

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

FILED
SEP 07 1990

In re the Matter of)	
)	No. 90-913-F-19
HON. H. W. FELSTED)	
Judge)	
Franklin County District Court,)	STIPULATION PURSUANT
1016 North Fourth)	TO WAC 292-12-020(6)
Pasco, WA 99301)	
)	

The Commission on Judicial Conduct and the Honorable H. W. Felsted, Judge of the Franklin County District Court, do hereby stipulate and agree as provided for herein.

The Commission on Judicial Conduct is represented in these proceedings by Joseph S. Montecucco of Turner, Stoeve, Gagliardi & Goss, P.S., and the Honorable H. W. Felsted is represented by John G. Schultz of Leavy, Schultz and Sweeney, P.S.

STIPULATION

Respondent, on several occasions amounting to a course of conduct, has not followed the Justice Court Traffic Infraction Rules and Chapters 46.63 and 46.64 RCW in that Respondent would allow certain selected individuals to make voluntary contributions to law enforcement-related services such as a SWAT team or K-9 Unit in exchange for a dismissal of the Notice of Traffic Infraction. By that action, their driving records with the Department of Licensing would not be affected. One such individual was a client and friend of Respondent who met with him at his private

office in Richland, Washington, and his client/friend's Notice of Traffic Infraction was dismissed in exchange for a payment to a law enforcement-related service.

Respondent has, during recesses of his court, used his chambers to discuss private business matters in that he listened to a proposal to lease office space for his private practice from an attorney if that attorney purchased a certain building and discussed that attorney's association with the respondent on two personal injury cases which the Respondent had and the proposed fee arrangements between the two of them. These discussions were essentially preliminary in nature which took place in Respondent's chambers.

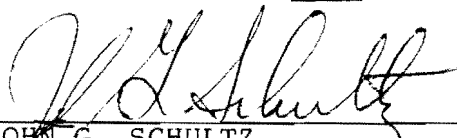
The above conduct was a violation of Canons 1, 2, 3(A)(1), 3(A)(4), 3(B)(1) and 5(C)(1) of the Code of Judicial Conduct, RCW 3.34.040 and .110, Chapters 46.63 and 46.64 RCW and the Justice Court Traffic Infraction Rules.

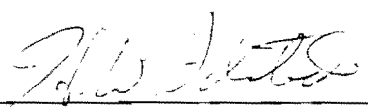
It is further stipulated that the remaining charge regarding treatment of Hispanics in his courtroom is dismissed because the evidence of any bias is not clear, cogent and convincing.

AGREEMENT

Respondent does hereby agree to accept a censure as described in RCW 2.64.055 and 2.64.010(2) and further agrees that he will not intentionally repeat the violations in the future.

DATED this 30th day of Aug, 1990.


JOHN G. SCHULTZ
Attorney for Respondent


HONORABLE H. W. FELSTED

COMMISSION ON JUDICIAL CONDUCT

By: 
JOSEPH S. MONTECUCCO

ORDER OF CENSURE

Based on the foregoing Stipulation and Agreement set forth herein, the Commission hereby orders and Respondent is hereby CENSURED for violating Canons 1, 2, 3(A)(1), 3(A)(4), 3(B)(1) and 5(C)(1) of the Code of Judicial Conduct, RCW 3.34.040 and .110, Chapters 46.63 and 46.64 RCW and the Justice Court Traffic Infraction Rules. Such conduct detrimentally affects the integrity of the judiciary and undermines public confidence in the administration of justice. The Respondent shall follow a corrective course of action by reviewing the provisions of Chapters 46.63 and 46.64 RCW, RCW 3.34.110, and the Justice Court Traffic Infraction Rules and govern his conduct in accordance therewith. Respondent is further cautioned regarding the prohibition of any use of court office space for any private business as set forth in RCW

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3.34.040 and is to govern his future conduct in accordance therewith.

DATED this 7 day of Sept., 1990.



STEVEN A. REISLER Chairman
Commission on Judicial Conduct