



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*FOR RELEASE October 8, 2009*

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The New York State Commission on Judicial Conduct has determined that Bret Carver, a Justice of the Fremont Town Court, Steuben County, should be admonished.

In a determination dated September 30, 2009, the Commission found that Judge Carver failed to deposit \$7,685 in court funds within the required 72 hours, and did not report and remit these funds to the Office of the State Comptroller each month as mandated by law during a six-month period in 2008.

“The handling of official monies is one of a judge’s most important responsibilities,” the Commission said. “Depositing, reporting and remitting such monies promptly, in strict compliance with the statutory mandates, is essential to ensure public confidence in the integrity of the judiciary. The failure to comply with these mandates constitutes misconduct.”

The Commission noted that all of the money has been accounted for and that there is no indication that any of the money was used for inappropriate purposes. Judge Carver also acknowledged his misconduct and committed himself in the future to performing these duties in a timely manner.

The determination can be found on the Commission's website:

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

### **The Commission Proceedings**

Judge Carver was served with a Formal Written Complaint dated June 18, 2009, containing two charges, and filed an answer dated July 27, 2009.

The Administrator of the Commission and Judge Carver entered into an Agreed Statement of Facts on September 10, 2009, stipulating as to the facts and sanction and waiving further submissions and oral argument. The Commission accepted the Agreed Statement on September 23, 2009.

### **The Commission Determination**

The Commission filed a determination dated September 30, 2009. Judge Thomas A. Klonick (the Commission Chair), Stephen R. Coffey, Esq. (the Vice 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.

Joseph W. Belluck, Esq., was 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 Carver 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 234 judges in New York State, 152 of who were part-time judges. 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 Carver represented himself.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Kathleen Martin, Esq., a senior attorney. Investigator Betsy Sampson 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
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
Vacant	Assembly Speaker Sheldon Silver	March 31, 2010