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**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY**

MARTHA SHEEHY, member of the Montana Board of Regents,	) Cause No. DV 18-0844
	) Judge Gregory R. Todd
Petitioner,	)
	) <b>ORDER</b>
vs.	)
	)
COMMISSIONER OF POLITICAL PRACTICES JEFFREY MANGAN,	)
	)
Respondent.	)

On both May 26, 2017, and November 16, 2017, the Board of Regents (Board) held regularly scheduled public meetings. Proper notice was given by the Board pursuant to the Open Meeting Law § 2-3-203. The agenda included an update on the 6 Mill Levy to be provided by Molly Bell (Bell) of Hilltop Public Solutions. The power point presentation slides of Bell's update were included in the notice.

The 6 Mill Levy provides about 10% of the total state funding for the Montana University System or approximately \$19 million per year. Montanans vote on said 6 Mill Levy every 10 years, and the Levy was on the November 2018 state-wide ballot. The Court finds Bell's presentation was properly incidental to the duties of the Board, did not constitute a violation of the Code of Ethics and constituted permissible information-gathering by the Board.

1 At the May 2017 Board meeting, Regent Martha Sheehy (Sheehy) asked two  
2 questions of Bell. The first question was: "Some of us are serving on the committee  
3 [committee supporting passage of the 6 Mill Levy], some of us more actively than  
4 others. I've been unable to come to most of your meetings so far, but is there anything  
5 else that we can do as Regents to support this effort?" After Bell responded, Sheehy  
6 asked the following question: "As you start the effort, do you have any impressions as to  
7 how informed the electorate is, how much work we have left to do?" Public comment  
8 was sought during the meeting. No complaints were received during the 30-day period  
9 after the meeting pursuant to § 2-3-213. (Emphasis supplied).

10  
11 On March 5, 2018, Timothy Adams (Adams) filed a complaint with the  
12 Commissioner of Political Practices (COPP). Adams complained that several actions or  
13 comments of Regents, including the above two questions from Sheehy, amounted to  
14 the selected solicitation of support for a ballot issue, the 6 Mill Levy, and that the Code  
15 of Ethics precluded Regents from using public resources to support the 6 Mill Levy. The  
16 COPP issued its Summary Decision of Complaint Without Informal Contested Case  
17 Hearing on April 25, 2018. All of the complaints from Adams regarding alleged  
18 impropriety of Regent activity were dismissed with the exception of the questioning by  
19 Sheehy regarding the 6 Mill Levy. Even though Bell's presentation was deemed to be  
20 incidental to Regent duties, the COPP found that Sheehy had violated the Code of  
21 Ethics by using the public conference room, recording devices and time on the agenda  
22 to ask the above two questions.

23 Sheehy now seeks declaratory relief pursuant to Count 1 of the Amended  
24 Petition. Sheehy seeks a declaration that she is not a "public employee" or a state  
25 employee. If she is not a "public employee" or a state employee then the COPP may  
not exercise jurisdiction over the complaint of Adams. Count V further seeks a

1 declaration that the COPP committed an error in determining that Sheehy committed an  
2 ethical violation.

3 Pursuant to § 27-8-201, this Court has the power to render declaratory  
4 judgments and establish the rights, status, and other legal relations whether or not  
5 further relief could be claimed. Sheehy has standing to seek the determination of any  
6 question concerning § 2-2-136. By its Summary Decision, COPP determined that  
7 Sheehy was a “public employee” and was subject to the jurisdiction of the COPP. That  
8 finding and the conclusion and order of the COPP of an ethical violation has prejudiced  
9 Sheehy’s substantial rights. It also continues to prejudice the rights of Sheehy as a  
10 Regent. It further prejudices her rights in her professional endeavors.

11 Before discussing the Summary Decision, the constitutional framework regarding  
12 the Board of Regents must first be analyzed. Such an analysis is alone dispositive of  
13 this case. No further analysis is necessary to reverse the COPP and declare that  
14 Martha Sheehy and the Board of Regents are not subject to the jurisdiction of the  
15 COPP.  
16

17 In 1972 the framers of the Montana State Constitution put the “government and  
18 control of the Montana University System” in the hands of the Board. The Board was  
19 vested with the “full power, responsibility, and authority to supervise, coordinate,  
20 manage and control the Montana University System” Art. X. §9(2). By explicit  
21 constitutional design, the Board was given a unique level of independence and authority  
22 not accorded to any other state board, commission, or agency.

23 The framers also instructed the legislature to “provide a code of ethics prohibiting  
24 conflict between public duty and private interest for members of the legislature and all  
25 state and local officers and employees.” Art. XIII, § 4. Conspicuously absent from said  
constitutional list of people who should be covered by the legislatively enacted code of

1 ethics are members of the Board of Regents. The Code of Ethics was codified in § 2-2-  
2 101 et. Seq. The code of ethics is specifically and narrowly limited in application to state  
3 officers, legislators and public employees. § 2-2-101. Since the COPP concedes in this  
4 case that the Board and members of the Board are not officers, legislators, or state  
5 employees, the COPP has no power or jurisdiction over the Board or Sheehy as an  
6 individual Regent.

7 By the above constitutional and statutory authority and analysis alone, all prayers  
8 for relief by Sheehy are granted. If the above discussion is not deemed dispositive, the  
9 court will discuss the remaining arguments. The rationales of the COPP are rejected  
10 and the rationales of Sheehy are persuasive.

11 The Summary Decision is reviewable as a final agency order. This Court may  
12 reverse the determination that the COPP had jurisdiction over Adam's complaint and  
13 over Regent Sheehy. The parties have a fundamental dispute regarding standing and  
14 jurisdiction. The COPP agrees and stated in its Summary Decision that a Regent is not  
15 a "public officer" as defined in Code of Ethics at § 2-2-103(8). But it did find that a  
16 Regent is a "public employee" as defined in the Code of Ethics at § 2-2-103(7).  
17 Specifically, the Summary Decision held that a Regent is excluded from three of the four  
18 subsections of the definition of a "public employee," but a Regent is a "member of a  
19 quasi-judicial board or commission or of a board, commission, or committee with  
20 rulemaking authority." § 2-2-102(7)(c).

21 The Summary Decision held that the Regents do have rulemaking authority  
22 under § 20-2-114(1), which provides for adoption of rules by the Board of Regents  
23 "consistent with the Constitution or the laws of the State of Montana necessary for its  
24 own government or the proper extension of powers and duties conferred upon it by law."  
25 (emphasis supplied). Similar language is also found in § 20-25-301(2): "...adopt rules

1 for its own government... and (3): "provide, subject to the laws of the state, rules for the  
2 government of the system." (emphasis supplied). The Summary Decision then  
3 acknowledges that the Board is exempt from the rulemaking procedures of the Montana  
4 Administrative Procedures Act (MAPA) § 2-4-102(2)(a)(i). Yet the Summary Decision  
5 immediately thereafter states that "being exempt from a specific rulemaking process,  
6 however, is not the same as being deprived of rulemaking authority."

7  
8 But the Summary Decision at Page 4 acknowledged that "the Board of Regents  
9 is not expressly designated as a 'quasi-judicial board' under Montana law." Such  
10 omission by the legislature is not accidental. Executive branch officers and agencies are  
11 delineated in Title 2 Chapter 15. "Quasi-judicial function" is defined and eleven functions  
12 of determining controversies are set out in § 2-15-102(10). Section 2-15-124 sets out  
13 the requirements for a quasi-judicial board. The Regents do not fit within said  
14 requirements. The Regents are not designated as a "quasi-judicial board" in § 2-15-  
15 1505. Such an omission is significant in light of designating the following executive  
16 branch boards as "quasi-judicial": Milk Control (§ 2-5-3105(4)); Environmental Review (§  
17 2-15-3502(4)); Personnel Appeals (§ 2-15-1705(5)); Investments (§ 2-15-1808(4)).

18 Adopting rules for its own government or government of the system is  
19 qualitatively different from adopting rules by a quasi-judicial board or boards that have  
20 rulemaking authority. Given the exclusion of the Regents from MAPA, the ability to  
21 adopt internal operating rules does not include the regents within the definition of a  
22 board with rulemaking authority in § 2-2-102(c).

23 The Summary Decision holds that the COPP has both personal jurisdiction and  
24 subject matter jurisdiction over not only the Regents but also Sheehy individually.  
25 Sheehy argues, and this Court agrees, that the COPP, as an administrative agency  
created by the legislature, "is a creature of, owes its being to, and is clothed with such

1 powers as are clearly conferred by the statute." *Montana Power Company v. Public*  
2 *Service Commission*, 206 Mont 359, 369, 671 P.2d 604, 615 (1983). Jurisdiction of the  
3 COPP is specifically limited by § 2-2-136(2) to complaints against state officers,  
4 legislators, and state employees. The COPP determined that Sheehy does not fit in any  
5 of those categories. The jurisdiction of the COPP in this case is erroneously based on a  
6 conclusion that Sheehy is a "public employee," and that the COPP has subject matter  
7 jurisdiction over "public employees."

8  
9 Jurisdiction is conferred only by the Constitution or by statutes adopted pursuant  
10 to the Constitution. *Stanley v. Lemire*, 2006 MT 304, ¶ 30, 334 Mont. 489, 148 P.3d  
11 643. Jurisdiction has been granted to the COPP to enforce the Code of Ethics by the  
12 legislature in two statutes. The first is § 2-2-103(4)(a)(i), which reads that "the  
13 enforcement of this part [Code of Ethics] for: state officers, legislators, and state  
14 employees is provided for in § 2-2-136." Section 2-2-103(4)(a) does not grant the  
15 COPP authority to enforce complaints against "public employees." (Emphasis  
16 supplied). The terms "state employee" and "public employee" are not interchangeable.  
17 Omission of "public employee" from the list of persons who come under the  
18 enforcement power of the Code of Ethics (§ 2-2-103(4)(a)) can only be interpreted as  
19 purposeful and fatal to COPP jurisdiction.

20 The COPP argues that it has jurisdiction over Sheehy pursuant to § 2-2-136(1)  
21 (a) which reads "a person alleging a violation of this part [Code of Ethics] by a state  
22 officer, legislator, or state employee may file a complaint with Commissioner of Political  
23 Practices...." State employee is not defined in the definition section of the Code of  
24 Ethics § 2-2-102. Neither Sheehy nor any member of the Board of Regents is paid for  
25 their work as a Regent so common-sense and the absence of any authority to the

1 contrary dictates that a Regent is not a state employee. Therefore, the COPP is without  
2 jurisdiction to proceed against Sheehy.

3         The COPP does not adequately refute Sheehy's argument that equating "public  
4 employees" with state employees is a fatal error on the part of the COPP. Implying  
5 jurisdiction by equating "public employees" with state employees is a fundamentally  
6 false parallel by the COPP. Clear statutory language distinguishes the two. Section 2-  
7 2-136 cannot be interpreted to make a round peg fit a square hole. The goal of  
8 statutory interpretation is to give effect to the legislature's intent, beginning with the text  
9 of the statute. *Giacomelli v Scottsdale Ins. Co.*, 2009 MT 418, ¶ 18, 354 Mont. 15, 221  
10 P.3d 666. It is crystal clear from the first sentence of § 2-2-136(1)(a) that the legislature  
11 did not intend to grant the COPP jurisdiction over "public employees." That jurisdiction  
12 is limited only to a state officer, legislator, or state employee who allegedly violated the  
13 Code of Ethics. Since Sheehy is not a state officer, legislator, or state employee and  
14 since the term "public employee" is not included in any enforcement grant to the COPP,  
15 the COPP does not have jurisdiction to proceed against Sheehy in this matter.

16  
17         The first section in the Code of Ethics is entitled Statement of Purpose, and it  
18 provides important overview and clarity to this dispute. Section 2-2-101 reads:

19                 The purpose of this part is to set forth a Code of Ethics  
20                 prohibiting conflict between public duty and private interest  
21                 as required by the Constitution of Montana. This code recognizes  
22                 distinctions between legislators, other officers and employees  
23                 of state government, and officers and employees of local  
24                 government and prescribes some standards of conduct common  
25                 to all categories and some standards of conduct adapted to each  
                    category. The provisions of this part recognize that some actions  
                    are conflicts per se between public duty and private interest while  
                    other actions may or may not pose such conflicts depending upon the  
                    surrounding circumstances." (Emphasis supplied).

1 This section specifically does not mention “public employees,” but only refers to  
2 legislators, officers and employees of state government, and officers and employees of  
3 local government. A Regent does not fit in any of those categories specified in the  
4 Statement of Purpose.

5 In attempting to counter the above argument of Sheehy, the COPP argues that a  
6 mechanism was created in the Code of Ethics regarding enforcement for complaints  
7 against Regents. Therefore, according to COPP, the legislature would not pass useless  
8 or meaningless legislation and the void must be filled by allowing the COPP to exercise  
9 jurisdiction over Sheehy. This argument was recently refuted in *Montana Fish Wildlife*  
10 *and Parks v. Trap Free Montana Public Lands*, 2018 MT 120, ¶ 17, 391 Mont. 328, 417  
11 P.3d 1100. Even assuming that an interpretation of the Code of Ethics were to leave a  
12 “gaping loophole in the state ethics law... It is not the Court’s – or the Commissioner of  
13 Political Practices – prerogative to rewrite a statute.” *Id.* at ¶ 18. The court’s role is  
14 “simply to ascertain and declare what is in terms or in substance contained within the  
15 statute,” but “not to insert what has been omitted or to omit what has been inserted.” *Id.*  
16 § 1-2-101. The COPP does acknowledge that the Regents have adopted a Code of  
17 Expectations for Regents and other rules and statutes enforceable by the judiciary.  
18 Subject matter jurisdiction in this case is limited by the legislative and constitutional  
19 outlines of Montana law.  
20

21 Sheehy argues, and this Court agrees, that Sheehy is not exempt from oversight  
22 by the people of Montana. Any Regent must conduct his or her duties as a Regent in  
23 public except where the right of individual privacy clearly exceeds the public’s right to  
24 know. Any citizen of Montana can exercise his or her constitutional rights to observe  
25 and participate in the deliberations of the Regents. The rules and remedies of the Open  
Meeting Law apply for a significant portion of any activities of a Regent.



1 The COPP argues that the specific statutory exclusion of the Regents from  
2 MAPA does not prohibit the Regents from its constitutional rulemaking authority.  
3 Sheehy distinguishes the case relied upon by the COPP, which was attached as Exhibit  
4 2 to the Response Brief of COPP. It is a March 1992 case by the Hon. Jeffrey Sherlock,  
5 *Montana Board of Public Education v. Montana Administrative Code Committee, Cause*  
6 *No. BDV-91-1072, First Judicial District Court of Montana, Lewis and Clark County.* In  
7 that case, Judge Sherlock determined that the Board of Education and not the Board of  
8 Regents was vested with constitutional rulemaking authority pursuant to Article X, § 9(3)  
9 of the Montana Constitution. (Page 8).

10  
11 The Board of Regents is independent by design and, unlike the Board of Public  
12 Education, not subject to political control of other entities and state government. *Board*  
13 *of Regents v. Judge*, 168 Mont 433, 449, 543 P.2d 1323, 1332 (Mont. 1975). Because  
14 of the constitutionally created independence of the Board of Regents, it is impossible to  
15 ignore the exclusion of the Board of Regents from MAPA.

16 Sheehy disagrees with the argument of the COPP that attributes rulemaking  
17 authority from “public employees” to “state employees.” All state employees are public  
18 employees pursuant to § 2-2-102(7), but the reverse is not true. A state employee is  
19 just one of four types of “public employees” defined by said statute. Since the State  
20 does not either control or compensate Sheehy, she is not a State employee.

21 Sheehy takes issue with, and this Court agrees with Sheehy, on several more  
22 arguments of the COPP. The definition of “public employee” does not include all  
23 individuals who exercise the power of the people on a state or local level. The definition  
24 of “public employee” only applies to the four categories found in § 2-2-107(7). Nowhere  
25 does the Code of Ethics define “public employee” to include all individuals who exercise  
power. Likewise, the COPP also claims that the Montana Constitution mandated the

1 creation of a Code of Ethics to apply to all individuals who perform the work of the  
2 people. But Article XIII, § 4 states “the legislature shall provide a Code of Ethics  
3 prohibiting conflict between public duty and the private interest for members of the  
4 legislature and all state and local officers and employees.” Since a Regent is not a  
5 member of the legislature or a state or local officer or employee, said Code of Ethics  
6 does not apply to a Regent (emphasis supplied). Additionally, COPP has never pointed  
7 out how the asking of the two specific questions by Sheehy at a properly noticed Regent  
8 meeting establishes a conflict between Sheehy’s public duty and her private interest.

9  
10 The other constitutional provision specifically mentioning the Board of Regents is  
11 Article X, Section 9 (2)(a) which states: “the government and control of the Montana  
12 University System is vested in a Board of Regents of higher education which shall have  
13 full power, responsibility, and authority to supervise, coordinate, manage and control the  
14 Montana University System and shall supervise and coordinate other public educational  
15 institutions assigned by law.” The asking of the two questions by Sheehy not only failed  
16 to reveal a conflict between her public duty and private interest, but it also falls fully  
17 within the authority of any Regent to supervise, coordinate, manage and control the  
18 Montana University System.

19 The COPP referred to statutory duties of the Regents to support their rulemaking  
20 argument. That statute provides significant authority for Sheehy’s argument. Section  
21 20-25-301 sets forth 16 different powers and duties of Regents. Especially taken in the  
22 context of the 6 Mill Levy that occurs every 10 years and that provides approximately  
23 10% of the budget of the Montana University System, the following powers and duties  
24 from said statute confirm Sheehy’s ability and even mandate her duty to ask her  
25 disputed questions.

The Regents “must have general control and supervision of the units of the

1 Montana university system, which is considered for all purposes one University.” § 20-  
2 25-301(1) (Emphasis supplied). The Regents “must have, when not otherwise provided  
3 by law, control of all books, records, buildings, grounds, and other property of the  
4 system.” § 20-25-301(6). The next subsection provides that the Regents “must receive  
5 from the board of land commissioners, from other boards or persons, or from the  
6 government of the United States all funds, income, and other property that the system  
7 may be entitled to and use and appropriate the property for the specific purpose of the  
8 grant or donation;” § 20-25- 301(7). Next the Regents “must have general control of all  
9 receipts and disbursements of the system.” § 20-25-301(8). (Emphasis supplied).

10  
11 Asking a question to the presenter of the committee to pass the 6 Mill Levy if  
12 there is anything more that the Regents can do to support that effort and a question  
13 about how much work is left to do in such effort falls clearly within the purview of the  
14 Regents powers and duties found in § 20-25-301 and clearly does not show a conflict  
15 between Sheehy’s public duty and her private interest. There is not one iota of  
16 evidence or any hint that Sheehy had some private financial interest or other  
17 inappropriate private interest in the passage of the 6 Mill Levy. She was appropriately  
18 doing her duty as a Regent pursuant to the Constitution and statutes.

19 COPP found that Sheehy improperly used public resources by attending a public  
20 meeting at which her presence was required. Additionally, the COPP argues that  
21 Sheehy inappropriately used public resources and public time during the meetings in  
22 2017. According to the Attorney General opinion found at Exhibit 4 of the COPP brief,  
23 2005 AG LEXIS 1, public time has been interpreted as “those hours for which an  
24 employee receives payment from a public employer.” Since Sheehy is not a “public  
25 employee” and receives no compensation for her time on the Board, her time is not  
public time. Even though Sheehy did not direct the use of time or attendance by the

1 Board of Regents staff at said meetings in 2017, the COPP finds misuse of public time  
2 and resources because the meeting was staffed by public personnel. Even assuming  
3 Sheehy's time at the 2017 meeting was public time, it was not misused and was fully  
4 within her duties as a regent.

5         The COPP did not find any of the other complaints by Adams to be valid. The  
6 violations against Sheehy did not involve directly her speech or her opinions, but purely  
7 the improper use of state facilities and state equipment to solicit support for a ballot  
8 issue in alleged violation of § 2-2-121(3)(a). Sheehy's questions concerned a properly  
9 noticed agenda item regarding the maintenance of the existent University system which  
10 is governed by the Board of Regents. Even assuming that Sheehy was a "public  
11 employee", and that she solicited support for a ballot issue, said actions were  
12 authorized by law (§ 2-2-121(3)(a)(i)) and "properly incidental to another activity  
13 required or authorized by law, such as the function of elected public officer, the officer's  
14 staff, or the legislative staff in the normal course of duties." § 2-2-121(3)(a)(ii). The libel  
15 and slander part of the remedies chapter says that a publication is privileged "in any  
16 legislative or judicial proceeding or in any other proceeding authorized by law." § 27-1-  
17 804(2) (Emphasis supplied). The Code of Ethics also expressly recognized that when  
18 school boards meet in compliance with the open meeting law that school board  
19 members can consider and disseminate information about levies or bond issues. § 2-2-  
20 221(3)(b)(ii). If the legislature had intended the Code of Ethics to apply to the Board of  
21 Regents, the legislature would have exempted statements by Regents at public  
22 meetings about the 6 Mill Levy. Instead, by specific constitutional authority, the Regents  
23 are vested with authority to control their meetings. Art. X § 9(2). One additional  
24 subsection provides additional support for Sheehy's position. "This subsection (3) is not  
25 intended to restrict the right of a public officer or public employee to express personal

1 views." § 2-2-121(3)(c). Even assuming Sheehy's two questions were soliciting support  
2 for the 6 Mill Levy ballot issue the questioning by Sheehy was a proper expression of  
3 her personal political views.

4 Even assuming the Code of Ethics applied to Sheehy in this situation, she did not  
5 violate the Code of Ethics. The finding of an ethical violation personally and  
6 professionally adversely affects Sheehy. She practices law in Montana and Idaho and  
7 must reveal any ethical violation to insurers, courts when seeking admission and to  
8 reviewing bodies. Additionally, she has had her substantial rights prejudiced by the  
9 exercise of jurisdiction of the COPP over her. This has happened by being judged a  
10 "public employee" which, if allowed to stand, creates conflicts of interest in her  
11 professional life, by interfering with her fiduciary obligations as a Regent and by  
12 impermissibly interfering with her free speech rights.  
13

14 The Board of Regents conducted an open meeting on a public campus in May  
15 2017 and in November 2017. By law, Regents are required to meet regularly and in an  
16 accessible and public location. The Regents are also required by law to record their  
17 meetings. Time spent on Regent activities is volunteer time of unpaid Regents and  
18 therefore not a public resource. To find that meeting in public in accordance with the  
19 open meeting law constitutes an inappropriate use of public resources strains the  
20 credulity of this Court.

21 Therefore, this Court finds, orders, and declares that Petitioner Martha Sheehy is  
22 not a "public employee" and is not subject to the jurisdiction of the Commissioner of  
23 Political Practices.

24 It is further found, ordered, and declared that the subject matter jurisdiction of the  
25 Commissioner of Political Practices over Petitioner Martha Sheehy as an individual and

1 over the Board of Regents as an entity is an incorrect determination of the law and is  
2 reversed.

3 It is further found, ordered, and declared that the substantial rights of Petitioner  
4 Martha Sheehy have been prejudiced by the assertion of jurisdiction of the  
5 Commissioner of Political Practices over Petitioner Martha Sheehy, and Martha Sheehy  
6 has been adjudged by the Commissioner of Political Practices to be a "public employee"  
7 which creates conflicts of interest for Petitioner Martha Sheehy and her private  
8 employment.

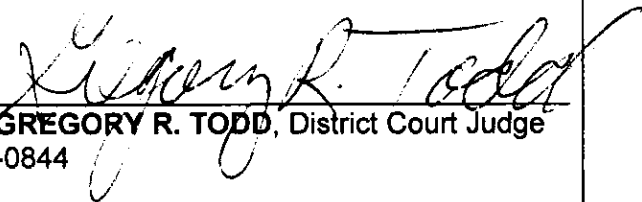
9 It is further found, ordered, and declared that the Commissioner of Political  
10 Practices has imposed upon Petitioner Martha Sheehy requirements and constraints  
11 which directly conflict with Sheehy's fiduciary obligations to enforce the constitutional  
12 guarantees of the public's right to know and to participate in the statutory guarantees of  
13 open meetings.

14 Therefore, this Court reverses the Summary Decision of the Commissioner of  
15 Political Practices because said decisions are in violation of the constitutional and  
16 statutory provisions relating to the Board of Regents, are in excess of the statutory  
17 authority of the Commissioner of Political Practices, are procedurally unlawful, are  
18 clearly erroneous in view of the record, and are arbitrary, capricious or characterized by  
19 abuse of discretion.

20 Regarding the declaratory judgment, this Court finds that the Commissioner of  
21 Political Practices does not have jurisdiction over Petitioner Martha Sheehy as a Regent  
22 or the Board of Regents as an entity in this case, that Petitioner Martha Sheehy is not a  
23 "public employee", that Petitioner Martha Sheehy was deprived of due process and that  
24 the Commissioner of Political Practices acted arbitrarily and capriciously in determining  
25 that Petitioner Martha Sheehy violated the Code of Ethics found in § 2-2-136.

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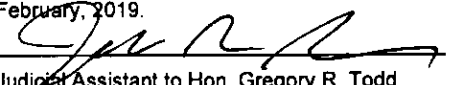
DATED this <sup>to</sup> 12 day of February, 2019.

  
HON. GREGORY R. TODD, District Court Judge  
DV 18-0844

Cc: Kyle Anne Gray / Brianne C. McClafferty  
Jaime MacNaughton

CERTIFICATE OF SERVICE

This is to certify that the foregoing was duly served  
by U.S. mail or by hand the parties or their attorneys  
of record at their last known address this 12<sup>th</sup> day  
of February, 2019.

By   
Judicial Assistant to Hon. Gregory R. Todd