

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding  
Pursuant to Section 44, subdivision 4,  
of the Judiciary Law in Relation to

**ANDREA L. MCINTYRE,**

**STIPULATION**

A Justice of the Theresa Village Court,  
Jefferson County.

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Subject to the approval of the Commission on Judicial Conduct

("Commission"):

**IT IS HEREBY STIPULATED AND AGREED** by and between Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and the Honorable Andrea L. McIntyre ("respondent"), as follows.

1. Respondent has served as a Justice of the Theresa Village Court since May 2008. She previously served as a Justice of the Theresa Town Court, Jefferson County, from April 1, 2008, to October 31, 2008. She is not an attorney. Her current term of office expires on March 31, 2014.

2. Respondent was served by the Commission with a Formal Written Complaint dated May 27, 2010, which alleged *inter alia* that respondent failed to: (1) deposit approximately \$11,080 in court funds within 72 hours of receipt; (2) file reports and/or remit court funds within ten days of the month succeeding collection; (3) notify the Commissioner of the Department of Motor Vehicles (DMV) to order the

suspension of the driver's licenses of 30 defendants who failed to appear or answer charges filed against them; (4) notify the DMV to order the suspension of the driver's licenses of 23 defendants who did not pay fines totaling approximately \$4,765; (5) certify to the DMV, or report to the appropriate enforcement agency, the traffic convictions of three defendants and the dismissal of traffic charges filed against 10 defendants; (6) pronounce sentence on 105 defendants convicted of various vehicle and traffic charges; and (7) advise 18 defendants of a trial date or an appearance date upon receipt of a not guilty plea. The Formal Written Complaint is appended hereto as Exhibit 1.

3. There is no evidence that respondent converted any court funds for her personal use.

4. Respondent tendered her resignation from judicial office on July 26, 2010, effective August 11, 2010, and has submitted copies to the Village of Theresa and the Office of Court Administration. Copies of respondent's resignation letters are appended hereto as Exhibit 2 and Exhibit 3.

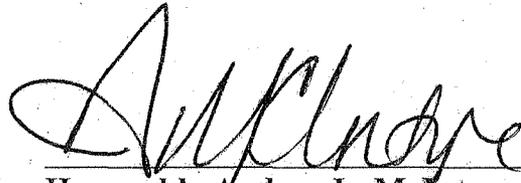
5. Pursuant to Section 47 of the Judiciary Law, the Commission's jurisdiction over a judge continues for 120 days after resignation from office.

6. Respondent affirms that she will neither seek nor accept judicial office in the future.

7. All the parties to this Stipulation respectfully request that the Commission close the pending matter based upon this Stipulation.

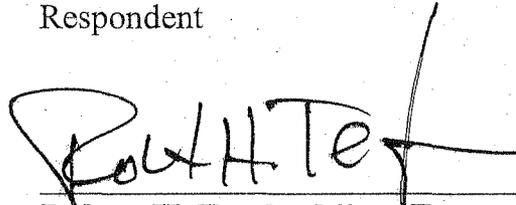
8. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law to the limited extent that this Stipulation will be made public if accepted by the Commission.

Dated:



**Honorable Andrea L. McIntyre**  
Respondent

Dated: July 30, 2010



**Robert H. Tembeckjian, Esq.**  
Administrator & Counsel to the Commission  
(Kathleen Martin, Of Counsel)

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding  
Pursuant to Section 44, subdivision 4,  
of the Judiciary Law in Relation to

**ANDREA L. MCINTYRE,**

a Justice of the Theresa Village Court,  
Jefferson County.

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**FORMAL  
WRITTEN COMPLAINT**

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct ("Commission"), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.
2. The Commission has directed that a Formal Written Complaint be drawn and served upon Andrea L. McIntyre ("respondent"), a Justice of the Theresa Village Court, Jefferson County.
3. The factual allegations set forth in Charges I through VII state acts of judicial misconduct by respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct ("Rules").
4. Respondent has been a Justice of the Theresa Village Court, Jefferson County, since May 2008. She previously served as a Justice of the Theresa Town Court, Jefferson County, from April 1, 2008 to October 31, 2008. Respondent's current term expires on March 31, 2014. She is not an attorney.

**EXHIBIT 1**

**CHARGE I**

5. From in or about January 2009 through in or about November 2009, as set forth in the annexed Schedule A, respondent failed to deposit approximately \$11,080 in court funds within 72 hours of receipt, as required by Section 214.9(a) of the Uniform Civil Rules for the Justice Courts.

**Specifications to Charge I**

6. Respondent received \$50 in court funds between January 15, 2009, and April 10, 2009, which she deposited on April 16, 2009.

7. Respondent received \$6,780 in court funds between April 17, 2009, and June 24, 2009, which she deposited on June 29, 2009.

8. Respondent received \$4,250 in court funds between June 30, 2009, and November 17, 2009, which she did not deposit at anytime during that period.

Respondent did not receive any court funds between November 13, 2009, and November 17, 2009.

9. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section

100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed to diligently discharge her administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

#### CHARGE II

10. From in or about August 2008 through in or about March 2010, in the cases set forth in the annexed Schedule B, respondent failed to file reports and/or remit court funds within ten days of the month succeeding collection, as required by Sections 2020 and 2021(1) of the Uniform Justice Court Act, Section 1803 of the Vehicle and Traffic Law, and Section 4-410 of the Village Law, resulting in an order of the State Comptroller, dated November 16, 2009, that payment of respondent's judicial salary be stopped.

#### Specifications to Charge II

11. Respondent's report and remittance for the month of August 2008, in the amount of \$725, was received on October 20, 2008, 40 days beyond the statutory requirement.

12. Respondent's report and remittance for the month of September 2008, in the amount of \$290, was received on December 24, 2008, 75 days beyond the statutory requirement.

13. Respondent's report for the month of October 2008, certifying that she did not collect any monies, was received on February 12, 2009, 94 days beyond the statutory requirement.

14. Respondent's report for the month of November 2008, certifying that she did not collect any monies, was received on February 14, 2009, 66 days beyond the statutory requirement.

15. Respondent's report for the month of December 2008, certifying that she did not collect any monies, was received on April 20, 2009, 100 days beyond the statutory requirement.

16. Respondent's report and remittance for the month of January 2009, in the amount of \$50, was received on April 20, 2009, 79 days beyond the statutory requirement.

17. Respondent's report and remittance for the month of February 2009, in the amount of \$125, was received on June 30, 2009, 112 days beyond the statutory requirement.

18. Respondent's report and remittance for the month of March 2009, in the amount of \$255, was received on June 30, 2009, 81 days beyond the statutory requirement.

19. Respondent's report and remittance for the month of April 2009, in the amount of \$350, was received on June 30, 2009, 51 days beyond the statutory requirement.

20. Respondent's report and remittance for the month of May 2009, in the amount of \$615, was received on June 30, 2009, 20 days beyond the statutory requirement.

21. Respondent's report and remittance for the month of July 2009, in the amount of \$890, was received on March 24, 2010, 226 days beyond the statutory requirement.

22. Respondent's report and remittance for the month of August 2009, in the amount of \$655, was received on March 24, 2010, 195 days beyond the statutory requirement.

23. Respondent's report and remittance for the month of September 2009, in the amount of \$1,065, was received on March 26, 2010, 167 days beyond the statutory requirement.

24. Respondent's report and remittance for the month of October 2009, in the amount of \$1,055, was received on March 26, 2010, 136 days beyond the statutory requirement.

25. As of May 12, 2010, respondent had not filed monthly reports or remitted court funds for the months of November 2009 through April 2010.

26. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of

Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed to diligently discharge her administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules:

### CHARGE III

27. From in or about May 2008 through in or about December 2009, in the cases set forth in the annexed Schedule C, respondent failed to notify the Commissioner of the Department of Motor Vehicles to order the suspension of the driver's licenses of 30 defendants who failed to appear or answer charges filed against them, as required by Section 514(3) of the Vehicle and Traffic Law.

28. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation

of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed to diligently discharge her administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

#### CHARGE IV

29. From in or about May 2008 through in or about October 2009, in the cases set forth in the annexed Schedule D, respondent failed to notify the Commissioner of the Department of Motor Vehicles to order the suspension of the driver's licenses of 23 defendants who did not pay fines totaling approximately \$4,765, as required by Section 514(3) of the Vehicle and Traffic Law.

30. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed

to diligently discharge her administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

CHARGE V

31. From in or about July 2008 through in or about September 2009, in the cases set forth in the annexed Schedule E, respondent failed to certify to the Commissioner of the Department of Motor Vehicles, or report to the appropriate enforcement agency, the traffic convictions of three defendants and the dismissal of traffic charges filed against 10 defendants, as required by Section 514(1) of the Vehicle and Traffic Law and Sections 91.12 and 91.19 of the Regulations of the Commissioner of Motor Vehicles (15 NYCRR 91.19).

32. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed

to diligently discharge her administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

#### CHARGE VI

33. From in or about May 2008 through in or about November 2009, in the cases set forth in the annexed Schedule F, respondent failed to pronounce sentence on 105 defendants convicted of various vehicle and traffic charges, as required by Sections 380.20 and 380.30 of the Criminal Procedure Law.

34. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to dispose of all judicial matters promptly, efficiently and fairly, in violation of Section 100.3(B)(7) of the Rules, and failed to diligently discharge her administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

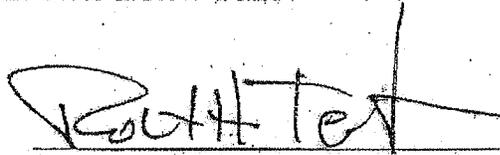
CHARGE VII

35. From in or about May 2008 through in or about August 2009, as set forth in the annexed Schedule G, respondent failed to advise 18 defendants of a trial date or an appearance date upon receipt of a not guilty plea, as required by Section 1806 of the Vehicle and Traffic Law.

36. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed to diligently discharge her administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

**WHEREFORE**, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: May 27, 2010  
New York, New York



**ROBERT H. TEMBECKJIAN**  
Administrator and Counsel  
State Commission on Judicial Conduct  
61 Broadway  
Suite 1200  
New York, New York 10006  
(646) 386-4800

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

VERIFICATION

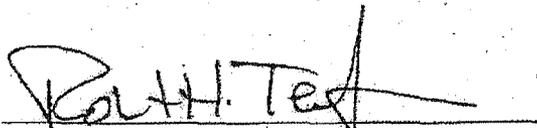
ANDREA L. MCINTYRE,

a Justice of the Theresa Village Court,  
Jefferson County.

STATE OF NEW YORK            )  
  : ss.:  
COUNTY OF NEW YORK        )

ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.

  
Robert H. Tembeckjian

Sworn to before me this  
27<sup>th</sup> day of May 2010

  
Notary Public

KAREN KOZAC  
NOTARY PUBLIC, State of New York  
No. 02K06171500  
Qualified in Westchester County  
Commission Expires July 23, 20 11

ANDREA L. MCINTYRE  
224A Riverside Avenue, Theresa, New York 13691  
Telephone: (315) 955-4362

June 28, 2010

via FACSIMILE  
AND REGULAR MAIL

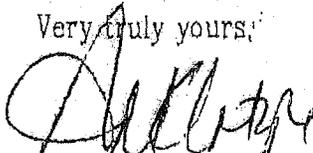
Village of Theresa  
P.O. Box 299  
124 Commercial Street  
Theresa, New York 13691

To Whom It May Concern:

Please be advised that effective July 28, 2010 I will no longer be able to act as the Village of Theresa Justice.

I apologize for any inconvenience.

Very truly yours,



Andrea L. McIntyre

/am

**EXHIBIT 2**

Andrea L. McIntyre  
224A Riverside Avenue  
Theresa, New York 13691  
Telephone: (315) 955-4362

July 26, 2010

via FACSIMILE ;  
AND REGULAR MAIL

Village of Theresa  
ATTN: Timothy Tanner, Mayor  
P.O. Box 299  
124 Commercial Street  
Theresa, New York 13691

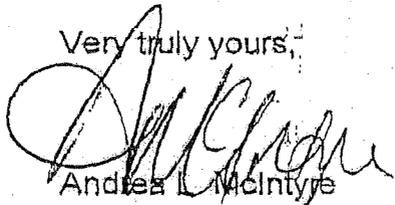
Re: Village of Theresa Justice

Dear Mr. Tanner:

Per our discussion, please be advised that this letter confirms that all parties have agreed to extend my pending resignation as the Village of Theresa Justice until August 11, 2010.

Thank you for your time and attention to this matter.

Very truly yours,



Andrea L. McIntyre

/am

cc: Kathleen Martin, Esq.

**EXHIBIT** 3