

FILED

AUG - 9 1999

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

COMMISSION ON JUDICIAL CONDUCT

In Re the Matter of)
The Honorable Grant L. Anderson)
Pierce County Superior Court)
930 Tacoma Avenue South)
Tacoma, Washington 98402)

CJC No. 98-2785-F-77

STATEMENT OF CHARGES

I. JUDICIAL SERVICE

1. From 1978 through 1992, Judge Grant L. Anderson was a part-time municipal court judge for the City of Fircrest, Washington.

2. From January, 1993, to the present, Judge Anderson has been a Pierce County Superior Court Judge.

II. FACTS

3. The charges herein are based on a pattern of misconduct, the critical facts of which were unknown to the Commission until after completion of CJC No. 96-2179-F-64 in April 1998. The facts establish a pattern of dishonesty and deception spanning approximately a decade. The first involves Judge Anderson's false testimony in CJC No. 96-2179-F-64. Related matters, which also bear on Judge Anderson's motive to testify falsely, include the filing of inaccurate federal tax returns of Pacific Lanes, Inc. and Hoffman-Stevenson, Inc., and the submission of false and/or misleading documents to First Interstate Bank. The other remaining matters involve the filing of a backdated Inventory of Assets signed by Judge Anderson as the personal representative of the Charles Hoffman estate, and the making of a false police report to the City of Tacoma, alleging a burglary of the residence of Samuel Allotta.

1 (A). PATTERN OF DISHONESTY AND DECEPTION AFFECTING OFFICIAL
2 PROCEEDINGS and OTHER CONSIDERATIONS

3 4. Beginning on January 12, 1998, the Commission held a hearing in Tacoma,
4 Washington, in In Re the Matter of the Honorable Grant Anderson, No. 96-2179-F-64. During
5 the fourth day of the hearing, on January 15, 1998, Judge Anderson testified under oath on direct
6 examination in his own defense. He testified about his lack of knowledge or participation in the
7 changing of a monthly lease rate from \$6,000 to \$12,000 that a bowling alley, Pacific Lanes, paid
8 its landlord, Hoffman-Stevenson, Inc. In particular, Judge Anderson testified as follows:
9

10 Q: Were rental payments for the bowling alley also being paid to
11 Hoffman-Stevenson at that point when you took over?

12 A: The rental payments had been set up on the books when I arrived
13 and they stayed in that same fashion. It wasn't, frankly, until
14 yesterday that I learned that that was a paper transaction by the
15 accountant and that a check was never written.

16 Q: Was that amount \$12,000 when you took over?

17 A: That's the amount that had been on and had been in my
18 understanding primarily generated by tax considerations.

19 See Ex. 1.

20 5. Following direct and cross-examination, Judge Anderson was questioned by
21 members of the Commission. In response to a question from alternate Commission Member Dale
22 Brighton, Judge Anderson testified as follows:

23 Q: Yesterday the accountant testified that the rent had been
24 \$1200 a month and that it had been -

25 A: \$12,000

26 Q: Excuse me, \$12,000, and it had been established before he started
27 with the books, he didn't know where that came from, he didn't
28 know why that had been changed to the 6. He was told to do it,
but he didn't know what initiated -

1 A: The \$12,000 figure was, to the best of my knowledge, established
2 by Knight, Vale & Gregory before I was ever involved, for tax
3 purposes of between the estates, excuse me, between the
4 corporations. I didn't, frankly, realize until Mr. Iverson testified
5 yesterday that it was a book entry by the accountant and there was
6 never a check written that went back and forth. The \$6,000 was
 negotiated reasonable real rent as opposed to a tax entry rent that
 had been taking place before. They were both cash flow
 numbers....

7 See Ex. 1.

8 6. Contrary to Judge Anderson's sworn testimony, he was directly involved in
9 increasing the rent to \$12,000.00 per month.

10 7. Judge Anderson had several motives for testifying falsely:

11 (A) The rental increase was accomplished through a document entitled
12 "Addendum to the Lease." See Ex. 2. This document was provided to the Commission by a third
13 party after April 1998. The addendum states that it was "made and entered" on May 15, 1989.
14 Id. The addendum was signed by Judge Anderson on behalf of both the lessor and the lessee.
15 Id. The notary affidavit included as a part of the document states that Judge Anderson signed the
16 document on May 15, 1989. Id. Contrary to the representations in the addendum, the addendum
17 was not prepared until March 20, 1990, as evidenced by the word processing footer in the lower
18 left-hand corner. See Ex. 2. Time records from Judge Anderson's law firm also confirm that the
19 addendum was prepared by his firm on March 19, 1990. See Ex. 3.

20 (B) Based on the backdated addendum, Pacific Lanes claimed in its 1989 tax
21 return (prepared in 1990) that it had paid \$144,000.00 in rent, and deducted that amount from its
22 gross income on the tax return. See Ex. 4. The rent under the lease dated July 1, 1988, however,
23 was \$6,500.00 per month. See Ex. 5. Additionally, the actual contemporaneous records of
24 Hoffman-Stevenson, Inc. for the period ending December 1989, show that it received \$78,000.00
25 in rental income from the bowling alley. See Ex. 6.

1 (C) In November 1992, Judge Anderson sought a release of a Creditor's Claim
2 filed against the estate of Charles C. Hoffman by First Interstate Bank. See Ex. 7. Judge Anderson
3 provided the First Interstate Bank with financial statements of both corporations which represented
4 that Hoffman-Stevenson, Inc. was receiving \$12,000.00 per month in rental income from Pacific
5 Lanes, Inc. Id. The financial statements were contrary to the 1992 federal tax returns of both
6 corporations. See Ex. 8 and 9.

8 8. On October 12, 1989, Judge Anderson caused a false Police Report to be filed with
9 the Tacoma Police Department stating a burglary had been committed by David Santos at the
10 residence of Sam Allotta on September 25, 1989. See Ex. 10. The Police Report was provided
11 to the Commission by a third party after April 1998. Judge Anderson made false and misleading
12 statements to the officer who prepared the Police Report including, but not limited to, the
13 representations that various witnesses, including Nicholas Iacobazzi and Jenny Roper, had made
14 statements to Judge Anderson that the witnesses had not, in fact, made. See Ex. 11. The police
15 and prosecutor's office relied on the police report and subsequently charged Mr. Santos with
16 burglary. These charges were later dropped by the prosecutor in the interest of justice.

19 9. In December, 1992, in his capacity as Personal Representative for the Charles
20 Hoffman Estate, Judge Anderson filed, or caused to be filed, a backdated "Inventory of Assets"
21 in Pierce County Superior Court. See Ex. 12. The inventory was purportedly notarized and
22 signed on November 8, 1989. Id. Records from Judge Anderson's law firm show, however, the
23 inventory was not even prepared until nearly three years later. See Ex. 13. Additionally, the
24 inventory is on the stationery of a law firm that did not exist in 1989. See Ex. 14.
25

1 III. PRIOR CJC DISCIPLINARY ACTION No. 96-2179-F-64

2 10. In August 1997 the Commission made a finding that Probable Cause exists to
3 believe that Judge Anderson violated Canons 1, 2(A), 5(C)(3) and 6(C). Statement of Charges
4 were served on Judge Anderson August 4, 1997. See Ex.15. On April 3, 1998, Judge Anderson
5 was found by the Commission to have violated the Code of Judicial Conduct, Canons 1, 2(A),
6 5(C)(3) and 6(C). See Ex.16.

8 IV. STATEMENT OF ALLEGATIONS

9 1. On January 26, 1999, the Commission sent Judge Anderson Statements of
10 Allegations in CJC No. 98-2785 and CJC No. 97-2644 pursuant to CJCRP 17(e). Judge Anderson
11 responded to the Statements of Allegations on February 22, 1999. The Commission has since
12 consolidated the Statements of Allegations under CJC No. 98-2785.

14 V. PROBABLE CAUSE

15 2. On August 6, 1999, the Commission determined that there was probable cause that
16 Judge Anderson violated Canons 1, and 2(A) of the Code of Judicial Conduct, which provide in
17 pertinent part:

19 Canon 1

20 **Judges Shall Uphold the Integrity and**
21 **Independence of the Judiciary.**

22 An independent and honorable Judiciary is indispensable to justice
23 in our society. Judges should participate in establishing,
24 maintaining, and enforcing high standards of judicial conduct, and
25 shall personally observe those standards so that the integrity and
independence of the judiciary will be preserved. The provisions of
this Code are to be construed and applied to further that objective.

26 Canon 2

27 **Judges Should Avoid Impropriety and the Appearance of**
28 **Impropriety in All Their Activities.**

1 (A) Judges should respect and comply with the law and act at all
2 times in a manner that promotes public confidence in the integrity
3 and impartiality of the judiciary.

4

5 3. On August 6, 1999, the Commission determined that there was probable cause that
6 Judge Anderson committed the following violations of the Code of Judicial Conduct:

7 (A) Judge Anderson violated Canons 1 and 2(A) of the Code of Judicial
8 Conduct by knowingly giving the following false testimony in CJC No. 96-2179-F-64:

9 Q: Were rental payments for the bowling alley also being paid to
10 Hoffman-Stevenson at that point when you took over?

11 A: The rental payments had been set up on the books when I arrived
12 and they stayed in that same fashion. It wasn't, frankly, until
13 yesterday that I learned that that was a paper transaction by the
14 accountant and that a check was never written.

14 Q: Was that amount \$12,000 when you took over?

15 A: That's the amount that had been on and had been in my
16 understanding primarily generated by tax considerations.¹

17 Q: Yesterday the accountant testified that the rent had been \$1200 a
18 month and that it had been -

19 A: \$12,000.

20 Q: Excuse me, \$12,000, and it had been established before he started
21 with the books, he didn't know where that came from, he didn't
22 know why that had been changed to the 6. He was told to do it,
23 but he didn't know what initiated -

23 A: The \$12,000 figure was, to the best of my knowledge, established
24 by Knight, Vale & Gregory before I was ever involved, for tax
25 purposes of between the estates, excuse me, between the
26 corporations. I didn't, frankly, realize until Mr. Iverson testified
27 yesterday that it was a book entry by the accountant and there was
28 never a check written that went back and forth. The \$6,000 was

¹The testimony charged as false is underscored.

1 negotiated reasonable real rent as opposed to a tax entry rent that
2 had been taking place before. They were both cash flow
3 numbers....


4 (B) Judge Anderson violated Canons 1 and 2(A) by engaging in a pattern of acts
5 over an extended period of time as described in Section II. (A). (4) through (9) above, which
6 threatens the integrity of the judiciary and which demonstrates an ongoing failure to respect and
7 comply with the law, including the matters alleged herein.
8

9 (C) The Commission also takes notice of the facts and decision found by the
10 Commission on April 3, 1998, in CJC No. 96-2179-F-64, which further demonstrate Judge
11 Anderson's failure to respect and comply with the law.

12 VI. PROCEDURE FOR RESPONDENT TO ANSWER STATEMENT OF CHARGES

13 In accordance with CJCRP 20(a), respondent Judge Anderson shall file a written answer
14 to this Statement of Charges with the Commission and serve a copy on disciplinary counsel in this
15 matter, Paul R. Taylor, Byrnes & Keller LLP, 1000 Second Avenue, 38th Floor, Seattle,
16 Washington, 98104, within 21 days after service of the Statement of Charges. As provided by
17 CJCRP 21(a), failure to timely answer shall constitute an admission of the factual allegations.
18

19 Dated this 9th day of August, 1999.
20

21
22 
23 David Akana, Executive Director
24 Commission on Judicial Conduct
25 PO Box 1817
26 Olympia, Washington 98507
27
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