

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding  
Pursuant to Section 44, subdivision 4,  
of the Judiciary Law in Relation to

**RICHARD L. GUMO,**

**STIPULATION**

a Justice of the Delhi Town Court,  
Delaware County.

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IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct ("Commission"), and the Honorable Richard L. Gumo ("Respondent") as follows:

1. Respondent was admitted to the practice of law in New York in 1967. He has been a Justice of the Delhi Town Court, Delaware County, since January 1, 2008. Respondent's current term expires on December 31, 2025. He also served as an Acting Justice of the Walton Village Court, Delaware County, from 2009 to 2015.
2. Respondent was served with a Formal Written Complaint dated May 24, 2022, and an Amended Formal Written Complaint dated August 29, 2022, containing two charges. The charges alleged that (A) Respondent refused to appoint the Delaware County Public Defender's Office to represent indigent criminal defendants in his court because of his animosity toward the Delaware

County Public Defender, and his concern that the Public Defender's Office would criticize him, and (B) in a recusal letter to a judge of the County Court, Respondent falsely claimed that the Public Defender had accused him and his court clerk of "forging" their signatures on court documents.

3. Respondent submitted an Answer to the Formal Written Complaint, dated June 10, 2022, and an Answer to the Amended Formal Written Complaint, dated September 12, 2022, in which he denied all the allegations.

4. Respondent specifically denies any animosity toward the Public Defender.

5. A hearing was scheduled to be held before a Referee appointed by the Commission on September 20, 2022.

6. Respondent tendered his letter of resignation from judicial office, effective September 30, 2022. The letter is annexed as Exhibit A. Respondent affirms that he will vacate judicial office on that date.

7. Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from a judge's resignation to complete proceedings and, if it so determines, render and file a determination that the judge should be removed from office. Pursuant to Article VI, section 22(h) of the Constitution, a judge who is removed from office "shall be ineligible to hold other judicial office."

8. Respondent affirms that, upon vacating his judicial office, he will neither seek nor accept judicial office at any time in the future.

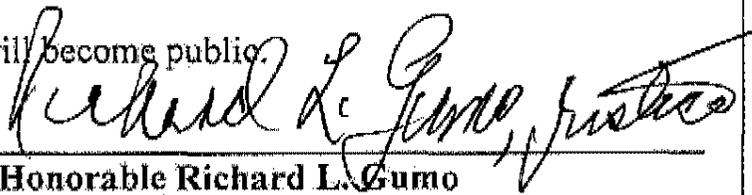
9. Respondent understands that, should he abrogate the terms of this Stipulation and hold any judicial position at any time after September 30, 2022, the present proceedings before the Commission will be revived and the matter will proceed to a hearing before a referee.

10. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded, by the terms of this Stipulation, without further proceedings.

11. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (A) this Stipulation will become public upon being signed by the signatories below, and (B) the Commission's Decision and Order regarding this Stipulation will become public.

Dated:

9/15/22



Honorable Richard L. Gumo  
Respondent

Dated: September 15, 2022



Robert H. Tembeckjian  
Administrator & Counsel to the Commission  
(Cathleen S. Cenci and S. Peter Pedrotty, Of  
Counsel)



# EXHIBIT A

**DELHI TOWN COURT**  
5 Elm Street  
Delhi, New York  
(60) 746 278: Fax: (607) 746 2983

**RICHARD L. GUMO**  
Delhi Town Justice

**KATHLEEN TOFTS**  
Court Clerk

SEPTEMBER 12, 2022

**DELHI TOWN BOARD**  
5 Elm Street  
Delhi, New York 13753

## RETIREMENT FROM DELHI TOWN JUSTICE POSITION

Members of the Board:

Tonight, I am announcing my retirement and voluntary resignation from the elected position of Delhi Town Justice

I have many people I wish to acknowledge tonight, and thank for all of their patience, respect and courtesies they have shown me while I was presiding as a judge and in my private life and professional life as an attorney

I wish to thank all those 18b Bar Association attorneys who accepted the court assignments at great personal expense – in most cases they worked for less than 1/3 of the pay they receive from their private cases – and those attorneys always represented their assigned clients in every case using all of their skills, expertise and professionalism

Our Town Court Clerks do a phenomenal job taking care of court operations and they are the heart and soul of the court

Our Town Court officer is the best – he always keeps the public audience and parties in control at all times and I and the rest of the Court staff rely upon and count on him for the fine work he does

Out Town Clerks have also pitched in and helped me whenever I needed any assistance and they too – never get the credit they deserve for the jobs they do taking care of the Town's business

To all of the law enforcement agencies who appeared before me, they did so professionally and even when we disagreed it never became personal, we did so professionally – I will not go down that long list

I also want to acknowledge those who have had to appear before me in court whether it was a civil matter, a traffic or criminal matter, they were always respectful – and I know and I am sure there are some I disappointed when I had to render decisions in their cases or set fines, but I always tried to do the very best I could to resolve their cases fairly and impartially, and according to law

And most of all, there is my family

A number of my younger cousins and my sister have passed away this year

I am now 81 years of age – the good news being according to the latest polling and media reports, my age qualifies me to run for US President

My wife and I are rattling around in a 5-bedroom 3.5 bath house on the river with our pets – all our children have moved on and it is time for me to do all that I can for my family in whatever time I have left to help all of them

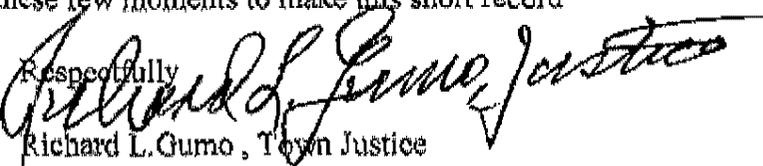
My wife Pat, of 51 years and I, will spend our time helping our children and grand children who need our full-time help now while we are still able to do so;

Tonight, I am putting my family first, free from the obligations of the court, returning to the private practice of law and doing what I have to do for my family

I am announcing my retirement and voluntary resignation from the position of Delhi Town Justice effective 9/30/22 in order to afford the Board the opportunity to find a replacement but more importantly, to avoid as much inconvenience as possible to the persons already scheduled to appear in the court during the month of September, 2022

Thank you for allowing me these few moments to make this short record

Respectfully

  
Richard L. Gumo, Town Justice