



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Tioga County Judge Should Be Censured for Approving His Own Pistol Permit and Discharging a Gun in Chambers

The New York State Commission on Judicial Conduct has determined that Vincent Sgueglia, a Judge of the County, Family and Surrogate's Courts (Tioga County) should be censured for issuing a pistol permit to himself and accidentally discharging a firearm within his chambers in the Tioga County Courthouse.

Judge Sgueglia, who reached the mandatory retirement age of 70 this year and whose term in office ends on December 31, 2012, agreed to the censure and stipulated not to serve as a Judicial Hearing Officer after leaving the bench. He first took judicial office in 1993.

In 2005 Judge Sgueglia completed a New York Pistol/Revolver License Application seeking a permit to carry concealed pistols. After the required background investigation, the Sheriff's Department recommended approval for the permit and Judge Sgueglia approved his own application. As the only County Court judge in Tioga County, Judge Sgueglia is the sole firearm licensing officer in the county.

In its determination the Commission stated: “A judge may not exercise his or her decision-making authority for the judge’s personal benefit. By approving his own application for a pistol permit, [Judge Sgueglia] clearly violated this fundamental precept.” The Commission noted that under the circumstances, Judge Sgueglia should have consulted his Administrative Judge or sought an Advisory Opinion as to how he could properly obtain a permit.

In January 2010, Judge Sgueglia accidentally discharged a revolver, while attempting to repair a faulty mechanism, in his chambers during a break in court proceedings. Although discharging a firearm within the Village of Owego, where the County Courthouse is located, is contrary to a local ordinance, Judge Sgueglia was not charged by local law enforcement authorities with violating this law.

The Commission stated that “handling a gun in his chambers showed a lack of good judgment and notable disregard for the safety of others,” and that Judge Sgueglia “should have recognized that his chambers was not an appropriate location for him to have been repairing a weapon that has the capacity for causing serious physical harm or death to himself or another.”

The determination can be found on the Commission’s website: www.cjc.ny.gov.

The Commission Proceedings

Judge Sgueglia was served with a Formal Written Complaint dated March 31, 2011 containing two charges, and filed an answer dated June 22, 2011.

On June 7, 2012, the Administrator of the Commission, Judge Sgueglia and Judge Sgueglia’s attorney 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 after rejecting an earlier Agreed Statement.

The Commission Determination

The Commission filed a determination dated August 10, 2012. Judge Thomas A. Klönick (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 and Richard A. Stoloff, Esq., concurred.

Commission member Joseph W. Belluck, Esq. voted to reject the Agreed Statement on the basis that the facts presented with respect to the accidental discharging of the revolver did not provide a basis for a finding of misconduct.

Commission member Judge Karen K. Peters did not participate. There is one vacancy on the 11- member Commission.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“A judge is obliged to obey the law and promote public confidence in the judiciary. Where there is an obvious conflict, such as when a judge or judge’s relative has a matter before the court, some other judge must be brought in to handle it.

“To his credit, Judge Sgueglia readily acknowledged this principle and agreed that he should be censured for violating it and for his carelessness in repairing and firing a weapon in the courthouse. We are lucky and grateful that no one was injured.”

Press Availability

Mr. Tembeckjian will be in New York City on Monday August 27, 2012, and is available throughout the day by telephone: (646) 386-4800.

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. Judge Sgueglia received it on August 15, 2012, and the Commission was subsequently notified by the Court of Appeals that service was complete. Consequently, the matter is now public.

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 Sgueglia 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 300 determinations of censure against judges in New York State. The Commission has issued 166 determinations of removal and 245 determinations of admonition.

The Court of Appeals has reviewed 92 Commission determinations. The Court accepted the Commission's sanctions in 76 cases (67 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: nine 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 Sgueglia was represented by Alan J. Pope of Pope & Schrader, LLP, 2 Court Street, 2nd Floor, Binghamton, New York 13902, (607) 584-4900.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, John J. Postel, Deputy Administrator in Charge of the Commission's Rochester Office, and Senior Attorney Kathleen Martin. Senior Investigator Rebecca Roberts 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
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MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Hon. Thomas A. Klonick, Chair	Chief Judge Jonathan Lippman	March 31, 2013
Hon. Terry Jane Ruderman, Vice Chair	Chief Judge Jonathan Lippman	March 31, 2016
Hon. Rolando T. Acosta	Chief Judge Jonathan Lippman	March 31, 2014
Joseph W. Belluck, Esq.	Governor Andrew M. Cuomo	March 31, 2016
Joel Cohen, Esq.	Assembly Speaker Sheldon Silver	March 31, 2014
Richard D. Emery, Esq.	Senate Minority Leader John L. Sampson	March 31, 2016
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