

BEFORE THE COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON

In Re:

Hon. David Ruzumna, Judge Pro Tempore of  
the King County District Court

No: 11424-F-210

ANSWER TO STATEMENT OF CHARGES

COMES NOW David Ruzumna, by and through his attorney of record, Anne Bremner, and responds to the Statement of Charges as follows:

1.1 The Goat Hill Garage is owned and operated by King County, and employees of King County are entitled to a discounted parking rate. David Ruzumna was an employee of King County, as he was employed by both the King County Superior Court and the King County District Court as a commissioner pro tem and judge pro tem, respectively.

1.2 On multiple prior occasions throughout his employment with King County District Court, both verbally and in writing, the Court management led Respondent to believe that King County pro tem judges are entitled to the discounted parking rate just like all other county employees. Also, prior to February 16, 2023, an elected judge of the District Court explicitly stated that Respondent was entitled to discounted parking when working for the district court. On a separate occasion (albeit after February 16, 2023), a different elected judge explicitly told Respondent, in writing, that King County District Court considers Respondent an employee and that as an employer, the court failed to provide adequate support for employee entitled discount parking.

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2 1.3 The first time Respondent parked at the Goat Hill Garage (in January 2023) he was denied the  
3 parking discount because the parking attendant advised that he needed to see proof that Respondent was in fact  
4 an employee of King County District Court. One at least one occasion, the same parking attendant advised that a  
5 copy of Respondent's pay stub would be sufficient to corroborate Respondent's assertion that he is employed by  
6 the King County District Court as a pro tem judge. One a different occasion, when asked for proof that  
7 Respondent worked for the King County District Court, Respondent showed the parking attendant his judicial  
8 robe, and on another occasion when asked for proof of employment, Respondent showed the attendant his  
9 "Judge Pro Tem" stamp, but the attendant stated that he needed more proof that Respondent was employed with  
10 the District Court.

11 1.4 In connection with Respondent's service in Superior Court, Respondent was entitled to fully  
12 validated parking. On at least one occasion, even when Respondent gave the parking attendant a fully validated  
13 parking ticket, the parking attendant still asked for Respondent's employee badge or some other indication that  
14 Respondent was an employee. Parking at the Goat Hill Garage costs \$30.00 for the day, or \$20.00 for  
15 employees, or \$0.00 with validated parking. Respondent's fully validated parking was always ultimately  
16 honored when he worked for Superior Court, but Respondent was never once able to obtain the discounted rate  
17 for employees on the days he worked for District Court.

18 1.5 On February 16, 2023, Respondent worked the entire day as a pro tem judge in District Court,  
19 and before he left for the day he remembered that he would likely be challenged again by the parking attendant  
20 to prove his employment status. Respondent learned that the Court manager had already left for the day, and in  
21 an effort to bring some levity to the interaction Respondent knew he would have with the parking attendant,  
22 Respondent printed out on a plain piece of paper the words "David Ruzumna is employed by the King County  
23 District Court as a judge pro tem." Respondent adorned the letter with multiple random stamps, including his  
24 own "Commissioner Pro Tem" stamp, his "Judge Pro Tem" stamp, and his own address stamp, and also used  
25 two stamps belonging to the Court – the Court Seal stamp and the date/name stamp of the elected judge he had  
26 been covering for that day.

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2 1.6 Respondent presented the document to the parking attendant and explicitly told the parking  
3 attendant that Respondent himself had created the document and stated words to the effect of 'look what I made  
4 for you. How else would I have access to all of these stamps?' Respondent did not present the document as an  
5 official court document, and explicitly stated that it was a document of Respondent's own making. In other  
6 words, Respondent created what he intended to be a farcical document adorned with multiple random stamps, all  
7 in an effort to corroborate his truthful assertion that Respondent was a pro tem judge with the district court.

8 1.7 This was done in a joking and lighthearted manner; the Respondent's intent was to obtain the  
9 parking discount to which he reasonably believed he was entitled. The parking attendant who received the  
10 document knew it was not official, because Respondent was, once again, charged the full \$30.00 parking fee and  
11 not afforded a discount. The document at issue was retained by the parking attendant and not given back to  
12 Respondent.

13 1.8 Some time after February 16, 2023, Respondent was contacted by King County District Court HR  
14 director, who explicitly instructed Respondent to personally appear downtown for in person questioning  
15 regarding Respondent's use of parking. Respondent was further ordered not to discuss the matter with anyone,  
16 including other judges. Respondent was explicitly told verbally and in writing that if he discussed the matter  
17 with anybody, including other judges, he would be subject to immediate termination of employment.

18 1.9 When Respondent sat down with the individual from HR, and once it was obvious what the  
19 questions were about, Respondent immediately and candidly explained the situation. Respondent was shown a  
20 picture of a portion of the farcical document at issue, and Respondent acknowledged that he was being shown a  
21 picture of the top portion of the document that captured only the two court stamps that were used, but which  
22 omitted the portion of the document containing the other, random stamps that Respondent affixed to the  
23 document.

24 1.10 The day Respondent was questioned by the HR representative, Respondent made the decision to  
25 resign from the District Court. Respondent resigned for two reasons: first, Respondent wanted to communicate  
26 to the judge whose stamp he had used to apologize for the misunderstanding and to explain himself. Rather than

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2 communicate with the particular judge and then wait to be fire, Respondent sent an e-mail to the particular judge  
3 to explain the situation and apologize, and then sent an e-mail formally resigning his position. The second  
4 reason Respondent resigned was his attempt to take responsibility for the situation; Respondent recognized that  
5 his attempt at humor had failed miserably, and Respondent recognized that there were other, more proper ways  
6 he should have gone about corroborating to the parking attendant that he was an employee of the district court  
and not just some random person trying to obtain the employee discount.

7 1.11 The Statement of Charges provides that Respondent is charged with violating Canon 1, Rules 1.1,  
8 1.2 and 1.3 of the code of judicial conduct by “creating a fraudulent document” and presenting it to the parking  
9 attendant. Based on the circumstances described above, Respondent categorically denies that he engaged in any  
10 type of deceit, dishonesty or fraud.

11 1.12 The nine elements to common law fraud, these are: (1) a representation of an existing  
12 fact; (2) its materiality; (3) its falsity; (4) the speaker's knowledge of its falsity or ignorance of its truth;  
13 (5) his intent that it should be acted on by the person to whom it is made; (6) ignorance of its falsity on  
14 the part of the person to whom it is made; (7) the latter's reliance on the truth of the representation; (8)  
15 his right to rely upon it; and (9) his consequent damage.

16 1.13 Respondent did make a representation of existing fact in this case – that Respondent was  
17 “employed by the King County District Court as a Judge Pro Tem.” This is a truthful statement.  
18 Respondent explicitly told the parking attendant that the stamps – including the court stamps – were  
19 placed on the document by Respondent himself. There was no reliance on the representation in any  
20 event as the parking attendant declined to provide Respondent with the employee discount.

21 1.14 Canon 1, Rule 1.2 provides that a Judge shall uphold and promote the independence, integrity and  
22 impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety. Respondent denies  
23 any impropriety in his attempt to obtain the employee parking discount, but acknowledges that creating a farcical  
24 document using any court stamps was not the right way to go about getting the parking discount. Although

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2 Respondent denies any impropriety, he acknowledges that the document he provided, stripped of all context,  
3 could be interpreted as being something other than the joke that Respondent intended. Accordingly, while  
4 Respondent denies impropriety, he acknowledges that his conduct could give rise the appearance of impropriety.

5 1.15 To the extent Respondent's conduct created the appearance of impropriety, Respondent would  
6 necessarily have violated Rule 1.1, which requires judges to comply with the rules of judicial conduct, including  
7 Rule 1.2.

8 1.16 Canon 1, Rule 1.3, provides that a judge "shall not abuse the prestige of judicial office to advance  
9 the personal or economic interests of the judge or others, or allow others to do so." Respondent denies that he  
10 violated Rule 1.3. The parking attendant with whom Respondent interacted did not believe that Respondent was  
11 a judicial officer or held judicial office. To the contrary, the very reason Respondent was continually denied the  
12 employee parking discount was that the parking attendant did not believe Respondent was a judicial officer in the  
13 first place. Rule 1.3 presupposes that a judicial officer is interacting with one or more people who know that the  
14 judicial officer holds judicial office, and the rule seeks to prevent judges from using the prestige of their office to  
15 gain an advantage.

16 DATED this 7<sup>th</sup> day of May, 2024.

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19 David Ruzumna, Respondent