

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

Determination

THOMAS D. GEORGE,

a Justice of the Town Court of
Varick, Seneca County.

BEFORE: Honorable Fritz W. Alexander, II
John J. Bower, Esq.
David Bromberg, Esq.
E. Garrett Cleary, Esq.
Dolores DelBello
Victor A. Kovner, Esq.
Honorable William J. Ostrowski
Honorable Isaac Rubin
Carroll L. Wainwright, Jr., Esq.

APPEARANCES: Gerald Stern (John J. Postel, Of Counsel)
for the Commission

Thomas D. George, Respondent Pro Se

The respondent, the Honorable Thomas D. George, was served with a Formal Written Complaint dated February 1, 1982, charging him with failure to report and remit official monies to the State Comptroller, failure to disqualify himself in a criminal proceeding in which he owed a debt to the defendant, and failure to cooperate with the Commission. Respondent did not file an answer.

By motion dated March 29, 1982, the administrator of

the Commission moved for summary determination pursuant to Section 7000.6(c) of the Commission's operating procedures and rules, and for a finding that respondent's misconduct was established. Respondent did not oppose the motion.

By determination and order dated April 26, 1982, the Commission granted the motion for summary determination, found respondent's misconduct established and set a date for oral argument on the matter of appropriate sanction. Respondent neither appeared for oral argument nor submitted a memorandum on sanction. The administrator of the Commission filed a memorandum in lieu of oral argument.

The Commission considered the record of this proceeding on May 21, 1982, and made the following findings of fact.

As to Charge I of the Formal Written Complaint:

1. From March 1981 to February 1, 1982, (the date of the Formal Written Complaint in this proceeding), respondent failed to report or remit any monies he received in his judicial capacity to the State Comptroller, as required by Sections 2020 and 2021(1) of the Uniform Justice Court Act, Section 27 of the Town Law and Section 1803 of the Vehicle and Traffic Law.

As to Charge II of the Formal Written Complaint:

2. On May 28, 1980, in the case of People v. Robert W. Hayssen, in which the defendant was charged with criminal mischief, respondent failed to disqualify himself, arraigned the

defendant and set bail at \$250, notwithstanding that respondent owed a debt to the defendant for prior services rendered by the defendant's business to respondent. Bail was posted with \$25 in cash and an improperly endorsed third-party check.

3. On May 29, 1980, while still owing a debt to the defendant in People v. Robert W. Hayssen, respondent confronted Mr. Hayssen at a local country club and, in the presence of Mr. Hayssen's associates, requested that Mr. Hayssen properly endorse the bail check. Mr. Hayssen declined. After respondent departed, Mr. Hayssen went to the Sheriff's Department to deliver \$225 in cash for bail. There he was informed that respondent had revoked the defendant's bail and issued a warrant for the defendant's arrest. The defendant was re-arrested and arraigned again before respondent, who set new bail at \$500. The defendant was committed to the custody of the Seneca County Sheriff for two hours, until bail was posted.

As to Charge III of the Formal Written Complaint:

4. Respondent failed to cooperate with the Commission during its investigation of the matters herein in that: (i) on December 9, 1981, he failed to keep an appointment with a Commission staff member notwithstanding his previous agreement to present his court records for examination on that date; (ii) on December 15, 1981, he failed to appear to give testimony before a member of the Commission despite having been notified by personal service that his appearance on that date was required; and (iii)

pn January 15, 1982, he falsely represented to a Commission staff member that he had returned his judicial records to the custody of the Town of Varick following his resignation from office on December 1, 1981.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 2020 and 2021(1) of the Uniform Justice Court Act, Section 27 of the Town Law, Section 1803 of the Vehicle and Traffic Law, Sections 100.1, 100.2(a), 100.2(b), 100.3(a)(1), 100.3(b), 100.3(b)(1) and 100.3(c)(1) of the Rules Governing Judicial Conduct and Canons 1, 2A, 2B, 3A(1), 3B(1) and 3C(1) of the Code of Judicial Conduct. Charges I through III of the Formal Written Complaint are sustained and respondent's misconduct is established.

Respondent has demonstrated by his conduct that he is unfit for judicial office and should be removed.

Public confidence in the courts requires those who preside over them to be impartial. While owing a debt to the defendant in People v. Robert W. Hayssen, respondent actively involved himself in the case as noted herein and undermined public confidence in the integrity and impartiality of his court.

By failing to report and remit official funds to the State Comptroller for an 11-month period, respondent violated those provisions of the law which require prompt reports and remittances of such funds.

By falsely representing that he had returned his judicial

records to the custody of the Varick Town Board, when in fact he had not, respondent inexcusably hindered a Commission inquiry.

In addition, respondent failed to cooperate with the Commission during its investigation of the matter herein, did not answer the Formal Written Complaint or otherwise participate in this proceeding. See, Matter of Cooley v. State Commission on Judicial Conduct, 53 NY2d 65 (1981). Respondent has demonstrated that he is unfit for judicial office.

By reason of the foregoing, the Commission determines that respondent should be removed from office.

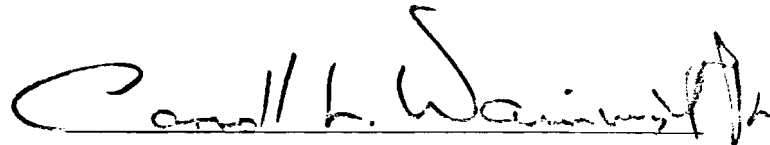
All concur.

This determination is rendered pursuant to Section 47 of the Judiciary Law, in view of respondent's failure to resign his office in the manner prescribed by law.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct, containing the findings of fact and conclusions of law required by Section 44, subdivision 7, of the Judiciary Law.

Dated: July 14, 1982



Carroll L. Wainwright, Jr., Esq.
Acting Chairman, New York State
Commission on Judicial Conduct