

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

ROBERT C. CERRATO,

STIPULATION

A Judge of the Yonkers City Court,
Westchester County.

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and the Honorable Robert C. Cerrato (“Respondent”), who is represented in these proceedings by Deborah A. Scalise of Scalise Hamilton & Sheridan LLP, as follows:

1. Respondent has been a Judge of the Yonkers City Court, Westchester County, since 2001. Respondent’s current term expires on December 31, 2020. Pursuant to Judiciary Law section 23, Respondent would be required to retire his judicial position on December 31, 2017, having attained the age of seventy.
2. Respondent was served with a Formal Written Complaint dated February 20, 2015, containing two charges alleging that:
 - A. From in or about the fall of 2011 to in or about May 2012, Respondent invoked his judicial title on several occasions when he called third parties on behalf of his daughter regarding incidents arising from the matrimonial dispute between his daughter and her then-husband; and
 - B. Approximately two to three times per year from in or about 2009 until in or about November 2013, Respondent charged a flat fee of \$200 to officiate at weddings that took place outside of the City of Yonkers, notwithstanding

General Municipal Law § 805-b, which limits the fees for the solemnization of a marriage to \$100.

3. Respondent enters into this Stipulation in lieu of filing an Answer to the Formal Written Complaint.

4. Respondent avers that on October 1, 2015, he will submit the appropriate papers to the Office of Court Administration and the New York State and Local Retirement System, stating that he will relinquish his judicial position on January 1, 2016.

5. Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from the date of a judge's resignation to complete proceedings, and if the Commission determines that the judge should be removed from office, file a determination with the Court of Appeals.

6. Respondent affirms that, upon vacating his judicial office, he will neither seek nor accept judicial office at any time in the future.

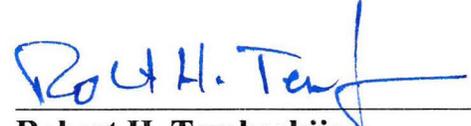
7. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded, by the terms of this Stipulation, without further proceedings, pending verification that Respondent filed the appropriate papers on October 1, 2015.

8. Respondent understands that, should he abrogate the terms of this Stipulation by, for example, failing to submit the appropriate papers on October 1, 2015, or holding any judicial position at any time after January 1, 2016, the present proceedings before the Commission will be revived and the matter will proceed to a hearing before a referee.

9. 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: September 16, 2015 
Honorable **Robert C. Cerrato**
Respondent

Dated: 9/16/15 
Deborah A. Scalise
Scalise Hamilton & Sheridan LLP
Attorney for Respondent

Dated: 9/17/2015 
Robert H. Tembeckjian
Administrator and Counsel to the Commission
(**Daniel W. Davis**, Of Counsel)