

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION

STATE OF GEORGIA

)

)

In re: Inquiry Concerning

) Complaint Nos. 2020-219 and

Brandon Heath

) 2020-278

)

Report of Disposition Pursuant to O.C.G.A. § 15-1-21(k)(1) and Rule 11(A) of the Rules of the Judicial Qualifications Commission

This matter originated before the Judicial Qualifications Commission (hereinafter, “JQC”) Investigative Panel with a complaint concerning allegations of judicial misconduct on the part of Brandon Heath, formerly the Chief Magistrate Judge of Haralson County. The Investigative Panel commenced an investigation into the allegations of judicial misconduct, including:

1. Whether Heath improperly inserted himself into the investigation of an acquaintance and improperly used the prestige of his office to obtain information during the investigation, which was unrelated to his job as Chief Magistrate Judge. If true, these acts would have violated Rules 1.1, 1.2 (A), 1.3, 2.4 (B), 2.10 (A), and 3.5 of the Code of Judicial Conduct;
2. Whether Heath improperly issued arrest warrants without taking sworn testimony from affiants during his job as Chief Magistrate Judge. If true,

these acts would have violated Rules 1.1, 1.2 (A), 2.5 (A), and 2.5 (B) of the Code of Judicial Conduct; and,

3. Whether Heath engaged in intemperate and discourteous behavior on the bench. If true, these acts would have violated Rules 1.2 (A) and 2.8 (B) of the Code of Judicial Conduct.

During the Investigative Panel's investigation, Heath resigned from his position as Chief Magistrate Judge of Haralson County. The JQC Investigative Panel and Heath have mutually agreed upon a disposition of Complaints 2020-219 and 2020-278. The disposition and agreement between the JQC Investigative Panel and Heath, in which Heath has agreed not to seek judicial office in the future in light of the JQC investigation, is set forth in the Consent Agreement dated the 12th day of January, 2021, which is attached to this filing (see Exhibit 1).

This Report of Disposition is submitted for filing in the public records of the Supreme Court of Georgia pursuant to O.C.G.A. § 15-1-21(k)(1) and JQC Rule 11 (A).

Respectfully submitted this 15th day of January, 2021.

s:\CHARLES BORING
Charles P. Boring, Director
Judicial Qualifications Commission
1995 North Park Place SE, Suite 570
Atlanta, GA 30339
cboring@gajqc.gov
Georgia Bar Number: 065131

EXHIBIT 1

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION

STATE OF GEORGIA

In re: Inquiry Concerning
Brandon Heath

)
)
) Complaint Nos. 2020-219 and
) 2020-278
)
)

CONSENT AGREEMENT

Pursuant to the Rules of the Judicial Qualifications Commission (hereinafter, "JQC"), the JQC Investigative Panel and Brandon Heath hereby resolve the above-styled matter as follows:

1. Heath was formerly the Chief Magistrate Court Judge for Haralson County and was serving in that capacity when the above-styled complaints were filed against him.
2. The above-styled complaints alleged that Heath violated the Code of Judicial Conduct in a number of ways, including inserting himself into the investigation of an acquaintance, improperly using the prestige of his office to obtain information in that investigation which was unrelated to his job as Chief Magistrate Judge, improperly issuing arrest warrants, and intemperate behavior on the bench.
3. On August 12, 2020, in the midst of the JQC's investigation, Heath resigned as Chief Magistrate Judge. (See attached Exhibit A). Governor Brian Kemp accepted Heath's resignation on August 12, 2020. (See attached Exhibit B). While Heath no longer held judicial office, the above-referenced complaints remained pending before the JQC Investigative Panel.
4. In light of the pending JQC Investigative Panel investigation into his conduct, Heath hereby agrees that he will not seek, request, or accept an elected or appointed judicial office in the future. Heath also will not seek appointment as a senior judge on any court. This agreement is effective immediately and carries forward permanently.
5. Heath understands that should he violate this agreement, the Investigative Panel and Director may to seek enforce this agreement or rescind the agreement and file formal charges regarding this complaint.

6. After the signing of this Consent Agreement, the Director will file this Agreement with the Supreme Court of Georgia, along with the *Report to the Supreme Court of Georgia* pursuant to O.C.G.A. § 15-1-21(k)(1) and JQC Rule 11 (A). This Consent Agreement resolves any complaints or charges in the above-styled matter as provided herein.

Respectfully submitted this 12th day of January, 2021.

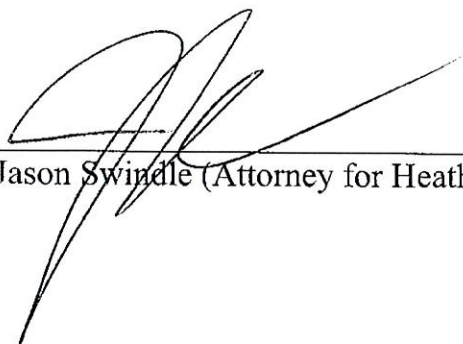


Charles P. Boring, Director
Judicial Qualifications Commission
1995 North Park Place SE, Suite 570
Atlanta, GA 30339
cboring@gajqc.gov
Georgia Bar Number: 065131

Consented and agreed to by:



Brandon Heath



Jason Swindle (Attorney for Heath)

EXHIBIT A



Magistrate Court Haralson County
Judge Brandon C. Heath
P.O. Box 1040
Buchanan, Georgia 30113
770-646-2015 Phone
770-646-6627 Facsimile

August 12, 2020

Honorable Governor Brian Kemp

I am resigning as Chief Magistrate Judge for Haralson County, Georgia. It has been an honor to serve the citizens of Haralson County for the last 12 years.

I would appreciate you accepting my resignation immediately effective August 12, 2020 at 5:00 PM.

Sincerely,

Brandon C Heath
Chief Magistrate Judge

EXHIBIT B



STATE OF GEORGIA
OFFICE OF THE GOVERNOR
ATLANTA 30334-0900

Brian P. Kemp
GOVERNOR

August 12, 2020

The Honorable Brandon C. Heath
Chief Magistrate Judge
Magistrate Court of Haralson County
P.O. Box 1040
Buchanan, Georgia 30113

Dear Judge Heath:

I am in receipt of your letter regarding your resignation as Chief Magistrate Judge of Haralson County, effective August 12, 2020, at 5:00 PM. Your resignation is hereby accepted.

Sincerely,

Brian P. Kemp

BPK:rbw

cc: The Honorable Brad Raffensperger, Secretary of State
The Honorable J. Edward Hulsey, Jr., Judge, Probate Court of Haralson County

CERTIFICATE OF SERVICE

Pursuant to Judicial Qualifications Commission Rule 13, the Director certifies that he has this day served the following:

Report of Disposition

by placing a true and correct copy of the same in the United States mail in an envelope properly addressed with adequate postage thereon to ensure delivery upon the following:

Jason Swindle
310 Tanner Street
Carrollton, GA 30117

This 15th day of January, 2021.

s:\CHARLES BORING
Charles P. Boring, Director
Judicial Qualifications Commission
1995 North Park Place SE, Suite 570
Atlanta, GA 30339
cboring@gajqc.gov
Georgia Bar Number: 065131