

STATE OF NEW YORK  
STATE COMMISSION ON JUDICIAL CONDUCT

-----X  
In the Matter :  
-of- :  
VINCENT A. CLARK, :  
A Justice of the Town of :  
Stony Point, County of Rockland :  
-----X

DETERMINATION

STATE COMMISSION ON  
JUDICIAL CONDUCT

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DETERMINATION OF THE  
STATE COMMISSION ON JUDICIAL CONDUCT  
IN THE MATTER OF STONY POINT  
TOWN JUSTICE VINCENT A. CLARK

PRELIMINARY STATEMENT

This Determination of the State Commission on Judicial Conduct (hereinafter the "Commission") is submitted in accordance with Article VI, Section 22k, of the Constitution of the State of New York, and Article 2-A of the Judiciary Law, for transmittal by the Chief Judge of the Court of Appeals to the Honorable Vincent A. Clark.

Vincent A. Clark is a justice of the Town Court of Stony Point in Rockland County. He is not an attorney. He first took office in January, 1935. His current term of office expires on December 31, 1981.

Pursuant to Section 43, subdivision 2, of the Judiciary Law, the present investigation of Judge Clark commenced on June 29, 1977. In the course of its investigation, the Commission discovered twelve instances in which Judge Clark granted favorable dispositions to defendants in traffic cases pursuant to requests from third parties.

JUSTICE CLARK'S GRANTS OF FAVORABLE  
DISPOSITIONS TO DEFENDANTS IN TRAFFIC CASES

On or about February 19, 1974, Judge Clark imposed an unconditional discharge on a charge of speeding in People v. Kenneth Finochiaro as a result of a letter he received on behalf of the defendant.

On or about March 5, 1974, Judge Clark dismissed a charge of speeding in People v. Richard Abrams as a result of a letter he received on behalf of the defendant from Judge Harry A. Fox of the Town Court of Stony Point.

On or about May 11, 1974, Judge Clark reduced a charge of speeding to illegal parking in People v. Salvatore Marro as a result of a letter he received on behalf of the defendant from Judge Harry A. Fox of the Town Court of Stony Point.

On or about May 14, 1974, Judge Clark dismissed a charge of speeding in People v. Carol Maloney as a result of a letter he received on behalf of the defendant.

On or about May 14, 1974, Judge Clark reduced a charge of speeding to illegal parking in People v. Carmelo Nigro as a result of a letter he received on behalf of the defendant.

On or about May 14, 1974, Judge Clark reduced a charge of speeding to illegal parking and dismissed the charge in People v. Andrew Katz as a result of a letter he received on behalf of the defendant.

On or about May 28, 1974, Judge Clark reduced a charge of speeding to illegal parking in People v. Joan Cappiello as a result of a letter he received on behalf of the defendant from Judge Leo Fassberg of the Town Court of Ramapo.

On or about May 28, 1974, Judge Clark imposed an unconditional discharge on a charge of speeding in People v. Stefano Tomeo as a result of a letter he received on behalf of the defendant from Detective Matthew McMenamin of the Palisades Parkway Police, or someone at Detective McMenamin's request.

On or about July 16, 1974, Judge Clark reduced a charge of excessive speed to illegal parking in People v. Richard J. King as a result of a letter he received on behalf of the defendant from Judge George S. Cobb of the Town Court of Haverstraw.

On or about July 16, 1974, Judge Clark reduced a charge of speeding to illegal parking in People v. Richard Walch as a result of a letter he received on behalf of the defendant from Judge Joseph Thomson of the Town of Cornwall.

On or about January 14, 1975, Judge Clark reduced a charge of speeding to driving an unregistered motor vehicle in People v. Dorothy Santoro as a result of a letter he received on behalf of the defendant from Sheriff Raymond A. Lindemann of the County of Rockland.

On or about March 18, 1975, Judge Clark reduced a charge of speeding to driving with unsafe tires in People v. Albert V. Abdoo as a result of a letter he received on behalf of the defendant from Judge Joseph Thomson of the Town Court of Cornwall.

JUSTICE CLARK'S WAIVER OF A SCHEDULED  
HEARING BEFORE THE COMMISSION

Pursuant to Section 43, subdivision 3, of the Judiciary Law, the Commission requested Judge Clark's appearance before a panel of Commission members; by letter dated July 12, 1977. On August 10, 1977, Judge Clark testified before the Commission on his granting of favorable treatment in the Finochiaro, Abrams, Marro, Maloney, Nigro, Katz, Cappiello, Tomeo, King, Walch, Santoro and Abdoo cases. In his testimony, Judge Clark acknowledged granting the dispositions in these cases.

Pursuant to Section 43, subdivision 5, of the Judiciary Law, the Commission determined that cause existed to conduct a hearing with respect to the judge's apparent conduct in the previously cited cases. On November 25, 1977, Judge Clark was served with a Notice of Hearing and a Formal Written Complaint detailing the factual allegations in the twelve cases noted above. In an Answer dated December 2, 1977, Judge Clark admitted that in all twelve cases the defendants' charges were reduced and denied that the conduct was improper. In a letter dated December 28, 1977, written by Judge Clark's attorney and countersigned by the judge, acknowledgment is made of the receipt of the communications referred to in the Formal Written Complaint and recognition is given that the facts recited in the Complaint give an appearance of impropriety. In this letter the judge waived his right to the scheduled hearing.

#### CONCLUSION

By granting favorable dispositions to defendants in traffic cases at the request of third parties, Judge Clark was in violation of Sections 33.1, 33.2, 33.3(a)(1), and 33.3(a)(4) of the Rules Governing Judicial Conduct of the Administrative Board of the Judicial Conference and Canons 1, 2 and 3 A of the Code of Judicial Conduct, which read in part as follows:

Every judge...shall himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. [Section 33.1]

A judge shall respect and comply with the law and shall conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. [Section 33.2(a)]

No judge shall allow his family, social or other relationships to influence his judicial conduct or judgment. [Section 33.2(b)]

No judge...shall convey or permit others to convey the impression that they are in a special position to influence him.... [Section 33.2(c)]

A judge shall be faithful to the law and maintain professional competence in it.... [Section 33.3(a)(1)]

A judge shall...except as authorized by law, neither initiate nor consider ex parte or other communications concerning a pending or impending proceedings.... [Section 33.3(a)(4)]

#### DETERMINATION

By reason of the foregoing, in accordance with Article VI, Section 22k, of the Constitution of the State of New York, and Section 43, subdivision 7, of the Judiciary Law, the State Commission on Judicial Conduct has determined that Judge Clark should be publicly censured.

Respectfully submitted,

State Commission on Judicial  
Conduct

Dated: February 16, 1978  
New York, New York

#### APPEARANCES:

Gerald Stern (Barry M. Vucker, Of Counsel) for the Commission

Miller & Miller (By Samuel Miller) for Respondent