

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

**JOHN S. R. BARTLETT,**

**STIPULATION**

a Justice of the Lebanon Town Court,  
Madison County.

---

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and the Honorable John S. R. Bartlett (“respondent”), as follows.

1. Respondent has served as a Justice of the Lebanon Town Court, Madison County, since January 2011. His current term of office expires on December 31, 2014.

2. Respondent was personally served by the Commission with a Formal Written Complaint dated January 2, 2013, containing two charges, which alleged *inter alia* that:

- A. From in or about January 2011 through in or about January 2012 respondent failed to make timely reports to the State Comptroller with regard to the collection of fines and penalties, contrary to the requirements of Section 1803 of the Vehicle and Traffic Law, Section 27(1) of the Town Law; and
- B. Respondent failed to cooperate with the Commission’s investigation of the matters set forth in Charge I of the Formal

Written Complaint, in that he failed to respond to three letters of inquiry from the Commission; failed to respond to a letter requesting that he contact Commission staff; and failed to appear on two scheduled occasions to give testimony.

3. The Formal Written Complaint is appended hereto as Exhibit 1.

4. Respondent enters into this Stipulation in lieu of filing a verified Answer to the Formal Written Complaint.

5. There is no evidence that respondent converted any court funds for his or anyone else's personal use.

6. Respondent tendered his resignation from judicial office effective ~~February~~ <sup>March</sup> 15<sup>th</sup>, 2013, and affirms that he has vacated judicial office as of 3/14/13.

A copy of respondent's resignation letter is appended hereto as Exhibit 2.

7. Pursuant to Section 47 of the Judiciary 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.

8. Respondent affirms that he will neither seek nor accept judicial office in the future.

9. Respondent understands that, should he abrogate the terms of this Stipulation and hold any judicial position at any time, the present proceedings

before the Commission will be revived and the matter will proceed to a hearing before a referee.

10. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded, by the terms of this Stipulation, without further proceedings.

11. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law to the extent that (1) this Stipulation will become public upon being signed by the signatories below, and (2) the Commission's Decision and Order regarding this Stipulation will become public.

Dated: 2/21/13



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**Honorable John S. R. Bartlett**  
Respondent

Dated: March 1, 2013



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**Robert H. Tembeckjian, Esq.**  
Administrator & Counsel to the Commission  
(**Kathleen Martin, Of Counsel**)



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

**JOHN S. R. BARTLETT,**

a Justice of the Lebanon Town Court,  
Madison County.

---

**NOTICE OF FORMAL  
WRITTEN COMPLAINT**

NOTICE is hereby given to respondent, John S. R. Bartlett, a Justice of the Lebanon Town Court, Madison County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon respondent the annexed Formal Written Complaint; and that, in accordance with said statute, respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon him to serve the Commission at its Rochester office, 400 Andrews Street, Suite 700, Rochester, New York 14604, with his verified Answer to the specific paragraphs of the Complaint.

Dated: January 2, 2013  
New York, New York

**ROBERT H. TEMBECKJIAN**  
Administrator and Counsel  
State Commission on Judicial Conduct  
61 Broadway  
Suite 1200  
New York, New York 10006  
(646) 386-4800

**EXHIBIT**

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

**JOHN S. R. BARTLETT,**

a Justice of the Lebanon Town Court,  
Madison County.

---

**FORMAL  
WRITTEN COMPLAINT**

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.
2. The Commission has directed that a Formal Written Complaint be drawn and served upon John S. R. Bartlett (“respondent”), a Justice of the Lebanon Town Court, Madison County.
3. The factual allegations set forth in Charges I and II state acts of judicial misconduct by respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).
4. Respondent is not an attorney. He has been a Justice of the Lebanon Town Court, Madison County, since January 1, 2011. Respondent’s current term expires December 31, 2014.

**CHARGE I**

5. From in or about January 2011 through in or about January 2012, respondent failed to make timely reports to the State Comptroller with regard to the collection of fines and penalties, contrary to the requirements of Section 1803 of the Vehicle and Traffic Law and Section 27(1) of the Town Law.

**Specifications to Charge I**

6. From in or about January 2011 through in or about January 2012, as set forth on the annexed Schedule A, respondent failed to report the collection of fines and penalties in a timely fashion to the State Comptroller, as required by Section 1803 of the Vehicle and Traffic Law and Section 27(1) of the Town Law.

7. As a result of respondent's failure to submit a timely report of such funds for the months of October, November and December 2011, the State Comptroller's Office notified the Supervisor of the Town of Lebanon, by letter dated February 14, 2012, that payment of respondent's judicial salary should be withheld. A copy of the letter is annexed as Exhibit 1.

8. 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 uphold the integrity and independence of the judiciary by failing 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; failed to avoid impropriety and the appearance of impropriety, in that he failed to respect and comply with the law and failed to 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; and failed to perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed to diligently discharge his administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

### **CHARGE II**

9. Respondent failed to cooperate with the Commission's investigation of the matters set forth in Charge I above, in that he (1) failed to respond to three letters of inquiry from the Commission, (2) failed to respond to a letter requesting that he contact Commission staff and (3) failed to appear on two scheduled occasions to give testimony.

#### **Specifications to Charge II**

10. By letter dated February 21, 2012, a copy of which is annexed as Exhibit 2, the Commission informed respondent of the allegations that he failed to file reports or remit funds in a timely fashion to the State Comptroller. The Commission's letter requested respondent's response to the allegations. Respondent failed to respond to the Commission's letter.

11. By letter dated March 16, 2012, a copy of which is annexed as Exhibit 3, the Commission sent to respondent a copy of its letter dated February 21, 2012, and again requested respondent's response to the allegations. Respondent failed to respond to the Commission's letter.

12. By letter dated March 29, 2012, a copy of which is annexed as Exhibit 4, the Commission sent to respondent copies of its letters dated March 16, 2012, and February 21, 2012, and requested respondent's response to the allegations.

Respondent failed to respond to the Commission's letter.

13. By letter dated July 17, 2012, a copy of which is annexed as Exhibit 5, the Commission requested that respondent contact Commission staff. Respondent failed to respond to the Commission's letter.

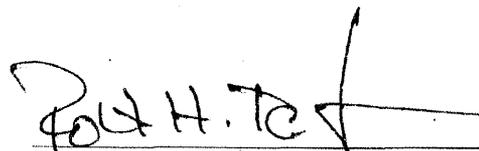
14. By letter dated August 20, 2012, a copy of which is annexed as Exhibit 6, the Commission gave notice to respondent pursuant to Judiciary Law Section 44(3) to appear on September 4, 2012, to give testimony with respect to the matters herein at the Commission's Rochester office. On or about August 31, 2012, in a telephone call to the Commission's Rochester office, respondent advised Commission staff that he would not appear. Respondent did not request an adjournment. Respondent was advised by a Commission attorney that he would be notified of a new appearance date.

15. By letter dated September 17, 2012, a copy of which is annexed as Exhibit 7, the Commission gave notice to respondent pursuant to Judiciary Law Section 44(3) to appear on September 28, 2012, to give testimony with respect to the matters herein at the Commission's Rochester office. Respondent failed to appear on September 28, 2012, or on any other date. Respondent did not request an adjournment or offer any explanation for his failure to appear.

16. 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 uphold the integrity and independence of the judiciary by failing 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; failed to avoid impropriety and the appearance of impropriety, in that he failed to respect and comply with the law and failed to act at all times in a manner that promotes public confidence in the integrity of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that he failed to give his judicial duties precedence over all his other activities, in violation of Section 100.3(A) of the Rules, and failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules.

**WHEREFORE**, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: January 2, 2013  
New York, New York



**ROBERT H. TEMBECKJIAN**  
Administrator and Counsel  
State Commission on Judicial Conduct  
61 Broadway  
Suite 1200  
New York, New York 10006  
(646) 386-4800

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

**VERIFICATION**

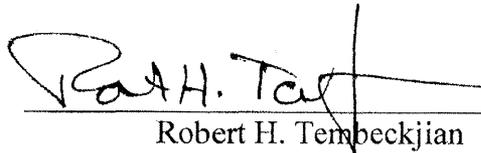
**JOHN S. R. BARTLETT,**

a Justice of the Lebanon Town Court,  
Madison County.

-----  
STATE OF NEW YORK            )  
  : ss.:  
COUNTY OF NEW YORK        )

ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.

  
\_\_\_\_\_  
Robert H. Tembeckjian

Sworn to before me this  
2<sup>nd</sup> day of January, 2013

  
\_\_\_\_\_  
Notary Public

**LATASHA Y. JOHNSON**  
Notary Public, State of New York  
No. 01JO6235579  
Qualified in New York County  
Commission Expires February 14, 2015

**HONORABLE JOHN S.R. BARTLETT**  
**Lebanon Town Justice**  
**Madison County**

**Schedule A**

<b><u>Month/Year of Report</u></b>	<b><u>Date Received By State Comptroller</u></b>	<b><u>Number of Days Late</u></b>
January 2011	04/18/11	67
February 2011	03/14/11	4
March 2011	05/12/11	32
April 2011	05/19/11	9
May 2011	08/25/11	76
June 2011	08/25/11	46
July 2011	08/25/11	15
August 2011	09/30/11	20
September 2011	10/13/11	3
October 2011	03/05/12	116
November 2011	03/05/12	86
December 2011	03/05/12	65
January 2012	03/05/12	24



**THOMAS P. DiNAPOLI**  
COMPTROLLER

STATE OF NEW YORK  
**OFFICE OF THE STATE COMPTROLLER**  
110 STATE STREET  
ALBANY, NEW YORK 12236

**STEVEN J. HANCOX**  
DEPUTY COMPTROLLER  
DIVISION OF LOCAL GOVERNMENT  
AND SCHOOL ACCOUNTABILITY  
Tel: (518) 474-4037 Fax: (518) 486-6479

February 14, 2012

James Goldstein  
Supervisor  
Town of Lebanon  
1210 Bradley Brook Rd  
Earlville NY 13332

**Re: Justice ID # 2534530282B**  
Honorable John S.r. Bartlett

Dear Supervisor Goldstein

This is official notification that the above referenced justice has not properly reported to the State Comptroller for the following month(s):

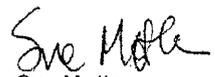
October 2011    November 2011    December 2011

Pursuant to section 27 of the Town Law and Section 4-410 of the Village Law, every town and village justice must file a report monthly with the State Comptroller. The report, certification, or remittance if any, is due by the tenth of the month following the report month (e.g. the April report by the tenth of May). A report must be sent to us even if it is to indicate that no activity occurred in that month. In the event that a justice fails to properly account for any moneys received by such justice, the chief fiscal officer will be notified. Upon receipt of such notice from the State Comptroller, it shall be unlawful for the town or village to make any further payment of compensation to such justice until receipt of a notice from the Comptroller that a proper accounting has been made.

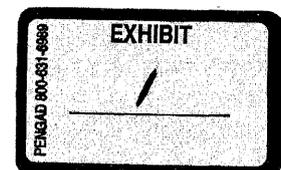
No further compensation should be made to this justice until further notice from this office. Please sign the attached copy of this notification and return it to:

**Office of the State Comptroller**  
**Justice Court Fund**  
110 State Street  
Albany, NY 12236

Sincerely,

  
Sue Motler  
Manager  
Justice Court Fund

cc: Honorable John S.r. Bartlett  
Syracuse Regional Office, Office of the State Comptroller  
Diane Schilling, Office of Court Administration  
Honorable Brian D Burns, 6th Judicial District  
Chief Council, Commission on Judicial Conduct





NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
HON. TERRY JANE RUDERMAN, VICE CHAIR  
HON. ROLANDO T. ACOSTA  
JOSEPH W. BELLUCK  
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M. KATHLEEN MARTIN  
DAVID M. DUGUAY  
SENIOR ATTORNEYS

STEPHANIE A. FIX  
STAFF ATTORNEY

**CONFIDENTIAL**

February 21, 2012

Honorable John S. R. Bartlett  
Lebanon Town Justice  
Lebanon Town Court  
1210 Bradley Brook Road  
Earlville, New York 13332

Re: File No. 2012/R-0038

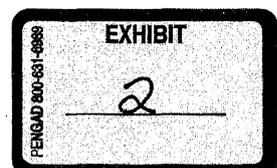
Dear Judge Bartlett:

The State Commission on Judicial Conduct is investigating a complaint that you failed to file reports or remit funds to the Office of the State Comptroller in the time required by law, for the months of October 2011, November 2011, and December 2011, and that your salary was stopped on February 14, 2012. A copy of the stop-salary notice is enclosed.

In connection with this matter, the Commission requests that you respond to the following questions, in writing, by March 7, 2012. The Commission requests that you personally respond to each question, even if you have already submitted your overdue report or reports.

1. Did you fail to file reports to the State Comptroller in the time required by Section 27 of the Town Law, as indicated in the attached stop-salary notice? If so, please state why you failed to file the reports as required.

2. Did you dispose of cases during the period of October 2011, November 2011, and December 2011? If so, please provide the Commission with a list of completed cases which you failed to report to the State Comptroller and a statement as to the amount of money collected for each case.



*Honorable John S. R. Bartlett*  
*February 21, 2012*  
*Page 2*

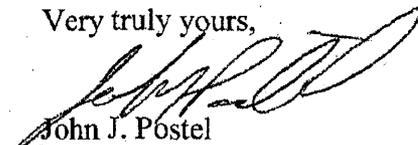
3. During the above period, did you receive fines or other funds that must be remitted to the State Comptroller? If so, please provide the Commission with a copy of your cashbook for the months of October 2011, November 2011, and December 2011, and with copies of receipts, deposit slips, and bank statements indicating when the above funds were received, and when the funds were deposited into your court account.

Please number each answer to correspond to the question you are answering. Feel free to include any information that you may believe is relevant.

For your information, I am enclosing a copy of the Commission's Operating Procedures and Rules.

Thank you for your attention to this matter.

Very truly yours,



John J. Postel  
Deputy Administrator

JJP:lp  
Enclosures

CERTIFIED MAIL #14912180  
RETURN RECEIPT REQUESTED



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
HON. TERRY JANE RUDERMAN, VICE CHAIR  
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400 ANDREWS STREET  
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JOHN J. POSTEL  
DEPUTY ADMINISTRATOR

M. KATHLEEN MARTIN  
DAVID M. DUGUAY  
SENIOR ATTORNEYS

STEPHANIE A. FIX  
STAFF ATTORNEY

**CONFIDENTIAL**

March 16, 2012

Honorable John S. R. Bartlett  
Lebanon Town Justice  
Lebanon Town Court  
1210 Bradley Brook Road  
Earlville, New York 13332

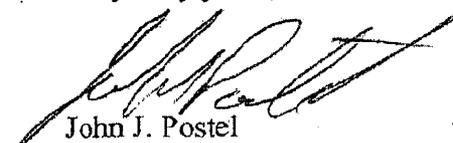
Re: File No. 2012/R-0038

Dear Judge Bartlett:

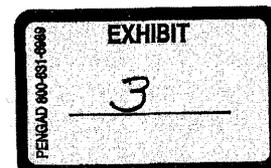
On February 21, 2012, the State Commission on Judicial Conduct wrote to you requesting your reply to certain matters. Enclosed is a copy of the Commission's letter.

We would appreciate a reply to the letter. Thank you for your anticipated cooperation.

Very truly yours,

  
John J. Postel  
Deputy Administrator

JJP:lp  
Enclosure  
CERTIFIED MAIL #14912241  
RETURN RECEIPT REQUESTED





NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
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STEPHANIE A. FIX  
STAFF ATTORNEY

**CONFIDENTIAL**

March 29, 2012

Honorable John S. R. Bartlett  
Lebanon Town Justice  
Lebanon Town Court  
1210 Bradley Brook Road  
Earlville, New York 13332

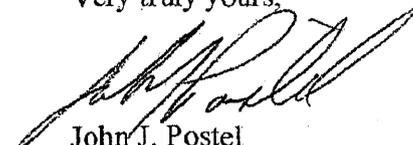
Re: File No. 2012/R-0038

Dear Judge Bartlett:

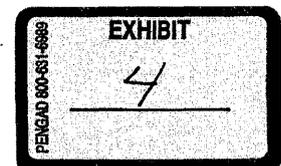
On February 21, 2012, and March 16, 2012, the State Commission on Judicial Conduct wrote to you requesting your reply to certain matters. Enclosed are copies of the Commission's letters.

We would appreciate a reply to the letter. Thank you for your anticipated cooperation.

Very truly yours,

  
John J. Postel  
Deputy Administrator

JJP:lp  
Enclosure  
CERTIFIED MAIL #14912272  
RETURN RECEIPT REQUESTED





NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
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STEPHANIE A. FIX  
STAFF ATTORNEY

**CONFIDENTIAL**

July 17, 2012

Judge John S.R. Bartlett  
Lebanon Town Justice  
1210 Bradley Brook Road  
Earlville, New York 13332

Re: File No.: 2012/R-0038

Dear Judge Bartlett:

The Commission would like to speak with you regarding a confidential matter.

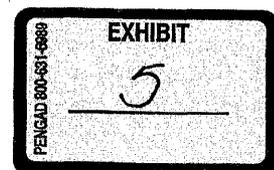
Please call the undersigned Monday through Friday between the hours of 9:00 A.M. and 5:00 P.M., at the above noted telephone number.

Thank you for your attention to this matter.

Very truly yours,

Betsy J. Sampson  
Investigator

BJS





NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
HON. TERRY JANE RUDERMAN, VICE CHAIR  
HON. ROLANDO T. ACOSTA  
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M. KATHLEEN MARTIN  
DAVID M. DUGUAY  
SENIOR ATTORNEYS  
STEPHANIE A. FIX  
STAFF ATTORNEY

**CONFIDENTIAL**

August 20, 2012

Honorable John S. R. Bartlett  
Lebanon Town Court Justice  
Lebanon Town Court  
1210 Bradley Brook Road  
Earlville, New York 13332

Re: File No. 2012/R-0038

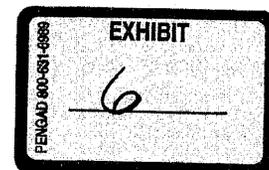
Dear Judge Bartlett:

Pursuant to Article 2-A of the Judiciary Law, the Commission on Judicial Conduct is investigating allegations that you have failed to properly perform your administrative and financial duties.

Specifically, it is alleged that for the period from October 2011 through December 2011, you did not file your reports with the State Comptroller and remit court funds to the Town of Lebanon within ten days of the month succeeding collection as required by Sections 2020 and 2021 of the Uniform Justice Court Act, Section 1803 of the Vehicle and Traffic Law and Section 27 of the Town Law (see enclosed Schedule B), with the result that payment of your salary was ordered stopped by the State Comptroller's Office on or about February 14, 2012.

At your appearance, you will also be questioned about your failure to respond to letters I sent to you on February 21, 2012, March 16, 2012, March 29, 2012, and July 17, 2012, concerning the allegations (copies are enclosed).

Enclosed are copies of the complaint and the Commission's Operating Procedures and Rules.



NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

*Honorable John S.R. Bartlett*

*August 20, 2012*

*Page 2*

In connection with this investigation, the Commission requests that you appear to give testimony on Tuesday, September 4, 2012, at 10:30 A.M., at the Commission's office in Rochester at 400 Andrews Street, Suite 700 (map enclosed).

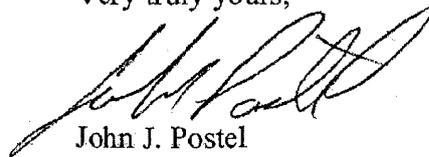
Your appearance is requested in accordance with Section 44, subdivision 3, of the Judiciary Law. This is not a hearing as provided by Section 44, subdivision 4, of the Judiciary Law. Your testimony will be sworn and tape-recorded, and a copy of the transcription thereof will be provided to you at no cost. You have the right to be represented by counsel and to present material relevant to the complaint.

At your appearance, you may make opening and/or closing statements. After being questioned by Commission counsel, you may be questioned by your own lawyer, subject to further questioning by Commission counsel.

**Please provide confirmation of your scheduled appearance by August 30, 2012, either by letter or phone call at (585) 784-4141.** Please feel free to have your attorney call me or Senior Attorney Kathleen Martin with any questions.

Thank you for your prompt attention to this matter.

Very truly yours,



John J. Postel  
Deputy Administrator

**Enclosures**

**Certified Mail # 52183245**  
**Return Receipt Requested**

**Honorable John S. R. Bartlett  
Lebanon Town Justice  
Madison County**

**Schedule B**

<b><u>Report</u></b>	<b><u>Date Received by State Comptroller</u></b>	<b><u>Number of Days Late</u></b>
October 2011	March 5, 2012	116
November 2011	March 5, 2012	86
December 2011	March 5, 2012	65



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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HON. TERRY JANE RUDERMAN, VICE CHAIR  
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ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL

JOHN J. POSTEL  
DEPUTY ADMINISTRATOR

M. KATHLEEN MARTIN  
DAVID M. DUGUAY  
SENIOR ATTORNEYS

STEPHANIE A. FIX  
STAFF ATTORNEY

**CONFIDENTIAL**

September 17, 2012

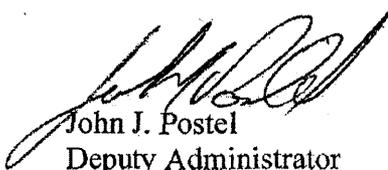
Honorable John S. R. Bartlett  
Lebanon Town Court Justice  
Lebanon Town Court  
1210 Bradley Brook Road  
Earlville, New York 13332

Re: File No. 2012/R-0038

Dear Judge Bartlett:

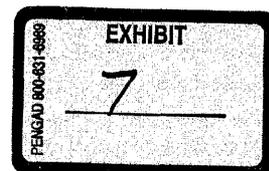
Please be advised that your appearance to give testimony has been rescheduled for Friday, September 28, 2012, at 10:30 A.M.

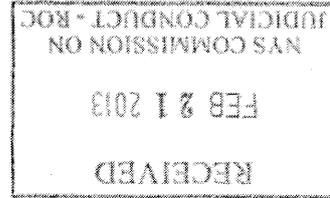
Very truly yours,

  
John J. Postel  
Deputy Administrator

JJP:lp

**Certified Mail # 66394408**  
**Return Receipt Requested**





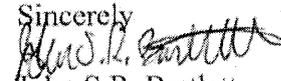
Date: 02/21/2013

To Jim Goldstein

I took this job to try and make sure that people were receiving fair outcomes. It has been a challenge to balance that with all the paperwork. I also have a lot of responsibility in my own personal life. Running a business, raising four children, running a household and being a Judge is too much for me to do at this time. I wish that I could have done a better job with this important responsibility. Due to personal reasons this has not been achieved. I feel that another person needs to take this position.

This position takes a lot of time and patience. There is a lot to endure dealing with people who come thru Court. I wish to thank the people who helped me along the way. As of March 1<sup>st</sup> I Resign from the position Town Justice of Lebanon.

Sincerely



John S.R. Bartlett

**EXHIBIT**

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