

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

THOMAS A. CIGANEK,

DETERMINATION

a Justice of the Piermont Village Court, Rockland
County.

THE COMMISSION:

Honorable Eugene W. Salisbury, Chair
Henry T. Berger, Esq.
Jeremy Ann Brown, C.A.S.A.C.
Stephen R. Coffey, Esq.
Lawrence S. Goldman, Esq.
Christina Hernandez, M.S.W.
Honorable Daniel F. Luciano
Honorable Frederick M. Marshall
Honorable Karen K. Peters
Alan J. Pope, Esq.
Honorable Terry Jane Ruderman

APPEARANCES:

Gerald Stern (Robert H. Tembeckjian, Of Counsel) for the Commission

Birbrower, Montalbano, Condon & Frank, P.C. (By William Frank) for
Respondent

The respondent, Thomas A. Ciganek, a justice of the Piermont Village
Court, Rockland County, was served with a Formal Written Complaint dated

November 9, 2000, containing one charge.

On January 16, 2001, the Administrator of the Commission, respondent and respondent's counsel entered into an Agreed Statement of Facts pursuant to Judiciary Law §44(5), stipulating that the Commission make its determination based upon the agreed facts, jointly recommending that respondent be admonished and waiving further submissions and oral argument.

On February 1, 2001, the Commission approved the agreed statement and made the following determination.

1. Respondent, an attorney with a law office in Rockland County, has been a part-time justice of the Piermont Village Court since 1972.
2. On or about March 16, 2000, at approximately 5:00 P.M., respondent fired a handgun several times towards the rear area of his law office near the public intersection of Route 303 and Kings Highway in Tappan, New York, where his law office is located.
3. Respondent intended to scare a wild turkey off the road that he believed was endangering motorists.
4. Respondent fired his handgun in the nearby presence of motorists, a police officer and two telephone company workers who witnessed respondent shooting

into the air. Although no one was injured, the motorists and witnesses may have been endangered by respondent's action.

5. Respondent was arrested by the police officer and thereafter was charged with reckless endangerment in the second degree.

6. On or about June 13, 2000, respondent and the special prosecutor assigned to handle this case agreed to an Adjournment in Contemplation of Dismissal, which was approved by the Ramapo Town Justice to whom the case was assigned. The case was subsequently dismissed on or about November 28, 2000.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2 and 100.2(A) of the Rules Governing Judicial Conduct. Charge I of the Formal Written Complaint is sustained, and respondent's misconduct is established.

Sections 100.1 and 100.2 of the Rules Governing Judicial Conduct require a judge to observe high standards of conduct, to respect and comply with the law, and to act at all times in a manner that promotes public confidence in the judiciary. Off the bench, every judge must observe "standards of conduct on a plane much higher than for those of society as a whole." Matter of Kuehnel v. State Comm. on Judicial Conduct, 49 NY2d 465, 469 (1980).

By firing his gun several times near a busy intersection, during rush hour, in order to scare a wild turkey off the road, respondent violated these standards. Respondent's actions, despite his belief that the turkey was endangering motorists, were contrary to law and showed a lack of good judgment and a notable disregard for the safety of bystanders and motorists. Firing a gun under such circumstances created a dangerous situation, as respondent should have recognized.

As a judge entrusted with the responsibility of exercising judgment over the conduct of others and applying the law in his court, respondent is obligated to act at all times with "respect for the letter and spirit of the law." Matter of Backal v. State Comm. on Judicial Conduct, 87 NY2d 1, 7 (1995). Any departure from this exacting standard of personal conduct undermines his effectiveness as a judge and impairs the public's respect for the judiciary as a whole.

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

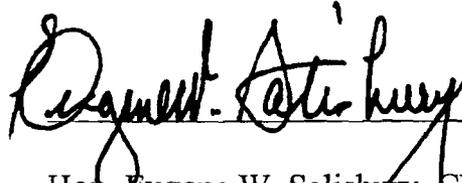
Judge Salisbury, Mr. Berger, Ms. Brown, Mr. Coffey, Mr. Goldman, Judge Luciano, Judge Marshall, Judge Peters and Judge Ruderman concur.

Ms. Hernandez and Mr. Pope were not present.

CERTIFICATION

It is certified that the foregoing is the determination of the State
Commission on Judicial Conduct.

Dated: March 29, 2001



Hon. Eugene W. Salisbury, Chair
New York State
Commission on Judicial Conduct