

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 : DETERMINATION
RICHARD RALSTON, :
a Justice of the Village Court of :
Schaghticoke, Rensselaer County. :

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PRESENT: Mrs. Gene Robb, Chairwoman
Honorable Fritz W. Alexander, II
David Bromberg
Honorable Richard J. Cardamone
Dolores DelBello
Michael M. Kirsch
William V. Maggipinto
Honorable Isaac Rubin
Honorable Felice K. Shea
Carroll L. Wainwright, Jr.

The respondent, Richard Ralston, a justice of the Village Court of Schaghticoke, Rensselaer County, was served with a Formal Written Complaint dated February 28, 1979, alleging numerous acts of misconduct over a three and a half year period relating primarily to his failure to file prompt reports to the State Comptroller and dispose of official funds as required by law. Respondent was also charged in the Formal Written Complaint with failing to cooperate with an investigation being conducted by this Commission.

The administrator of the Commission moved for summary determination on April 16, 1979, pursuant to Section 7000.6(c) of the Commission's Rules (22 NYCRR 7000.6[c]). Respondent did

not submit papers in opposition to the motion. The Commission granted the motion in a determination dated April 26, 1979, finding respondent guilty of judicial misconduct and setting a date for oral argument on the issue of an appropriate sanction. The administrator submitted a memorandum in lieu of oral argument. Respondent waived oral argument and did not submit a memorandum.

The Commission considered the record in this proceeding on May 22, 1979, and upon that record finds the following facts:

1. Between April 1, 1978, and November 1, 1978, respondent received in his judicial capacity at least \$310.00 in fines upon disposing of at least 36 traffic tickets written by the Village of Schaghticoke police. Nevertheless, between April 1, 1978, and February 28, 1979, respondent failed to report or remit to the State Comptroller any of said monies he received, contrary to the requirements of Sections 2020 and 2021(1) of the Uniform Justice Court Act, Section 4-410 of the Village Law and Section 1803 of the Vehicle and Traffic Law.

2. From April 1978 to October 1978, respondent made only one deposit into his official justice court bank account, in the amount of \$515.00 on August 3, 1978, notwithstanding that he received monies in his official capacity in each month during this period. Respondent's failure to make timely deposits each month was contrary to the requirements of Section 30.7 of the Uniform Justice Court Rules promulgated by the Chief Administrator of the Courts, which requires the deposit of all official funds within 72 hours of receipt.

3. Between January 1, 1975, and December 31, 1977, respondent failed to report and remit monies he had received in

his judicial capacity to the State Comptroller within the first ten days of the month succeeding his receipt of those monies, as specified in the subparagraphs below, despite ten written requests from the State Department of Audit and Control; respondent's failure to report and remit monies promptly was contrary to the requirements of Sections 2020 and 2021(1) of the Uniform Justice Court Act, Section 4-410 of the Village Law and Section 1803 of the Vehicle and Traffic Law.

- (a) Respondent's report of activities of May 1975 was filed July 30, 1975.
- (b) Activities for June 1975 were reported July 30, 1975.
- (c) Activities for July 1975 were reported August 29, 1975.
- (d) Activities for August 1975 were reported September 30, 1975.
- (e) Activities for September 1975 were reported October 29, 1975.
- (f) Activities for October 1975 were reported December 8, 1975.
- (g) Activities for December 1975 were reported March 21, 1976.
- (h) Activities for June 1976 were reported August 8, 1976.
- (i) Activities for August 1976 were reported October 18, 1976.
- (j) Activities for September 1976 were reported October 18, 1976.
- (k) Activities for November 1976 were reported December 23, 1976.
- (l) Activities for December 1976 were reported January 21, 1977.
- (m) Activities for January 1977 were reported April 4, 1977.

- (n) Activities for February 1977 were reported April 4, 1977.
- (o) Activities for April 1977 were reported June 7, 1977.
- (p) Activities for June 1977 were reported July 28, 1977.
- (q) Activities for July 1977 were reported September 2, 1977.
- (r) Activities for August 1977 were reported October 18, 1977.
- (s) Activities for October 1977 were reported January 11, 1978.
- (t) Activities for November 1977 were reported January 11, 1978.
- (u) Activities for December 1977 were reported January 11, 1978.

4. From October 1978 through January 1979, respondent failed to cooperate with an investigation being conducted by the State Commission on Judicial Conduct, in that he (i) failed to respond to written inquiries, dated October 31, 1978, November 14, 1978, and November 30, 1978, sent by the Commission to respondent pursuant to Section 42, subdivision 3, of the Judiciary Law and (ii) failed to appear before a member of the Commission on January 4, 1979, and again on January 19, 1979, after having been duly requested by the Commission to so appear, pursuant to Section 44, subdivision 3, of the Judiciary Law in letters dated December 19, 1978, and January 11, 1979, respectively.

Based 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 3A(1) of the Code of

Judicial Conduct. Charges I through III of the Formal Written Complaint are sustained, and respondent is thereby guilty of misconduct.

Having found the respondent guilty of misconduct, the Commission now considers the appropriate sanction.

The duty of a judge to report and remit promptly monies collected in his judicial capacity must not be neglected, and the damage to public confidence in the judiciary resulting from a failure to so report is serious. His failure (i) to reply to ten requests by the Department of Audit and Control for reports and remittances, and (ii) to reply to five inquiries from this Commission in the course of a duly authorized investigation, compounds the initial misconduct and demonstrates a total disregard of the obligations of judicial office.

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

This determination constitutes the findings of fact and conclusions of law required by Section 44, subdivision 7, of the Judiciary Law.

All concur.

Dated: July 2, 1979

APPEARANCES:

Richard Ralston, Respondent *Pro Se*

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