

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

BRUCE R. MOSKOS,

A Justice of the New Lisbon Town Court,
Otsego County.

**AGREED
STATEMENT OF FACTS**

Subject to the approval of the Commission on Judicial Conduct

("Commission"):

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Honorable Bruce R. Moskos ("Respondent"), who is represented in this proceeding by Michael A. Santo, Esq., that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

1. Respondent has been a Justice of the New Lisbon Town Court, Otsego County, since November 1981. Respondent's current term expires on December 31, 2017. Respondent is not an attorney.
2. Respondent was served with a Formal Written Complaint dated March 28, 2016. He filed a Verified Answer dated April 14, 2016.

As to Charge I

3. On three separate occasions in July 2013, May 2015 and June 2015, Respondent asserted the prestige of judicial office while attempting to enter an Otsego County-owned building in possession of a firearm, in violation of a local law prohibiting the possession of weapons in county buildings.

As to the Specifications to Charge I

4. The Meadows Office Complex (hereinafter, "Meadows") is a building owned by Otsego County and located in the Town of Middlefield, Otsego County. It houses offices of the Otsego County Board of Elections and the Department of Social Services, among other county departments.

5. At all times relevant to the matters herein, a sign was posted by the exterior door to the public entrance of the Meadows, stating, "No Weapons Permitted." Posted below this sign was a copy of County of Otsego Local Law No. 2 of 1995, titled "A Local Law Banning Possession of Firearms and Other Dangerous Weapons in Otsego County Buildings" (hereinafter, "Local Law").

6. The Local Law prohibits, *inter alia*, the possession of any firearm in any building owned, leased or operated by the County of Otsego. Only law enforcement officials are exempted from the law. Failure to comply with the Local Law is punishable by confinement in the Otsego County Correctional Facility for a term not to exceed three months and/or a fine not to exceed \$500.

7. At all times relevant to the matters herein, a walk-through metal detector was located just inside the public entrance to the Meadows.

8. At all times relevant to the matters herein, Respondent possessed a license to carry a concealed firearm and carried a .380-caliber Ruger pistol in his pants pocket.

The July 2013 Incident

9. On July 10, 2013, Respondent entered the public entrance to the Meadows and started to walk around the metal detector without going through it. Security Officer B. Eric Ashley stopped Respondent and advised him that he had to empty his pockets and walk through the metal detector before proceeding. Respondent replied that he was not required to do so because he was a judge.

10. At one point during this exchange, Respondent told Mr. Ashley, in sum or substance, that he knew Deputy Chief Administrative Judge Michael Coccoma.

11. Ultimately, Respondent emptied some items from his pockets and walked through the metal detector, setting off the alarm. Mr. Ashley used a handheld metal detector and discovered Respondent's pistol in his pocket. Respondent asserted to Mr. Ashley that he was permitted to bring the pistol into the building because he was a judge. Mr. Ashley told Respondent that he could not bring the gun into the building. When Respondent repeated that he should be allowed to enter the building with his pistol, Mr. Ashley directed Respondent's attention to the "No Weapons Permitted" sign and the posted Local Law.

12. Respondent left the building and returned several minutes later without the pistol and was permitted to enter the building.

13. At no time in his conversations with Mr. Ashley did Respondent raise his voice or display anger.

The May 2015 Incident

14. In May 2015, Respondent entered the public entrance to the Meadows and started to walk around the metal detector without going through it. Security Officer Chris Trong, who at the time was busy screening several other individuals, directed Respondent to stop and return to the metal detector. Respondent replied, "It's okay, I'm a judge," and attempted to proceed around the metal detector. Mr. Trong again directed Respondent to return to the metal detector, which Respondent did.

15. After Mr. Trong finished screening the other individuals, Respondent twice attempted to walk around the metal detector while telling Mr. Trong, "I'm a judge. Everybody knows me." At one point, Mr. Trong stepped in front of Respondent to block his path and Respondent placed his hand lightly on Mr. Trong's chest, but did not push or otherwise exert force. After Mr. Trong advised Respondent that he would call the sheriff's department if Respondent did not comply, Respondent emptied some items from his pockets, but not his pistol. He then walked through the metal detector, setting off its alarm.

16. Mr. Trong used a handheld metal detector and detected Respondent's pistol in one of his pockets. When Mr. Trong asked Respondent what was in his pocket, Respondent replied that he needed to go to his car but did not tell Mr. Trong that the item in his pocket was a pistol. Respondent then left the building and returned several minutes later without the pistol.

17. At no time in his conversations with Mr. Trong did Respondent raise his voice or display anger.

The June 2015 Incident

18. On June 10, 2015, Respondent entered the public entrance of the Meadows. Mr. Ashley recognized Respondent and asked if he was carrying his pistol. Respondent said yes and stated that he was permitted to carry his firearm into the building.

19. Mr. Ashley directed Respondent's attention to the "No Weapons Permitted" sign and the posted Local Law. Respondent stated that he had just left another county building where he had been permitted to carry his pistol inside.

20. Mr. Ashley told Respondent he could either secure his pistol in his vehicle or secure it in the office of an investigator for the Otsego County District Attorney's Office. Respondent chose the latter, and Mr. Ashley escorted Respondent to the office of Investigator William Davis.

21. Respondent identified himself to Mr. Davis as New Lisbon Town Justice Bruce Moskos and stated that he visits courts all over the state and that he frequently enters government and/or court buildings, without having to surrender his pistol, including Otsego County buildings and buildings in New York City. Respondent further stated that he had just attempted to visit Judge Burns during lunchtime and asked whether Mr. Ashley and Mr. Davis would subject Judge Coccoma or Judge Burns to the same treatment. Respondent was referring to Otsego County Court Judge Brian Burns.

22. Mr. Davis secured Respondent's pistol in a lockbox. Respondent later returned to Mr. Davis' office to retrieve his pistol.

23. 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; and failed to avoid impropriety and the appearance of impropriety, in that he 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 lent the prestige of judicial office to advance his own private interest, in violation of Section 100.2(C) of the Rules.

Additional Factors

24. Respondent has no previous disciplinary history over his lengthy career on the bench.

25. Respondent has been cooperative throughout the Commission's inquiry.

26. While Respondent now understands that his conduct in identifying himself as a judge during these three incidents was inappropriate and created at least the appearance that he was attempting to use the prestige of his judicial office to enter the building with his pistol, Respondent avers that he did so because he believed at the time that his status as a judge exempted him from security procedures in county buildings.

27. Respondent avers that he does not recall seeing the sign of the Local Law posted on the entrance to the Meadows but acknowledges that he nevertheless should have been aware of the law and the sign.

28. Respondent avers—and the Administrator has no evidence to the contrary—that, following the June 10, 2015 incident, he has not carried or attempted to carry his pistol into Otsego County buildings. Respondent avers that he will continue to refrain from such activity in the future.

IT IS FURTHER STIPULATED AND AGREED that Respondent withdraws from his Answer any denials or defenses inconsistent with this Agreed Statement of Facts.

IT IS FURTHER STIPULATED AND AGREED that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is public Admonition based upon the judicial misconduct set forth above.

IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Admonition without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used by the Commission, the Respondent or the Administrator and Counsel to the Commission.

Dated:

8/22/2014



Honorable Bruce R. Moskos
Respondent

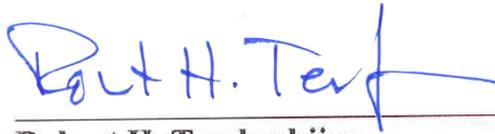
Dated:

8/23/2016



Michael A. Santo, Esq.
Attorney for Respondent

Dated: August 23, 2016



Robert H. Tembeckjian
Administrator & Counsel to the Commission
(S. Peter Pedrotty, Of Counsel)