



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*FOR RELEASE July 29, 2009*

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### **Bedford Town Justice Admonished for Imposing Unlawful Excessive Fines**

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The New York State Commission on Judicial Conduct has determined that Charles G. Banks, a Justice of the Bedford Town Court, Westchester County, should be admonished.

In a determination dated July 16, 2009, the Commission found that Judge Banks imposed fines that exceeded the maximum permitted by law in more than 200 cases in which defendants were convicted of seat belt violations and speeding. In so doing, the judge violated those Rules Governing Judicial Conduct which require a judge to respect, comply with, be faithful to and maintain professional competence in the law.

The Commission found that Judge Banks' "wrongful practice resulted in financial detriment to the defendants and in significant financial benefit to his town." It was stipulated that the judge did not know how the fines were distributed between the State and the town. Upon learning of the impropriety as a result of the

Commission's investigation, the judge took steps to initiate and process refunds for defendants who had paid excessive amounts in 2006 and 2007.

Judge Banks, whose term expires in December 2009, has stipulated that he will not run for reelection.

The determination can be found on the Commission's web site:

[www.scjc.state.ny.us](http://www.scjc.state.ny.us).

### **The Commission Proceedings**

Judge Banks was served with a Formal Written Complaint dated February 26, 2009, containing one charge. The Administrator of the Commission, the judge and the judge's attorney entered into an Agreed Statement of Facts on May 13, 2009, stipulating to the facts and sanction and waiving further submissions and oral argument. The Commission accepted the Agreed Statement on June 17, 2009.

### **The Commission Determination**

The Commission filed a determination dated July 16, 2009. Judge Thomas A. Klonick (the Commission Chair), Richard D. Emery, Esq., Paul B. Harding, Esq., Elizabeth B. Hubbard, Judge Jill Konviser, Nina M. Moore, Judge Karen K. Peters, and Judge Terry Jane Ruderman concurred.

Stephen R. Coffey, Esq. (the Vice Chair), dissented in an opinion and voted to reject the Agreed Statement on the basis that the sanction of admonition was too lenient.

Two members, Joseph W. Belluck, Esq., and Marvin E. Jacob, Esq., were not present.

### **Court of Appeals Review**

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7.

A judge may either accept the Commission's determination or, within 30 days from receipt, make a written request to the Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge Banks does not request review by the Court of Appeals, the Commission will admonish him in accordance with the determination.

If the Commission's determination is reviewed by the Court of Appeals, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

### **Statistics Relating to Prior Determinations**

Since 1978, the Commission has admonished 232 judges in New York State, 150 of who were town or village justices. The Commission has issued a determination of removal as to 160 judges and has censured 277 judges.

The Court of Appeals has reviewed 88 Commission determinations. The Court accepted the Commission's sanctions in 74 cases (65 of which were removals, 6 were censures and 3 were admonitions). Of the remaining 14 cases, two determinations were increased from censure to removal, and 12 were reduced: 9 removal determinations were modified to censure, two censure determinations were modified to admonition, and one censure was rejected and the charges dismissed.

### **Counsel**

In the proceedings before the Commission, Judge Banks was represented by Deborah A. Scalise, Esq., Scalise & Hamilton LLP, 670 White Plains Road, Suite 325, Scarsdale, NY 10583, (914) 725-2801.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Kelvin S. Davis, Esq., a staff attorney. Jamie Rosenman, an investigator who recently left the Commission for other employment, assisted in the investigation.

### **Members of the Commission**

The Commission members serve four-year terms. A list of members is appended.

**The Public File**

The determination is attached. The record of the proceedings upon which the determination is based is available for inspection by appointment during regular business hours at the Commission's three offices:

61 Broadway  
New York, New York 10006

Corning Tower, Suite 2301  
Empire State Plaza  
Albany, New York 12223

400 Andrews Street  
Rochester, New York 14604

**MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT**

| <b>Member</b>                       | <b>Appointing Authority</b>                     | <b>Term End</b> |
|-------------------------------------|---|-----------------|
| Hon. Thomas A. Klonick, Chair       | Chief Judge Jonathan Lippman                    | March 31, 2013  |
| Stephen R. Coffey, Esq., Vice Chair | Former Senate President Pro Tem Joseph L. Bruno | March 31, 2011  |
| Joseph W. Belluck, Esq.             | Governor David A. Paterson                      | March 31, 2012  |
| Richard D. Emery, Esq.              | Former Senate Minority Leader Malcolm A. Smith  | March 31, 2012  |
| Paul B. Harding, Esq.               | Former Assembly Minority Leader James Tedisco   | March 31, 2013  |
| Elizabeth B. Hubbard                | Governor David A. Paterson                      | March 31, 2011  |
| Marvin E. Jacob, Esq.               | Assembly Speaker Sheldon Silver                 | March 31, 2010  |
| Hon. Jill Konviser                  | Former Governor George E. Pataki                | March 31, 2010  |
| Nina M. Moore                       | Governor David A. Paterson                      | March 31, 2013  |
| Hon. Karen K. Peters                | Former Chief Judge Judith S. Kaye               | March 31, 2010  |
| Hon. Terry Jane Ruderman            | Former Chief Judge Judith S. Kaye               | March 31, 2012  |