

IN THE SUPREME COURT OF THE STATE OF UTAH

-0000000-

In re: Judicial Conduct Commission
Inquiry Concerning a Judge;

Case No. 20100846-SC
JCC 09-5JC-082

Hon. Kenneth H. Adams

ORDER

Pursuant to the authority vested in the Supreme Court by Article VIII, Section 13 of the Utah Constitution and Utah Code Ann. § 78A-11-111, the Court approves the implementation of the Judicial Conduct Commission's Order of Reprimand.

For The Court:

December 20, 2010
Dated

Christine M. Durham
Christine M. Durham
Chief Justice

CERTIFICATE OF MAILING

I certify that on the 21st day of December 2010, I mailed a true and correct copy of the foregoing order, postage prepaid, to the following addresses:

COLIN WINCHESTER, EXECUTIVE DIRECTOR
JUDICIAL CONDUCT COMMISSION
2540 WASHINGTON BLVD. SUITE 703
OGDEN, UTAH 84401

Corbin B. Gordan, Esq.
345 West 600 South, Suite 108
Heber City, Utah 94032

Hon. Kenneth Adams
Parowan City Justice Court
P.O. Box 1118
Parowan, Utah 84761

Dec. 21, 2010

Dated



Pat H. Bartholomew
Clerk of the Court

Case No. 20100321-SC
JCC No. 09-4JC-062

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:)
) ORDER OF REPRIMAND
))
KENNETH H. ADAMS)
))
) Case No. 09-5JC-082

This matter came before the Judicial Conduct Commission for a confidential hearing pursuant to stipulated facts on September 14, 2010, at 11:00 a.m. The Hon. Kenneth H. Adams was present and was represented by counsel, Corbin B. Gordon. Colin Winchester appeared as Examiner. The following Commissioners were present: Chair Ronald Russell, Representative Douglas Aagard, Elaine Englehardt, Judge Royal Hansen, Representative Brian King, Constance Lundberg, Senator Karen Mayne, Judge Carolyn McHugh, Lois Richins and Senator Stephen Urquhart. The proceedings were transcribed by a certified court reporter.

Prior to the commencement of the confidential hearing, the Commission heard Judge Adams' Motion to Dismiss with Warning or on Conditions. Counsel reviewed the stipulated facts and presented their arguments. The Commission then excused Judge Adams and counsel in order to deliberate on the motion. After deliberation, the Commission informed Judge Adams and counsel that it had voted to deny the motion.


Counsel and Judge Adams then presented an oral stipulation by which they jointly requested that the Commission recommend that Judge Adams be reprimanded. The Commission voted to approve the stipulated resolution.

Based on the oral stipulation and the Commission's approval of the same, the Judicial Conduct Commission hereby orders that the Hon. Kenneth H. Adams be reprimanded.

This Order shall only take effect upon implementation of the same by the Utah Supreme Court.

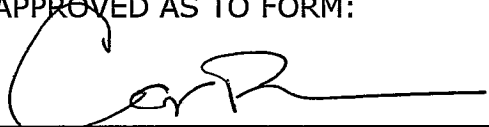
DATED this 12th day of October, 2010.

JUDICIAL CONDUCT COMMISSION:



Ronald G. Russell, Chair

APPROVED AS TO FORM:



Corbin B. Gordon
Attorney for Hon. Kenneth H. Adams

CERTIFICATE OF SERVICE

I certify that on the 15th day of October, 2010, I served a true and correct signed copy of the foregoing ORDER OF REPRIMAND upon each of the following individuals by depositing the same in the United States mail, first-class postage prepaid, and addressed as follows:

Colin R. Winchester
Judicial Conduct Commission
2540 Washington Blvd., Suite 703
Ogden, Utah 84401

Corbin B. Gordon
345 West 600 South, Suite 108
Heber City, Utah 94032



BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:

KENNETH H. ADAMS

)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) Case No. 09-5JC-082

This matter came before the Judicial Conduct Commission for a confidential hearing pursuant to stipulated facts on September 14, 2010, at 11:00 a.m. The Hon. Kenneth H. Adams was present and was represented by counsel, Corbin B. Gordon. Colin Winchester appeared as Examiner. The following Commissioners were present: Chair Ronald Russell, Representative Douglas Aagard, Elaine Englehardt, Judge Royal Hansen, Representative Brian King, Constance Lundberg, Senator Karen Mayne, Judge Carolyn McHugh, Lois Richins and Senator Stephen Urquhart. The proceedings were transcribed by a certified court reporter.

After the Commission heard and denied Judge Adams' Motion to Dismiss with Warning or on Conditions, counsel and Judge Adams presented an oral stipulation by which they jointly requested that the Commission recommend that Judge Adams be reprimanded. The Commission voted to approve the stipulated resolution.

Based on the oral stipulation, the Commission hereby enters the following:

FINDINGS OF FACT

1. In 1976, Judge Adams was appointed to serve as the Parowan City Justice Court Judge, a position he still holds today.

2. In October 1990, Preston Griffiths began employment as a Parowan City police officer. He served in that position until July 2003, when he became the Chief of Police of Parowan City, a position he still holds today.

3. In June 1994, Preston Griffiths married Marcy Adams, daughter of Judge Adams. They are still married today.

4. In August 2010, Judicial Conduct Commission investigators collected data from the Parowan Justice Court's filings for the period beginning January 1, 2008, and ending June 30, 2010, having resolved that the 30-month period would present a sufficient indication of Chief Griffiths's involvement with the Parowan Justice Court. Subsequently, in order to remove any confusion arising from the adoption of the new Code of Judicial Conduct on April 1, 2010, the months of April, May and June of 2010 were deleted from the study period.

5. During calendar year 2008, Chief Griffiths issued at least 31 citations that were filed in the Parowan Justice Court. Of those 31 citations, 12 were resolved by bail forfeiture without any involvement by Judge Adams, and 19 resulted in court proceedings that resulted in some involvement by Judge Adams. Exhibit A.

6. During calendar year 2009, Chief Griffiths issued at least 244 citations that were filed in the Parowan Justice Court. Of those 244 citations, 211 were resolved by bail forfeiture without any involvement by Judge Adams, 20 were resolved by traffic school with no significant involvement by Judge Adams, and 13 resulted in court proceedings that resulted in some involvement by Judge Adams. Exhibit B.

7. From January 1, 2010, through March 31, 2010, Chief Griffiths issued at least 8 citations that were filed in the Parowan Justice Court. Of those 8 citations,

3 were resolved by bail forfeiture without any involvement by Judge Adams, and 5 resulted in court proceedings that resulted in some involvement by Judge Adams.

Exhibit C.

8. During the period from January 1, 2008, through March 31, 2010, Chief Griffiths did not appear as a witness in any court proceeding before Judge Adams.

9. No person who received a citation from Chief Griffiths has claimed perceived or actual bias or prejudice on the part of Judge Adams as a result of his relationship to Chief Griffiths.

10. Except as noted in paragraph 11 below, for the 37 citations that resulted in court proceedings before Judge Adams, Judge Adams did not disqualify or remit disqualification.

11. In September 2009, Douglas Shaw, who had received a traffic citation from Chief Griffiths, moved to disqualify Judge Adams based on the relationship between Judge Adams and Chief Griffiths. Judge Adams granted the motion, and another judge was assigned to hear Shaw's case.

12. Effective approximately July 15, 2010, Judge Adams implemented a policy whereby persons who receive citations from Chief Griffiths and who do not merely forfeit bail are informed of the relationship between Judge Adams and Chief Griffiths and are given the opportunity to have another judge assigned to their case.

Exhibit D.

13. Prior to the confidential hearing, Judge Adams requested an ethics advisory opinion from the Judicial Council's Ethics Advisory Committee. He is willing to and will follow the advice set forth in that opinion.

14. Judge Adams has never before been privately or publicly disciplined by the Judicial Conduct Commission or the Utah Supreme Court.

CONCLUSIONS OF LAW

1. Judge Adams' actions violated Canon 2 of the Code of Judicial Conduct, which states, "A judge shall avoid . . . the appearance of impropriety in all activities."

2. Judge Adams' actions constitute conduct prejudicial to the administration of justice which brings a judicial office into disrepute, in violation of Article VIII, Section 13 of the Constitution of Utah and Utah Code Ann. §78A-11-105(1)(e).

3. A reprimand is an appropriate sanction in this matter.


DATED this 12th day of October, 2010.

JUDICIAL CONDUCT COMMISSION:



Ronald G. Russell, Chair

APPROVED AS TO FORM:



Corbin B. Gordon
Attorney for Hon. Kenneth H. Adams

CERTIFICATE OF SERVICE

I certify that on the 15th day of October, 2010, I served a true and correct signed copy of the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW upon each of the following individuals by depositing the same in the United States mail, first-class postage prepaid, and addressed as follows:

Colin R. Winchester
Judicial Conduct Commission
2540 Washington Blvd., Suite 703
Ogden, Utah 84401

Corbin B. Gordon
345 West 600 South, Suite 108
Heber City, Utah 94032



**NON-FORFEITURE CITATIONS WRITTEN BY CHIEF GRIFFITHS
INTO THE PAROWAN JUSTICE COURT
CALENDAR YEAR 2008**

1. On January 15, 2008, Dustin Overson received citation number 301835 from Chief Griffiths for two counts of unlawful possession of alcohol. On January 18, 2008, Overson pleaded guilty and was sentenced. The court case number is PC080058.
2. On January 17, 2008, Nicholas Haendel received citation number 301836 from Chief Griffiths for speeding in school zone. On April 22, 2008, the case was resolved pursuant to a plea in abeyance agreement. The court case number is PC080084.
3. On February 8, 2008, Eric Tilley received citation number 302381 from Chief Griffiths for failure to remain at the scene of an accident and no proof of insurance. On February 29, 2008, Tilley pleaded guilty and was sentenced. The court case number is PC080095.
4. On February 12, 2008, Curtis Chamberlain received citation number 302382 from Chief Griffiths for possession of a controlled substance and receiving stolen property. On February 27, 2008, Chamberlain pleaded guilty. On March 12, 2008, Chamberlain was sentenced. The court case number is PC080094.
5. On February 17, 2008, James Leavitt received citation number 302308 from Chief Griffiths for dog at large and dog attacking person/animal. On March 3, 2008, Leavitt pleaded guilty and was sentenced. The court case number is PC080099.
6. On February 19, 2008, Mark Meeks received citation number 302307 from Chief Griffiths for improper passing and no proof of insurance. On March 5, 2008, Meeks pleaded guilty to improper passing and was sentenced on that charge. The no proof of insurance charge was dismissed. The court case number is PC080098.
7. On March 21, 2008, Thomas Viele received citation number 302309 from Chief Griffiths for disorderly conduct. On November 21, 2008 and April 29, 2009, the case was resolved pursuant to a plea in abeyance agreement. The court case number is PC080136.
8. On March 25, 2008, Dax Schoenheide received citation number 302391 from Chief Griffiths for three counts of graffiti and three counts of criminal mischief. On May 14, 2008, Schoenheide pleaded guilty and was sentenced. The court case number is PC08208.

9. On April 5, 2008, Caylor Matthews received citation number 301223 from Chief Griffiths for an all-terrain vehicle violation. On April 18, 2008, Matthews pleaded guilty and was sentenced. The court case number is PC080207.
10. On June 22, 2008, Amy Krueger received citation number 301224 from Chief Griffiths for assault. The charges were initially resolved on July 2, 2008, when Krueger pleaded guilty and was sentenced. On July 18, 2008, Krueger was allowed to withdraw her guilty plea. On August 18, 2008, the case was resolved pursuant to a plea in abeyance agreement. The court case number is PC080377.
11. On June 29, 2008, Dave Thayer received citation number 301229 from Chief Griffiths for assault. On November 14, 2008, Thayer pleaded guilty to disorderly conduct and was sentenced. The court case number is PC080496.
12. On June 29, 2008, Christine Thayer received citation number 301230 from Chief Griffiths for possession of drug paraphernalia and possession of a controlled substance. On November 14, 2008, Thayer pleaded guilty and was sentenced. The court case number is PC080497.
13. On June 30, 2008, Terrace Eaton received citation number 301844 from Chief Griffiths for theft by deception. On July 28, 2008, Eaton requested a plea in abeyance. On October 6, 2008, the case was resolved pursuant to a plea in abeyance agreement. The court case number is PC080392.
14. On July 18, 2008, Lesley High received citation number 301226 from Chief Griffiths for theft by deception. On September 26, 2008, High pleaded guilty to disorderly conduct and was sentenced. The court case number is PC080463.
15. On August 2, 2008, Nicholas Ibarra received citation number 301228 from Chief Griffiths for three counts of criminal mischief and three counts of disorderly conduct. On September 17, 2009, the case was resolved pursuant to a plea in abeyance agreement. The court case number is PC080476.
16. On August 3, 2008, Jared Lanier received citation number 301227 from Chief Griffiths for three counts of criminal mischief and three counts of disorderly conduct. On September 18, 2009, the case was resolved pursuant to a plea in abeyance agreement. The court case number is PC080477.
17. On September 1, 2008, James Hughes received citation number 301231 from Chief Griffiths for possession of a controlled substance. On November 14, 2008, Hughes pleaded guilty and was sentenced. The court case number is PC080571.

18. On September 8, 2008, Casey Weyandt received citation number 301323 from Chief Griffiths for two counts of theft of services. On October 8, 2008, Weyandt pleaded guilty and was sentenced. The court case number is PC080601.
19. On September 27, 2008, Allan Bess received citation number 302932 from Chief Griffiths for two counts of possession of a controlled substance and possession of drug paraphernalia. He was later charged with failure to appear. On December 3, 2008, Bess pleaded guilty and was sentenced. The court case number is PC080652.

**NON-FORFEITURE CITATIONS WRITTEN BY CHIEF GRIFFITHS
INTO THE PAROWAN JUSTICE COURT
CALENDAR YEAR 2009**

1. On January 14, 2009, Misti Wilgar received citation number 303247 from Chief Griffiths for theft by deception. On August 21, 2009, she appeared for a status hearing. On February 12, 2010, she appeared and pleaded not guilty. On June 3, 2010, the case was dismissed in open court on motion of the prosecutor. The court case number is PC090282.
2. On January 31, 2009, Wesley Allen received citation number 303279 from Chief Griffiths for reckless driving. On an unknown date, the case was resolved pursuant to a plea in abeyance agreement. The court case number is PC090309.
3. On February 2, 2009, Hans Ulrich received citation number 302567 from Chief Griffiths for no insurance and expired registration. On February 24, 2009, Ulrich pleaded guilty to and was sentenced on the expired registration charge. The no insurance charge was dismissed. The court case number is PC090259.
4. On February 20, 2009, Phillip Vandeventer received citation number 303379 from Chief Griffiths for failure to obtain an alteration permit. On March 4, 2009, Vandeventer pleaded guilty. On April 1, 2009, Vandeventer was sentenced. The court case number is PC090354.
5. On March 6, 2009, Luis Frausto received citation number 303392 from Chief Griffiths for failure to yield the right of way. On March 9, 2009, Frausto pleaded guilty and was sentenced. The court case number is PC090425.
6. On May 9, 2009, Tristin Nimo received citation number 303630 from Chief Griffiths for theft by deception. On December 28, 2009, Nimo pleaded no contest and was sentenced. The court case number is PC90678.
7. On May 16, 2009, Joshua Gibson received citation number 303645 from Chief Griffiths for speeding and driving on a suspended driver license. Gibson failed to appear and a warrant was issued. Gibson was arrested in Utah County, and on June 24, 2009, he pleaded guilty and was sentenced via video arraignment. The court case number is PC090700.
8. On June 13, 2009, Brenda Abbott received citation number D700846 from Chief Griffiths for DUI and open container of alcohol in a vehicle. On June 15, 2009, Abbott pleaded guilty. On June 17, 2009, Abbott was sentenced. The court case number is PC090788.

9. On July 15, 2009, Dallas Bateman received citation number 303672 from Chief Griffiths for littering. On August 12, 2009, Bateman pleaded guilty and was sentenced. The court case number is PC090847.
10. On July 29, 2009, Douglas Shaw received citation number 303673 from Chief Griffiths for failure to yield the right of way. On September 21, 2009, Shaw filed a motion to disqualify Judge Adams due to the relationship between Judge Adams and Chief Griffiths. Judge Adams granted the motion, and the case was set for bench trial before Judge Dunlap. On the date of trial, the prosecutor moved to dismiss the case because a key witness had not been notified of the trial. Judge Dunlap granted the motion. The court case number is PC090875.
11. On August 1, 2009, Christopher Cook received citation number 303616 from Chief Griffiths for criminal trespass and theft by deception. On August 12, 2009, Cook appeared and requested a continuance. On August 19, 2009, Cook appeared, pleaded not guilty, and requested and received a public defender. A bench trial was scheduled for October 9, 2009. On the date of trial, Cook pleaded guilty to and was sentenced for theft by deception. The criminal trespass charge was dismissed. The court case number is PC090882.
12. On August 12, 2009, William Petsche received citation number 303675 from Chief Griffiths for receiving stolen property. On August 19, 2009, Petsche pleaded no contest. On August 21, 2009, Petsche was sentenced. The court case number is PC090902.
13. On August 26, 2009, Sentilla Steele received citation number 303499 from Chief Griffiths for unlawful possession of alcohol by a minor. On September 9, 2009, Steele pleaded guilty and was sentenced. The court case number is PC090921.

**NON-FORFEITURE CITATIONS WRITTEN BY CHIEF GRIFFITHS
INTO THE PAROWAN JUSTICE COURT
CALENDAR YEAR 2010 (THROUGH MARCH 31, 2010)**

1. On January 27, 2010, Jennifer Terry received citation number 301234 from Chief Griffiths for dog at large and dog attacking person/animal. On February 3, 2010, Terry pleaded guilty and was sentenced. The court case number is PC100051.
2. On February 5, 2010, Michael Arnold received citation number 303470 from Chief Griffiths for possession of a controlled substance and possession of drug paraphernalia. On March 2, 2010, Arnold waived his appearance and pleaded no contest. On March 3, 2010, Arnold was sentenced. The court case number is PC100066.
3. On February 6, 2010, Joann Necochea received citation number 303469 from Chief Griffiths for dog at large. On February 22, 2010, Necochea pleaded guilty and was sentenced. The court case number is PC100065.
4. On March 18, 2010, Matthew Fischer received citation number 303467 from Chief Griffiths for public intoxication. On April 30, 2010, Fischer pleaded no contest and was sentenced. The court case number is PC100122.
5. On March 26, 2010, Justin Moreno received citation number 303474 from Chief Griffiths for no valid driver license and improper passing. On April 19, 2010, Moreno pleaded guilty to no valid driver license. The improper passing charge is set for bench trial on September 17, 2010. The court case number is PC100125.

**PAROWAN CITY JUSTICE COURT
JUDGE DISQUALIFICATION**

I _____ Citation# _____
Defendant

Case# _____

**Have knowledge that Preston Griffiths is related to Judge Adams and has asked
that Judge Kenneth H. Adams be disqualified from this case on _____.**

Judge Kenneth H. Adams not be disqualified from this case on _____.

Signature of Defendant Date

This was witnessed and signed by _____ on _____.
Court Clerk Date

Court Seal