

**FILED**

BEFORE THE JUDICIAL STANDARDS COMMISSION  
STATE OF NORTH CAROLINA

JUL 9 2009

JUDICIAL STANDARDS  
COMMISSION

IN RE: )  
INQUIRY CONCERNING A JUDGE, ) STATEMENT OF CHARGES  
NO. 09-108, 09-109, 09-113 & 09-115 )  
WILLIAM I. BELK, Respondent )

TO: WILLIAM I. BELK, a Judge of the General Court of Justice of the State of North Carolina.

The North Carolina Judicial Standards Commission (Commission) is a body duly organized under the laws of North Carolina and is authorized to recommend to the Supreme Court of North Carolina (Court) the discipline of judges and justices of the General Court of Justice pursuant to the Constitution of North Carolina, Article IV, Section 17, and the procedures prescribed by the North Carolina General Assembly in the North Carolina General Statutes, Chapter 7A, Article 30.

The Commission has concluded that disciplinary proceedings should be instituted against you based on evidence developed by the formal investigation in this inquiry. The formal investigation was ordered based on the Judicial Standards Commissions's own motion and upon written complaints filed by the Honorable Clifton E. Johnson, the Honorable Richard D. Boner and Scott Benson.

You have the right to file a written, verified answer to the charges against you within twenty (20) days after service of this STATEMENT OF CHARGES. If you choose to file an answer with the Commission, an original and ten (10) copies are required. The Commission's address is Post Office Box 1122, Raleigh, North Carolina 27602.

COUNSEL ALLEGES, upon information and belief, and proposes to offer evidence before the Commission to establish the following:

1. William I. Belk (Respondent) was at all times referred to herein and is now a judge of the General Court of Justice, District Court Division, Judicial District 26, and as

such is 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 set forth in the North Carolina General Statutes, Chapter 11.

2. Respondent engaged in conduct inappropriate to his judicial office, when on April 19, 2009, at a meeting of the Charlotte-Mecklenburg Black Political Caucus, he made disparaging comments about fellow members of the judiciary while addressing those present during the organization's open and public session. Respondent told the audience that he was there to tell his side of the story to the members as it related to publicity about him that had been printed in recent news articles. It is alleged that during this public address Respondent made negative and unfounded statements concerning North Carolina Supreme Court Chief Justice Sarah Parker stating words to the effect that she was "paid" and "bought" by attorneys William Diehl and Nelson Casstevens to appoint Judge Lisa Bell as Chief District Court Judge of Mecklenburg County; that Justice Parker had bypassed more experienced Democrats in December when she appointed a Republican as Chief District Court Judge and she should have appointed either District Court Judge Rickey McKoy-Mitchell or District Court Judge Ragan Miller; further it is alleged that Respondent stated words to the effect that Judge Bell is up for re-election in 2010 and a "good democrat" needs to run against her.

3. Respondent engaged in conduct inappropriate to his judicial office when, on April 20, 2009, in District Court Civil Motions and Trials Courtroom 6336, he engaged in ex parte communications with the defendant and counsel for the plaintiff in the matter of *Ford Motor Credit vs. Sabaugh*, Mecklenburg County Clerk of Court File No. 08 CVD 8012. Respondent after having been informed that Patricia G. Pegram, the attorney for Ford Motor Credit, had stepped out to make a phone call, initiated a hearing in this matter without waiting for Ms. Pegram to return to the courtroom. During the hearing Respondent spoke to Ms. Sabaugh, the defendant, who informed him that she had been to court

repeatedly on this matter. Respondent informed Ms. Sabaugh in open court that he would dismiss the matter. After the Sabaugh party left the courtroom with the understanding that their matter was dismissed, Ms. Pegram entered the courtroom and addressed the bench. Ms. Pegram was distressed that the matter had been handled and dismissed without her being present to represent her client's interest. The exchange between Respondent and Ms. Pegram included an assurance from Respondent that he had looked out for Pegram's interests and had granted a summary judgment in favor of her client, which directly contradicted his prior ruling in open court granting Ms. Sabaugh a dismissal. It is further alleged that Respondent continued to speak to Ms. Pegram in a manner that gave the impression to those in the courtroom that he was biased in favor of Ms. Pegram and/or her client. Later, when it was brought to Respondent's attention that he had made two different and inconsistent rulings in the same matter, Respondent tore up the summary judgment he had signed and had the clerk reschedule the matter.

4. Respondent engaged in conduct inappropriate to his judicial office when, on May 1, 2009, during the rehearing of *Ford Motor Credit vs. Sabaugh*, Mecklenburg County Clerk of Court File No. 08 CVD 8012, he made a misrepresentation of the facts by denying that he had orally dismissed the case for the defendant on April 20, 2009. The Respondent went on to make inappropriate comments to the defendant about the matter and Ms. Pegram's efforts to work with the defendant. Respondent's comments again gave the impression to those in the courtroom that he was biased in favor of Ms. Pegram. Respondent's comments belittled Ms. Sabaugh as she tried to explain that she left court on April 20, 2009 believing that the matter had been dismissed due to Respondent's statements in open court.

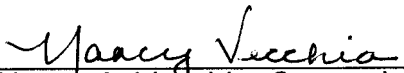
5. Respondent engaged in conduct inappropriate to his judicial office when, during the afternoon of April 16, 2009 at Belle Acres Restaurant located at 3033 South Boulevard in Charlotte, he approached a table where several individuals of his

acquaintance were dining, Scott Benson, Jimmy Cavalaris, Sam Cook and Victor J. Joseph and Respondent personally solicited funds on behalf of his wife, Georgia Belk, by inquiring of the group words similar in effect to "which of you can I count on for a \$1000.00 contribution to my wife's campaign." Georgia Belk has filed with the Mecklenburg County Board of Elections as an at-large candidate for the Charlotte City Council.

6. The actions of Respondent are in violation of Canons 1, 2A, 2B, 3A(1), 3A(4) and 7C(1) of the North Carolina Code of Judicial Conduct. Respondent's actions constitute willful misconduct in office in violation of N.C.G.S. §7A-376(b) and conduct prejudicial to the administration of justice that brings the judicial office into disrepute in violation of N.C.G.S. §7A-376(b).

WHEREFORE, Counsel prays that the Commission make an appropriate recommendation for discipline to the Court as provided by law and as the facts and evidence warrant.

This the 9<sup>th</sup> day of July, 2009.

  
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Nancy A. Vecchia, Counsel  
Judicial Standards Commission  
Post Office Box 1122  
Raleigh, NC 27602

VERIFICATION

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Nancy A. Vecchia, Counsel for the North Carolina Judicial Standards Commission, personally appeared before me and, being duly sworn, stated that she had read the foregoing STATEMENT OF CHARGES and that the matters and things alleged therein are true except as to those matters and things alleged therein on information and belief, and as to those matters she believes them to be true, and said Nancy A. Vecchia signed said STATEMENT OF CHARGES in my presence.

This the 9<sup>th</sup> day of July, 2009.



Crystal Wright  
Notary Public  
My Commission Expires: 6/15/2010

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Statement of Charges in Inquiry Concerning a Judge, No. 09-108,09-109,09-113 and 09-115, was served on the respondent, Judge William I. Belk, by personally delivering copies to the respondent on the 15 day of July, 2009.

This the 15 day of July, 2009.

Signature: R. Glenn Joyner  
R. Glenn Joyner - Investigator  
Judicial Standards Commission