

State of New York
Commission on Judicial Conduct

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

Determination

RONALD V. BAILEY,

a Justice of the Keeseville Village Court,
Essex County.

THE COMMISSION:

Mrs. Gene Robb, Chairwoman
John J. Bower, Esq.
David Bromberg, Esq.
E. Garrett Cleary, Esq.
Dolores DelBello
Victor A. Kovner, Esq.
Honorable William J. Ostrowski
Honorable Isaac Rubin
Honorable Felice K. Shea
John J. Sheehy, Esq.

APPEARANCES:

Gerald Stern (Henry S. Stewart, Of Counsel) for the
Commission

Robert P. Roche for Respondent

The respondent, Ronald V. Bailey, a justice of the
Keeseville Village Court, Essex County, was served with a Formal
Written Complaint dated August 31, 1984, alleging that he
engaged in a plan to illegally hunt deer and that he was
convicted of Making a False Statement to Obtain a License.
Respondent filed an answer dated October 4, 1984.

On May 2, 1985, the administrator of the Commission, respondent and respondent's counsel entered into an agreed statement of facts pursuant to Section 44, subdivision 5, of the Judiciary Law, waiving the hearing provided for in Section 44, subdivision 4, of the Judiciary Law and stipulating that the Commission make its determination based on the pleadings and the agreed upon facts. The Commission approved the agreed statement on May 30, 1985.

The administrator and respondent filed memoranda as to sanction. On June 21, 1985, the Commission heard oral argument, at which respondent appeared by counsel, and thereafter considered the record of the proceeding and made the following findings of fact.

As to Charge I of the Formal Written Complaint:

1. Respondent is a justice of the Keeseville Village Court and has been since April 1, 1984. He was a justice of the Chesterfield Town Court, Essex County, from January 1, 1971, to December 31, 1981.

2. In 1980, while he was a justice of the Chesterfield Town Court, respondent engaged in a plan to illegally hunt deer.

3. In 1980, state law required deer hunters to apply for and obtain a hunting license issued by agents of the state

to ensure that only persons who were familiar with guns and competent to hunt safely would be licensed.

4. Each person applying for a hunting license was required to attest to the truth of statements made in the license by signing the license.

5. In 1980, a deer hunting license entitled the holder to "take", or kill, one buck during the season. The licensee could also apply for a deer management permit, also known as a "party" permit, which, if granted, would allow the licensee to take an additional deer during the season.

6. Party permits are issued each year by the Department of Environmental Conservation. The size of the deer herds in various parts of the state determine the number of permits issued each year and the number of persons required in each party. In 1980, only one person was required for a "party". Thus, each licensee who was granted a party permit could legally take two deer during the 1980 season.

7. In 1980, a licensee was prohibited by Section 11-0913(4) of the Environmental Conservation Law from using more than one hunting license in making application for a party permit.

8. In 1980, each deer hunting license and each party permit was issued with a tag. A hunter was required to carry his or her hunting license and tag while hunting. If a deer was shot, the hunter was required to attach the tag to the deer.

The use of a tag cancelled the license or party permit issued with the tag.

9. In 1980, respondent requested and obtained permission from Adalore Latourelle, Henry G. Rock, John D. Murray, Peter Massaro, Edwin Lattrell and Donald W. Robare for respondent to sign their names on hunting license applications.

10. Respondent obtained permission from the wife of Oril H. Gordon for respondent to sign Mr. Gordon's name on a hunting license application.

11. In August 1980, respondent signed the names of Mr. Latourelle, Mr. Rock, Mr. Murray, Mr. Massaro, Mr. Lattrell, Mr. Robare and Mr. Gordon on hunting license applications, submitted them to the Chesterfield Town Clerk and obtained hunting licenses in those names for respondent's use.

12. Respondent certified that the information contained in the hunting license applications was true, knowing that they did not bear the signature of the applicant made in the presence of the agent, or town clerk, as indicated on the application form.

13. Respondent also requested and obtained 1980 hunting licenses issued to Adolphus Brelia, William Maggy and Robert Laundree.

14. Respondent signed on applications for party permits the names of Mr. Latourelle, Mr. Rock, Mr. Murray, Mr.

Massaro, Mr. Lattrell, Mr. Robare, Mr. Gordon, Mr. Brelia, Mr. Maggy, Mr. Laundree and respondent's father, Harold Bailey.

15. Respondent certified that the information contained in the party permit applications was true.

16. Respondent did not inform the eleven men that he intended on this occasion to sign their names on applications for party permits.

17. Respondent submitted the applications for party permits to the Department of Environmental Conservation and obtained party permits for his own use in the names of Mr. Latourelle, Mr. Rock, Mr. Murray, Mr. Massaro, Mr. Lattrell, Mr. Robare, Mr. Gordon, Mr. Brelia, Mr. Maggy, Mr. Laundree and Harold Bailey.

18. Respondent asked the Keeseville Postmaster, Lyman P. Martin, to hold and deliver to respondent mail from the Department of Environmental Conservation to Mr. Latourelle, Mr. Rock, Mr. Murray, Mr. Massaro, Mr. Robare, Mr. Gordon, Mr. Brelia, Mr. Maggy and Harold Bailey. Postmaster Martin was a regular hunting partner of respondent.

19. Respondent received from the postmaster party permits addressed to Mr. Latourelle, Mr. Rock, Mr. Murray, Mr. Massaro, Mr. Robare, Mr. Gordon, Mr. Brelia, Mr. Maggy and Harold Bailey.

20. Mr. Lattrelle and Mr. Laundree received party permits by mail and turned them over to respondent.

21. In testimony before a member of the Commission on June 26, 1984, respondent acknowledged that he applied for the permits in the names of other men in order to take additional deer beyond the number allowed by law.

22. Respondent acknowledged that such a plan was in violation of the Environmental Conservation Law.

23. In November 1980, respondent was a member of a deer-hunting expedition. He had in his possession on the expedition deer-hunting licenses, tags and party permits for persons who were not physically present in the expedition.

24. Respondent gave to his nephew, Ronnie Barber, a party permit issued to Robert Laundree. Mr. Barber used that permit to tag a deer illegally.

25. Six members of respondent's expedition, including Mr. Barber, Postmaster Martin and Harold Bailey, were charged with and convicted of Illegally Taking Deer.

As to Charge II of the Formal Written Complaint:

26. On September 8, 1982, respondent pled guilty to Making A False Statement To Obtain A License, a misdemeanor. He was given a conditional discharge and fined \$200.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1 and 100.2 of the Rules Governing Judicial Conduct and

Canons 1 and 2 of the Code of Judicial Conduct. Charges I and II of the Formal Written Complaint are sustained, and respondent's misconduct is established.

Respondent engaged in a scheme to obtain licenses and permits on behalf of persons that he knew would not use them so that he and his hunting party could use them to kill unlawfully more than the number of deer to which they were entitled.

In the process, respondent falsely certified that applicants for hunting licenses had signed applications before the state agent when respondent had done so on their behalf. In one instance, he signed an application with another's name without authority. Without the knowledge of the licensees, respondent applied for party permits. He plotted with the local postmaster, a hunting companion, to divert mail addressed to the legal licensees so that respondent could obtain the permits directly. Respondent carried the extra permits of others on a hunting expedition and allowed his nephew to use the permit of another man to tag a deer unlawfully.

A judge is required to respect and comply with the law at all times. Section 100.2(a) of the Rules Governing Judicial Conduct. Respondent has engaged in a chain of deceptive activities outside the law he is sworn to uphold. Such conduct is

antithetical to the role of a judge (Matter of Moore, 3 Commission Determinations 256, 258 [Nov. 10, 1983]), and destructive of his usefulness on the bench (Matter of Perry, 53 AD2d 882 [2d Dept. 1976]).

The fact that respondent has been returned to the bench by the voters is of no significance. The standards of judicial conduct are not to be defined by the community in which a judge sits. Public confidence in our legal system requires that there be one set of standards, applied equally to all judges throughout the state, and that the standards be of the highest order. Matter of Sobeck, 1 Commission Determinations 105, 108 (July 2, 1979); Matter of Barclay, 2 Commission Determinations 275, 276-77 (Jan. 6, 1981).

The Commission notes that respondent has been previously censured for requesting special consideration on behalf of defendants in other courts on four occasions. Matter of Bailey, 2 Commission Determinations 180 (May 20, 1980).

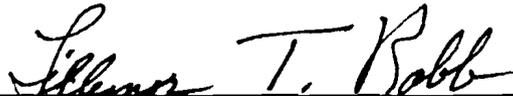
By reason of the foregoing, the Commission determines that the appropriate sanction is removal.

All concur.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct, containing the findings of fact and conclusions of law required by Section 44, subdivision 7, of the Judiciary Law.

Dated: August 5, 1985


Lillemor T. Robb, Chairwoman
New York State
Commission on Judicial Conduct