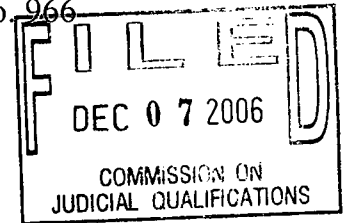


STATE OF KANSAS

BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS

Inquiry Concerning
A Judge

Docket No. 966



ORDER

Members of the Commission participating include: Hon. Jennifer L. Jones, Chair; Nancy Anstaett, Vice-Chair; Hon. J. Patrick Brazil; Hon. Theodore B. Ice; Christina Pannbacker; William B. Swearer; and Carolyn Tillotson.

FINDINGS OF FACT

There is no dispute regarding the facts set out below:

1. The Honorable Michael Grosko, Respondent, is a District Judge in the 29th Judicial District.
2. On August 18, 2006, Respondent attended a high school fundraiser in the evening.
3. During the course of that evening, Respondent made an inappropriate, sexually demeaning comment in the presence of a court employee and her father. He later repeated the inappropriate comment to the employee's sister.
4. The members of this family were offended, and on August 30, 2006, the Commission received a complaint from the court employee.
5. Respondent has personally apologized to the family for his inappropriate comment and offered to "voluntarily participate in any appropriate evaluation or program."

CONCLUSIONS OF LAW

1. Canon 2C of the Code of Judicial Conduct, Rule 601A, provides:

“C. A judge shall refrain from speech, gestures or other conduct that could be perceived by a reasonable person as harassment based upon race, color, religion, gender, national origin, age, disability, or sexual orientation. . . .”
2. The Commentary to Canon 2C of the Code of Judicial Conduct, Rule 601 A, provides:

“‘Harassment’ is a verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, disability or sexual orientation or that of his/her relatives, friends, or associates.”
3. The Commission has determined that Respondent violated Canon 2C by making an inappropriate, sexually demeaning comment.

IT IS THEREFORE ORDERED that the Honorable Michael Grosko cease and desist from making inappropriate comments, in violation of the above-cited Canon.

IT IS FURTHER ORDERED that the Honorable Michael Grosko obtain an alcohol evaluation at a facility approved by the Commission and that he complete any treatment or counseling recommended as a result of that evaluation. Respondent is further ordered to seek individual counseling on sexual harassment, obtaining an affidavit from a licensed professional that Respondent understands the nature and implications of such harassment. Respondent’s evaluation, treatment and/or counseling shall be at his own expense. This docket shall remain open until Respondent furnishes to the Commission Secretary satisfactory proof of completion of evaluation, treatment and/or counseling as set forth above.

This Order, if accepted, shall be made public pursuant to Rule 611(a). See 2005 Kan. Ct. R. Annot. 591.

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The Secretary of the Commission on Judicial Qualifications is hereby instructed to mail a copy of this Order with a copy of Rule 611, as adopted by the Supreme Court of Kansas, to Respondent. Respondent is requested, in accordance with Rule 611, to either (a) comply by accepting the Order by written acknowledgment directed to the Secretary of the Commission; or (b) refuse to accept the Order. Any agreement to comply or refusal to accept shall be served upon the Commission within twenty days from this date. In the event the Respondent shall not agree to comply by accepting this Order by written acknowledgment within said period, Respondent shall be deemed to have refused to accept this Order.

BY ORDER OF THE COMMISSION dated this 28th day of November, 2006.

COMMISSION ON JUDICIAL QUALIFICATIONS

By: Carol G. Green
Carol G. Green, Secretary

APPROVED & ACCEPTED

12/6/06
Date

Michael Grosko
Michael Grosko, Respondent