 20.

21. Judge Perez denies paragraph 21.

22. Answering paragraph 22, Judge Perez admits that under his authority granted by Minn. Stat. 271.02 (2012), in September 2011 he instructed the court's staff to change the rotation of assignments of cases to judges so that he received every fifth case instead of every third case. The purpose for the change in rotation was to balance the case load of the three tax court judges.

23. Judge Perez denies paragraph 23.

24. Judge Perez is without knowledge or information sufficient to form a belief as to the matters set forth in paragraph 24 and therefore denies the paragraph. Judge Perez denies that he instructed staff to withhold information about the change in case assignment rotation.

25. Paragraph 25 states only a conclusion of law and requires no response.

26. Paragraph 26 states only a conclusion of law and requires no response.

27. Judge Perez denies paragraph 27.

28. Judge Perez is without knowledge or information sufficient to form a belief as to the allegation in paragraph 28 that the Minnesota Board on Judicial Standards received a complaint from a confidential informant and therefore denies this allegation. Judge Perez admits that the Executive Director of the Board sent a letter to Judge Perez on or about December 30, 2011. The letter is the best evidence of its contents and Judge Perez denies the characterization of the letter contained in the Complaint.

29. Answering paragraph 29, Judge Perez admits that on January 31, 2012, he sent a written response to the Executive Director's letter of December 30, 2011.

30. Answering paragraph 30, Judge Perez admits only that his letter of response dated January 31, 2012, described the timeline of the *Mauer, Larson* and *Continental Rogers* cases.

31. Answering paragraph 31, Judge Perez admits only that his letter of response identified illness as one of the causes for delay in issuing a decision in the cases described in the letter.

32. Answering paragraph 32, Judge Perez admits that his letter of response identified the shutdown of state government from July 1, 2011 to July 20, 2011 as a factor resulting in delay in issuing decisions.

33. Judge Perez denies paragraph 33. What the letter of response said about the matters alleged in that paragraph was, "The result is that the Tax Court was closed from July 1, 2011, through July 20, 2011. Moreover, I needed to spend my time on June 27, 29, and 30, 2011, preparing for the shutdown and additional time after the shutdown dealing with getting the court back on schedule following the shutdown."

34. Judge Perez admits that paragraph 34 accurately quotes from his letter of response.

35. Judge Perez admits paragraph 35.

36. Answering paragraph 36, Judge Perez affirmatively alleges that he took annual leave between June 28, 2011 and December 2011 due to the need to recover from his surgery. Judge Perez affirmatively alleges that a correct quotation from his letter of response is, "In addition to the Court shutdown, the judges, and staff of the Tax Court were required to take an additional two weeks voluntary leave without pay." Judge Perez admits only that he took unpaid leave on May 6, 12, 13, 16 and 31 and June 13, 2011 due to illness and denies the remainder of paragraph 36.

37. Answering paragraph 37, Judge Perez admits only that he attended the annual meeting of the American Bar Association in Toronto, Ontario, Canada, from August 2 through 5, 2011. Judge Perez denies that he had an obligation to disclose this fact in his letter of response.

38. Answering paragraph 38, Judge Perez denies the characterization of his letter of response and denies that the letter of response was materially misleading.

39. Answering paragraph 39, Judge Perez admits that he periodically attended professional conferences and continuing legal education programs, but affirmatively alleges that he reported his time for such attendance in conformance with the practices of the Tax Court. Judge Perez denies that his response was materially misleading.

40. Judge Perez denies that the chart contained in paragraph 40 is accurate. Judge Perez affirmatively states that because he is an exempt salaried employee, there was no reason to report time worked beyond a normal work week. Thus, he reported only eight hours of time per day and reported time only on regular work days for state employees. He frequently worked

additional hours on work days when he reported only eight hours and he worked, but did not report time, on weekends which were not work days for state employees.

41. Judge Perez denies paragraph 41.

42. Paragraph 42 states only conclusions of law and requires no response.

43. Paragraph 43 states only conclusions of law and requires no response.

44. Judge Perez denies paragraph 44.

45. Answering paragraph 45, Judge Perez admits that he expressed to other Tax Court personnel that decisions needed to be logically sound, well researched, and well written, as well as timely. Judge Perez denies the remaining allegations of paragraph 45.

46. Judge Perez denies so much of paragraph 46 as alleges that he engaged in a pattern of delay in violation of Minn. Stat. § 271.20. Judge Perez is without knowledge or information sufficient to form a belief as to the remainder of the matters alleged in paragraph 46.

47. Judge Perez admits paragraph 47.

48. Judge Perez denies paragraph 48

49. Judge Perez denies paragraph 49.

50. Because he has no access to the case file and does not recall the events of October 2002 in this case, Judge Perez is without knowledge or information sufficient to form a belief as to paragraph 50 and therefore denies it.

51. Judge Perez admits paragraph 51.

52. Judge Perez admits only the first sentence of paragraph 52.

53. Answering paragraph 53, Judge Perez admits that eighteen months elapsed between the end of the trial and the filing of the decision. Because he has no access to the court

file, he is without knowledge sufficient to form a belief as the remainder of the paragraph and therefore denies it.

54. Judge Perez admits paragraph 54.

55. Judge Perez admits paragraph 55.

56. Judge Perez admits paragraph 56.

57. Answering paragraph 57, Judge Perez denies that a transcript was filed on July 21, 2003, but admits that Judge Perez' Outlook calendar indicated that a decision was due on October 21, 2003.

58. Answering paragraph 58, Judge Perez admits only that on or about October 15, 2003, he held a post-hearing conference call. He has no recollection of the conference call or of his medical condition at that time.

59. Answering paragraph 59, Judge Perez admits only that the characterization of his calendar is accurate and that no written consent was obtained. He has no recollection of the state of his health or medical issues during this time frame and does not know whether he used annual leave for absences due to illness during this time period.

60. Judge Perez admits paragraph 60.

61. Answering paragraph 61, Judge Perez affirmatively alleges that the bench log for the December 9, 2003 conference reflects that he heard a constitutional argument from the Commissioner and that the attorney note obtained by the Board was not made contemporaneously with the conference and is unreliable. Judge Perez admits that no written consent was obtained.

62. Answering paragraph 62, Judge Perez admits that he filed his order on January 20, 2004, but denies the remainder of the paragraph.

63. Judge Perez admits paragraph 63.

64. Judge Perez admits paragraph 64.

65. Judge Perez admits paragraph 65.

66. Answering paragraph 66, Judge Perez admits only that all post-trial briefs were filed by January 15, 2004.

67. Judge Perez denies paragraph 67.

68. Judge Perez admits paragraph 68.

69. Judge Perez admits paragraph 69.

70. Judge Perez admits paragraph 70.

71. Judge Perez admits paragraph 71.

72. Judge Perez admits paragraph 72.

73. Answering paragraph 73, Judge Perez admits only that a bench log reflects a due date for reply briefs of July 29, 2005.

74. Judge Perez denies paragraph 74.

75. Answering paragraph 75, Judge Perez lacks knowledge or information sufficient to form a belief as to who ordered the transcript and therefore denies this statement.

76. Answering paragraph 76, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Perez admits that the log was updated following filing of the transcripts to show the due date of the decision as February 14, 2006.



77. Answering paragraph 77, Judge Perez admits that on or about February 3, 2006, he scheduled a further hearing in the case on February 22, 2006 at the Chippewa County Courthouse under the authority of Tax Court Rule 8610.0120, subp. 2.

78. Answering paragraph 78, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Perez admits that after February 22, 2006, the log contained a due date of May 26, 2006.

79. Judge Perez admits paragraph 79.

80. Answering paragraph 80, Judge Perez admits only the first sentence.

81. Answering paragraph 81, Judge Perez admits that the fact stated is correct, but denies that it is relevant or material to any issue in this proceeding.

82. Judge Perez admits paragraph 82.

83. Judge Perez admits paragraph 83.

84. Judge Perez is without knowledge or information sufficient to form a belief as to paragraph 84 and therefore denies it.

85. Judge Perez admits paragraph 85.

86. Answering paragraph 86, Judge Perez admits the parties agreed to an extension, but is without knowledge or information sufficient to form a belief as to the second sentence.

87. Answering paragraph 87, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result

of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Perez otherwise admits paragraph 87.

88. Judge Perez admits paragraph 88.

89. Answering paragraph 89, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Pérez is without knowledge or information sufficient to form a belief as to paragraph 89 and therefore denies it.

90. Answering paragraph 90, Judge Perez admits only that he issued his decision on December 22, 2006 and that the decision indicated that the matter was submitted on October 30, 2006, the date of the last conference call.

91. Judge Perez admits paragraph 91.

92. Judge Perez admits paragraph 92.

93. Judge Perez admits paragraph 93.

94. Answering paragraph 94, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Perez otherwise admits paragraph 94.

95. Judge Perez admits paragraph 95.

96. Answering paragraph 96, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s

paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The entry on the bench log was not made by Judge Perez. Judge Perez otherwise admits paragraph 96.

97. Judge Perez denies paragraph 97.

98. Answering paragraph 98, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Perez admits that he held a conference call with the parties on January 12, 2007 and made the notes on the bench log as stated. Judge Perez affirmatively alleges that during the conference call, the parties advised that they were in settlement discussions and he indicated that he would calendar the matter forward to April 11 or April 12 to check on the status of settlement.

99. Answering paragraph 99, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Perez admits that when he checked on settlement on April 12, he was advised that the parties had settled part of their dispute. In a telephone conference on April 16, he agreed to decide the remainder of the issues within 45 days. Judge Perez is without knowledge or information sufficient to form a belief as to the remainder of paragraph 99 and therefore denies it.

100. Answering paragraph 100, Judge Perez admits only that he filed an order on May 31, 2007.

101. Answering paragraph 101, Judge Perez admits only that during March 2007, he reported taking 5 days of sick leave and that his decision made no mention of any medical issue.

102. Judge Perez admits paragraph 102.

103. Judge Perez admits paragraph 103.

104. Judge Perez admits paragraph 104.

105. Judge Perez admits paragraph 105.

106. Judge Perez admits paragraph 106.

107. Judge Perez admits paragraph 107.

108. Answering paragraph 108, Judge Perez admits only that he held a conference call on September 8, 2009, and he asked for an extension of the due date for the decision, the log contains the note “week of the Oct. 5,” and that nothing in the court file reflects a written consent to extension of the time to decide the case.

109. Judge Perez has no recollection of paragraph 109 and no documents to refresh his memory and therefore denies the paragraph.

110. Answering paragraph 110, Judge Perez admits only that he filed his decision on December 8, 2009, that the order stated that it had been submitted for decision on September 8, 2009, and that the final sentence in the paragraph is true, although irrelevant.

111. Judge Perez admits paragraph 111.

112. Judge Perez admits paragraph 112.

113. Judge Perez admits paragraph 113.

114. Answering paragraph 114, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result

of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Perez otherwise admits paragraph 114.

115. Judge Perez admits paragraph 115.

116. Answering paragraph 116, Judge Perez affirmatively alleges that during the conference call on January 29, 2009, he questioned whether an amended return had been filed with the IRS and instructed the Commissioner's representative to inquire of the IRS to learn their position on the appellant's liability. Judge Perez otherwise admits paragraph 116, except the last sentence.

117. Judge Perez admits paragraph 117.

118. Judge Perez admits paragraph 118.

119. Answering paragraph 119, Judge Perez affirmatively states that the "master case status tracking log" was a running inventory of cases maintained exclusively by the court's paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Perez otherwise admits paragraph 119.

120. Judge Perez admits paragraph 120.

121. Judge Perez admits paragraph 121.

122. Judge Perez admits paragraph 122.

123. Judge Perez admits paragraph 123.

124. Judge Perez admits paragraph 124.

125. Judge Perez admits paragraph 125.

126. Judge Perez admits paragraph 126.

127. Judge Perez admits paragraph 127.

128. Judge Perez admits paragraph 128.

129. Judge Perez admits paragraph 129.

130. Judge Perez admits paragraph 130.

131. Judge Perez admits paragraph 131, but denies that the law imposes any obligation to describe or discuss each of the submissions in the case.

132. Judge Perez admits paragraph 132.

133. Judge Perez admits paragraph 133.

134. Judge Perez admits paragraph 134.

135. Judge Perez admits paragraph 135.

136. Judge Perez admits paragraph 136.

137. Judge Perez admits paragraph 137, except that he affirmatively alleges that after June 28, 2011 he used annual leave for absences due to illness.

138. Answering paragraph 138, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Perez otherwise admits paragraph 138.

139. Judge Perez admits paragraph 139.

140. Judge Perez admits paragraph 140.

141. Answering paragraph 141, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result

of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Perez otherwise admits paragraph 141.

142. Judge Perez admits paragraph 142, but denies that there was a “deadline on November 4, 2011.”

143. Judge Perez admits paragraph 143.

144. Judge Perez admits paragraph 144.

145. Judge Perez admits paragraph 145.

146. Judge Perez admits paragraph 146, but denies the last sentence.

147. Judge Perez admits paragraph 147.

148. Judge Perez admits paragraph 148.

149. Judge Perez denies the first sentence of paragraph 149 and admits the remainder.

150. Answering paragraph 150, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Perez otherwise admits paragraph 150.

151. Judge Perez admits paragraph 151.

152. Answering paragraph 152, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Perez otherwise admits paragraph 152.

153. Judge Perez admits paragraph 153.

154. Judge Perez denies paragraph 154.

155. Answering paragraph 155, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Perez otherwise admits paragraph 155.

156. Answering paragraph 156, Judge Perez admits only that a decision was not issued by October 26, 2011.

157. Judge Perez admits only the first three sentences of paragraph 157.

158. Judge Perez admits paragraph 158.

159. Judge Perez admits paragraph 159 and affirmatively alleges that the case involved the valuation of four commercial properties for three tax years and effectively required resolution of seven different challenges.

160. Judge Perez admits paragraph 160.

161. Answering paragraph 161, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition. Judge Perez otherwise admits paragraph 161.

162. Judge Perez admits paragraph 162.

163. Answering paragraph 163, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result



of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition.

Judge Perez otherwise admits paragraph 163.

164. Judge Perez admits paragraph 164.

165. Judge Perez admits paragraph 165.

166. Judge Perez admits paragraph 166.

167. Judge Perez admits paragraph 167.

168. Answering paragraph 168, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition.

Judge Perez otherwise admits paragraph 168.

169. Judge Perez admits paragraph 169.

170. Judge Perez admits paragraph 170.

171. Answering paragraph 171, Judge Perez affirmatively states that the “master case status tracking log” was a running inventory of cases maintained exclusively by the court’s paralegal on her word processing program and entries on the log were not necessarily the result of actions or direction of the judges. The paralegal frequently adjusted dates of her own volition.

Judge Perez otherwise admits paragraph 171.

172. Judge Perez admits paragraph 172, but denies the last sentence.

173. Judge Perez admits paragraph 173.

174. Judge Perez denies paragraph 174.

175. Judge Perez denies paragraph 175.

176. Judge Perez denies paragraph 176.

177. Judge Perez denies paragraph 177.


178. Except as expressly admitted, qualified, or otherwise answered in this Answer, Judge Perez denies each and every allegation of the Complaint.

#### **AFFIRMATIVE DEFENSES**

179. Judge Perez consistently and in good faith followed Tax Court practices and procedures, as he understood them, for calculating and documenting due dates for decisions and grants of extensions of time as they were explained to him by other judges and court staff beginning with his appointment to the court until December 30, 2011, without objection or complaint.

**BASSFORD REMELE**  
*A Professional Association*

Dated: Nov. 26, 2012

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