

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

DOMENICK J. PORCO,

STIPULATION

a Justice of the Eastchester Town Court, Westchester
County.

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and the Honorable Domenick J. Porco ("Respondent"), who is represented in these proceedings by Richard M. Maltz, Esq., as follows:

1. Respondent has been a Justice of the Eastchester Town Court, Westchester County, since 1992. His current term expires December 31, 2015.
2. Respondent was served with a Formal Written Complaint dated April 2, 2014, containing two charges, which alleged, *inter alia*, that:
 - A. From in or about 2009 through in or about August 2012, Respondent did not sufficiently oversee and approve dispositions of a significant number of Vehicle and Traffic Law ("VTL") cases in Eastchester Town Court; and
 - B. In or about June 2012, certain records of VTL cases in the Eastchester Town Court that were reviewed by Respondent, photocopied, and produced in response to a request from the

Commission, were deficient and raised questions as to whether and when Respondent had approved dispositions in such cases.

3. Respondent filed an Answer dated June 25, 2014.

4. Respondent submitted his resignation by letter dated September 10, 2014, a copy of which is annexed as Exhibit 1. Respondent's resignation becomes effective on September 30, 2014, and Respondent affirms that he will vacate judicial office as of September 30, 2014.

5. Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from the date of a judge's resignation to complete proceedings, and if the Commission determines that the judge should be removed from office, file a determination with the Court of Appeals.

6. Respondent affirms that, having vacated his judicial office, he will neither seek nor accept judicial office at any time in the future.

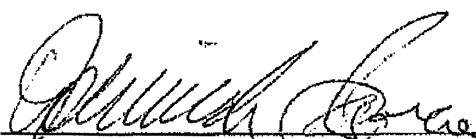
7. Respondent understands that, should he abrogate the terms of this Stipulation and hold any judicial position at any time, the present proceedings before the Commission will be revived and the matter will proceed to a hearing before a referee.

8. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded, by the terms of this Stipulation, without further proceedings.

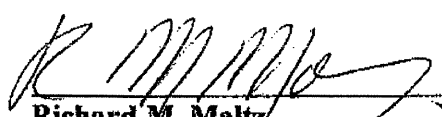
9. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (1) this Stipulation will become public upon being signed by the

signatories below, and (2) the Commission's Decision and Order regarding this Stipulation will become public.


Dated: 9/8/14


Honorable Domenick J. Porco
Respondent

Dated: 9/8/14


Richard M. Maltz
Richard M. Maltz, PLLC
Attorney for Respondent

Dated: September 10, 2014


Robert H. Tembeckjian
Administrator and Counsel to the Commission
(Erica K. Sparkler, Of Counsel)

Justices
DOMENICK J. PORCO
JANET MADONIA CALANO

Court Clerk
ROCCO N. CACCIOLA
rcacciola@eastchester.org

DANIELA CAVALLO
dcavallo@eastchester.org

(914) 771-3354
(914) 793-0947 FAX

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TOWN OF EASTCHESTER

JUSTICE COURT
40 Mill Road, Eastchester, New York 10709
www.eastchester.org

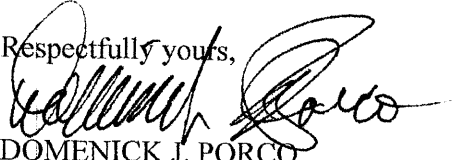
September 10, 2014

Honorable A. Gail Prudenti
Chief Administrative Judge
25 Beaver Street
New York, New York 10004

Dear Judge Prudenti,

Please be advised that I have tendered my resignation as Town Justice of the Town of Eastchester, effective 11:59 p.m. of September 30, 2014. A copy of my letter to the Town Board is enclosed herewith.

Respectfully yours,


DOMENICK J. PORCO
DJP/af

cc.: Hon. Alan D. Scheinkman
Hon. Charles Apotheker

Justices
DOMENICK J. PORCO
JANET MADONIA CALANO

Court Clerk
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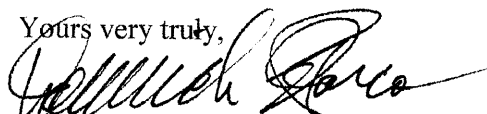
September 10, 2014

Supervisor and Town Board
Town of Eastchester
40 Mill Road
Eastchester, NY 10709

Dear Sirs,

Please accept my resignation as Town Justice effective 11:59 p.m. of September 30, 2014.

Yours very truly,



DOMENICK J. PORCO
DJP/af

cc.: Hon. Janet M. Calano