



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*May 9, 2013*

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### **Delaware County Town Justice Should Be Removed for Ticket-Fixing**

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The New York State Commission on Judicial Conduct has determined that Glen R. George, a Justice of the Middletown Town Court, Delaware County, should be removed for two acts of misconduct, in that (1) he dismissed a ticket for a seat belt violation issued to his friend and former employer, in the absence of the prosecutor and notwithstanding a prior warning that he not preside over matters involving his friend's family and (2) he made improper statements to a prospective litigant in a small claims matter.

In its determination, the Commission stated that Judge George "engaged in serious misconduct by dismissing a ticket issued to his former employer and long-time friend, contrary to fundamental ethical precepts and procedural rules."

In June 2009 Judge George presided over a seat belt violation involving a defendant whose family business had been the judge's employer. Although the defendant appeared in court on the return date of the ticket, the prosecutor was not present on that date, and the judge never disclosed his relationship with the defendant. Judge George dismissed the charge based on the defendant's claim that the ticket incorrectly listed the model year of the vehicle.

On two occasions Judge George made improper comments to a prospective litigant that discouraged him from commencing a small claims action against a long-time local resident. The Commission stated that: “it is a judge’s role to adjudicate matters in court proceedings, not to screen cases or otherwise pre-judge them out of court...”

In determining the appropriate sanction, the Commission noted that Judge George had been cautioned by the Commission in 2000 for failing to disqualify himself from cases involving another member of his employer’s family. The Commission stated that the judge’s favorable treatment of his friend’s ticket and his handling of the litigant’s potential claim “both bear the unmistakable taint of favoritism, which damages public confidence in his integrity and impartiality and in the judiciary as a whole.” The Commission concluded that the judge’s handling of both matters, “coupled with his failure to heed the Commission’s previous caution,” showed that the judge was “not fit for judicial office” and warranted the sanction of removal.

Judge George, who is not an attorney, has served as a Justice of the Middletown Town Court since 1985. His current term expires on December 31, 2013.

### **The Commission Proceedings**

Judge George was served with a Formal Written Complaint dated January 5, 2012, containing two charges, and filed an answer dated March 9, 2012.

The Commission designated Linda J. Clark, Esq., as referee to hear and report proposed findings of fact and conclusions of law. A hearing was held on June 19, 2012, in Albany, and the referee filed a report dated December 4, 2012.

The parties submitted briefs with respect to the referee’s report and the issue of sanctions. Counsel to the Commission recommended the sanction of removal, and the judge’s counsel recommended a less severe sanction or that the complaint be dismissed. On March 14, 2013, the Commission heard oral argument.

### **The Commission Determination**

The Commission filed a determination dated May 1, 2013, in which eight members concurred: Judge Thomas A. Klonick (the Commission Chair), Judge Terry Jane

Ruderman (the Vice Chair), Judge Rolando T. Acosta, Jodie Corngold, Richard D. Emery, Esq., Paul B. Harding, Esq., Nina M. Moore<sup>1</sup>, and Richard A. Stoloff, Esq.

Two members, Joel Cohen, Esq., and Judge David A. Weinstein, dissented as to the sanction and voted for censure. Mr. Cohen filed a dissenting opinion, which Judge Weinstein joined.

One member, Joseph W. Belluck, Esq., was not present.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“Dispensing favors from the bench distorts the essence of the judicial role and undermines public confidence in the integrity of the judiciary. In this case, the judge’s failure to heed the Commission’s prior warning required somber action.”

### **Press Availability**

Mr. Tembeckjian will be in New York City on Thursday, May 9, 2013, 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 George received it on May 4, 2013, 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 George does not request review by the Court of Appeals, the Court of Appeals will remove him in accordance with the determination.

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<sup>1</sup> The vote in this matter was taken on March 14, 2013. Ms. Moore’s term expired on March 31, 2013.

If a Commission 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 167 determinations of removal against judges in New York State. The Commission has issued 304 determinations of censure and 248 determinations of admonition.

The Court of Appeals has reviewed 93 Commission determinations. The Court accepted the Commission's sanctions in 77 cases (68 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 George was represented by attorney Thomas K. Petro, 71 Maiden Lane, Kingston, New York 12401 (845) 338-1162.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Staff Attorney S. Peter Pedrotty. Senior Investigator David Herr 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**

<b>Member</b>	<b>Appointing Authority</b>	<b>Term End</b>
Hon. Thomas A. Klonick, Chair	Chief Judge Jonathan Lippman	March 31, 2017
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
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2015
Richard D. Emery, Esq.	Former Senate Minority Leader John L. Sampson	March 31, 2016
Paul B. Harding, Esq.	Former Assembly Minority Leader James Tedisco	March 31, 2017
Richard A. Stoloff, Esq.	Senate President Pro Tem Dean Skelos	March 31, 2015
Hon. David A. Weinstein	Governor Andrew M. Cuomo	March 31, 2014
Vacant	Governor	March 31, 2017