

BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA

**IN THE MATTER OF
MICHAEL HEADLEY,
FORMER MAGISTRATE OF DODDRIDGE COUNTY**

COMPLAINT NO. 67-2021

PUBLIC ADMONISHMENT OF FORMER MAGISTRATE MICHAEL HEADLEY

The matter is before the Judicial Investigation Commission upon a complaint filed by Judicial Disciplinary Counsel setting forth certain allegations against Michael Headley, former Magistrate of Doddridge County (hereinafter “Respondent”). The gravamen of the complaint was that Respondent improperly solicited donations for a charity in violation of the Code of Judicial Conduct.

Upon receipt of the complaint, an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure. After a review of the complaint, the Respondent’s written reply, the information and documents obtained from the investigation and the pertinent Rules contained in the Code of Judicial Conduct, the West Virginia Judicial Investigation Commission (hereinafter “Commission”), at its December 10, 2021 meeting, found probable cause to believe that Respondent violated Rules 1.1, 1.2, 3.1(C) and 3.7(A)(2) and orders that he be publicly admonished pursuant to Rules 1.11 and 2.7(c) of the Rules of Judicial Disciplinary Procedure, as set forth in the following statement of facts and conclusions:

STATEMENT OF FACTS

Respondent was elected to the position of Magistrate of Doddridge County in the June 2020 judicial election and officially took office on January 1, 2021. Prior to taking office as Magistrate, Respondent served as the Sheriff of Doddridge County. Beginning on Friday, November 27, 2020 and continuing through to Friday, December 18, 2020, while Respondent was a magistrate-elect, the following advertisement appeared in the Doddridge Independent, a weekly newspaper, on four separate occasions:

Help Support Sheriff Headley's Magical Christmas

We have over forty children in need this year. Please help us meet our goal of bringing a Magical Christmas to each of these children. We can only do this through donations. Donations can be taken in person at the County Sheriff's Office or mailed to the Doddridge County Sheriff's Office located at 1117 WV RT 18N, West Union, West Virginia 26456.

Santa will arrive on schedule this year!

On June 14, 2021, Judicial Disciplinary Counsel opened a complaint against Respondent. In an undated letter, Respondent replied to the allegations contained in the complaint stating:

When I became Sheriff of Doddridge County in 2013, I wanted to build a rapport with the children of Doddridge County. The Magical Christmas was established in 2015. . . . We used the concealed pistol account to deposit donations. Donations were receipted into said account documented as Magical Christmas. I never directly handled donations. When donations were made in person or by mail, donations were receipted and deposited by the tax office. My office Assistant, Angie Lamb, collected donations and the Tax Office deposited said donations . . . I never handled any monies for the Magical Christmas since 2015. My involvement in the Magical Christmas was delivering the presents to the children along with my field deputies. This charity did not have a board of directors. . . The Guidance Counselors and PRO's in the schools assisted with providing a list of children in need of a Magical Christmas. The State Auditor recommended separating the Magical Christmas and the Concealed Pistol monies so it would make it easier to audit accounts. A separate account was opened at the Cornerstone Bank with two signatures being required on checks. . . .

Regarding the newspaper solicitations in the Doddridge Independent . . . I did not run these advertisements. Quite honestly, I had no knowledge of said advertisements. . . . I contacted Mike Zorn, owner of the Doddridge Independent and inquired who ran the advertisements on the above dates. Mike Zorn stated he ran the advertisements on his own accord. Please find enclosed Mike Zorn's statement regarding this matter.

Interestingly, Mr. Zorn's letter does not support Mr. Headley's contention that he did not know about the advertisements. Mr. Zorn merely stated that the ads "were not charged to the county or to the Sheriff's Office. No money was exchanged for the community event ads."

While this complaint was pending, Judicial Disciplinary Counsel was informed of another matter involving Respondent and Ms. Lamb. On November 3, 2021, Judicial Disciplinary Counsel contacted Respondent and informed him that if he did not resign that day, she would file a Rule 2.14

extraordinary complaint against him seeking his suspension without pay. Later that same day, Respondent and his assistant resigned their positions effective the same day.

CONCLUSIONS

The Commission, by a vote of 8-0,¹ determined that probable cause does exist in the instant complaint and that Michael Headley, former Magistrate of Doddridge County, violated Rules 1.1, 1.2, 1.1, 1.2, 3.1(C) and 3.7(A)(2) of the Code of Judicial Conduct which state in pertinent part:

Rule 1.1 Compliance With the Law

A judge shall comply with the law, including the West Virginia Code of Judicial Conduct.

Rule 1.2 Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Rule 3.1 Extrajudicial Activities in General

A judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not: , , ,

- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity or impartiality.

Rule 3.7 Participation in Educational, Religious, Charitable . . . Activities

- (A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system or the administration of justice and those sponsored by or on behalf of educational, religious, charitable, fraternal or civic organizations not conducted for profit, including but not limited to the following activities: . . .
 - (2) soliciting contributions for such an organization or entity, but only from members of the judge's family or from judges over whom the judge does not exercise supervisory or appellate authority.

The Commission further determined that formal discipline was not appropriate since Respondent had resigned from office. However, the Commission found that the violations were serious enough to warrant a public admonishment. As a magistrate-elect Respondent had a duty to


¹ The Commission consists of six judicial officers and three lay members. One lay member was not in attendance at the December 10, 2021 meeting.

refrain from soliciting money on behalf of any organization beyond the Rule 3.7(A)(2) limitations let alone one named for him as Sheriff of Doddridge County. The closeness to his elevation to the bench could reasonably create the belief, however wrong it may be, that he was biased in favor of the sheriff's department. Respondent also should not have served as a signatory on the bank account so close in time to taking office as a Magistrate. Moreover, the haphazard handling of the account itself over the years calls into question the integrity of the man behind the charity itself.

Based upon the foregoing, it is the decision of the Judicial Investigation Commission that Michael Headley, former Magistrate of Doddridge County, be disciplined. Accordingly, the Judicial Investigation Commission hereby publicly admonishes Michael Headley for his conduct as fully set forth in the matters asserted herein.

Pursuant to Rule 2.7(c) of the Rules of Judicial Disciplinary Procedure, the Respondent has fourteen (14) days after receipt of the public admonishment to file a written objection. If the Respondent timely files an objection, the Judicial Investigation Commission shall, pursuant to the Rule, file a formal charge with the Clerk of the Supreme Court of Appeals of West Virginia.


Alan D. Moats, Chairperson
Judicial Investigation Commission


Date

ADM/tat