



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: THE HONORABLE H. F. POSEY
MUNICIPAL COURT JUDGE
BERTRAM, BURNET COUNTY, TEXAS
(CJC No. 05-0521-MU)**

**VOLUNTARY AGREEMENT TO RESIGN FROM
JUDICIAL OFFICE IN LIEU OF DISCIPLINARY ACTION**

This Agreement is being entered into by the undersigned parties pursuant to Section 33.032(h) of the Texas Government Code.

WHEREAS on February 18, 2005, a complaint was filed with the Commission by the judge's secretary alleging that Judge Posey failed to follow proper court procedures on several occasions and created a hostile environment in the work place, and

WHEREAS at all times relevant hereto, the Honorable H. F. Posey was judge for the City of Bertram in Burnet County, Texas, and

WHEREAS no Findings of Fact or Conclusions of Law have been made in connection with the above-referenced matters, and

WHEREAS the parties agree that the allegations of judicial misconduct, if found to be true, could result in further disciplinary action against Judge Posey, and

WHEREAS the parties to this Agreement are desirous of resolving these matters without the time and expense of further disciplinary proceedings.

IT IS THEREFORE AGREED that Judge Posey, upon the signing of this Agreement, shall resign his judicial office in lieu of disciplinary action by the Commission, pursuant to Section 33.032(h) of the Texas Government Code. The Commission agrees that it shall pursue no further disciplinary proceedings against Judge Posey in connection with the above-referenced matters.

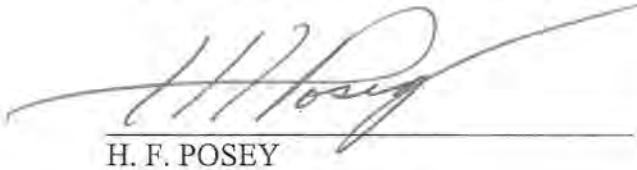
IT IS FURTHER AGREED that, upon the Commission's approval of this Agreement, Judge Posey shall be disqualified in the future from: sitting or serving as a judge in the State of Texas; standing for election or appointment to judicial office in the State of Texas; or performing or exercising any judicial duties or functions of a judicial officer in the State of Texas, including the performance of wedding ceremonies.

IT IS FURTHER AGREED that any violation of this Agreement by Judge Posey would constitute willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice in violation of Art. 5, §1-a(6)A of the Texas Constitution, and Section 33.001(b) of the Texas Government Code.

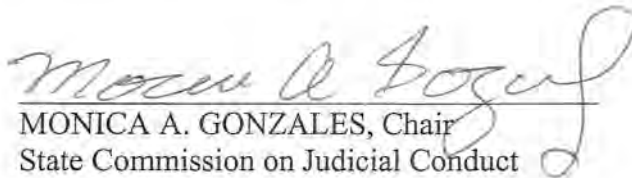
IT IS FURTHER AGREED that the Commission may enforce this Agreement through any legal process necessary, including injunctive relief; that Travis County, Texas, shall be the proper venue for any dispute between the parties or proceeding relating to this Agreement; and that Judge Posey, individually, shall bear the expense, cost, and any reasonable and necessary attorneys' fees in the event any dispute arising under this Agreement is decided against him by any court or tribunal.

IT IS FURTHER AGREED that Judge Posey, by his execution of this voluntary agreement, does not admit guilt, fault or liability regarding the matters contained in the complaints referenced above.

AGREED TO AND ACCEPTED upon its execution by the parties.



H. F. POSEY



MONICA A. GONZALES, Chair
State Commission on Judicial Conduct

Date: 2-13-06

Date: 2-16-06