



**FILED**

**JUL 26 2011**

**JUDICIAL STANDARDS  
COMMISSION**

**BEFORE THE  
JUDICIAL STANDARDS COMMISSION**

---

**INQUIRY NO. 11-036**

---

**PUBLIC REPRIMAND**

**GREGORY R. HAYES  
DISTRICT COURT JUDGE  
JUDICIAL DISTRICT 25**

Upon receipt of a written complaint alleging misconduct in the performance of judicial duties by Judge Gregory R. Hayes, the Judicial Standards Commission ordered a formal investigation of the allegations contained therein and gave notice to Judge Hayes as required by Rule 9(d) of the Rules of the Judicial Standards Commission. The investigation was conducted by the Commission's investigator, who rendered an investigative report to the Commission. The Commission has completed its review of the investigative report, including information provided by Judge Hayes, and has caused this Public Reprimand to be personally served upon Judge Hayes pursuant to Rule 11(b). In accordance with such Rule, the judge must, within 20 days of the date of service, either accept the Public Reprimand or reject it and demand, in writing, that disciplinary proceedings be instituted in accordance with Rule 12 of the Rules of the Judicial Standards Commission.

**Findings of Fact**

1. Gregory R. Hayes was at all times referred to herein a judge of the General Court of Justice, District Court Division, Judicial District Twenty-five and, as such, was subject to the Canons of the North Carolina Code of Judicial Conduct, the laws of the State of North Carolina, and the provisions of the oath of office for a district court judge as set forth in the North Carolina General Statutes, Chapter 11.
2. This matter came to the attention of the Judicial Standards Commission by receipt of a written complaint filed with the Commission by the Honorable Alexander Lyerly, Chief District Court Judge for Judicial District Twenty-four.

3. On or about February 22, 2010, Judge Lyerly received three voicemail messages from Judge Hayes. Two of the voicemail messages referenced the court case of Donna Hicks Spencer, the elected Register of Deeds of Catawba County, North Carolina, on a speeding charge. Judge Hayes stated that the District Attorney's office in Watauga County had agreed to reduce the charge to improper equipment. Judge Hayes requested that Judge Lyerly or another judge in the district consider remitting the fine and court costs in Ms. Spencer's matter. The third voicemail message referenced the two prior voicemail messages and requested a return call.
4. Judge Hayes did not contact the Watauga County District Attorney's Office concerning Ms. Spencer's speeding charge.
5. In a sworn affidavit provided to the Commission, Judge Hayes admitted that he left the voicemail messages for Judge Lyerly and acknowledged that his conduct was inappropriate and in violation of the Code of Judicial Conduct. Judge Hayes offered to extend a formal apology to Judge Lyerly for placing him in a difficult situation.

### **Conclusions**

Judge Hayes' actions described above are in violation of several provisions of the North Carolina Code of Judicial Conduct including Canon 1 (failure to personally observe appropriate standards of conduct to ensure that the integrity and independence of the judiciary shall be preserved), Canon 2A (failure to respect and comply with the law and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary), Canon 2B (a judge should not lend the prestige of the judge's office to advance the private interest of others), Canon 3A(1) (a judge should be faithful to the law and maintain professional competence in it) and Canon 3A(4) (neither knowingly initiate nor knowingly consider ex parte or other communications concerning pending litigation). Judge Hayes' actions constitute conduct prejudicial to the administration of justice that brings the judicial office into disrepute (N.C. Const. art IV, § 17 and N.C.G.S. § 7A-376(a)).

### **Corrective Action and Acceptance of Terms**

Judge Hayes agrees that he will not repeat such conduct in the future, mindful of the potential threat any repetition of his conduct poses to public confidence in the integrity and impartiality of the judiciary and to the administration of justice.

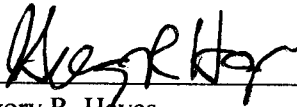
Judge Hayes agrees to send a formal letter of apology to Judge Lyerly for requesting a remittal of the fine and court costs in Ms. Spencer's matter.

Judge Hayes agrees he will promptly read and familiarize himself with the Code of Judicial Conduct.

Judge Hayes further agrees that he will not retaliate against any person known or suspected to have cooperated with the Commission, or otherwise associated with this matter.

Judge Hayes affirms he has consulted with, or had the opportunity to consult with, counsel prior to acceptance of this Public Reprimand.

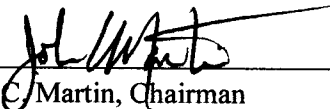
I, Gregory R. Hayes, hereby accept the terms contained in this Public Reprimand this the 20<sup>th</sup> day of July, 2011.

  
\_\_\_\_\_  
Gregory R. Hayes

### ORDER OF PUBLIC REPRIMAND

Now therefore, pursuant to the Constitution of North Carolina, Article IV, Section 17, the procedures prescribed by the North Carolina General Assembly in the North Carolina General Statutes, Chapter 7A, Article 30, and Rule 11(b) of the Rules of the Judicial Standards Commission, the North Carolina Judicial Standards Commission hereby orders that Gregory R. Hayes, be and is hereby PUBLICLY REPRIMANDED for the above set forth violations of the Code of Judicial Conduct. Judge Hayes shall not engage in such conduct in the future and shall fulfill all of the terms of this Public Reprimand as set forth herein.

Dated this the 26<sup>th</sup> day of July, 2011.

  
\_\_\_\_\_  
John Martin, Chairman  
Judicial Standards Commission

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Public Reprimand was personally served on Gregory R. Hayes on the 20 day of July, 2011.

This the 20 day of July, 2011.

By: R. Glenn Joyner  
R. Glenn Joyner, Investigator  
Judicial Standards Commission