

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

ROBERT M. KING,

a Justice of the Town Court of
Granville, Washington County.

BEFORE: Mrs. Gene Robb, Chairwoman
Honorable Fritz W. Alexander, II
David Bromberg
Honorable Richard J. Cardamone
Dolores DelBello
Michael M. Kirsch
Victor A. Kovner
William V. Maggipinto
Honorable Isaac Rubin
Carroll L. Wainwright, Jr.

The respondent, Robert M. King, a justice of the Town Court of Granville, Washington County, was served with a Formal Written Complaint dated November 29, 1979, alleging that respondent, over a 15-month period, had (i) failed to make timely deposits in official court accounts of monies received in his judicial capacity and (ii) failed to report or remit to the State Comptroller \$2,480 in fines received in his judicial capacity. Respondent did not file an answer but submitted to the Commission a letter dated January 23, 1980, stating he had remitted to the State all funds due and had resigned his judicial office.

By notice dated February 6, 1980, the administrator of the Commission moved for summary determination, pursuant to Section 7000.6(c) of the Commission's rules (22 NYCRR 7000.6[c]). Respondent did not oppose the motion. The Commission granted the motion by order dated March 6, 1980, found respondent's misconduct established and set a date for oral argument on the issue of an appropriate sanction. The administrator submitted a memorandum and waived oral argument. Respondent neither submitted a memorandum nor appeared for oral argument.

On April 23, 1980, in executive session, the Commission considered the record of this proceeding and makes the following findings of fact.

1. From July 1978 to September 1979, respondent made two deposits in his official court bank account of fines received totalling \$414.60, although he had actually received fines totalling \$2,480 in that period, as set forth below.

<u>Month and Year</u>	<u>Fine Money Received</u>	<u>Bank Deposit Relating to Fines</u>
(a) July 1978	\$ 90	\$ 0
(b) August 1978	490	0
(c) September 1978	125	374.60
(d) October 1978	340	40.00
(e) November 1978	55	0
(f) December 1978	145	0
(g) January 1979	50	0
(h) February 1979	30	0
(i) March 1979	25	0
(j) April 1979	355	0
(k) May 1979	35	0
(l) June 1979	80	0
(m) July 1979	170	0
(n) August 1979	40	0
(o) September 1979	450	0
	<u>\$2,480</u>	<u>\$414.60</u>

Respondent's failure to deposit these monies violated Section 30.7 of the Uniform Justice Court Rules, which requires deposit of all such funds within 72 hours of receipt.

2. From July 1978 to September 1979, respondent failed to report or remit to the State Comptroller any part of said \$2,480, in violation of 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.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 33.1, 33.2(a) and 33.3(b)(1) of the Rules Governing Judicial Conduct, and Canons 1, 2A and 3B(1) of the Code of Judicial Conduct. Charges I and II of the Formal Written Complaint are sustained, and respondent's misconduct is established.

By failing to deposit official receipts in official court accounts, and by failing for 15 months to report and remit \$2,480 to the State Comptroller as required by law and court rules, respondent failed to discharge diligently his administrative responsibilities and to honor his obligations as provided by law.

For months at a time respondent kept court-related funds in his briefcase or at his home, evincing an inexcusable disregard for the public money entrusted to him as well as for those rules which required the prompt deposit of those funds in an official account.

Respondent's misconduct is not excused by his having remitted to the State all funds due after this proceeding was commenced. Public confidence in the integrity of the judiciary, undermined by such serious misconduct by respondent, cannot be reclaimed merely by balancing his accounts in the face of a disciplinary proceeding.

By reason of the foregoing, the Commission determines that the appropriate sanction is removal from office.

All concur.

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.


Lillemor T. Robb, Chairwoman
New York State Commission
on Judicial Conduct

Dated: April 29, 1980
Albany, New York

APPEARANCES:

Gerald Stern (Stephen F. Downs, Of Counsel) for the Commission

Robert M. King Respondent *Pro Se*