



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

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### **Ulster County Town Justice Censured for Intervening in His Friend's Traffic Case**

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The New York State Commission on Judicial Conduct has determined that Kevin V. Hunt, a Justice of the Shawangunk Town Court, Ulster County, should be censured for intervening in his friend's traffic case that was returnable before his co-judge.

Judge Hunt's friend entered a plea of not guilty by mail, and a trial date was scheduled for July 11, 2006. Prior to the trial date, Judge Hunt went to the Shawangunk Police Station and spoke with the officer who issued the tickets. Judge Hunt told the officer that his friend and her family were "good people," and asked the officer to "do whatever you can do."

The officer, who knew Judge Hunt and had appeared before him in court, subsequently recommended that an adjournment in contemplation of dismissal ("ACD") be granted. Judge Hunt's co-judge granted the ACD and the tickets were ultimately dismissed. The officer said that he would not have proposed the ACD

absent Judge Hunt's request. Judge Hunt did not speak to his co-judge about the tickets, and there is no allegation of wrongdoing by the co-judge.

The Commission said that it was particularly egregious for Judge Hunt to request favoritism from an officer who appears in cases before him. "In these circumstances, there is inherent pressure on the officer to accede to the judge's request," the Commission said. "Moreover, seeking such favors from the police corrupts future cases – if the officer accedes to the request, which benefits the judge's friend, the judge's impartiality is tainted in subsequent cases in which the judge might be required to determine the officer's credibility."

The Commission noted that ticket-fixing is a "form of favoritism that has long been condemned" and that the Court of Appeals has stated that even a single incident of ticket-fixing "is misconduct of such gravity as to warrant removal," although mitigating factors may warrant a reduced sanction. In this case, the Commission noted that Judge Hunt was contrite, forthright and cooperative and that the incident appears to have been an isolated occurrence.

"This decision...should not be interpreted to suggest that we will never impose the sanction of removal for such transgressions," the Commission said. "We continue to regard ticket-fixing as extremely serious misconduct and underscore that such conduct will be condemned with strong measures."

Judge Hunt has been a Justice of the Shawangunk Town Court since January 2005. His current term expires on December 31, 2013, and he is not an attorney.

The determination can be found on the Commission's website: [www.cjc.ny.gov](http://www.cjc.ny.gov).

### **The Commission Proceedings**

Judge Hunt was served with a Formal Written Complaint dated July 18, 2011, containing one charge.

On October 11, 2011, the Administrator of the Commission and Judge Hunt entered into an Agreed Statement of Facts, stipulating as to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on November 3, 2011.

### **The Commission Determination**

The Commission filed a determination dated November 9, 2011. Judge Thomas A. Klonick (the Commission Chair), Judge Terry Jane Ruderman (the Vice Chair), Judge Rolando T. Acosta, Joel Cohen, Esq., Richard D. Emery, Esq., Paul B. Harding, Esq., Nina M. Moore, Judge Karen K. Peters and Richard A. Stoloff, Esq., concurred.

Commission Member 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 Hunt does not request review by the Court of Appeals, the Commission will censure 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 issued 294 determinations of censure against judges in New York State. The Commission has issued 163 determinations of removal and 242 determinations of admonition.

The Court of Appeals has reviewed 91 Commission determinations. The Court accepted the Commission's sanctions in 75 cases (66 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: 9 removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was

rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings.

**Counsel**

In the proceedings before the Commission, Judge Hunt represented himself.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Senior Attorney Jill S. Polk, Esq. Investigator Ryan T. Fitzpatrick 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, Suite 1200  
New York, New York 10006

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

400 Andrews Street, Suite 700  
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
Hon. Terry Jane Ruderman, Vice Chair	Former Chief Judge Judith S. Kaye	March 31, 2012
Hon. Rolando T. Acosta	Chief Judge Jonathan Lippman	March 31, 2014
Joseph W. Belluck, Esq.	Former Governor David A. Paterson	March 31, 2012
Joel Cohen, Esq.	Assembly Speaker Sheldon Silver	March 31, 2014
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
Nina M. Moore	Former Governor David A. Paterson	March 31, 2013
Hon. Karen K. Peters	Former Governor David A. Paterson	March 31, 2014
Richard A. Stoloff, Esq.	Senate President Pro Tem Dean Skelos	March 31, 2015
Vacant	Governor	March 31, 2015