

FILED  
JUL 17 2015  
COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON

In Re the Matter of:

The Honorable Fred Bonner,  
Former Judge of the  
Seattle Municipal Court.

CJC No. 7716-F-165

**STIPULATION, AGREEMENT  
AND ORDER OF CENSURE**

The Commission on-Judicial Conduct (“Commission”) and Fred Bonner, former Judge of the Seattle Municipal Court (“Respondent”), stipulate and agree as provided herein. This stipulation is submitted pursuant to Article IV, Section 31 of the Washington Constitution and Rule 23 of the Commission’s Rules of Procedure.

**I. STIPULATED FACTS**

1. Respondent was at all times referred to in this document a Judge of the Seattle Municipal Court. Respondent served in that capacity for twenty-five years, having been first elected to the bench in 1989. He did not prevail in the contest for his judicial position in the November-2014 election, and is currently retired.

2. On January 2, 2004, Respondent applied for a three-person carpool parking permit through the City of Seattle Fleets and Facilities Department. At the time, the cost for the three-person carpool parking permit was \$70 per month less than a standard, non-reserved parking permit. Respondent’s application for this discounted parking permit was approved on January 8, 2004, and remained in effect, without renewal or recertification, from that date until August 2014, when Respondent voluntarily withdrew from the program.

3. From January 2004 until August 2014, Respondent received a discounted carpool parking rate – saving between \$70 -\$140 per month over those years– but he did not in fact carpool often enough to qualify for the carpool parking rate. The Commission’s investigation indicates that, although Respondent occasionally carpooled with colleagues,

1 neighbors or friends, such ride sharing was irregular and infrequent, and did not meet the  
2 minimum requirements of the City's ride share program.

## 4 II. AGREEMENT

### 5 A. Respondent Violated the Code of Judicial Conduct.

6 1. Respondent agrees he violated Canon 1, Rules 1.1 and 1.2, of the Code of  
7 Judicial Conduct by receiving a public benefit to which he was not entitled.

8 2. Canon 1, Rule 1.1 provides, "A judge shall comply with the law, including  
9 the Code of Judicial Conduct." Rule 1.2 provides, "A judge shall act at all times in a manner  
10 that promotes public confidence in the independence, integrity, and impartiality of the  
11 judiciary, and shall avoid impropriety and the appearance of impropriety." Rules 1.1 and 1.2  
12 express the overarching principles of the Code of Judicial Conduct: because of their central  
13 role in administering justice and enforcing the rule of law, in order to preserve public  
14 confidence in our legal system, judges must act in a manner that is always above reproach.

15 3. For over ten years, Respondent received a monthly discounted parking rate  
16 under the City's ride-share program, even though he knew or should have known his actions  
17 did not qualify him for that reduced rate. This conduct reflected a continuing disregard of  
18 the high standards of personal integrity to which judges are held under the Code.

### 19 B. Imposition of Sanction

20 1. The sanction imposed by the Commission must be commensurate to the level  
21 of Respondent's culpability, sufficient to restore and maintain the public's confidence in the  
22 integrity of the judiciary, and sufficient to deter similar acts of misconduct in the future.

23 2. In determining the appropriate level of discipline to impose, the Commission  
24 takes into account those factors listed in CJCRP 6(c). The paramount consideration here  
25 concerns the nature of the misconduct. Misconduct involving dishonesty substantially  
26 undermines public confidence in Respondent's integrity, and consequently diminishes  
27 respect for the judiciary in general. Disciplinary actions for similar misconduct have  
28 historically been treated as extremely serious by the Commission and by our State Supreme

1 Court. (See, *In re Ritchie*, 123 Wn.2d 725 (1994) and *In re Anderson*, 138 Wn.2d 830  
2 (1999) and most recently *In re Johnson*, CJC No. 7711-F-164 (May 2015).) In addition,  
3 Respondent's actions were on-going and took place over an extended period of time. In  
4 mitigation, the conduct did not take place in the courtroom, nor was it particularly related to  
5 his judicial status, but rather his status as an employee of the city. In that regard, he did not  
6 exploit his judicial capacity to satisfy personal desires. The Commission recognizes that  
7 Respondent served as a judicial officer for 25 years with distinction. He is no longer a  
8 judicial officer, and has stated that he has no intentions of returning to the bench. He has  
9 been cooperative with the Commission in this proceeding. The Commission further  
10 acknowledges that, by entering into this stipulation, Respondent has accepted responsibility  
11 for his impropriety.

12 3. Based upon the stipulated facts and upon weighing the factors in CJCRP 6(c),  
13 Respondent and the Commission agree that Respondent's stipulated misconduct shall be  
14 sanctioned by the imposition of a "censure." A "censure" is a written action of the  
15 Commission that finds that the conduct of the respondent violates a rule of judicial conduct,  
16 detrimentally affects the integrity of the judiciary, and undermines public confidence in the  
17 administration of justice. It is the highest level of discipline the Commission can impose.

18 4. Respondent agrees that he will not seek nor hold any judicial office, nor  
19 perform any judicial duties in the future without first securing approval from the Commission  
20 in the manner provided in CJCRP 28, or its successor or replacement rule.

21 5. Respondent further agrees he will reimburse the City of Seattle the total cost  
22 difference between the three-person carpool parking permit rate for which he was charged  
23 and the non-reserved parking permit rate from January 2004 to August 2014. Respondent  
24 will make full restitution within one-year from the date this stipulation is entered and shall  
25 notify the Commission in writing that he has done so.

26 *Standard Additional Terms*

27 6. Respondent agrees he will not retaliate, or appear to retaliate, against any  
28 person known or suspected to have cooperated with the Commission, or otherwise associated

1 with this matter.

2 7. Respondent affirms that he has consulted with, or has had the opportunity to  
3 consult with, counsel prior to entering this stipulation.

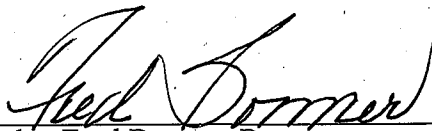
4 8. Respondent agrees that by entering into this stipulation and agreement, he  
5 hereby waives his procedural rights and appeal rights pursuant to the Commission on Judicial  
6 Conduct Rules of Procedure and Article IV, Section 31 of the Washington State Constitution  
7 in this proceeding.

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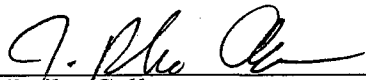
  
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Judge Fred Bonner, Ret.

6-24-15  
Date

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J. Reiko Callner  
Executive Director  
Commission on Judicial Conduct

6-26-15  
Date

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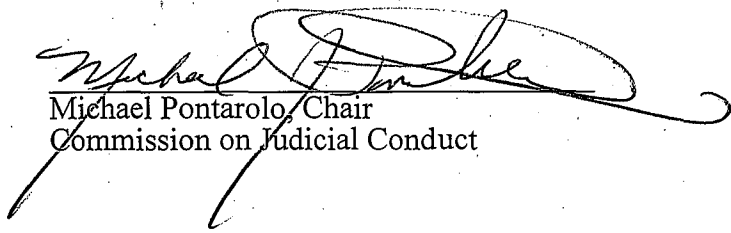
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**ORDER OF CENSURE**

Based on the above Stipulation and Agreement, the Commission on Judicial Conduct hereby orders Respondent, Fred Bonner, CENSURED for the above set forth violations of the Code of Judicial Conduct. Respondent shall fulfill all of the terms of the Stipulation and Agreement as set forth therein.

DATED this 17<sup>th</sup> day of July, 2015

  
Michael Pontarolo, Chair  
Commission on Judicial Conduct