

**STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT**

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In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

PAULINE K. ASHBAUGH,

STIPULATION

A Justice of the Cameron Town Court,
Steuben County.

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Subject to the approval of the Commission on Judicial Conduct
("Commission"):

IT IS HEREBY STIPULATED AND AGREED by and between Robert
H. Tembeckjian, Esq., Administrator and Counsel to the Commission on Judicial Conduct
("Commission"), and the Honorable Pauline K. Ashbaugh ("respondent"), as follows:

1. Respondent has served as a Justice of the Cameron Town Court since January 1992. Respondent is not an attorney. Respondent is 69 years old and her current term of office expires on December 31, 2007.
2. On August 24, 2007, respondent was served by the Commission with a Formal Written Complaint which alleged that respondent lent the prestige of her judicial office to advance the private interest of her nephew, Earl J. Sherwood, in connection with a dispute Mr. Sherwood was having with his girlfriend, Robin Brown, by contacting the Delaware County Sheriff's Department, identifying herself as a judge, providing a copy of an Order to Show Cause that had been issued by the Family Court in connection with

an action between Mr. Sherwood and Ms. Brown, and requesting that the Sheriff's Department assist in locating Ms. Brown.

3. It was specifically alleged in the Formal Written Complaint that:
 - a. Respondent and Shirley Sherwood are sisters. Earl J. Sherwood is Shirley Sherwood's son and respondent's nephew.
 - b. Earl J. Sherwood and Robin Brown are domestic partners who co-habitate and have a child, Kaylie-Anna.
 - c. On or about March 8, 2006, in connection with a domestic dispute between Mr. Sherwood and Ms. Brown at their residence, Ms. Brown left the residence with their child. Mr. Sherwood thereafter obtained an Order to Show Cause against Ms. Brown in Steuben County Family Court. The court appointed a law guardian for the child and directed both parties to continue residing in Steuben County.
 - d. On or about March 9, 2006, Mr. Sherwood contacted the Delaware County Sheriff's Department and asked for their assistance in locating Ms. Brown, whom he believed to be residing in Oneonta with her stepmother, Pam Underwood. The Sheriff's Department asked Mr. Sherwood to provide the Order to Show Cause.
 - e. On or about March 10, 2006, respondent's sister Shirley Sherwood advised respondent that her son Earl Sherwood and Ms. Brown had had a domestic dispute, that Ms. Brown had left their residence with Kaylie-Anna two days before, and that Mr. Sherwood had obtained an Order to Show Cause against Ms. Brown.
 - f. On or about March 10, 2006, Shirley Sherwood and/or her son Earl Sherwood asked respondent to send a facsimile transmission of the Order to Show Cause to the Delaware County Sheriff's Department. Respondent agreed to do so.

- g. On March 10, 2006, respondent faxed the Order to Show Cause to the Delaware County Sheriff's Department and included a handwritten cover sheet on which she identified herself as a judge, provided the telephone number of her court and provided a brief description of Ms. Brown's vehicle and believed location.
- h. On or about March 13, 2006, respondent spoke with a Delaware County Sheriff's Deputy who questioned her about the Order to Show Cause. Respondent identified herself as a town justice, explained the dispute between Mr. Sherwood and Ms. Brown and indicated that she had experience in such matters as a town justice. Respondent indicated that she had wanted the Sheriff's Department to attempt to locate Ms. Brown at her stepmother's home but that Mr. Sherwood had already done so.

4. The Formal Written Complaint alleged that by reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision(a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; and failed to avoid impropriety and the appearance of impropriety in that she failed to respect and comply with the law and act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules, allowed family relationships to influence her judicial conduct and judgment, in violation of Section 100.2(B) of the Rules, and lent the prestige of judicial office to advance the private interests of others and conveyed the impression that others were in a special position to influence her, in violation of Section 100.2(C) of the Rules.

5. Respondent submitted an Answer in which she admitted sending the fax to the Delaware County Sheriff's Department and speaking to a member of the Sheriff's Department on behalf of her nephew in connection with his dispute with Ms. Brown.

6. Respondent tendered her resignation on October 13, 2007, effective on November 19, 2007, and submitted copies to the Cameron Town Clerk and the Office of Court Administration. A copy of respondent's resignation letter is attached.


7. Respondent affirms that she will neither seek nor accept judicial office in the future.

8. Pursuant to law, the Commission has 120 days from the date of a judge's resignation to complete the proceedings, and if the Commission determines that the judge should be removed from office, file a determination with the Court of Appeals.

9. All parties to this Stipulation respectfully request that the Commission close the pending matter based upon this Stipulation.

10. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law to the limited extent that this Stipulation will be made public if accepted by the Commission.

Dated: 10/13/07



Honorable Pauline K. Ashbaugh
Respondent

Dated: 10/19/07



Robert H. Tembeckjian, Esq.
Administrator & Counsel to the Commission
(John J. Postel, Of Counsel)

Oct. 3, 2007

Mr. Herb Smith Cameron Town Supervisor
Cameron Town Board

I Ruben K. Ashbaugh resign as Cameron
Town Justice. For personal reasons.
As of Nov. 19, 2007.

Thank You
Ruben K. Ashbaugh