

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

FRANK R. SPHON,

a Justice of the French Creek Town Court,
Chautauqua County.

**DECISION
AND
ORDER**

THE COMMISSION:

Honorable Thomas A. Klonick, Chair
Stephen R. Coffey, Esq., Vice Chair
Joseph W. Belluck, Esq.
Richard D. Emery, Esq.
Paul B. Harding, Esq.
Elizabeth B. Hubbard
Marvin E. Jacob, Esq.
Honorable Jill Konviser
Honorable Karen K. Peters
Honorable Terry Jane Ruderman

APPEARANCES:

Robert H. Tembeckjian (John J. Postel and David M. Duguay, Of Counsel)
for the Commission

James P. Subjack for the Respondent

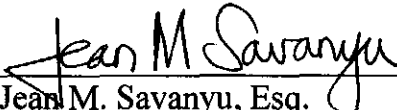
The matter having come before the Commission on January 28, 2009; and
the Commission having before it the Formal Written Complaint dated September 4, 2008,
respondent's Answer dated October 24, 2008, and the Stipulation dated January 13, 2009;

and respondent having resigned from judicial office on December 31, 2008, effective January 31, 2009, and having affirmed that he will neither seek nor accept judicial office in the future; and respondent having waived confidentiality as provided by Judiciary Law §45 to the limited extent that the Stipulation will be made public if approved by the Commission; now, therefore, it is

DETERMINED, on the Commission's own motion, that the pending proceeding be discontinued and the matter closed pursuant to the terms of the Stipulation; and it is

SO ORDERED.

Dated: February 2, 2009



Jean M. Savanyu, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct