

**BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON**

In Re the Matter of

The Honorable Fa'amomoi Masaniai
Judge of the King County District Court

NO. 12896-F-217

**STIPULATION, AGREEMENT
AND ORDER OF REPRIMAND**

The Washington State Commission on Judicial Conduct ("Commission") and Judge Fa'amomoi Masaniai of the King 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 and shall not become effective until approved by the Washington Commission on Judicial Conduct.

The Commission has been represented in these proceedings by its Executive Director J. Reiko Callner, and Respondent has been represented by attorney Brett A. Purtzer.

I. STIPULATED FACTS

1. Respondent is now, and was at all times referred to in this document, a King County District Court Judge, having been appointed to that position in January 2021, and then won election to the bench in November 2022.

2. A female court clerk ("Clerk") began working at the King County District Court in January 2023. Shortly after she started, she clerked in court for Respondent in a case where a litigant later died by suicide. She wanted to learn if there was something the court could have done to prevent the suicide, so she asked if she could speak with Respondent. Their schedules did not align during the workday but he said she could call him later. He gave her his cell number and asked for hers, so that he would know who was calling. Clerk called Respondent after work hours

and initially they spoke about the suicide. Respondent also asked Clerk personal questions in this call and asked if he could call her again. In a later conversation, he asked about her prior jobs and learned that she had been a bikini barista and he asked her to tell him her “craziest story.” Respondent told her that he used to work as a bouncer for a strip club.

3. Respondent and Clerk continued to communicate about both work and personal topics multiple times daily by chat, text, and phone, and while Clerk thought it was strange and possibly inappropriate, she did not tell that to Respondent, because of the power disparity between them: Respondent was effectively her boss, so she did not say anything about the personal communications as she continued to clerk in his courtroom.

4. On May 5, 2023, Respondent offered Clerk a massage in his chambers after she had mentioned that her neck hurt. Clerk declined in a polite and conversational way. Respondent offered again to massage her neck in a text message to her, which she declined as politely as possible.

5. On May 8, 2023, after clerking for Respondent on a name change calendar, Clerk had a question about one of the cases and messaged Respondent about it. He responded that he actually wanted to talk with her about it too and asked her to come to his chambers. When Clerk went to chambers, Respondent was there with all of the lights off and the blinds closed making it quite dark. Respondent was at the back wall, hanging up a decoration. When she came in, he told her to “sit down and get comfortable.” She sat on the edge of a chair in front of his desk, and after hanging the decoration, he walked around the desk and stood in front of her, leaning back against the desk. He asked her about her tattoos, among other personal things, and then told her that she “had a really special spirit.” He went on, saying how much he enjoyed talking to her and implied that he was going through some marital problems, saying that he is in a “really weird situation” but still sees his kids.

6. Respondent then took the other seat in front of his desk, diagonal to Clerk. Clerk was uncomfortable, so she stood up and said something to the effect of, “Oh, look at the time. I

better go before my boss comes hunting me down.” Respondent replied, “Oh, I get it. But before you go, can I have a hug?” Clerk did not feel like she could say no and said “sure” in what she described as a completely flat, unenthusiastic tone. She then described a “full body embrace” with the Respondent’s hand so low on her back that it was touching her rear. Respondent continued to embrace Clerk for five to ten seconds until she broke away and moved backward. She said Respondent was looking at her and smiling and it looked to her like he was going to kiss her. She jumped back, left his chambers, went to the bathroom and threw up.

7. Later that day, Respondent texted Clerk to thank her for talking with him and after that, called her to apologize for becoming overly emotional and “coming apart,” but not for his unwanted touching.

8. The following day, May 9, Respondent texted Clerk at 5:07 p.m. asking: “Are you OK?” At 6:15 p.m. Clerk replied: “To be honest, no. I like talking to you, I’m happy to listen, but I felt like I couldn’t say no when you asked for a hug in your office yesterday and I felt really uncomfortable when I left. I feel bad even saying this to you, because I don’t think you meant any harm and you already apologized.”

9. From May 9, 2023, to May 15, 2023, Clerk tried to distance herself from Respondent’s ongoing personal communications. She gave minimal responses to Respondent’s Teams messages and his attempts to talk with her at the front counter. She also hid in the bathroom on multiple occasions to avoid him, and she texted another clerk on one occasion to find out if Respondent had left the area. She had panic attacks, and she threw up at work upwards of ten times after the incident on May 8, 2023. During this time, Clerk communicated with her friends, family, and her co-workers about the incident and sought advice on what to do.

10. On May 12, 2023, Clerk reached out to Human Resources and made an appointment for May 16 to discuss the situation she was having with Respondent. On Monday, May 15, 2023, Respondent sent Clerk a “Good Morning!” Teams message and she responded, “I have been trying to be polite, but you have been making me uncomfortable, and I would appreciate if you would

stop contacting me unless necessary. Thank you.” Respondent has not contacted Clerk since that message. On May 16, Clerk met with HR and the following day, Respondent was reassigned to another courthouse by the presiding judge. Clerk has not been required to work with Respondent since that time.

11. Following a confidential preliminary investigation, the Commission initiated disciplinary proceedings by serving Respondent with a Statement of Allegations on December 12, 2024. The Statement of Allegations alleged that by engaging in inappropriate personal conduct toward a member of court staff; contacting them for personal reasons; initiating physical contact with the staff member without regard to the power differential between a judge and a clerk, Respondent violated Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rules 2.3(B) and 2.8(B)) of the Code of Judicial Conduct.

12. Respondent answered the Statement of Allegations on January 24, 2025, and supplemented that response on May 8, 2025. In his answers, Respondent explained that, since 2020, he lost eight family members, including his mother, and that he had not dealt with his grief. He further explained that at the time, he saw Clerk as a “person to confide in,” but upon reflection, is “remorseful for discussing deeply personal information with her.” Respondent acknowledges that he and Clerk communicated frequently about personal topics, but describes the interaction in chambers differently, specifically recalling the hug to be a “bro hug” without significant body contact. He maintains that he did not intend to convey anything sexual in his encounter with Clerk and that he viewed their relationship as purely platonic. Respondent acknowledges, however, that given the power disparity between him and Clerk, his conduct, even as he describes it, was inappropriate. Respondent states that he now better understands this power dynamic and will be mindful of it when interacting with staff and others who serve the court going forward. Finally, Respondent acknowledges that despite his intentions, his conduct was harmful Clerk and tainted the bench. Although he terminated contact with the clerk when she asked him to do so, he understands, and recognizes, that his conduct had already caused harm to her, for which

Respondent states that he is truly sorry. Respondent represents that this is an isolated event in his judicial career and promises that it will never happen again.

II. AGREEMENT

A. Respondent Agrees He Violated the Code of Judicial Conduct.

1. Canon 1, Rules 1.1 and 1.2 require judges 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 independence, integrity and impartiality of the judiciary. Rule 2.3(B)¹ prohibits judges from engaging in harassment, and Rule 2.8(B)² requires judges to maintain appropriate courtroom decorum and be patient, dignified and courteous to all persons with whom they deal in their official capacity.

B. Imposition of Sanction

1. In determining the appropriate level of sanction to impose, the Commission considers the aggravating and mitigating factors set out in CJCRP 6(c).

A. Characteristics of Respondent's Misconduct. The nature of the misconduct is serious, and that is an aggravating factor, but this course of conduct was isolated and relatively short-lived. The conduct occurred both in and outside the courtroom, and Respondent was acting in his capacity as a judge but there is no indication that he intentionally violated the oath of office. It does appear, however, that Respondent intentionally used his judicial status to cultivate the relationship with Clerk and/or that he was unaware that her subordinate status made it difficult for her to express how he was making her feel. Regardless of his intentions, it is his responsibility to observe the norms of the workplace and the impact his actions and words have on others. The

¹ Canon 2, Rule 2.3(B): "A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so." Comment [4] to the Rule notes that, "Sexual harassment includes but is not limited to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is unwelcome."

² Canon 2, Rule 2.8(B): "A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control."

misconduct was deeply injurious to Clerk and has had a substantial negative effect on her health and happiness at a job she enjoys. Clerk conducted herself with dignity and professionalism throughout the situation, even as her options were severely limited by the power disparity. Respondent's conduct and insensitivity to its impact has a negative impact on the public's respect for the judiciary. Because of the power differential between judicial officers and court staff, personal relationships are fraught with difficulty and judicial officers must be particularly careful and cautious that their conduct is appropriate to the workplace in light of that power dynamic, as subordinate staff are generally not in a position to resist or even protest unwanted attention for fear of losing their jobs.

B. Service and Demeanor of the Judge. Respondent has acknowledged that the acts occurred, although it took some time after contact from the Commission for Respondent to appreciate the effect of his misconduct and to see how it was inappropriate. Respondent has sought outside assistance through the Judicial Assistance Program and has made positive changes in the way he interacts with others at the courthouse. Respondent was relatively new to the bench and the Commission acknowledges that the transition to the bench can be difficult and isolating, and that his interactions were impacted by the personal family tragedies he experienced. Respondent has no prior disciplinary history and has cooperated with the Commission throughout this proceeding.

2. Weighing and balancing the above factors, Respondent and the Commission agree that Respondent's stipulated misconduct shall be sanctioned by the imposition of a reprimand. A "reprimand" is a written action of the Commission that requires a judge to appear personally before the Commission and finds that the conduct of the Respondent is a violation of the Code of Judicial Conduct. It requires that the judge follow a specified corrective course of conduct. Reprimand is an intermediate level of discipline.

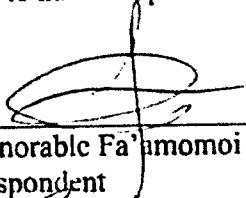
3. Respondent agrees that he will not repeat such conduct in the future.

4. Respondent agrees that he will promptly read and familiarize himself 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 he will complete remedial training, focused on sexual harassment and gender dynamics, approved in advance by the Commission Chair or the Chair designate. Respondent agrees he will complete such training (not at Commission expense) and will certify the successful completion of such training in writing within one year from the date this stipulation is accepted by the Commission.


6. Respondent agrees that by entering into this stipulation and agreement, he waives his 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.

7. Respondent further agrees that he will not retaliate against any person known or suspected to have cooperated with the Commission or otherwise associated with this matter.




Honorable Fa'amomoi Masaniai
Respondent

2/23/26
Date



Brett Purtzer
Attorney for Respondent

2/23/26
Date



J. Reiko Callner
Executive Director
Commission on Judicial Conduct

2/23/26
Date

ORDER OF REPRIMAND

Based on the above Stipulation and Agreement, the Commission on Judicial Conduct hereby orders Respondent, Judge Fa'amomoi Masaniai, reprimanded for violating Canon 1, Rules 1.1 and 1.2, and Canon 2, Rules 2.3(B) and 2.8(B) 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 _____ day of _____, 2026.

Kristian Hedine, Chair
Commission on Judicial Conduct