JUL 15 2016

COMMISSION ON JUDICIAL CONDUCT

STIPULATION, AGREEMENT AND ORDER OF ADMONISHMENT - 1

BEFORE THE COMMISSION ON JUDICIAL CONDUCT OF THE STATE OF WASHINGTON

In re the Matter of:)
) CJC No. 8088-F-170
The Honorable Gina A. Tveit,)
Judge of the Stevens County District Court) STIPULATION, AGREEMENT
) AND ORDER OF ADMONISHMENT
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The Washington State Commission on Judicial Conduct ("Commission") and Judge Gina A.

Tveit of the Stevens County District 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.

The Commission has been represented in these proceedings by Executive Director, J. Reiko Callner, and Respondent has been represented by attorney Jerry J. Moberg.

I. STIPULATED FACTS

- 1. Respondent is now, and was at all times referred to in this document, a Stevens County District Court Judge. She has served in that capacity since 2009, when she was first appointed to the bench. Since her appointment, Respondent won contested elections to her district court position in 2010 and 2014.
- 2. In relation to her 2014 judicial election, the Washington Public Disclosure Commission ("PDC") initiated an enforcement action against Respondent in June 2015. The PDC alleged Respondent failed to comply with state campaign reporting laws (RCW 42.17(A)) by accepting an in-kind contribution from her father that exceeded the individual contribution limits, and by not timely or properly filing required campaign finance reports listing contributions received and expenses incurred by her campaign.

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provisions of RCW 42.17(A) by submitting five financial reports late and by using the wrong (non-electronic) method of reporting. She disputed receiving an in-kind contribution from her father, however. The PDC held a hearing on October 22, 2015. In addition to sustaining the stipulated violations, the PDC sustained the charges relating to the in-kind contribution allegation. (Attached hereto and incorporated herein is the PDC's Final Order dated November 10, 2015.)¹

4. Respondent has now fully complied with all reporting requirements with the PDC.

In the PDC action, Respondent stipulated she failed to comply with three different

II. AGREEMENT

- A. Respondent Agrees She Violated the Code of Judicial Conduct.
- 1. Based upon the foregoing stipulated facts, Respondent agrees that her acknowledged violations of RCW 42.17(A) constitute violations of Canon 1 (Rules 1.1 and 1.2) and Canon 4 (Rule 4.2) of the Code of Judicial Conduct.²
- 2. These rules reflect the fact that, because of the special position of authority judges hold in society and that they represent the "rule of law," they are expected to conduct themselves in accordance with the highest standards of personal and professional behavior and scrupulously comply with the law.

B. Imposition of Sanction

1. In determining the appropriate level of sanction to impose, the Commission considers the aggravating or mitigating factors set out in CJCRP 6(c). The nature of the underlying misconduct concerns out-of-court actions, not on-bench adjudicative behavior. While Respondent

^{1/} Respondent continues to dispute that she received an in-kind contribution from her father. The parties agree that resolution of that issue is not necessary for the disposition of this matter.

Rules 1.1 and 1.2 require judicial officers to uphold the integrity of the judiciary by avoiding impropriety and the appearance of impropriety and by acting at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Rule 4.2 requires judicial candidates to comply with all applicable campaign laws.

agrees she failed to timely comply with the various state campaign reporting requirements, the transgressions are related and confined to one election cycle. There is no indication the violations were intentional or flagrant, or had any particular impact on the judicial election at issue. Respondent has cooperated with this investigation and has no prior disciplinary record. These factors all tend to mitigate the level of sanction.

- 2. Weighing and balancing the above factors, Respondent and the Commission agree that an admonishment is the appropriate level of sanction to impose in this matter. An "admonishment" is a written action of the Commission of an advisory nature that cautions a respondent not to engage in certain proscribed behavior. An admonishment may include a requirement that the respondent follow a specified corrective course of action. Admonishment is the least severe disciplinary action available to the Commission.
 - 3. Respondent agrees that she will not repeat such conduct in the future.
- 4. Respondent agrees that she will promptly read and familiarize herself with the Code of Judicial Conduct in its entirety, and provide the Commission with written confirmation of this fact within one month of the date of entry of this stipulation, agreement and order.
- 5. Respondent agrees that by entering into this stipulation and agreement, she waives her procedural rights and appeal rights in this proceeding pursuant to the Commission on Judicial Conduct Rules of Procedure and Article IV, Section 31 of the Washington State Constitution.
- 6. Respondent further agrees that she will not retaliate against any person known or suspected to have cooperated with the Commission, or otherwise associated with this matter.

Gina A. Tveit, Judge

Stevens County District Court

July 14, 2016

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3	Jerry J. Moberg Attorney for Respondent	Date
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6	J. Reiko Callner	7 - 14 - 16 Date
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ORDER OF ADMONISHMENT

Based on the above Stipulation and Agreement, the Commission on Judicial Conduct hereby orders Respondent, Judge Gina A. Tveit, admonished for the violating Canon 1 (Rules 1.1 and 1.2) and Canon 4 (Rule 4.2) of the Code of Judicial Conduct. Respondent shall not engage in such conduct in the future and shall fulfill all of the terms of the Stipulation and Agreement as set forth therein.

DATED this 15th day of Juni 2016.

Lin-Marie Nacht, Vice-Chair Commission on Judicial Conduct