

**FILED**

**OCT 12 2016**

**COMMISSION ON  
JUDICIAL PERFORMANCE**

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING  
JUDGE GARY G. KREEP,

No. 198

NOTICE OF FORMAL  
PROCEEDINGS

To Gary G. Kreep, a judge of the San Diego County Superior Court from January 2013 to the present:

Preliminary investigation pursuant to Rules of the Commission on Judicial Performance, rules 109 and 111, having been made, the Commission on Judicial Performance has concluded that formal proceedings should be instituted to inquire into the charges specified against you herein.

By the following allegations, you are charged with willful misconduct, conduct prejudicial to the administration of justice that brings the judicial office into disrepute, and improper action within the meaning of article VI, section 18 of the California Constitution providing for removal, censure, or public or private admonishment of a judge or former judge, to wit:

## COUNT ONE

A. You ran for judicial office in 2012. Your judicial campaign website included "Gary's Biography." The biography contained misrepresentations about your status in relation to three organizations.

The biography stated in part: "Gary co-founded the FAMILY VALUES COALITION (FVC) in 1998 with two other conservative activists. He has served as the President of FVC since then. FVC is a nonprofit California corporation organized under IRC 501(c)(4)." The federal tax exempt status of the Family Values Coalition had been revoked in 2010, and there was no California corporation with that name at the time of this representation on your judicial campaign website. The statement that you were currently serving as the FVC president was false.

Your biography further misrepresented that you were currently the president of two political action committees, the Justice Political Action Committee (JPAC) and the California Justice Political Action Committee (CALJPAC). The biography stated that you had co-founded JPAC in 1985 with two other conservative activists and had "served as President of JPAC since then." The biography stated that you had co-founded CALJPAC in 1996 with two other conservative activists and had "served as President of CALJPAC since then." You had resigned your position as president of those political action committees after declaring your candidacy in early 2012.

Your conduct violated the Code of Judicial Ethics, former canon 5B(2).

B. You became a candidate for judicial office on February 13, 2012, when you filed a "Candidate Intention Statement" and "Declaration of Intention to Become a Candidate for Superior Court Judge" with the San Diego County Registrar of Voters, and gave an exclusive statement to SD Rostra (an online blog) that you were running for an open seat on the superior court bench against attorney Garland Peed. On February 14, 2012, the San Diego CityBeat published an article

titled, "Birther, Minuteman attorney runs for San Diego judgeship," which stated that you had filed paperwork to run for judge against Mr. Peed.

Until February 24, 2012, you did not resign from your position as president of JPAC or as chairman of the Republican Majority Campaign, a political action committee formed for the purpose of endorsing or opposing candidates for nonjudicial office. You also did not resign from your position as president of CALJPAC prior to becoming a candidate for judicial office on February 13, 2012.

Your conduct violated the Code of Judicial Ethics, canon 5A(1).

C. In March 2012, you executed a Statement of Economic Interests for the 12 months prior to becoming a candidate (Candidate Form 700). On Schedule C, you disclosed that you had served as "Chairman" of the Beat Obama Political Action Committee. You had never served as chairman of that political action committee. (You later filed an amended Statement of Economic Interests in which you stated that your position with that committee was "Attorney.")

Your conduct violated the Code of Judicial Ethics, former canon 5B(2).

D. During your candidacy for judicial office in 2012, you publicly opposed President Barack Obama's reelection to the office of President of the United States. This conduct is exemplified by the following:

1. In a May 14, 2012 fundraising letter you signed, with the heading, "United States Justice Foundation / IMPEACH OBAMA AND PROSECUTE OBAMA! / A Special Project of the United States Justice Foundation," you highlighted an enclosed "CONGRESSIONAL INVESTIGATION PETITION TO THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES CONGRESS," which urged the House to "launch an election year effort" to investigate the "long-form" birth certificate President Obama released to the public, hold a hearing on President Obama's "eligibility" to hold the office, determine if he and others conspired to cover up evidence that he is not a

natural born U.S. citizen, and then impeach and prosecute him for making false claims. You urged the recipients of your letter to sign the petition and “speed it back” to you without delay. The donation response form/petition is headed “Emergency Reply to Gary Kreep, Esq., Executive Director, United States Justice Foundation,” and is addressed to “Dear Gary.” In your letter, you stated, “[O]ur effort may be all that stands between four more years of Barack Obama in the White House and catastrophe for our economy, our liberty, and our security.” Your letter referenced a lawsuit in which you contended that the California Secretary of State must confirm a candidate’s “eligibility” before being allowed on the presidential ballot, and referred to similar challenges in other states. You asserted in your letter, “[I]n the weeks to come this summer, we plan to lead a massive election year public education campaign, to ensure that millions of Americans know, by this fall, exactly what these potential crimes by Barack Obama may be.”

2. In a May 31, 2012 letter you signed, with the heading, “USJF United States Justice Foundation,” you sought financial support for your campaign against President Obama’s reelection. The letter began with, “I urge you to mail the enclosed PRIORITY REPLY back to me before Friday, June 29,” and stated, “We still have a great deal of work to do between now and Election Day.” The letter further stated, “As I speed you this special and heartfelt appeal, we here at USJF are gearing up for the second half of what may soon prove to be the most important election year since 1860”; “our grassroots and legal teams are also working on major projects that go right to the heart of this year’s

elections”; and “We’re in the trenches, fighting both in court and in the grassroots to ensure that Barack Obama cannot, and does not, steal this year’s elections.”

3. In a June 18, 2012 letter you signed, with the heading, “From the Desk of GARY KREEP,” you highlighted the possible need to pursue “other legal and grassroots options to expose Barack Obama’s fraudulent occupation of the White House.” In the letter you stated, “That’s why we have prepared two aggressive legal and grassroots campaign plans for the weeks and months ahead, between now and November,” and “We sit back and hope that he is defeated in November *at our own peril.*” (Emphasis in original.) The letter ended with your personal appeal for funds in support of your campaign against candidate Obama (“I hope you won’t be angry with me ... *but the amount I’m asking for today is three times more than you normally send to the U.S. Justice Foundation*”). (Emphasis in original.)

Your conduct violated the Code of Judicial Ethics, canon 5A(2).

E. During your campaign, you contracted for slate mailing from organizations that were managed by Landslide Communications. On your Form 460 for the period March 18 through May 19, 2012, you did not report as accrued expenses (Schedule F) sums totaling \$6,135 that were owed to four slate mail organizations. In addition, on your Form 460 for the period May 20 through June 30, 2012, you did not report an accrued expense of \$2,700 owed to Landslide Communications of Nevada. Your failure to timely report the accrued expenses violated Government Code section 84211, subdivision (k).

Your conduct constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute and/or improper action within the meaning of California Constitution, article VI, section 18, subdivision (d). In

addition, as these failures to disclose were not corrected by the filing of an amended campaign statement prior to your taking the bench, your conduct violated the Code of Judicial Ethics, canons 1, 2A and 3B(2).

F. During your campaign, from March 13, 2012 through June 17, 2012, you made campaign expenditures totaling \$41,796 using your personal credit card or your personal bank account rather than your campaign contribution account as required by Government Code section 85201, subdivision (e). These expenditures constituted approximately 82 percent of your campaign's total expenditures during that time period.

Your conduct constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute and/or improper action within the meaning of California Constitution, article VI, section 18, subdivision (d).

G. You were elected to judicial office in June 2012 and you took office in January 2013. For approximately six weeks after you took office in January 2013, you remained as counsel of record in the federal case of *Liberi v. Taitz* (SACV 11-0485 AG).

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, and 4G.

H. In December 2013, the Fee Arbitration Committee of the San Diego County Bar Association ordered you to reimburse Robert Thompson \$14,914. Before you took the bench, you had represented Thompson in connection with a fine imposed by the county for unpermitted storage. Between March and May 2014, you issued four checks intended as payment of the fee arbitration award. The account holder on the checks was identified as "Gary G Kreep Sole Prop, DBA The Law Offices of Gary G Kreep."

Your use of checks that incorrectly represented your status and created the impression that you were continuing to practice law violated the Code of Judicial Ethics, canons 1, 2, and 2A.

COUNT TWO

From January through approximately the first week of September 2013, you were assigned to department 3 in the Central Courthouse. Department 3 is an in-custody misdemeanor arraignment department. An assigned deputy city attorney serves as the prosecutor. Most defendants are represented by the Public Defender's office. Certified law students (referred to as interns) are routinely present in department 3, primarily on behalf of the Public Defender's office.

From approximately mid-September through the first week of November 2013, you were assigned to the Kearny Mesa branch courthouse.

In 2013, you engaged in conduct that reflected a lack of proper courtroom decorum or was otherwise improper, as exemplified by the following:

A. On January 17, 2013, the following exchange occurred while you were on the bench:

THE COURT: I love her accent.

DPD [LETICIA] HERNANDEZ: I'm Mexican.

THE COURT: Are you a citizen of the country of Mexico, Ms. Hernandez?

DPD HERNANDEZ: No.

THE COURT: Okay. Okay. There is an attorney in town that I know that is actually a citizen of the – of Mexico who does immigration work here in California.

DPD HERNANDEZ: Oh no, your Honor. I am a U.S. citizen and proud of it.

THE COURT: I wasn't planning on having you deported.

B. You sometimes addressed the attorneys in department 3 by nicknames, or otherwise referred to their appearance, as exemplified by the following. You called a public defender (PD) intern who wore her hair in a bun "Bunhead," called

a female PD intern "Dimples," and called a tall male PD intern "Shorty." You asked a deputy city attorney if she knew Star Parker, who you described as a beautiful African-American woman. After this, you would regularly call that deputy city attorney "Star" when she was present in your department.

C. You sometimes made comments about the physical appearance of female deputy public defenders who appeared in your courtroom, as exemplified by the following. During proceedings on July 12, 2013, you stated, "She's a pretty girl, you know you can smile," and "We got all sorts of very attractive, young PD's around here, so." On a date between May and October 2013, when speaking to a defendant, you referred to the defendant's attorney as "this lovely young lady standing next to you."

D. On a date prior to August 2, 2013, during an appearance by a female defendant charged with prostitution, who was represented by a male deputy public defender, you made a comment about how attractive the deputy public defender was, to which the defendant responded in agreement.

E. In approximately May and June 2013, you made remarks to a deputy city attorney that referred to her pregnancy. On one occasion, on approximately May 31, 2013, when speaking to a deputy public defender conducting a video arraignment, you made a statement to the effect that the deputy public defender should hurry up because the deputy city attorney "wants to go home and have her baby" so you would "pick on her [the deputy city attorney] today." On other occasions, you remarked to the deputy city attorney that "it's getting closer."

F. On a date between January and June 2013, while discussing a prostitution case with a deputy city attorney, you said, "Speaking of prostitution, here's Ms. Westfall," when Deputy City Attorney Karolyn Westfall entered the courtroom.

G. In approximately mid-2013, you told court staff and attorneys in open court about your experience assisting a personal friend who had a disability and had asked you to be her caregiver. You stated that your tasks as a caregiver

required you to shower with your friend and sleep in the same bed, but that you did not have sex with your friend.

H. On July 12, 2013, in a case in which the defendant, who was represented, was charged with prostitution, you asked the defendant, "Ma'am, anything I can do to get you out of the life?" During the taking of the plea, you asked her, "Is it you like the money? Or you just like the action?" When the defendant started talking about her plans for the future, you asked, "Are you going to try to get a job at the Bunny Ranch in Nevada?"

I. You sometimes provided cookies or other snacks to the attorneys and staff in department 3, and kept a jar of cookies in the courtroom. In approximately late July 2013, you told a city attorney intern who was appearing on a matter, "If you're good during your hearing, I'll give you cookies, little boy."

J. During a sidebar conference in a prostitution case that came before you on September 4, 2013, you referred to a different prostitution case as the "Chinese prostitutes" case. You then stated to the deputy city attorney, who is Taiwanese-American, "no offense to Chinese people."

K. On multiple occasions when imposing sentence in department 3, you referred to the sentence as a "gift, "gift of the day," or "gift for the day."

L. On multiple occasions in department 3, you advised defendants whose cases were being dismissed after completion of certain terms and conditions, that if asked about their cases, including by employers or prospective employers, they could say it was "all a big mistake."

M. You sometimes used crude language during proceedings in department 3. For example, on July 22, 2013, you stated in reference to a deputy city attorney that if she was not present at 8:30, you would "kick her in the butt." Also on July 22, you referred to "get[ting] the crap beat out of [you] on a regular basis." On July 23, 2013, you told defense counsel that his client was "no virgin" as far as the type of case involved. On July 29, 2013, you advised the mother of a defendant whose case was being dismissed to "slap him up the head a few times – make sure

he stays off drugs.” On July 30, 2013, you stated to a defendant, “If you violate your OR, I’ll throw your butt in jail.”

N. You often used Spanish phrases to address defendants, attorneys, and others who you thought were Spanish speaking, when greeting these persons or at the conclusion of a case (e.g., señor, señora, buenos dias, ¿Cómo estás?, Vaya con Dios, buenas tardes). You occasionally used other Spanish phrases (e.g., muy importante, momento por favor, no mas, “no cerveza, no tequila, no alcohol, nada, until your case is over”).

O. During the hearing of a small claims matter at the Kearny Mesa courthouse on October 3, 2013, you repeatedly addressed an insurance company representative as “Mr. Insurance Man.”

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 3B(3), and 3B(4). Your conduct set forth in parts B through H, above, also constituted sexual harassment in violation of the Code of Judicial Ethics, canon 3B(5).

#### COUNT THREE

In department 3, you occasionally handled ex parte applications for civil harassment restraining orders. The city attorney is not a party in ex parte civil temporary restraining order (TRO) proceedings. In April 2013, your supervising judge counseled you not to undertake independent investigations in connection with ex parte civil TRO applications. On approximately May 17, 2013, you asked a deputy city attorney, who was present in court during an ex parte civil TRO proceeding, to contact the San Diego Police Department to inquire about the existence of a surveillance video referred to by the TRO applicant.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 3C(2), and 3B(7).

#### COUNT FOUR

The city attorney’s office filed a “blanket” challenge against you on September 9, 2013. On the morning of September 9, you went to department 1 during a break in proceedings and talked about the challenge with the deputy

public defenders (DPD's) and PD interns who were present. You advised the DPD's present to tell another DPD that she should "watch out, because if they're coming for me they're likely coming" for her also, or words to that effect. You also engaged the DPD's in improper ex parte communications about pending public defender cases.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, and 3B(7).

#### COUNT FIVE

At the end of October 2013, a Halloween party was held at the Kearny Mesa courthouse. You were one of the three judges for the costume contest. After the contest, an African-American court employee who was a third place winner in one of the costume contest categories asked you why there were no prizes for third place, as had been the case in prior years. You said it was not up to you and that you did not want the employee to say that she "didn't win due to racism," or words to that effect.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, and 4A.

#### COUNT SIX

On September 26, 2014, you presided over the unlawful detainer case of *Dr. Louis Vismara, Trustee of the Thelma & Mario Vismara Trust Dated 1976 v. Ken Coplin, et al.*, No. 37-2014-12072-CL-UD-CTL. Although the case was set for trial that day, you did not conduct a trial and did not offer the defendants an opportunity to conduct cross-examination or present testimony or evidence. On multiple occasions, you stated that you were trying to figure out what was going on. After you questioned defendant Kenneth Coplin and property manager Richard Hein, you announced, "We haven't gotten into testimony yet. I'm just trying to get a feel for this."

After plaintiff's counsel informed you that the plaintiff was only seeking possession of the property and was not seeking damages, one of the defendants told you, "They've got the property back." You replied, "Well, but your stuff's

still in there, so. All right – all right. So, let’s talk – let’s get down to brass tacks....” You repeatedly asked the defendants when they could get their “stuff out of there.” When one of the defendants responded that he could have his property off the premises within 60 days, you replied that “that’s not gonna cut it.” In the ensuing discussion, you negotiated or mediated between the parties about how much time would be allowed for the defendants to remove their personal property, and pressured the defendants to reach a settlement concerning the amount of time in which they would remove their property from the premises. You informed the parties that the plaintiff owned the real property and had a right to get it back.

You then instructed the parties that they should discuss the timeframe among themselves, and informed the defendants that if the plaintiff did not agree to more than the “standard time,” you would “go through the formalities” and issue an order and the defendants would get only the “standard time” of about 2½ weeks before they would be locked out. By telling the defendants that the plaintiff had a right to get the real property back and that the defendants would “get the standard time” if the plaintiff did not agree to allow more time, without hearing all of the evidence, you gave the appearance that you had prejudged the case.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 3B(5), 3B(7), and 3B(8).

#### COUNT SEVEN

On October 27, 2014, you presided over an unlawful detainer trial in *Pinewood Park, LP v. Paula Anderson*, No. 37-2014-32680-CL-UD-CTL. During a discussion about pronunciation, you made the following remark: “And I had a Filipino teacher who always used to ask for a shit of paper.”

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 3B(3), 3B(4), and 3B(5).

### COUNT EIGHT

While presiding over unlawful detainer matters in department 7, you sometimes asked attorneys waiting for their matters to be called for their opinions on issues of law in cases before you in which those attorneys did not represent a party. For example, on one occasion, you asked attorney Mark Feinberg whether, after sustaining a demurrer, it would be appropriate to rule that the defendant had to “answer” within five days, or “respond” within five days. Mr. Feinberg, who did not represent any party in the case before you, stated his view that the defendant should “answer” within five days. You then ruled that the defendant should “answer” within five days.

On October 2, 2014, while presiding over the unlawful detainer case of *Gelb Revocable 2010 Trust v. Pearl Chapman, et al.*, No. 37-2014-00025304-CL-UD-CTL, you asked attorney Patricia Coyne, who did not appear in the case, “Does the 30-day notice require the ‘abandonment of property’ wording?” When Ms. Coyne responded affirmatively, you told the plaintiff’s attorney that she “might want to try to settle this matter....” You then added that you had called upon Ms. Coyne because her firm only represents plaintiffs.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, and 2B(1).

### COUNT NINE

On January 8, 2015, you presided over the small claims trial in *Juhar Slea v. Win Brown*, No. 37-2014-00310494-SC-SC-CTL. The defendant did not appear at the trial. At the end of the trial, you gave the plaintiff the choice of dismissing the case and filing it as a limited or unlimited civil case, or having you decide the case based on the evidence presented. The plaintiff moved to dismiss the case.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 3B(5), and 3B(8).

## COUNT TEN

On February 11, 2015, you presided over the small claims hearing in *William Clenendin v. Pacific West Home Mortgage, LLC*, No. 37-2014-00310893-SC-SC-CTL. The plaintiff was suing over alleged defects in the flooring that he discovered when he was removing a carpet the defendant had previously installed. Stephen Niednagel appeared for the defendant. Throughout the hearing, you repeatedly interjected your views based on your personal experiences, as follows:

- (a) When Mr. Niednagel was presenting the defense case to you, you stated that you had “bought and sold houses....” You also stated, “I’m a landlord, I have commercial and residential realty. And I have replaced carpets and I have done a whole lots [sic] of construction and reconstruction on a variety of pieces of property for my own benefit or to fix them and sell them, all right? So, although I don’t claim to be a builder, I’m not a virgin when it comes to these types of matters.”
- (b) After Mr. Niednagel admitted that he was basing his statements on what other people had told him, you stated, “I’ve seen some pretty strange – I was an attorney for over 37 years, sir, and I was involved in some lawsuits over houses that I don’t ever even know how they got approved by code – brand new houses that were sold that people walked in them and fell right through the floor. And they’ve been approved by code, okay. Just before selling, so, I mean strange things happen is the only point I’m making.”
- (c) After reviewing photographs submitted by Mr. Niednagel, you prefaced your subsequent questions by stating, “I’m not an expert, I’m not a developer, I’m not a contractor, but I’ve been involved in real estate a little bit.”
- (d) After questioning the reliability of a letter written by a company’s vice-president of operations, you stated, “[L]et’s put it this way, I’ve been in enough lawsuits as an attorney, fortunately not as a party, to know that

sometimes the truth gets left out when people are trying to cover their butts.”

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 3B(3), 3B(4), and 3B(5).

#### COUNT ELEVEN

On May 28, 2015, the unlawful detainer matter of *REO Group v. George Newman*, No. 37-2015-00017889, was assigned to your department.

On July 17, 2015, REO Group filed a motion for summary judgment with a hearing date of July 29, 2015.

On July 24, 2015, Newman filed a document wherein he notified the court that he would be unable to attend the motion for summary judgment hearing on July 29 because of a deposition he was scheduled to give that day in another case. Also on July 24, REO's attorney received a phone call from a court clerk advising that Newman was unavailable on July 29 and asking if she objected to a continuance. REO's attorney said she did not object.

On the morning of July 27, 2015, REO's attorney received a phone call from your clerk advising that the hearing on the motion for summary judgment was continued to August 5, 2015, and that the court would provide notice. At 11:30 a.m., a minute order was entered, which stated that the hearing was continued to August 5 at 1:30 p.m. In addition, a Notice of Rescheduled Hearing, reflecting the new hearing date, was sent to the parties by your clerk by regular mail. (The Clerk's Certificate of Service by Mail states that the certification occurred in San Diego on July 27, but that the mailing occurred in Sacramento on July 28.)

On July 27, several hours after the initial phone call from your clerk, REO's attorney received a second call from the clerk advising that Newman was unavailable on August 5 and asking if she was agreeable to another continuance to August 12. REO's attorney subsequently had a letter hand-delivered to your department that afternoon wherein she recounted the calls she had received from

the clerk that day, set forth her belief that on July 22, Newman's counsel in the other case had submitted a request to continue the deposition from July 29 to August 5, and requested that the summary judgment hearing be moved back to July 29. (REO's attorney sent the letter to Newman that day by regular mail; Newman did not receive it until after July 29.) You discussed the letter with your clerk that afternoon and ordered the hearing date moved back to July 29, 2015. Thereafter, the clerk contacted REO's attorney by phone and advised that the summary judgment hearing had been moved back to July 29. The clerk was unable to reach Newman by phone to advise him of this change. No written notice of this rescheduling was sent to Newman by either the court or REO's attorney.

On July 29, 2015, you presided over the hearing on REO's motion for summary judgment. REO's attorney appeared but no appearance was made by or on behalf of Newman. You granted the motion.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 3B(7), and 3B(8).

YOU ARE HEREBY GIVEN NOTICE, pursuant to Rules of the Commission on Judicial Performance, rule 118, that formal proceedings have been instituted and shall proceed in accordance with Rules of the Commission on Judicial Performance, rules 101-138.

Pursuant to Rules of the Commission on Judicial Performance, rules 104(c) and 119, you must file a written answer to the charges against you within twenty (20) days after service of this notice upon you. The answer shall be filed with the Commission on Judicial Performance, 455 Golden Gate Avenue, Suite 14400, San Francisco, California 94102-3660. The answer shall be verified and shall conform in style to the California Rules of Court, rule 8.204(b). The Notice of Formal Proceedings and answer shall constitute the pleadings. No further pleadings shall be filed and no motion or demurrer shall be filed against any of the pleadings.

This Notice of Formal Proceedings may be amended pursuant to Rules of the Commission on Judicial Performance, rule 128(a).

BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE

Dated: October 4, 2016

  
Anthony P. Capozzi, Esq.  
Chairperson

**FILED**  
**OCT 12 2016**  
**COMMISSION ON**  
**JUDICIAL PERFORMANCE**

STATE OF CALIFORNIA  
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

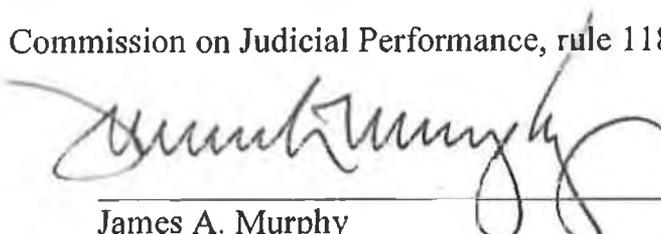
INQUIRY CONCERNING  
JUDGE GARY G. KREEP,

No. 198

ACKNOWLEDGMENT OF SERVICE  
OF NOTICE OF FORMAL  
PROCEEDINGS

I, James A. Murphy, on behalf of my client, Judge Gary G. Kreep, hereby waive personal service of the Notice of Formal Proceedings in Inquiry No. 198 and agree to accept service by mail. I acknowledge receipt of a copy of the Notice of Formal Proceedings by mail and, therefore, that Judge Kreep has been properly served pursuant to Rules of the Commission on Judicial Performance, rule 118(c).

Dated: Oct 7, 2016

  
James A. Murphy  
Attorney for Judge Gary G. Kreep  
Respondent