



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*September 29, 2014*

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### **Westchester County Town Justice Resigns, Ending Inquiry into Misconduct Allegations**

The New York State Commission on Judicial Conduct has completed formal proceedings against Domenick J. Porco, a Justice of the Eastchester Town Court, Westchester County. Pursuant to a stipulation dated September 10, 2014, Judge Porco, who resigned by letter dated September 10, 2014, agreed to vacate judicial office effective September 30, 2014, and agreed not to seek or accept judicial office in the future. On that basis, the proceedings were discontinued and the matter was closed on September 18, 2014.

Under the terms of the stipulation, Judge Porco waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission's decision and order would be made public.

Judge Porco has served as a Justice of the Eastchester Town Court since 1992, and his current term expires on December 31, 2015.

Judge Porco was served with a Formal Written Complaint dated April 2, 2014, containing two charges, which alleged, *inter alia*, that:

- From 2009 through August 2012, Judge Porco did not sufficiently oversee and approve dispositions of a significant number of Vehicle and Traffic Law (VTL) cases in his court;
- In or about June 2012, certain records of VTL cases that were reviewed by the judge, photocopied and produced in response to a request from the Commission, were deficient and raised questions as to whether and when he had approved the dispositions.

Judge Porco filed an answer dated June 25, 2014.

The stipulation and the Commission's order closing the case can be found on the Commission's website: [www.cjc.ny.gov](http://www.cjc.ny.gov).

### **Statistics Relating to Prior Commission Decisions**

The Commission has accepted 49 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 253 determinations of admonition against judges in New York State, 311 determinations of censure and 168 determinations of removal.

The Court of Appeals has reviewed 95 Commission determinations. The Court accepted the Commission's sanctions in 79 cases (70 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.

### **Press Availability**

Mr. Tembeckjian will be in New York City on September 29, 2014, and is available throughout the day by telephone: (646) 386-4800.

### **Counsel**

In the proceedings before the Commission, Judge Porco was represented by Richard M. Maltz, of Richard M. Maltz, PLLC, 488 Madison Avenue, 10<sup>th</sup> Floor, New York, New York, 10022, (212) 705-4804.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Erica K. Sparkler, Staff Attorney; and Mark Levine, Deputy Administrator in Charge of the New York City office. Investigator Esther Carpenter assisted in the investigation.

**Background Information on Judge Porco**

First took office:	1992
Year Admitted to NYS Bar:	1977
Current term expires:	December 31, 2015
Judicial Salary:	\$42,545 (Source: Town of Eastchester 2014 Budget)
Other employment:	Solo practitioner

**Members of the Commission**

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

**The Public File**

The stipulation and order are attached. They are also available for inspection 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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*September 29, 2014**Page 4***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, 2018
Joseph W. Belluck, Esq.	Governor Andrew M. Cuomo	March 31, 2016
Joel Cohen, Esq.	Assembly Speaker Sheldon Silver	March 31, 2018
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, 2018
Vacant	Governor	March 31, 2017