

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING A JUDGE

No. 71

NOTICE
OF
FORMAL
PROCEEDINGS

TO: JUDGE CHARLES D. BOAGS:

IT APPEARING THAT since March 30, 1979 and at all times herein, you have been a judge of the Los Angeles County Municipal Court, Beverly Hills Judicial District; and

Preliminary Investigation having been made pursuant to the provisions of Rule 904 of the California Rules of Court concerning censure, removal, retirement or private admonishment of judges, during the course of which preliminary investigation you were afforded a reasonable opportunity to present such matters as you chose, and this Commission as a result of said preliminary investigation, having concluded that formal proceedings to inquire into the charges against you shall be instituted pursuant to section 18 of Article VI of the California Constitution and in accordance with Rules 901-922, California Rules of Court,

COPY

NOW, THEREFORE, you are hereby charged with wilful misconduct in office and conduct prejudicial to the administration of justice that brings the judicial office into disrepute. The particulars of the charges are as follows:

It is charged that you have suspended judgment on traffic citations in cases in which you had a financial interest and/or a family, social, or other relationship which influenced your judicial conduct. This includes, but is not limited to, the following:

1. It is charged that you have suspended judgment on at least one hundred and ten (110) parking citations issued between December 17, 1984 and March 14, 1986 to a 1984 Honda automobile, license number 2 BMK 208, which is registered in your name and used by your son. It is charged that all of the parking citations were issued within a few blocks of Beverly Hills High School, where your son is a student.

2. It is charged that you have suspended judgment on at least seventeen (17) parking citations issued between February 26, 1983 and July 22, 1985 in Beverly Hills to a 1981 Volkswagen, license number FLASSSH, registered to you.

It is asserted that this conduct contravenes the following Canons of the California Code of Judicial Conduct:

Canon 1: "...A judge should...himself observe high standards of conduct so that the integrity and independence of the judiciary may be preserved...."

Canon 2A: "A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

Canon 2B: "A judge should not allow his family, social, or other relationships to influence his judicial conduct or judgment...."

Canon 3A(1): "A judge should be faithful to the law...."

Canon 3C(1)(c): "A judge should disqualify himself in a proceeding in which his disqualification is required by law, or his impartiality might reasonably be questioned, including but not limited to instances where he knows that he, individually or as a fiduciary, or his spouse or a minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;"

Canon 3C(1)(d)(i): "A judge should disqualify himself in a proceeding in which his disqualification is required by law, or his impartiality might reasonably be questioned, including but not limited to instances where he or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person, is a party to the proceeding...."

It is charged that your malfeasance constitutes wilful misconduct in office and conduct prejudicial to the administration of justice which brings the judicial office

into disrepute within the meaning of subdivision (c) of section 18, Article VI, California Constitution.

You have the right to file a written answer to the charges against you within fifteen (15) days after service of this notice upon you with the Commission on Judicial Performance, Room 3052 State Building, 350 McAllister Street, San Francisco, California 94102. Such answer must be verified, must conform in style to subdivision (c) of Rule 15 of the Rules of Court, and must consist of an original and eleven (11) legible copies.

BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE.

DATED: April 13, 1976

John S. Smith
Chairperson