

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION

FILED

STATE OF WASHINGTON

FEB 28 1977

JUDICIAL QUALIFICATIONS COMMISSION

In The Matter of the Complaint Against:

FRED R. STAPLES,)	NO. 84-320 -F-7
)	
Superior Court Judge for Benton-)	
Franklin Counties)	COMPLAINT
)	

Pursuant to authority granted in Revised Code of Washington, Chapter 2.64 (Judicial Qualifications Commission) and the Judicial Qualifications Commission Rules (JQCR), as revised effective September 1, 1984, and at the order of the Judicial Qualifications Commission (Commission), this formal Complaint alleging the violation by Honorable Fred R. Staples, of Code of Judicial Conduct is filed. The background and facts of the complaint are set forth in the following paragraphs.

BACKGROUND

1. Honorable Fred R. Staples (Respondent) is now, and at all times mentioned herein, was a Judge of the Superior Court for Benton-Franklin County, Washington.

2. On August 30, 1984, after receipt of a written complaint, the Commission wrote a letter to Respondent advising him of alleged violations of the Code of Judicial Conduct (CJC) through his activities with an organization called Citizens for Cost Effective County Government which were alleged to be political. Respondent replied to those allegations by letter dated September 24, 1984 in which Respondent denied his efforts to remove the county seat were violative of any ethical consideration.

3. On November 19, 1984, Respondent was sent a letter from the Commission informing him the Commission was proceeding with a preliminary investigation upon filing of a verified statement in accordance with Commission Rule 5(d). A statement of allegations was also enclosed. Respondent had previously been sent a copy of Commission Rules and Rule 6 was noted to Respondent.

4. Respondent replied to the Commission letter of November 19, 1984 by letter dated November 27, 1984. Respondent admitted the facts set forth in the statement of allegations except as explained in that letter and denied Respondent violated Canon 7 or any other canon of judicial conduct.

FACTS SUPPORTING COMPLAINT

1. Respondent, a Judge and a candidate for election to judicial office, assumed a leadership position in attempting to move the Benton County seat from Prosser to Kennewick.

2. Respondent made speeches in support of the county seat move.

3. The organization formed to finance the drive to move the county seat from Prosser to Kennewick was known as Citizens for Cost Effective County Government and was a political organization. This organization was not one devoted to improvement of the law, the legal system or the administration of justice.

BASIS FOR COMMISSION ACTION

The Commission has determined that probable cause exists for believing that Respondent has violated Canon 7(A)(1)(a) and (b) of the CJC which states:

CANON 7

A Judge Should Refrain From Political Activity Inappropriate
to His Judicial Office

- (A) Political Conduct in General.
- (1) A judge or a candidate for election to judicial office should not:
- (a) act as a leader or hold any office in a political organization;
 - (b) make speeches for a political organization or candidate or publicly endorse a nonjudicial candidate for public office.
- (4) A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

NOTIFICATION OF RIGHT TO FILE WRITTEN ANSWER

In accordance with JQCR7(c) and (d), Respondent is hereby informed that he may file with the Commission an Answer to the Complaint within 14 days after service of the Complaint on Respondent. If Respondent does not file a written Answer, a general denial will be entered on behalf of Respondent. The Complaint and Answer shall be the only pleadings required.

DATED this 28th day of February, 1985.

JUDICIAL QUALIFICATIONS COMMISSION

By Esther Garner
Esther Garner, Executive Director