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RACHELLE M. RESNICK
CLERK SUPREME COURT
BY

SUPREME COURT OF ARIZONA

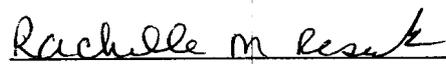
Inquiry concerning Judge) Supreme Court No. JC-08-0001
)
QUENTIN TOLBY) Commission No. 08-161
Administrative Pro Tem Judge)
Maricopa County Justice Courts)
State of Arizona)
Respondent)
_____)

ORDER

This matter having come before the Commission on Judicial Conduct, it having duly rendered and filed its recommendation, and all applicable rights to object to or petition for modification of the recommendations having been waived by Respondent, and the Court having no further responsibility for review pursuant to Rule 29(g) of the Rules of Procedure for the Commission on Judicial Conduct,

IT IS ORDERED that **Quentin Tolby**, an administrative pro tem justice of the peace in the Maricopa County, is hereby censured for violations of the Code of Judicial Conduct as set forth - in the Recommendation and the Amended Agreement for Discipline by Consent, which are attached hereto.

DATED this 2nd day of December 2008.



Rachelle M. Resnick
Clerk of the Court

TO:
Quentin Tolby (Certified Mail, Return Receipt and Regular Mail)
Linda Haynes, Disciplinary Counsel, Commission on Judicial Conduct
E. Keith Stott, Jr., Executive Director, Commission on Judicial Conduct
Jode Ottman, West Publishing Company
Lexis-Nexis
cf

State of Arizona
COMMISSION ON JUDICIAL CONDUCT
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
(602) 452-3200

News Release

SUPREME COURT CENSURES JUDGE IN MARICOPA COUNTY JUSTICE COURT

PHOENIX. The Commission on Judicial Conduct announced today that the Arizona Supreme Court has censured Judge Quentin Tolby for misconduct in office. Judge Tolby, a retired justice of the peace who has been an Administrative Pro Tem Justice of the Peace for the Maricopa County Justice Courts since June 2006.

The court's decision was based on a stipulated agreement between the commission and the judge in which the judge admitted violating the Code of Judicial Conduct when he related an inappropriate joke while chatting in the courtroom with a court clerk and another woman. The judge cooperated with the commission and agreed that a censure was an appropriate sanction for his conduct. The full text of the agreement for discipline by consent can be viewed on the commission's web site at www.supreme.state.az.us/ethics, by clicking on Commission on Judicial Conduct, Judicial Complaints, 2008 and 08-161.

The commission is an independent state agency with jurisdiction over all state and local judges. It is composed of six judges, two attorneys, and three public members. The commission investigates complaints and submits recommendations in formal cases to the state supreme court for final decision.

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For release on December 4, 2008.

For more information, contact
Keith Stott, Executive Director

Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, AZ 85007
Telephone: (602) 452-3200
Facsimile: (602) 452-3201

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ARIZONA COMMISSION ON
JUDICIAL CONDUCT

JC-08-0001

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**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Judge)
)
QUENTIN TOLBY)
Administrative Pro Tem)
Maricopa County Justice Courts)
Maricopa County)
State of Arizona)
Respondent)
)

Supreme Court No.

Commission Case No. 08-161

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RACHELLE M. RESNICK
CLERK SUPREME COURT
BY

RECOMMENDATION

On September 8, 2008, the Commission on Judicial Conduct ("Commission") filed formal charges against Administrative Pro Tem Justice of the Peace Quentin Tolby ("Respondent") following a finding of reasonable cause by the three-member investigative panel assigned to oversee the investigation in this case. On September 23, 2008, the chairperson of the Commission appointed an eight-member hearing panel to hear and take evidence in the case and designated the undersigned as the presiding member of the panel.

On October 24, 2008, Respondent and Disciplinary Counsel submitted an Agreement for Discipline by Consent ("agreement") containing an admission of judicial misconduct and a waiver of Respondent's right to appeal and all other procedural rights set forth in Rule 29 of the Rules of the Commission on Judicial Conduct. The agreement and other pertinent pleadings were circulated to the members of the hearing panel for their consideration on October 28, 2008. The members reviewed the documents and unanimously voted to approve the agreement subject to minor modifications. On November 19, 2008, Disciplinary Counsel and Respondent jointly submitted the

attached Amended Agreement for Discipline by Consent ("amended agreement"), which the undersigned presiding member reviewed and accepted on behalf of the hearing panel in an order dated November 25, 2008.

In full accordance with the terms and conditions of the amended agreement, which are incorporated herein by reference, the hearing panel recommends to the Arizona Supreme Court that Respondent be publicly censured for violating the Code of Judicial Conduct as admitted in the amended agreement; that the parties pay their own costs and attorney's fees associated with this case; and that the parties comply with all other conditions set forth in the agreement.

RESPECTFULLY SUBMITTED this 26th day of November 2008.

FOR THE HEARING PANEL



Hon. Robert M. Brutinel
Presiding Member of the Hearing Panel

Copies of this pleading were delivered and mailed this 26th day of November 2008 to:

Quentin Tolby
Respondent
Downtown Justice Court
620 W. Jackson Street
Phoenix, AZ 85003

Linda Haynes
Disciplinary Counsel
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

By: Barbara Wankless
Clerk of the Commission

Linda Haynes
Disciplinary Counsel (Bar #12178)
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JC-08-0001

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ARIZONA COMMISSION ON
JUDICIAL CONDUCT

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Judge)

Case No. 08-161

QUENTIN TOLBY)

Administrative Pro Tem)
Maricopa County Justice Courts)
Maricopa County)
State of Arizona)

**AMENDED AGREEMENT FOR
DISCIPLINE BY CONSENT**

Respondent)

COME NOW Judge Quentin Tolby (Respondent) and Linda Haynes, Disciplinary Counsel for the Commission on Judicial Conduct (Commission) and hereby submit the following proposed resolution of this case pursuant to Rule 30 of the Commission Rules.

JURISDICTION

1. The Commission has jurisdiction of this matter pursuant to Article 6.1 § 4 of the Arizona Constitution.
2. This Agreement is filed pursuant to Rule 30(a) of the Rules of the Commission on Judicial Conduct (Commission Rules).
3. Respondent has served as Administrative Pro Tem Justice of the Peace for the Maricopa County Justice Courts since June 2006. Respondent was serving in his capacity as a pro tem justice of the peace at all times relevant to the allegations contained herein.

4. As a pro tem justice of the peace, Respondent is and has been subject to all provisions of the Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

BACKGROUND

5. On September 8, 2008, Disciplinary Counsel filed a formal Statement of Charges against Respondent after a duly appointed investigative panel found reasonable cause to commence formal proceedings.

AGREED UPON FACTS

6. Respondent admits that on July 2, 2008, after the court calendar was complete, Respondent and two women, one of whom was an African-American, were chatting and joking in the courtroom. Respondent related a "joke" about a "colored" boy writing a four letter word on a wall, being questioned by a policeman about what he meant, and responding that the initials stood for "Feed Us Colored Kids."

7. After being informed that both women were offended, Respondent apologized to the court clerk, her manager, and Presiding Judge Ore. Respondent and Disciplinary Counsel agree that all parties present accepted the apology.

ADMISSIONS CONCERNING CODE OF JUDICIAL CONDUCT

8. Respondent agrees that by relating an inappropriate joke, Respondent violated Canon 2, which prohibits impropriety and the appearance of impropriety; Canon 3B(5), "A judge shall perform judicial duties without bias or prejudice;" and engaged in conduct prejudicial to the administration of justice that brings the judicial office into disrepute within the meaning of Article 6.1 § 4 of the Arizona Constitution.

RESPONDENT'S STATEMENT

9. Respondent and the court clerk have worked together for over three months in an open and harmonious manner. Respondent has been in public life for the past 30 years; 12 years as a Glendale City Councilman, one term as Mayor, and 16 years as an elected Justice of the Peace. The Commission has never received a similar complaint concerning Respondent before and Respondent vows there will never be a situation like this in the future.

AGREED UPON SANCTION

10. Respondent agrees that censure is an appropriate sanction for his misconduct.

OTHER TERMS AND CONDITIONS

11. This agreement, if accepted by the hearing panel, fully resolves all issues raised in the Statement of Charges and may be used as evidence in later proceedings in accordance with the Commission's Rules. If the hearing panel does not accept this agreement as a full resolution, then the admissions made by Respondent are withdrawn, and the matter will be set for hearing without use of this agreement.

12. If this agreement is accepted by the hearing panel and approved by the Supreme Court, both parties agree to waive any rights they might have to a hearing before the Commission.

13. Pursuant to Commission Rule 28(a), both parties waive their right to object to the hearing panel's proposed recommendations and their right to appeal the charges at issue in this matter, including the appeal procedures set out in Commission Rule 29.

14. Both parties agree not to make any statements to the press that are contrary to the terms of this agreement.

15. Both parties will pay their own costs and attorneys' fees associated with this case.

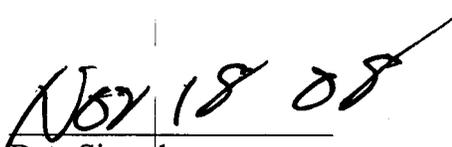
16. Respondent clearly understands the terms and conditions of this agreement and fully agrees with its terms. Respondent waives his right to legal counsel in this matter.

17. This agreement constitutes the complete understanding between the parties.

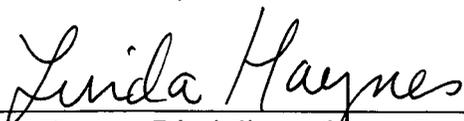
SUBMITTED this ___ day of November, 2008.



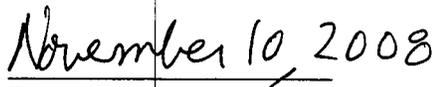
Quentin V. Tolby
Respondent



Date Signed



Linda Haynes, Disciplinary Counsel
Commission on Judicial Conduct



Date Signed