



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

October 14, 2015

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Yonkers City Court Judge Resigns, Ending Inquiry into Misconduct Allegations

The New York State Commission on Judicial Conduct has completed formal proceedings against Robert C. Cerrato, a Judge of the Yonkers City Court, Westchester County, who agreed in a stipulation with the Commission's Administrator to vacate his judicial office.¹

Judge Cerrato agreed that on October 1, 2015, he would notify the Office of Court Administration and the New York State and Local Retirement System that he would relinquish his judicial office effective January 1, 2016. Judge Cerrato also stipulated that he would neither seek nor accept judicial office at any time in the future.

Under the terms of the stipulation, Judge Cerrato 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.

¹ The stipulation, which is dated September 17, 2015, was accepted by the Commission in an Order dated October 7, 2015.

Judge Cerrato, has served as a Judge of the Yonkers City Court since 2001, and his current term expires on December 31, 2020.

The stipulation states that Judge Cerrato was served with a Formal Written Complaint dated February 20, 2015, containing two charges, which alleged, *inter alia*, that the judge:

- Invoked his judicial title on several occasions when he called third parties on behalf of his daughter regarding incidents arising from the matrimonial dispute between his daughter and her then-husband;
- Charged a flat fee of \$200 to officiate at weddings that took place outside the City of Yonkers, notwithstanding General Municipal Law §805-b, which limits the fees for the solemnization of marriage to \$100.

Judge Cerrato entered into the stipulation in lieu of filing an Answer.

The stipulation and the Commission's order closing the case can be found on the Commission's website: www.cjc.ny.gov.

Statistics Relating to Prior Commission Decisions

The Commission has accepted 53 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 258 determinations of admonition against judges in New York State, 313 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.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“The public interest has been served by the result in this judicial disciplinary matter and the open manner in which it was resolved.”

Press Availability

Mr. Tembeckjian is available throughout the day by telephone: (646) 386-4800.

Counsel

In the proceedings before the Commission, Judge Cerrato was represented by Deborah A. Scalise of Scalise Hamilton & Sheridan LLP, 607 White Plains Road, Suite 325, Scarsdale, New York 10583, (914) 725-2801.

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

Background Information on Judge Cerrato

First took office: 2001
Current term expires: December 31, 2020

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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*October 14, 2015**Page 4***MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT**

Member	Appointing Authority	Term End
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.	Former Assembly Speaker Sheldon Silver	March 31, 2018
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2019
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.	Former Senate President Pro Tem Dean Skelos	March 31, 2019
Hon. David A. Weinstein	Governor Andrew M. Cuomo	March 31, 2018
Vacant	Governor	March 31, 2017