

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

IN THE MATTER CONCERNING
FORMER COMMISSIONER
JOSEPH J. GIANQUINTO

DECISION AND ORDER IMPOSING
PUBLIC CENSURE PURSUANT TO
STIPULATION
(Commission Rule 116.5)

This disciplinary matter concerns Joseph J. Gianquinto, formerly a commissioner of the Kern County Superior Court. Mr. Gianquinto and his counsel Katy A. Cummings, of Miller Law Associates, have entered into a stipulation with Gregory Dresser, Director-Chief Counsel of the Commission on Judicial Performance, pursuant to commission rule 116.5 to resolve the pending preliminary investigation involving Mr. Gianquinto by imposition of a public censure with Mr. Gianquinto's agreement to not seek or hold judicial office in the future. The Stipulation for Discipline by Consent (Stipulation) was approved by the commission on August 8, 2018, pursuant to the following terms and conditions and stipulated facts and legal conclusions.

TERMS AND CONDITIONS

1. This agreement resolves the matters alleged in the commission's pending preliminary investigation involving former commissioner Joseph J. Gianquinto.
2. The commission shall issue a public censure based on the agreed Stipulated Facts and Legal Conclusions set forth therein.
3. If the commission accepts this proposed disposition, the commission's decision and order imposing public censure may articulate the reasons for its decision and include explanatory language that the commission deems appropriate.
4. Upon acceptance by the commission, this stipulation and the commission's decision and order shall be made public.
5. Mr. Gianquinto waives any further proceedings and review in this matter, including formal proceedings (rules 118, et seq.), and review by the Supreme Court (Cal. Rules of Court, rule 9.60).

6. Mr. Gianquinto has agreed not to seek or hold judicial office, or accept a position or assignment as a judicial officer, subordinate judicial officer, or judge pro tem with any court in the State of California, or accept a reference of work from any California state court, at any time in the future.

7. If Mr. Gianquinto attempts to serve in a judicial capacity in violation of the foregoing paragraph, the commission may withdraw the public censure and resume the preliminary investigation as to all of the matters in the preliminary investigation letter. Additionally, the commission may refer the matter to the State Bar of California.

STIPULATED FACTS AND LEGAL CONCLUSIONS

1. Mr. Gianquinto was a commissioner of the Kern County Superior Court from December 20, 2007 to March 30, 2018.

2. In 2016 and 2017, Commissioner Gianquinto maintained a public Facebook page that identified him as “Jj Gianquinto,” stated that he “works at Kern County,” and contained photos of him recognizable by the public. Commissioner Gianquinto’s Facebook page did not identify him as a commissioner.

3. On May 8, 2017, Presiding Judge Charles Brehmer notified Commissioner Gianquinto in writing that a number of his Facebook posts (described below) were “of significant concern,” and attached copies of the posts. Judge Brehmer’s letter stated that there was a concern about the “content and impression a member of the public might have upon review of the posts.”

4. Judge Brehmer’s letter included copies of the following original statements that Commissioner Gianquinto posted on his public Facebook page in 2016 and 2017:

- “When he said he was going to ‘fundamentally transform’ this nation, he was gaining success. He was going to transform it from a primarily Judeo-Christian nation into Islam. Got it now? Thank God for Trump.” (Posted February 10, 2017.)
- “What a pity it is to watch the RINOs [Republican in name only] run from the immigration order like roaches when the light comes on. They are more

interested in saving their positions, than in protecting the rest of us.” (Posted January 31, 2017.)

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5. Judge Brehmer’s letter also included copies of additional material that Commissioner Gianquinto posted on his public Facebook page during the same time period, for example:



Commissioner Gianquinto's original statement accompanying the post: "Democrats are consistent, and they proved that at President Trump's address in Congress!"

LIBERALS ARE AMERICA'S CANCER
Any doubt in your mind?

[video]- SHOULD TRUMP ARREST THESE PROTESTORS? LIKE + SHARE = YES!

[The video shows protesters chanting "no border, no nation, fuck deportation"
<https://www.facebook.com/heyconservativepost/videos/713187405536217/?fallback=1>]

Women's March 2017
Showing the world...

Environmental Justice Tolerance Womens Rights Nurturing Children

ENOUGH CULTURE *...what they really stand for.*

Commissioner Gianquinto's original statement accompanying the post:
 "Leftist values on full display. #WomensMarch"

It's time to stop messing around with people who cause chaos. Do you agree?

Anyone caught rioting on Inauguration Day should **lose** their welfare benefits.

SHARE if you agree!

Obama Says Requiring Employees To Speak English IS **DISCRIMINATION**



SHARE If you think Obama is an **ANTI-AMERICAN MORON!**

Before the grand jury had a chance to interview witnesses and review the evidence of what happened in Ferguson, Barack . . .



Obama Created Open Hunting Season on Police Officers

The Blackspere

Let criminals out.
Let illegals in.
Let boys in girl's locker rooms.
Let women kill their offspring.
Prosecute innocent officers.
Persecute Christians.
Accept barbarity in the form of Islam.
Over tax the hard working.
Coddle the lazy.

This is what Democrats have created in America.

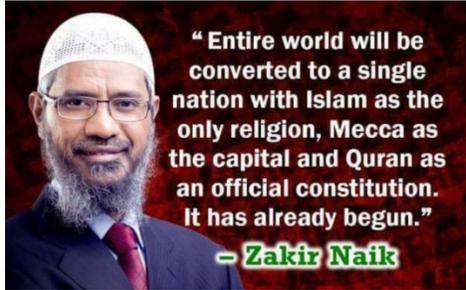
Post remained on the commissioner's public Facebook page at least until August 2, 2017.



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This is the dream and goal of most followers of terror religion ISLAM . . . Some show it openly and many hide their real face . . . [the text is cut off]



Absolutely agree!



Are you part of the 89%?



Millions of illegal aliens are in the United States.
We don't know who they are, where they're
from or what their intentions are. If ...
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DAMN STRAIGHT
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Motor voter laws did this!



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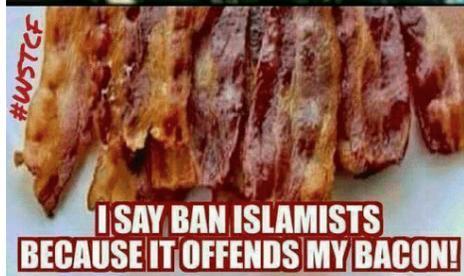




THEY SUCK THE WESTERN WELFARE SYSTEMS DRY, OUTBREED TO BECOME A MAJORITY, LOBBY FOR THEIR OWN LAWS AND TAKEOVER.

VIDEO: Bachmann Calls Muslim Migration A “Planned Invasion” to Destroy Western Christendom
<https://www.youtube.com/watch?v=Pa4qMBNOSt0>

Commissioner Gianquinto’s original post accompanying the post:
“I am glad SOMEONE is noticing and evaluating it correctly!”



LIKE AND SHARE IF YOU AGREE!!

Attention, leftists: all people have natural rights, but only American citizens have constitutional rights.



**IT TAKES A SPECIAL
KIND OF LUNATIC
TO THINK THAT
IMPORTING WELFARE
RECIPIENTS WHO
WANT TO KILL US
IS A GOOD IDEA.**

**MEN DON'T
belong in
the ladies room.
Period.**



SHARE = agree

Amen ... Absolutely I do! Anyone who may disagree is free to take it up with God.
#OneManOneWoman One Nation Under God

One man, one woman...



**Say "I Do" to supporting
traditional marriage!**

↓ "Like" 👍 and "Share" if you agree! ↓

<p>Food stamps shouldn't be accepted at restaurants!</p> 	<p>Post remained on the commissioner's public Facebook page at least until August 2, 2017.</p>
<p>Ok Kiddies, listen up. This BS needs to be shared. YOU ALL need to see how your elected officials think. You all need to see what you have been voting for. Are you OK with this shit? If you are in my friends list, you better not be.</p> <p>Prop 57 is going on the ballot as "Public Safety and Rehabilitation Act." Very similar to prop 47, which was School Safety Act (which reduced certain crimes to misdemeanors, including controlled substances offenses) The attached is a description of the "non violent" offenses that current state inmates can be released early for.</p> <p>I love it. "Rape by using a drug" "battery with serious bodily injury" "domestic violence" "Assault with a deadly weapon, on a peace officer", non violent!</p> <p>You tell me if you can get behind supporting this proposition and releasing "non violent" offenders early!!! You need to share (copy/paste/screenshot, you won't be able to share my post) this information and stop it in its tracks.</p>	

"Violent" felonies per P.C. 667.5	Not "Violent" felonies
<ul style="list-style-type: none"> ▪ Murder ▪ Attempt Murder ▪ Voluntary Manslaughter ▪ Mayhem ▪ Forcible sex offenses ▪ Rape in concert ▪ Robbery ▪ Arson ▪ Kidnapping ▪ Carjacking ▪ Certain gang offenses ▪ First degree burglary where victim is present ▪ Any felony punishable by death or life in prison ▪ Any felony where D inflicts GBI ▪ Any felony in which a gun is "used" 	<ul style="list-style-type: none"> ▪ ADW - deadly weapon & force likely [245(a)(1) and 245(a)(4)] ▪ Battery with Serious Bodily Injury [243(d)] ▪ Solicitation to Commit Murder [653(b)] ▪ Domestic violence [273.5] ▪ Inflicting corporal injury on a child [PC 273d] ▪ First degree burglary [PC 459] ▪ Rape/sodomy/oral copulation of unconscious person or by use of date rape drugs. [261(a)(3) & (4), 286(f), 288a(f)] ▪ Human trafficking involving a minor [PC236.1(c)] ▪ Hate crimes [PC 422.7] ▪ Arson of forest land [PC 451(c)] causing physical injury ▪ Assault w/ deadly weapon on Peace officer [245(c)] ▪ Active participation in a street gang [186.22] ▪ Exploding destructive device w/ intent to cause injury [18740]

6. On May 15, 2017, Commissioner Gianquinto met with Presiding Judge Brehmer concerning the Facebook posts.

7. On June 20, 2017, Commissioner Gianquinto submitted a written response to Judge Brehmer, which stated: "After concerns about the posts were brought to my attention, I immediately deleted the posts and have refrained from sharing additional posts of this nature. I have also designated my Facebook account as 'private' which means only my friends can view any future posts."

8. On June 27, 2017, Commissioner Gianquinto self-reported to the commission that copies of his Facebook posts had been dropped off at the courthouse and delivered to Judge Brehmer. The commissioner's letter, which included copies of the referenced posts, stated: "Preliminarily, after Judge Brehmer brought this matter to my attention, I deleted the posts and have refrained from sharing additional posts of a political nature. I also designated my Facebook account as private."

9. On June 28, 2017, Judge Brehmer issued a private written reprimand to Commissioner Gianquinto, which stated in part:

Your Facebook page contents, as of May 8, 2017, included content that was derogatory to certain members of our community and further was out of line with the Judicial Canons. At the very least, members of the public could get the impression that you were biased which impacts the trust of our judiciary and the belief of fairness and impartiality of the public appearing before you.

You were advised to immediately remove the posts and restrict social media usage. You did comply with the advice, immediately removed the posts, acknowledged your errors in judgment and self-reported to the Commission on Judicial Performance.

I am satisfied that you fully understand this significant issue and have appropriately addressed the errors in judgment and have taken corrective action.

10. Despite his written representations to Judge Brehmer on June 20, 2017, and to the commission on June 27, 2017, Commissioner Gianquinto did not immediately make his public Facebook page private or delete all of the posts included with Judge Brehmer's letter. The commissioner's Facebook page remained public, and six of the posts included with Judge Brehmer's letter were still on the page until at least August 2, 2017. Commissioner Gianquinto had intended to make his Facebook page private and delete the offending posts prior to his representations on June 20, 2017, and June 27, 2017; however, his unfamiliarity with the technology resulted in the changes not taking effect as intended. When alerted to the fact that the posts were still visible to the public, the commissioner immediately sought further assistance, deleted the offending posts, and increased the privacy settings on his Facebook profile.

11. In addition, Commissioner Gianquinto's public Facebook page contained posts of a similar nature that were not included in the presiding judge's investigation and that remained viewable by the public until at least August 2, 2017. These additional posts included the following:

- On August 21, 2016, the commissioner publicly shared a post with a photo of Hillary Clinton, with accompanying text stating, "The problem isn't that Hillary is an unethical, corrupt, lying criminal dirtbag -- Everyone knows that. The problem is that her supporters don't care. Are you people brain dead? Join us Facebook/Stop Hillary in 2016."
- On August 18, 2016, the commissioner publicly shared a post from Allen West stating, "The sad fact is NO previous Republican presidential candidate has had the guts to call ya'll out. We finally got one, and the left can't stand it."

Share this one folks.” This text is followed by a photo of Hillary Clinton, captioned, “Yes, BIGOT. Trump is right.”

- On August 17, 2016, the commissioner publicly posted the following original text: “When it comes to Democrats running for office, I have relatives who are not only willing and able, but WILL close their eyes to facts such as who has been disbarred, who was fired from the Nixon matter for lying and unethical conduct, and the rest of the unethical, dishonest conduct during the past thirty years. I do NOT know how they can do that.”
- On August 16, 2016, the commissioner publicly shared a post stating, “When they asked him whether he thought Donald J. Trump was good for America [*sic*] What he said was the most HARDCORE response I’ve EVER heard! If this doesn’t have you voting Trump, nothing will. Let’s get 3,000 shares for a guy that knows that we don’t need a politician, we need a LEADER! This Hispanic Billionaire UNLEASHED on Trump Haters, Says, ‘Who Else Would You Have In A F**king Foxhole?’”
- On August 16, 2016, the commissioner publicly shared a post with a photo of Justices Sotomayor, Ginsburg, and Kagan, overwritten with text stating, “AS SOON AS HILLARY WINS THE ELECTION, WE’LL HAVE THE NUMBERS TO TAKE YOUR GUNS AWAY AND GIVE ILLEGALS CITIZENSHIP AND VOTING RIGHTS.”
- On August 12, 2016, the commissioner publicly shared a post stating, “IF EVERY GUN OWNER VOTED AGAINST HER, HILLARY WOULD NOT WIN.”
- On August 6, 2016, the commissioner publicly shared a post stating “JUST REMEMBER THAT THE PARTY OF SLAVERY, SEGREGATION, THE KKK, AND GOVERNMENT DEPENDENCY IS THE DEMOCRAT PARTY.”

- On August 6, 2016, the commissioner publicly shared a post with a photo of Hillary Clinton winking, overwritten with text stating, “We were dead broke after leaving the White House and today we are worth over 110 million.” Under this is a photo of Harry Truman, with the caption, “‘You can’t get rich in politics unless you’re a crook.’ Harry S. Truman.”
- On August 2, 2016, the commissioner publicly shared a post showing a cartoon rendition of Hillary Clinton with text stating, “If Hillary Wins WE ALL LOSE! Yes = Share.”
- On July 26, 2016, the commissioner publicly posted an image showing photos of Hillary Clinton, Barack Obama, Nancy Pelosi, Harry Reid, and Dianne Feinstein, accompanied by text stating, “DEMOCRATS A bunch of rich people convincing poor people to vote for rich people by telling the poor people that other rich people are the reason they are poor.”
- On July 5, 2016, the commissioner publicly shared a post showing pictures of Hillary Clinton and James Comey, overwritten with text stating, “IF YOU FEEL BETRAYED BY THE JUSTICE DEPARTMENT AND THE FBI PLEASE LIKE AND SHARE.” This was originally posted by “Donald Trump for President.”
- On July 5, 2016, the commissioner publicly shared a post with a photo of Hillary Clinton alongside text stating, “SHARE IF YOU ARE OUTRAGED HILLARY WON’T BE CHARGED BY THE FBI.”
- On July 5, 2016, the commissioner publicly shared a post showing a photo of Hillary Clinton overwritten with text stating, “SILLY AMERICANS LAWS ARE FOR POOR PEOPLE.”

Mr. Gianquinto was a subordinate judicial officer at the time of the conduct described herein. Canon 6A provides that a subordinate judicial officer is a judge within the meaning of the California Code of Judicial Ethics.

Mr. Gianquinto's conduct violated canon 1 (judge shall uphold the integrity and independence of the judiciary), canon 2 (judge shall avoid impropriety and the appearance of impropriety), canon 2A (judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary), canon 4A (judge shall conduct all of the judge's extrajudicial activities so that they do not cast reasonable doubt on the judge's capacity to act impartially or demean the judicial office), canon 5 (judge shall not engage in political activity that is inconsistent with the independence, integrity, or impartiality of the judiciary), canon 5A(2) (judge shall not publicly endorse or publicly oppose a candidate for nonjudicial office), and canon 5D (judge may engage in activity in relation to measures concerning improvement of the law, the legal system, or the administration of justice, only if the conduct is consistent with the code).

Mr. Gianquinto's conduct constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute, as set forth in California Constitution, article VI, section 18, subdivision (d)(2).

Mr. Gianquinto admits that the foregoing facts are true and agrees with the stated legal conclusions.

DISCIPLINE

In 2016 and 2017, while a court commissioner, Mr. Gianquinto engaged in dozens of instances of misconduct by posting and re-posting information on his public Facebook page that reflected, among other things, anti-Muslim sentiment, anti-immigration sentiment, anti-Native American sentiment, anti-gay marriage sentiment, a position on the controversial issue of shooting deaths by police officers, strong opposition to then-presidential candidate Hillary Clinton, contrasting praise for then-presidential candidate Donald Trump, an accusation that President Barack Obama was trying to transform the United States from a Judeo-Christian nation into Islam, a lack of respect for the federal justice system, and contempt for the poor. In addition, after being contacted about the offending Facebook posts, Mr. Gianquinto represented to both his presiding judge and the commission that he had taken the posts down, which was not true, although, at the time

he made these representations, he believed the posts were no longer publicly viewable. Mr. Gianquinto's conduct on Facebook was egregious, and is the type of conduct that inherently undermines public confidence in the judiciary and that brings the judicial office into disrepute.

Given that Mr. Gianquinto has retired from his position as a commissioner, the strongest discipline he could be subject to is a public censure and bar from receiving an assignment, appointment, or reference of work from any California state court. (Cal. Const., art. VI, §§ 18(d), 18.1.) The commission has determined that acceptance of the Stipulation is in the best interest of the public considering the extent and nature of Mr. Gianquinto's misconduct, and fulfills its mandate to protect the public, enforce rigorous standards of judicial conduct, and maintain public confidence in the integrity and independence of the judiciary. Furthermore, acceptance of the Stipulation resolves the matter in a manner that protects the public, while avoiding the delay and expense of further proceedings. For these reasons, the commission imposes this public censure upon the terms and conditions in the attached Stipulation.

Commission members Nanci E. Nishimura, Esq.; Hon. Michael B. Harper; Ms. Mary Lou Aranguren; Anthony P. Capozzi, Esq.; Hon. William S. Dato; Mr. Eduardo De La Riva; Ms. Sarah Kruer Jager; Dr. Michael A. Moodian; Mr. Adam N. Torres; and Hon. Erica R. Yew voted to accept the Stipulation and issue this public censure. Commission member Ms. Patti A. Kasparian did not participate.

Date: August 22, 2018

On behalf of the
Commission on Judicial Performance,



Nanci E. Nishimura
Chairperson

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

IN THE MATTER CONCERNING
FORMER COMMISSIONER JOSEPH J.
GIANQUINTO

STIPULATION FOR DISCIPLINE
BY CONSENT (Rule 116.5)

Pursuant to Rules of the Commission on Judicial Performance, rule 116.5, Joseph J. Gianquinto, formerly a commissioner of the Kern County Superior Court, represented by counsel Randall A. Miller, and commission trial counsel (the "parties") submit this proposed disposition of the matters set forth in the commission's preliminary investigation letter dated October 4, 2017. The parties request that the commission resolve this matter by imposition of a public censure. The parties believe that the settlement provided by this agreement is in the best interests of the commission and former Commissioner Gianquinto because, among other reasons, in light of the stipulated facts and legal conclusions, a public censure and the former commissioner's agreement not to serve as a judicial officer adequately protect the public and will avoid the delay and expense of further proceedings.

TERMS AND CONDITIONS OF AGREEMENT

1. This agreement resolves the matters alleged in the commission's pending preliminary investigation involving former Commissioner Gianquinto.
2. The commission shall issue a public censure based on the agreed Stipulated Facts and Legal Conclusions set forth therein.

3. If the commission accepts this proposed disposition, the commission's decision and order imposing public censure may articulate the reasons for its decision and include explanatory language that the commission deems appropriate.

4. Upon acceptance by the commission, this stipulation and the commission's decision and order shall be made public.

5. Former Commissioner Gianquinto waives any further proceedings and review in this matter, including formal proceedings (rules 118, et seq.), and review by the Supreme Court (Cal. Rules of Court, rule 9.60).

6. Former Commissioner Gianquinto has agreed not to seek or hold judicial office, or accept a position or assignment as a judicial officer, subordinate judicial officer, or judge pro tem with any court in the State of California, or accept a reference of work from any California state court, at any time in the future.

7. If former Commissioner Gianquinto attempts to serve in a judicial capacity in violation of the foregoing paragraph, the commission may withdraw the public censure and resume the preliminary investigation as to all of the matters in the preliminary investigation letter. Additionally, the commission may refer the matter to the State Bar of California.

8. The commission may reject this proposed disposition and resume its preliminary investigation. If the commission does so, nothing in this proposed disposition will be deemed to be admitted by former Commissioner Gianquinto.

Accordingly, it is hereby stipulated and agreed that the commission shall issue a public censure on the above Terms and Conditions of Agreement, and based on the following Stipulated Facts and Legal Conclusions.

STIPULATED FACTS AND LEGAL CONCLUSIONS

1. Joseph J. Gianquinto was a commissioner of the Kern County Superior Court from December 20, 2007 to March 30, 2018.

2. In 2016 and 2017, Commissioner Gianquinto maintained a public Facebook page that identified him as "Jj Gianquinto," stated that he "works at Kern County," and

contained photos of him recognizable by the public. Commissioner Gianquinto's Facebook page did not identify him as a commissioner.

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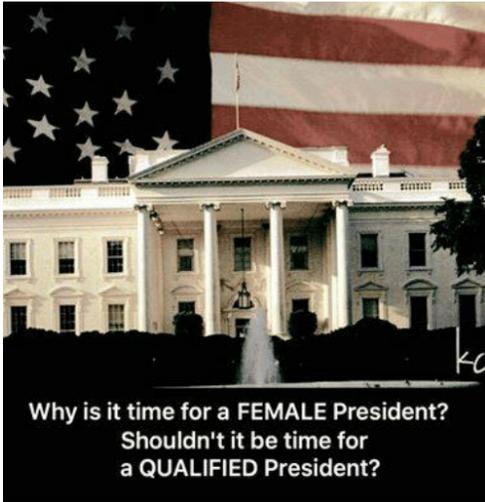
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Let criminals out.
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Let boys in girl's locker rooms.
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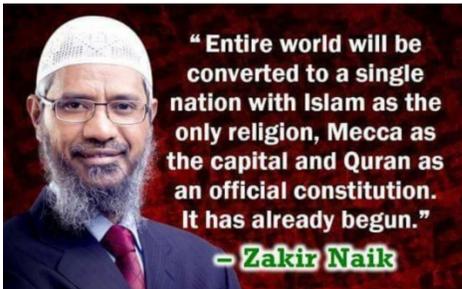
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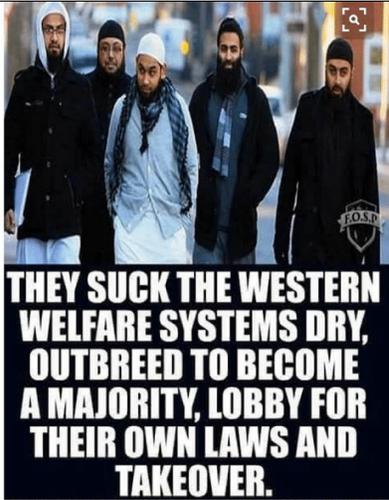


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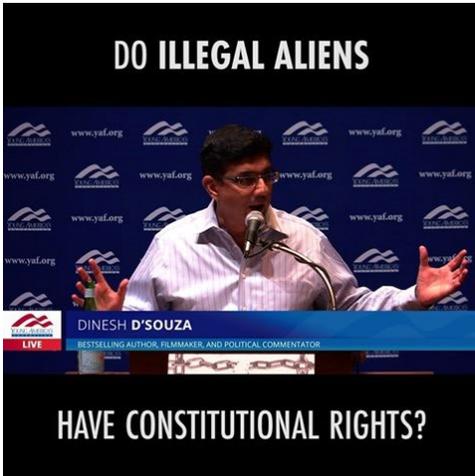
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“I am glad SOMEONE is
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Attention, leftists: all people have natural rights, but only American citizens have constitutional rights.



**IF YOU ENTER THE U.S.
ILLEGALLY, YOU ARE AN
ILLEGAL ALIEN.**

THAT'S NOT A RACIST STATEMENT, IT'S
A FACTUALLY ACCURATE STATEMENT.



LIKE IF YOU AGREE

**THEY CAME TO TAKE PART
IN THE AMERICAN DREAM**

EUROPEAN CHRISTIANS
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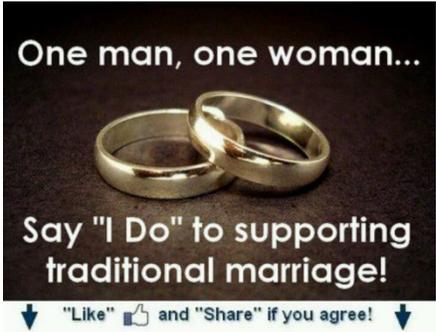


**THEY DIDN'T COME TO BITCH,
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**IT TAKES A SPECIAL
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Amen ... Absolutely I do! Anyone who may disagree is free to take it up with God.
#OneManOneWoman One Nation Under God





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6. On May 15, 2017, Commissioner Gianquinto met with Presiding Judge Brehmer concerning the Facebook posts.

7. On June 20, 2017, Commissioner Gianquinto submitted a written response to Judge Brehmer, which stated: “After concerns about the posts were brought to my attention, I immediately deleted the posts and have refrained from sharing additional posts of this nature. I have also designated my Facebook account as ‘private’ which means only my friends can view any future posts.”

8. On June 27, 2017, Commissioner Gianquinto self-reported to the commission that copies of his Facebook posts had been dropped off at the courthouse and delivered to Judge Brehmer. The commissioner’s letter, which included copies of the referenced posts, stated: “Preliminarily, after Judge Brehmer brought this matter to my attention, I deleted the posts and have refrained from sharing additional posts of a political nature. I also designated my Facebook account as private.”

9. On June 28, 2017, Judge Brehmer issued a private written reprimand to Commissioner Gianquinto, which stated in part:

Your Facebook page contents, as of May 8, 2017, included content that was derogatory to certain members of our community and further was out of line with the Judicial Canons. At the very least, members of the public could get the impression that you were biased which impacts the trust of our judiciary and the belief of fairness and impartiality of the public appearing before you.

You were advised to immediately remove the posts and restrict social media usage. You did comply with the advice, immediately removed the posts, acknowledged your errors in judgment and self-reported to the Commission on Judicial Performance.

I am satisfied that you fully understand this significant issue and have appropriately addressed the errors in judgment and have taken corrective action.

10. Despite his written representations to Judge Brehmer on June 20, 2017, and to the commission on June 27, 2017, Commissioner Gianquinto did not immediately make his public Facebook page private or delete all of the posts included with Judge Brehmer's letter. The commissioner's Facebook page remained public, and six of the posts included with Judge Brehmer's letter were still on the page until at least August 2, 2017.

Commissioner Gianquinto had intended to make his Facebook page private and delete the offending posts prior to his representations on June 20, 2017, and June 27, 2017; however, his unfamiliarity with the technology resulted in the changes not taking effect as intended. When alerted to the fact that the posts were still visible to the public, the commissioner immediately sought further assistance, deleted the offending posts, and increased the privacy settings on his Facebook profile.

11. In addition, Commissioner Gianquinto's public Facebook page contained posts of a similar nature that were not included in the presiding judge's investigation and that remained viewable by the public until at least August 2, 2017. These additional posts included the following:

- On August 21, 2016, the commissioner publicly shared a post with a photo of Hillary Clinton, with accompanying text stating, "The problem isn't that Hillary is an unethical, corrupt, lying criminal dirtbag -- Everyone knows that. The problem is that her supporters don't care. Are you people brain dead? Join us Facebook/Stop Hillary in 2016."
- On August 18, 2016, the commissioner publicly shared a post from Allen West stating, "The sad fact is NO previous Republican presidential candidate has had the guts to call ya'll out. We finally got one, and the left can't stand it. Share this one folks. This text is followed by a photo of Hillary Clinton, captioned, "Yes, BIGOT. Trump is right."
- On August 17, 2016, the commissioner publicly posted the following original text: "When it comes to Democrats running for office, I have relatives who are not only willing and able, but WILL close their eyes to facts such as who has been disbarred, who was fired from the Nixon matter for lying and unethical

conduct, and the rest of the unethical, dishonest conduct during the past thirty years. I do NOT know how they can do that.”

- On August 16, 2016, the commissioner publicly shared a post stating, “When they asked him whether he thought Donald J. Trump was good for America [*sic*] What he said was the most HARDCORE response I’ve EVER heard! If this doesn’t have you voting Trump, nothing will. Let’s get 3,000 shares for a guy that knows that we don’t need a politician, we need a LEADER! This Hispanic Billionaire UNLEASHED on Trump Haters, Says, ‘Who Else Would You Have In A F**king Foxhole?’”
- On August 16, 2016, the commissioner publicly shared a post with a photo of Justices Sotomayor, Ginsburg, and Kagen, overwritten with text stating, “AS SOON AS HILLARY WINS THE ELECTION, WE’LL HAVE THE NUMBERS TO TAKE YOUR GUNS AWAY AND GIVE ILLEGALS CITIZENSHIP AND VOTING RIGHTS.”
- On August 12, 2016, the commissioner publicly shared a post stating, “IF EVERY GUN OWNER VOTED AGAINST HER, HILLARY WOULD NOT WIN.”
- On August 6, 2016, the commissioner publicly shared a post stating “JUST REMEMBER THAT THE PARTY OF SLAVERY, SEGREGATION, THE KKK, AND GOVERNMENT DEPENDENCY IS THE DEMOCRAT PARTY.”
- On August 6, 2016, the commissioner publicly shared a post with a photo of Hillary Clinton winking, overwritten with text stating, “We were dead broke after leaving the White House and today we are worth over 110 million.” Under this is a photo of Harry Truman, with the caption, “‘You can’t get rich in politics unless you’re a crook.’ Harry S. Truman.”

- On August 2, 2016, the commissioner publicly shared a post showing a cartoon rendition of Hillary Clinton with text stating, “If Hillary Wins WE ALL LOSE! Yes = Share.”
- On July 26, 2016, the commissioner publicly posted an image showing photos of Hillary Clinton, Barack Obama, Nancy Pelosi, Harry Reid, and Dianne Feinstein, accompanied by text stating, “DEMOCRATS A bunch of rich people convincing poor people to vote for rich people by telling the poor people that other rich people are the reason they are poor.”
- On July 5, 2016, the commissioner publicly shared a post showing pictures of Hillary Clinton and James Comey, overwritten with text stating, “IF YOU FEEL BETRAYED BY THE JUSTICE DEPARTMENT AND THE FBI PLEASE LIKE AND SHARE.” This was originally posted by “Donald Trump for President.”
- On July 5, 2016, the commissioner publicly shared a post with a photo of Hillary Clinton alongside text stating, “SHARE IF YOU ARE OUTRAGED HILLARY WON’T BE CHARGED BY THE FBI.”
- On July 5, 2016, the commissioner publicly shared a post showing a photo of Hillary Clinton overwritten with text stating, “SILLY AMERICANS LAWS ARE FOR POOR PEOPLE.”

Commissioner Gianquinto was a subordinate judicial officer at the time of the conduct described herein. Canon 6A provides that a subordinate judicial officer is a judge within the meaning of the code.

Commissioner Gianquinto’s conduct as described herein violated canon 1 (judge shall uphold the integrity and independence of the judiciary), canon 2 (judge shall avoid impropriety and the appearance of impropriety), canon 2A (judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary), canon 4A (judge shall conduct all of the judge’s extrajudicial activities so that they do not cast reasonable doubt on the judge’s capacity to act impartially or demean the

judicial office), canon 5 (judge shall not engage in political activity that is inconsistent with the independence, integrity, or impartiality of the judiciary), canon 5A(2) (judge shall not publicly endorse or publicly oppose a candidate for nonjudicial office), and canon 5D (judge may engage in activity in relation to measures concerning improvement of the law, the legal system, or the administration of justice, only if the conduct is consistent with the code).

Commissioner Gianquinto's conduct described herein constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute, as set forth in article VI, section 18, subdivision (d)(2) of the California Constitution.

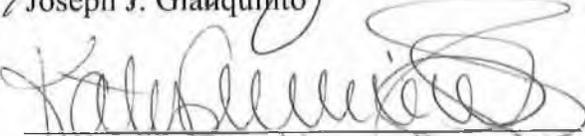
By signing this stipulation, in addition to consenting to discipline on the terms set forth, former Commissioner Gianquinto expressly admits that the foregoing facts are true and that he agrees with the stated legal conclusions.

Dated: 20 July, 2018



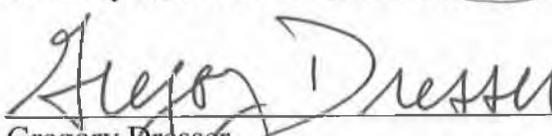
Joseph J. Gianquinto

Dated: 20 July, 2018



Randall A. Miller Katy Cummings
Attorney for former Commissioner Gianquinto

Dated: July 31, 2018



Gregory Dresser
Director-Chief Counsel

ACCEPTANCE OF STIPULATION FOR DISCIPLINE BY CONSENT IN THE
MATTER CONCERNING COMMISSIONER JOSEPH J. GIANQUINTO
(SJO 2425)

The foregoing Stipulation for Discipline by Consent is accepted by the
Commission on Judicial Performance.

Dated: August 22, 2018



Nanci E. Nishimura

Chairperson

Commission on Judicial Performance