

IN THE SUPREME COURT OF THE STATE OF UTAH

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In re: Judicial Conduct Commission
Order of Reprimand

Case No. 20070492-SC
JCC 07-3JC-081

Darla Serassio

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:

April 16, 2008
Date

Christine M. Durham
Christine M. Durham
Chief Justice

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:

DARLA B. SERASSIO

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ORDER OF REPRIMAND

Case No. 07-3JC-081

Having conducted a confidential hearing, fully deliberated, agreed upon a decision, issued a memorandum decision, and issued Findings of Fact and Conclusions of Law, the Judicial Conduct Commission hereby orders that the Hon. Darla B. Serassio be reprimanded.

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

DATED this 3rd day of January, 2008.



Ruth Lybbert, Chair

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
DARLA B. SERASSIO)
) Case No. 07-3JC-081
)

This matter came before the Judicial Conduct Commission for a confidential hearing on November 13, 2007. The following Commissioners were present and comprised the hearing panel: Ruth Lybbert, Rod Orton, Ronald Russell, Rep. Douglas Aagard, Rep. Neal Hendrickson, Sen. Gene Davis, Hon. Russell Bench and Hon. Darwin Hansen. The proceedings were recorded by a certified court reporter. Colin R. Winchester appeared as Examiner. Judge Serassio did not appear, either in person or through counsel.

The Examiner reviewed the procedural history of the matter and the notifications that had been provided to Judge Serassio. The Commission determined that Judge Serassio had been properly notified of the confidential hearing, that her absence was voluntary, and that the Examiner could proffer the testimony of the witnesses he had subpoenaed. After the proffers, the Commission excused the Examiner and deliberated upon the evidence and the factors listed in Rule R595-4-2.

Having heard and fully deliberated upon the evidence, and having issued its Memorandum Decision, the Commission now enters the following:

FINDINGS OF FACT

1. Sometime in November or December 2006, Judge Serassio, using her own computer and on her own time, engaged in online gambling from her home in Riverton, Utah. On one occasion during that same period of time, Judge Serassio asked court clerk Sharon Beck to assist her in using the court's fax machine in order to claim money that she had won while engaging in online gambling from her home.

2. In January 2007, Judge Serassio asked Riverton City Computer Systems Administrator Steve Scott to assist her with her personally owned laptop computer. Judge Serassio informed Mr. Scott that the computer would not properly access an internet-based e-mail account. With Judge Serassio's permission, Mr. Scott took the computer so that he could evaluate it after hours. While performing the evaluation, Mr. Scott saw several online gaming icons. Based on his evaluation, education and experience, Mr. Scott concluded that the e-mail problem was probably the result of spyware or adware that had been downloaded to the computer by one or more of the online gambling sites. The following morning, Mr. Scott reported his findings to Judge Serassio.

3. On or about March 6, 2007, Ms. Beck observed Judge Serassio using the court's fax machine. Judge Serassio informed Ms. Beck that she had won money while participating in online gambling the previous night. Judge Serassio was unable to successfully send the intended fax transmission, and indicated that she would double-check the recipient's fax number and try again later.

4. The following morning, Judge Serassio returned to try again. With the assistance of Mr. Scott, the fax transmission was successfully completed. Mr. Scott

simultaneously generated copies of the documents that had been faxed. Copies of the documents are attached to the transcript of the confidential hearing.

5. In Judge Serassio's Response to Complaint dated July 3, 2007, she admitted to having "engaged in internet gambling from [her] home on [her] own time."

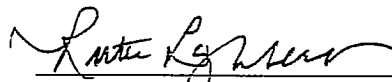
6. Judge Serassio resigned her judgeship effective July 3, 2007.

7. On January 17, 2002, Judge Serassio received a private reprimand for failure to treat four separate complainants with patience, dignity and courtesy. She has no other history of judicial misconduct.

CONCLUSIONS OF LAW

1. Gambling is illegal within the State of Utah.
2. Judge Serassio engaged in gambling within the State of Utah, as shown by the proffers and her own admissions.
3. Judge Serassio's 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. § 78-8-103(1)(e).
4. Judge Serassio should be reprimanded in this matter.

DATED this 3rd day of January, 2008.



Ruth Lybbert, Chair