

**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

STEPHEN H. BROWN,

STIPULATION

A Justice of the Junius Town Court,
Seneca County

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, and Honorable Stephen H. Brown ("respondent"), who is represented in these proceedings by John P. Porter, Esq., as follows:

1. This Stipulation is presented to the Commission in connection with the Formal Written Complaint pending against respondent.
2. Respondent has served as a Justice of the Junius Town Court since January 1, 2006. His current term of office expires on December 31, 2009. He is not an attorney.
3. Respondent was served by the Commission with a Formal Written Complaint dated February 12, 2009, a copy of which is attached as Exhibit A. The Formal Written Complaint alleged *inter alia* that respondent handled a small claims action involving a neighbor and long-time friend despite lacking subject matter jurisdiction over the defendant, that respondent issued separate judgments to each party

of the action awarding different money damages, and that respondent granted unlawful equitable relief in favor of his neighbor claimant.

4. Respondent has waived the opportunity to submit a Verified Answer.

5. Respondent tendered his resignation from judicial office on April 15, 2009, effective May 31, 2009, and has submitted copies to the Junius Town Court, the Junius Town Board, the Office of the Administrative Judge the Honorable John Rivolli and the Office of Court Administration. A copy of the letter is attached as Exhibit B.

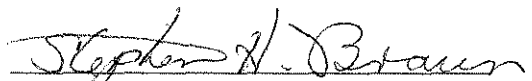
6. Pursuant to Section 47 of the Judiciary Law, the Commission's jurisdiction over a judge continues for 120 days after resignation from office.

7. Respondent hereby affirms that he will neither seek nor accept judicial office or a position as a Judicial Hearing Officer at any time in the future.


8. In view of the foregoing, all the parties to this Stipulation respectfully request that the Commission close the pending matter based on this Stipulation.

9. 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: 5/18/09


Honorable Stephen H. Brown
Respondent

Dated: 5/18/09


John P. Porter, Esq.
Attorney for Respondent

Dated: 6/1/09

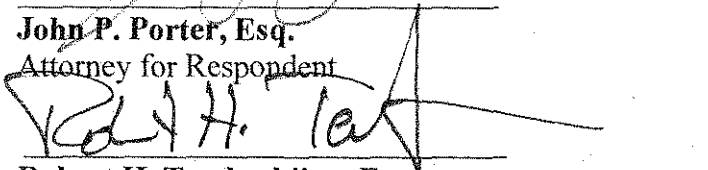

Robert H. Tembeckjian, Esq.
Administrator & Counsel to the Commission
(John J. Postel and David M. Duguay, Of Counsel)

EXHIBIT A

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

STEPHEN H. BROWN,

a Justice of the Junius Town Court,
Seneca County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to respondent, Stephen H. Brown, a Justice of the Junius Town Court, Seneca 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: February 12, 2009
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

To: John P. Porter, Esq.
12 Phelps Street
Lyons, New York 14489

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

STEPHEN H. BROWN,

a Justice of the Junius Town Court,
Seneca 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 Stephen H. Brown ("respondent"), a Justice of the Junius Town Court, Seneca County.

3. The factual allegations set forth in Charge I 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 has been a Justice of the Junius Town Court since January 1, 2006. His current term of office ends on December 31, 2009. He is not an attorney.

CHARGE I

5. From on or about June 18, 2007, to on or about July 24, 2007, respondent presided over *Clarence Brownell v. Christina Bump*, a small claims action for damages involving *inter alia* unpaid fees for a residential trailer, notwithstanding that he knew that (A) the trailer at issue was stored on a lot neighboring respondent's own property and was plainly visible from respondent's home; (B) Mr. Brownell was a long-time neighbor and friend of respondent's; (C) respondent failed to disclose to Ms. Bump that he regularly observed the trailer at issue and that he had a long-time personal relationship with Mr. Brownell; and (D) respondent lacked personal jurisdiction over Ms. Bump because she did not reside in the Town of Junius as required by Section 1801 of the Uniform Justice Court Act.

6. On or about July 24, 2007, respondent issued separate judgments in which (A) he awarded damages to Mr. Brownell in two different amounts, *i.e.*, \$1,350 and \$2,350; and (B) he granted equitable relief requiring Ms. Bump to remove the trailer from Mr. Brownell's property, notwithstanding that equitable relief had not been requested and he knew he did not have authority to grant such relief in a small claims action.

Specifications to Charge I

7. Clarence Brownell owns property at 730 Dublin Road in the Town of Clyde (Wayne County). Respondent resides on neighboring property on Nine Foot Road. Respondent and Mr. Brownell are neighbors and friends.

8. On or about June 18, 2007, Mr. Brownell appeared at the Junius Town Court and advised respondent that Christina Bump had been storing a trailer on his property for several months after having previously lived in it, but that she had discontinued paying rent. Mr. Brownell indicated that Ms. Bump had moved to the Town of Newark (Wayne County), that he wanted damages for unpaid rent on the stored trailer and he wanted Ms. Bump to remove the trailer from his property.

9. The trailer was plainly observable from respondent's home.

10. On or about June 18, 2007, respondent sent a notice of claim by certified mail to Ms. Bump's address in Newark. The notice advised Ms. Bump that Mr. Brownell had filed a small claims action against her seeking \$1,350 in damages and that a hearing was scheduled in the Junius Town Court on July 12, 2007. The small claims notice did not state any factual or legal basis for the claim.

11. Respondent knew that the Town of Newark was outside of Seneca County. Respondent was also aware that he lacked jurisdiction in small claims actions over defendants who resided outside the Town of Junius.

12. On or about July 12, 2007, Mr. Brownell appeared before respondent but Ms. Bump did not. Respondent granted Mr. Brownell a default judgment but did not place Mr. Brownell under oath, did not take other testimony and did not receive any proof of Mr. Brownell's claim as required by Sections 1402 and 1804 of the Uniform Justice Court Act and Section 3215 of the Civil Practice Law and Rules governing the issuance of default judgments. Respondent told Mr. Brownell to do whatever he wanted with regard to Ms. Bump's trailer.

13. On or about July 24, 2007, respondent appeared at Mr. Brownell's residence and gave him a judgment, dated July 23, 2007, awarding him \$2,350 and ordering that ownership of the trailer be transferred to him if Ms. Bump did not remove it from his property within sixty days.

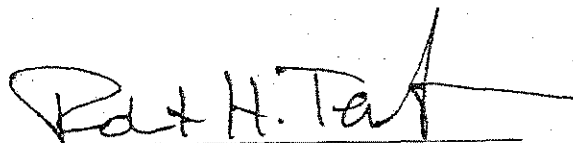
14. On or about July 24, 2007, respondent mailed Ms. Bump a judgment, dated July 23, 1947 [*sic*], awarding Mr. Brownell \$1,350 and directing her to remove the trailer from the property by August 31, 2007.

15. Respondent engaged in the foregoing conduct notwithstanding that he knew his authority was limited to awarding money damages and that he lacked the authority to dispose of the trailer or grant other equitable relief in a small claims action.

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 act in a manner that upholds public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules, and allowed a social relationship to influence the judge's judicial conduct, in violation of Section 100.2(B) 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.

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: February 12, 2009
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

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VERIFICATION

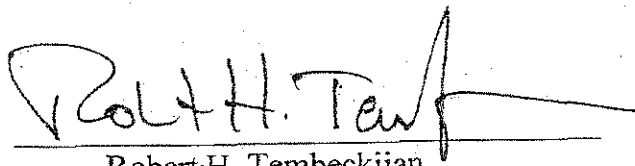
STEPHEN H. BROWN,

a Justice of the Junius Town Court,
Seneca 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
12th day of February 2009


Notary Public

KAREN KOZAC
NOTARY PUBLIC, State of New York
No. 02KO8171500
Qualified in Westchester County
Commission Expires July 23, 2011

EXHIBIT B

JUNIUS TOWN COURT
SENECA COUNTY
Stephen H. Brown, Town Justice
913 Nine Foot Road
Clyde, New York 14433
Phone: (315) 539-4667
Fax: (315) 539-4317

Junius Town Board
Attention: Mr. Ronald Serven, Supervisor
Mr. Earl Bowen, Councilman
Mr. Gerald Abbott, Councilman
Mr. David Fisk, Jr., Councilman
Mr. Jerome Marshall, Councilman

Dear Supervisor Serven and Councilmen Bowen, Abbott, Fisk and Marshall:

Please receive and accept this letter as my announcement of formal resignation as Town Justice for the Town of Junius. It is my proposal, subject to your suggestions and input that such resignation be effective as of May 31, 2009.

While this announcement on my part may come as a surprise to some of you, it is my wish that you as town board and the citizens of the Town of Junius recognize that this decision by me is not the result of any dissatisfaction nor disenchantment with the position of Town Justice. Instead, this announcement now reflects my decision to seek other challenges and other opportunities for public service within our town. By announcing to you my decision now, it is my earnest hope that this will afford an opportunity to identify my replacement for this position, to allow for the necessary training for that individual to assume this position and further allow time for my present fellow Justice Brian Laird and me to coordinate these next several weeks such that this decision does not impact negatively upon his good efforts and work. Further by my announcing my decision now, I hope to avoid any appearance of conflict of interest as to those future endeavors that I will soon seek.

Briefly, let me document here that in this capacity as Town Justice I have enjoyed thoroughly working with your board, personnel at the town offices, my clerk and the people of Junius. I will not deny that the position has its challenges. However, those challenges are largely external to our town, from public offices and officers elsewhere that are not fully aware of the good people and their good intentions here in Junius. Having said that, I am nevertheless proud of the efforts and the results accomplished by my Court with the outstanding assistance of my court clerk Ms. Lola Stone.

By copy of this letter, I am advising Justice Brian Laird of this communication in order that he begin to take steps accordingly.

Yours truly,


HONORABLE STEPHEN H. BROWN

cc: Honorable Brian Laird