

BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA

**IN THE MATTER OF JOHN LUONI
FORMER MAGISTRATE OF KANAWHA COUNTY**

COMPLAINT NO. 80-2025

**PUBLIC ADMONISHMENT OF JOHN LUONI
FORMER MAGISTRATE OF KANAWHA COUNTY**

The matter is before the Judicial Investigation Commission (“JIC”) upon a complaint filed by Keith Hoover, Administrative Director for the Supreme Court of Appeals of West Virginia, setting forth certain allegations against John Luoni, former Magistrate of Kanawha County (“Respondent”). After a review of the complaint, Respondent’s, sworn statement, the evidence gathered, the August 27, 2025 signed agreement and resignation email (attached hereto), and the pertinent Rules contained in the Code of Judicial Conduct, the JIC found probable cause on June 6, 2025, that Respondent violated Rules 1.1, 1.2, 1.3, 2.1, 2.3(A) and (B), 2.5(A), 2.6(A), (2.8(B), and 3.1(A) and (C) of the Code of Judicial Conduct. Since Respondent has resigned as magistrate and agreed never again to seek judicial office in West Virginia by election or appointment, the JIC found that formal discipline was not necessary but that Respondent be publicly admonished pursuant to RJDP 1.11 and 2.7(c) as set forth in the following statement of facts and conclusions of law:

FINDINGS OF FACT

Respondent is a lifelong resident of Kanawha County. Respondent is a 1975 graduate from Swarthmore College in mechanical engineering and received a master’s degree from Virginia Tech in October 1976. Upon graduation, Respondent worked as an engineer for various private companies in and around Kanawha County. From July 2005 until his retirement in March 2022, Respondent was the county engineer for the Kanawha County Commission working in the planning and development office.

Respondent served on the Kanawha County Board of Education for a number of years. In 2022, he ran for and lost a seat in the West Virginia House of Delegates. Respondent ran for and was elected to

a newly created Magistrate position in Kanawha County (13th Division) in May 2024. He took office in or around January 1, 2025, and resigned from office pursuant to an agreement with the JIC on August 26, 2025. At all times relevant to the matters set forth herein, Respondent was either acting in his capacity as Magistrate-elect or Magistrate.

Respondent engaged in a course of conduct toward a subordinate Court employee that violated Rules 1.1 (compliance with the law), 1.2 (confidence in the judiciary), 1.3 (avoiding the prestige of judicial office) and 2.3(A) and (B) (bias, prejudice and harassment) of the Code of Judicial Conduct. Respondent also engaged in conduct on or about April 16, 2025 following a Personal Safety Order hearing against another subordinate Court employee that violated Rules 1.1 (compliance with the law), 1.2 (confidence in the judiciary) and 2.8(B) (decorum and demeanor) of the Code of Judicial Conduct.

Respondent frequents the Mardi Gras Casino in Cross Lanes. He goes so often that he is a VIP member there. On one occasion, after he became Magistrate, Respondent took a subordinate employee there for lunch. He picked her up from work and told her that they were going to play the slot machines despite her having to work that afternoon. Respondent took out a large amount of money and the two sat there and played the slot machines. The records from Magistrate Court and the records from the Casino indicate that Respondent left work early on at least ten occasions to gamble between January and June 2025. There were also at least two email exchanges between Respondent and a subordinate employee in February 2025 which indicated that he left early from work stating, "Spies are everywhere!" By engaging in such conduct, Respondent violated Rules 1.1 (compliance with the law), 1.2 (confidence in the judiciary), 2.1 (giving precedence to the duties of judicial office, and 3.1(A) and (C) (extrajudicial activities) of the Code of Judicial Conduct.

Respondent was set to preside over a personal safety order on April 3, 2025, beginning at 9:00 a.m. The April 3, 2025 hearing was continued to April 16, 2025, and the matter was to be heard at 8:30 a.m. The _____ were advised by phone that the hearing was set for 9:00 a.m. However, the notice said 8:30. The _____ never got the notice because it was sent to a hotel in Kanawha County which was somehow listed on the paperwork as their address even though they resided in a home in another state.

The _____ were represented by an attorney who took the case shortly before the hearing and told her clients to be at the Courthouse early. According to the attorney, her clients and she arrived sometime between 8:30 and 8:32 a.m. and sat out in the waiting room near where the hearing would take place. Even though the file notes indicate that Respondent came out at 8:30, 8:35 and 8:40 a.m. and called the case, the attorney said they were there for twenty minutes and no one came out and called the matter. Before 9:00 a.m., the petitioner and a magistrate assistant came out because the matter had concluded. The attorney testified that the petitioner commented about them being too late and they indicated that they were there at 8:30 a.m. The assistant then went back in to talk to Respondent and told him the family had been out there waiting to be called for the hearing. Instead of reopening the matter, which was the proper thing to do, Respondent told the assistant to tell them the matter was over and that they could appeal his decision. The assistant complied. However, because of the cost and travel, _____ elected not to appeal. By engaging in such conduct, the Commission found that Respondent violated Rules 1.1 (compliance with the law), 1.2(confidence in the judiciary), 2.5(A) (competence, diligence and cooperation), and 2.6 (ensuring the right to be heard) of the Code of Judicial Conduct.

As a result of the investigation, Judicial Disciplinary Counsel entered into the attached agreement signed by Respondent and his attorney. Pursuant thereto, Respondent agreed to immediately resign from his magistrate's position, to never again seek judicial office in West Virginia by election or appointment, and to accept an admonishment from the JIC for violations of the Code of Judicial Conduct.

CONCLUSIONS

By a vote of 9-0, the Commission unanimously found that probable cause exists in the matters set forth above to find that John Luoni former Magistrate of Kanawha County, violated Rules 1.1, 1.2, 1.3, 2.1, 2.3(A) and (B), 2.5(A), 2.6(A), (2.8(B), and 3.1(A) and (C) of the Code of Judicial Conduct as set forth below:

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 1.3 – Avoiding the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.

Rule 2.1 – Giving Precedence to the Duties of Judicial Office

The duties of judicial office, as prescribed by law, shall take precedence over all of a judge's personal and extrajudicial activities.

Rule 2.3 – Bias, Prejudice and Harassment

- (A) A judge shall perform the duties of judicial office, including administrative duties without bias or prejudice
- (B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice or engage in harassment, including but not limited to bias, prejudice, or harassment based upon . . . sex.

Rule 2.5 – Competence, Diligence and Cooperation

- (A) A judge shall perform judicial and administrative duties competently and diligently.

Rule 2.6 – Ensuring the Right to be Heard

- (A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

Rule 2.8 – Decorum, Demeanor . . .

- (B) A judge shall be patient, dignified, and courteous to . . . court staff, court officials, and others with whom the judge deals in an official capacity . . .

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: . . .

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
...

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

The Commission further found that formal discipline was not essential as Respondent had agreed to immediately resign as magistrate and to never again seek judicial office by election or appointment. However, the Commission found that the violations were grave enough to warrant a public admonishment.

The Preamble to the Code of Judicial Conduct provides:

Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to the American concepts of justice and the rule of law. Intrinsic to all sections of this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law. . . . Good judgment and adherence to high moral and personal standards are also important.

Comment [1] to Rule 1.2 states that “[p]ublic confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge.” Comment [2] provides that “[a] judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens and must accept the restrictions imposed by the Code.” Comment [3] notes that “[c]onduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary.” Comment [4] states that “[j]udges should participate in activities that promote ethical conduct among judges and lawyers, support professionalism within the judiciary and the legal profession, and promote access to justice for all.” Comment [5] provides:

Actual improprieties include violations of law, court rules or provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in

other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge.

Comment [1] to Rule 1.3 states that “[i]t is improper for a judge to use or attempt to use his or her position to gain personal advantage or deferential treatment of any kind.” Comment [3] to Rule 2.3 provides that “[h]arassment . . . is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.” Comment [4] states that “[s]exual harassment includes but is not limited to sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that is unwelcome.”

Comment [1] to Rule 2.5 states that “[c]ompetence in the performance of judicial duties requires the legal knowledge, skill, thoroughness and preparation reasonably necessary to perform a judge’s responsibilities of judicial office.” Comment [4] provides that “in disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay.” Comment [1] to Rule 2.6 provides that “[t]he right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.”

The investigation conducted by JDC has uncovered that Respondent by his actions has proven unfit to hold judicial office. Thus, it is the decision of the Judicial Investigation Commission that John Luoni, former Magistrate of Kanawha County be disciplined by this Admonishment. Accordingly, the Judicial Investigation Commission hereby publicly admonishes former Magistrate Luoni for his conduct as 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 to the contents thereof. If the Respondent timely files an objection, the Judicial Investigation Commission shall, pursuant to the Rule, file formal charges with the Clerk of the Supreme Court of Appeals of West Virginia.



The Honorable Alan D. Moats, Chairperson
Judicial Investigation Commission

Date: August 27, 2025

ADM/tat

BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA

**IN THE MATTER OF:
THE HONORABLE JOHN LUONI
MAGISTRATE OF KANAWHA COUNTY**

JIC COMPLAINT NO. 80-2025

AGREEMENT

Comes now Magistrate John Luoni, Magistrate of Kanawha County ("Respondent" or "Magistrate Luoni,") in person and by and through his attorney, Tim Carrico, Esquire, and Teresa A. Tarr and Brian J. Lanham, Judicial Disciplinary Counsel ("JDC") hereby enter into this Agreement consisting of the following terms:

1. On or about May 22, 2025, a judicial ethics complaint was filed against Respondent by Keith Hoover, the Administrative Director for the Supreme Court of Appeals of West Virginia. The complaint was given JIC Complaint No. 80-2025.

2. JDC immediately began an investigation of the complaints. After a thorough investigation, JDC Counsel spoke with Respondent in an effort to resolve the complaints without seeking a suspension without pay and filing a formal statement of charges.

3. Respondent and JDC agree to the following terms and conditions:


- a. Magistrate Luoni agrees to immediately resign his position as Magistrate for Kanawha County, West Virginia, on or before 12:00 p.m. (noon), Wednesday, August 27, 2025;
- b. Magistrate Luoni agrees to never again seek judicial office by election or appointment in West Virginia. Judicial office is defined by Application I(A) of the West Virginia Code of Judicial Conduct to include Justices of the Supreme Court of Appeals, Judges of the Intermediate Court of Appeals, Circuit Judges, Family Court Judges, Magistrates, Mental

Hygiene Commissioners, Juvenile Referees, Special Commissioners and Special Masters;


- c. Judicial Disciplinary Counsel agrees to recommend that the Judicial Investigation Commission issue an admonishment in the above-captioned matter for violations of Rules 1.1 (compliance with the law), 1.2 (confidence in the judiciary), 1.3 (abuse of prestige of judicial office), 2.1 (giving precedence of the duties of judicial office), 2.3B (bias, prejudice and harassment) (impartiality and fairness), 2.5(A) (competence, diligence and cooperation), 2.6(A) (ensuring the right to be heard), 2.8(B) (decorum and demeanor) and 3.1 (A) and (C) (extrajudicial activities in general) of the Code of Judicial Conduct for the following:
 - (1) Respondent engaged in improper conduct toward two subordinate employees;
 - (2) Respondent left work early on approximately ten occasions between January 2, and June 30, 2025 to go to the Mardi Gras Casino & Resort to gamble; and
 - (3) Respondent failed to give a litigant the opportunity to appear and present his side of the case in a personal safety order matter.
- d. Both parties understand, acknowledge and agree that the decision to accept or reject this agreement is solely within the purview of the Judicial Investigation Commission;

- e. Respondent further understands, acknowledges and agrees that any admonishment issued by the Judicial Investigation Commission is public pursuant to Rule 2.7(c) of the Rules of Judicial Disciplinary Procedure;
 - f. Respondent also understands, acknowledges and agrees that if he files an objection to any admonishment issued by the Judicial Investigation Commission then the Commission shall be required to file a Formal Statement of Charges pursuant to Rule 2.7(c) of the Rules of Judicial Disciplinary Procedure;
 - g. Respondent also understands, acknowledges and agrees that if he violates any of the terms of this agreement, the parties will be returned to their original positions and the Judicial Investigation Commission may reopen Complaint Nos. 80-2025 for further investigation and prosecution of any violations of the Code of Judicial Conduct associated therewith. Respondent also agrees that by signing this document he has waived any future statute of limitations argument with respect to the foregoing complaint should he violate the terms of the agreement necessitating the prosecution of any violations of the Code of Judicial Conduct;
4. Respondent understands, acknowledges and agrees that he is knowingly and voluntarily entering into this agreement because it is in his best interest and that no other inducements have been promised other than what is contained within the four corners of this document; and
5. All parties agree to do everything necessary to ensure that the foregoing terms of this Agreement take effect.

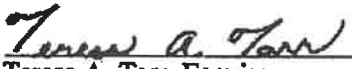
AGREED:


Magistrate John Luoni
Magistrate of Kanawha County

8/26/2025
Date


Tim Carrico, Esquire
Counsel for Respondent

8/26/25
Date


Teresa A. Tarr, Esquire
Judicial Disciplinary Counsel

8-22-2025
Date


Brian J. Lanham, Esquire
Judicial Disciplinary Counsel

8-22-25
Date

Tarr, Teresa

From: johnluoni@outlook.com
Sent: Tuesday, August 26, 2025 5:57 PM
To: Ballard, Kenneth; Strickland, Traci
Cc: Tarr, Teresa; Tim Carrico
Subject: Resignation

I am resigning my position as Kanawha County Magistrate effective today 8/26/2025.

John Luoni
Kanawha County Magistrate