

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

DETERMINATION

RANDY A. HALL,

a Justice of the Dickinson Town Court,
Broome County.

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
Honorable Fernando M. Camacho
Honorable John A. Falk
Honorable Robert J. Miller
Nina M. Moore
Marvin Ray Raskin, Esq.
Ronald J. Rosenberg, Esq.
Graham B. Seiter, Esq.
Honorable Anil C. Singh
Akosua Garcia Yeboah

APPEARANCES:

Robert H. Tembeckjian (Cathleen S. Cenci and Kathleen E. Klein, Of
Counsel) for the Commission

Hon. Randy A. Hall, *pro se*

Respondent, Randy A. Hall, a Justice of the Dickinson Town Court,

Broome County, was served with a Formal Written Complaint (“Complaint”) dated March 15, 2023, containing four charges. Charge I alleged that on or about March 3, 2022, during a dispute with another customer at a service station, respondent repeatedly asserted his judicial office with the police including when he called 911 to request their presence. Charge II alleged that from in or about January 2022, when respondent became a Dickinson Town Justice, to on or about March 30, 2022, when all cases pending before him were reassigned, respondent engaged in a pattern of sexually inappropriate, harassing, and unwelcome behavior toward his co-judge and court staff, and made inquiries while in court and on the record about finding employment in the police department. Charge III alleged that in March 2022, while presiding over cases in court, respondent made comments that conveyed the impression that he had prejudged the guilt of three criminal defendants. Charge IV alleged that in or about January 2022, respondent posted sexual and otherwise inappropriate content to his public Facebook page, some of which referenced his judicial office. Respondent did not file an Answer.

By motion dated June 1, 2023, the Administrator of the Commission moved for summary determination pursuant to Sections 7000.6(b) and (c) of the Commission’s Operating Procedures and Rules. Respondent did not submit a response to the Commission. By decision and order dated July 20, 2023, the

Commission granted the Administrator's motion and determined that the factual allegations of the Complaint were sustained and that respondent's misconduct was established.

By letter dated July 20, 2023, the Commission set a schedule for briefs and oral argument on the issue of sanction. On August 10, 2023, the Administrator submitted a memorandum which argued for respondent's removal. The Administrator waived oral argument unless respondent was to appear. Respondent did not make a submission on the issue of sanction, did not respond to the Administrator's sanction memorandum, and did not appear for oral argument. Thereafter the Commission considered the record of the proceeding and made the following findings of fact.

1. Respondent has been a Justice of the Dickinson Town Court, Broome County, since January 2022. His term expires on December 31, 2025. Respondent is not an attorney.

As to Charge I of the Formal Written Complaint

2. On or about March 3, 2022, at approximately 12:40 pm, respondent got into a dispute with John Dubrava over access to a particular gas pump at a gas station in Binghamton, New York. At approximately 12:43 pm, respondent called 911 to report that he was being threatened in connection with a dispute over a gas

pump. He requested that an officer be sent “right away” to his location, which was a service station on Upper Front Street in Binghamton.

3. When asked by the 911 operator to clarify his location, respondent stated, “Yeah, this is Judge Hall. It’s right by Sonic.”

4. When asked by the 911 operator to provide his name, respondent answered, “I’m Judge Hall. Randy Hall.”

5. Within minutes, members of the Broome County Sheriff’s Office responded to the location and remained on the scene for approximately 15 minutes, during which time respondent gratuitously identified himself as a judge three additional times as follows:

- A. “I’m Judge Hall . . .” (as he extended his arm to shake hands with the deputy);
- B. “My name is Randy Hall . . . I’m the judge . . . from Dickinson . . . Town of Dickinson”;
- C. “Officer . . . I’m a . . . I’m a judge . . . okay, I’m not lying . . . I’m just saying I am not lying to you. I’m telling you that this guy threatened my life.”

6. Respondent told the officers he wanted Mr. Dubrava charged with harassment, but the officers did not do so and let both respondent and Mr. Dubrava leave the scene.

As to Charge II of the Formal Written Complaint

7. At all times pertinent to the charges herein, Stacy Thatcher and Bradley Wallace were employed as court clerks in the Dickinson Town Court, and

Kathleen Groover was respondent's co-judge in the Dickinson Town Court.

Respondent and Judge Groover shared the court office that served as chambers.

8. In early January of 2022, when Dickinson Town Court Clerk Stacy Thatcher first met respondent, he requested her assistance in donning a high school graduation gown that he wished to use as a judicial robe. The gown appeared to be too small or tight for him and could not be zipped past his midsection.

9. Ms. Thatcher obliged. While she crouched down to assist respondent, she suggested he hold his tie so it would not become caught in the zipper of the robe. In reply, respondent remarked that his tie was not the only thing he did not want caught in the zipper, which Ms. Thatcher understood to be a reference to the judge's genitalia, and which made her very uncomfortable.

10. In or about late January 2022, respondent approached Judge Groover in their shared chambers with his arms outstretched and asked her to assist with zipping the graduation gown that he was still using as his judicial robe. The robe zipped in the front, and at the time the zipper's hasp was located near respondent's groin area. Judge Groover, who was seated at her desk, sternly declined.

Respondent laughed and stated, in sum and substance, that Judge Groover was not his mother.

11. In or about January 2022, while respondent, Ms. Thatcher and Mr. Wallace attended a mandatory sexual harassment awareness and training program,

respondent repeatedly made comments mocking the training, including words to the following effect:

- A. “So, I can’t tell a joke like this?”
- B. “What about this joke?” and
- C. “So, I can’t say, ‘So that’s what she said’?”

12. In or about January 2022, respondent, while in the courtroom, told a crude and inappropriate joke to Court Clerk Bradley Wallace involving a farmer, marihuana, and sexual intercourse with a pig. When Mr. Wallace did not react to respondent’s joke, he asked if the joke was funny. Mr. Wallace responded that it was not.

13. On or about February 8, 2022, in the courtroom, respondent offered Ms. Thatcher a cookie, which she declined, explaining she was a candidate for bariatric surgery. Respondent then commented on her personal appearance by stating, “You’re a good lookin’ girl now. You’ll be a knockout” and “(inaudible) I’m going with a pretty girl, she made you look small. She’s gonna go do that too, so she says.”

14. On or about February 8, 2022, respondent, while in the courtroom and on the record, engaged in a conversation with Port Dickinson Police Officer Domenico Rossi, who was serving as a court officer, about a “chick” respondent was dating who “started going crazy on (him).” The officer asked respondent if he dumped her yet. Respondent said, “Oh yeah, fuck yeah.” Respondent said the

woman “has...one of those multiple personalities” and would call and send him messages that led him to think, “I don’t understand why you’re like that?...You fucking called me up, call me every name in the book, threatening me, threatened to have me arrested, threatened my job. I said what the fuck? You know?”

Respondent and the officer then spoke about how people have to be careful what they say, as it could be used against them, after which respondent described for the officer an intimate picture on his phone, saying, “I told you about the tit thing, right?...Well, she sent me a...picture of her tit and her fingernail’s pinching the nipple. I never asked for it . . . and her head wasn’t in it or anything.” Respondent then resumed presiding over matters.

15. In or about February or March 2022, while in chambers, respondent approached Judge Groover, who was seated at her desk. Respondent told Judge Groover that that he liked her face mask, which had a leopard-print pattern. Respondent then asked whether her mask matched her underwear. Judge Groover responded in a stern tone demanding that respondent step back. Respondent did not apologize or otherwise demonstrate awareness that he had said something inappropriate.

16. In or about mid-March 2022, while in chambers, respondent asked Ms. Thatcher for assistance finding a flight to Florida so he could attend a family reunion, and she obliged. As Ms. Thatcher leaned over respondent’s desk to

access the laptop, he laughed and stated that women do not need men like men need women and added “you know it when you hear the humming,” which Ms. Thatcher understood to be a reference to a vibrator, and which made her very uncomfortable.

17. In or about February 2022, Ms. Thatcher became so uncomfortable with respondent’s inappropriate comments that she refused to clerk for him on the bench.

18. On or about March 24, 2022, while Mr. Wallace and Ms. Thatcher were in their office, Mr. Wallace asked if she needed assistance with a file. Ms. Thatcher replied that she had already done the work and told Mr. Wallace, “I don’t need you.” Respondent, who was in chambers and not a party to the conversation, interjected by asking Mr. Wallace if he usually hears a loud humming sound when she says that. Mr. Wallace understood this to be a reference to a vibrator and told respondent that he could not say things like that. Respondent replied that he knew and was only joking.

19. On or about February 8, 2022, respondent, while in the courtroom and on the record, engaged in a conversation with Officer Rossi, who was serving as a court officer, about whether positions were available with the Port Dickinson Police Department. Respondent stated, “I want to work for the police department,” and expressed an interest in part-time employment doing court duty, patrol or

“anything.” The officer explained that such employment would be a conflict of interest with respondent’s judicial position. They then discussed the idea of respondent’s running for Police Commissioner, after which respondent continued presiding over court matters.

20. Judge Groover, Mr. Wallace and Ms. Thatcher ultimately reported their concerns about respondent’s conduct to the Sixth District Administrative Office of the Unified Court System. By Administrative Order dated March 30, 2022, Deputy Chief Administrative Judge Norman St. George directed that all judicial matters pending before respondent be reassigned to Judge Groover, that no additional matters be assigned to respondent, and that he be confined to chambers until further order.

As to Charge III of the Formal Written Complaint

21. On or about March 8, 2022, while presiding over *People v Sarah Siverson*, respondent was advised by the defendant’s attorney that Ms. Siverson had been offered a plea to Resisting Arrest with a sentence of a six-month conditional discharge but needed time to consider the offer. Respondent addressed Ms. Siverson directly and asked, “How many cops did you take down?”

22. On or about March 10, 2022, respondent conducted an arraignment on charges related to an arrest for Driving While Intoxicated in *People v Amanda Florance*. Respondent advised the defendant, who was represented by counsel and

had entered a plea of not guilty, that she was being released on her own recognizance and would be contacted by the DMV regarding her license. At the conclusion of the proceeding, respondent stated to the defendant, “It’s going to be an expensive lesson.”

23. On or about March 24, 2022, while arraigning a defendant identified only as Mr. Purnell, respondent directly addressed the defendant, who was represented by counsel, and stated, “Purnell, look at me. Stay the hell out of trouble, will ya?”

As to Charge IV of the Formal Written Complaint

24. Facebook is an internet social networking website and platform that *inter alia* allows users to post and share content on their own Facebook pages as well as on the Facebook pages of other users and on Facebook groups. Facebook users are responsible for managing the privacy settings associated with their accounts. At the option of the account holder, the content of one’s Facebook page and posts may be viewable online by the public or restricted to one’s Facebook “Friends.”

25. At all times relevant to this charge, respondent maintained a personal Facebook account under the name “Randy Hall,” which was viewable by the public.

26. In January 2022, respondent posted the following to his Facebook page:
- A. “It was not a hung jury but they say the judge sure is,” with a beaming face emoji. In a response to a comment made in response to that post asking respondent what he was up to these days, respondent wrote that he was “just truly trying to provide justice in the town of Dickinson.” Another comment asked, “What is it up your robe your honor,” to which Respondent replied, “You been peeking.”
 - B. A joke about a serial killer.
 - C. Commenting about the possibility of sneezing and “break[ing] wind just as you reach happy ending!” The post specified that such an experience was on respondent’s “bucket list.”

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.2(C), 100.3(B)(2), (3) and (4), and 100.4(A)(1)(2) and (3) of the Rules Governing Judicial Conduct (“Rules”) and should be disciplined for cause pursuant to Article VI, Section 22, subdivision (a) of the Constitution and Section 44, subdivision 1 of the Judiciary Law. Charges I through IV of the Complaint are sustained and respondent’s misconduct is established.

Each judge is obligated to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary” and must observe “high standards of conduct . . . so that the integrity and independence of the judiciary will be preserved.” (Rules, §§100.1 and 100.2(A)) Section 100.3(B)(3) of the Rules requires a judge to be “dignified and courteous” to those “with whom

the judge deals in an official capacity.” Respondent violated the Rules when he engaged in a pattern of making inappropriate sexually charged comments to his co-judge and court staff in addition to making such statements in the courtroom. For example, respondent inquired as to whether his co-judge’s underwear matched her face mask; asked his co-judge to help him to zip the gown he was using as his judicial robe when the zipper’s hasp was near his groin area; and, while in the courtroom and on the record, described to a police officer an intimate picture sent to him on his phone. Moreover, he repeatedly made statements mocking the sexual harassment awareness training he attended with two court clerks demonstrating his apparent disregard for his ethical obligations and his role as a judge.

It is well-settled that judges are held to a higher standard of conduct than the general public. *Matter of Kuehnel*, 49 NY2d 465, 469 (1980) (“[s]tandards of conduct on a plane much higher than for those of society as a whole, must be observed by judicial officers so that the integrity and independence of the judiciary will be preserved. A Judge must conduct his everyday affairs in a manner beyond reproach.”); *Matter of Mazzei*, 81 NY2d 568, 572 (1993) (“[j]udges . . . are held to higher standards of conduct than the public at large . . . and thus what might be acceptable behavior when measured against societal norms could constitute ‘truly egregious’ conduct . . .” (citation omitted)).

Respondent's sexually charged comments repeatedly made in chambers and in the courtroom were demeaning, undignified and improper. *See, Matter of Doolittle*, 1986 Ann Rep of NY Commn on Jud Conduct at 87, 88 (“[t]he cajoling of women about their appearance or their temperament has come to signify differential treatment on the basis of sex.”); *Matter of Gerber*, 2021 Ann Rep of NY Commn on Jud Conduct at 103, 110 (it was “demeaning and inappropriate” for respondent to ask an ADA and her friend if they “want[ed] a room” and if he should “turn off the lights” for them when they were leaving an empty courtroom). Furthermore, by continually making his inappropriate comments, respondent caused one court clerk to be unwilling to clerk for him on the bench.

Respondent also violated the ethical rules when he repeatedly identified himself as a judge in statements he made to law enforcement personnel in an apparent effort to advance his personal interests. *Matter of Lonschein*, 50 NY2d 569, 572 (1980) (“ . . . Judges must assiduously avoid those contacts which might create even the appearance of impropriety.”); *Matter of Abbott*, 2020 Ann Rep of NY Commn on Jud Conduct at 66, 70-71 (“identifying himself as a judge while asking for assistance . . . constituted an implicit request for special treatment, which is inconsistent with the high ethical standards required of every judge.”) When he invoked his judicial status with law enforcement personnel in connection with his dispute over a gas pump, respondent violated Section 100.2(C) of the

Rules and created the appearance that he expected special treatment and deference because of his position as a judge.

Section 100.3(B)(4) of the Rules requires a judge to “perform judicial duties without bias or prejudice against or in favor of any person.” *Matter of Prince*, 2014 Ann Rep of NY Commn on Jud Conduct at 184, 190 (“ . . . before a defendant’s guilt or innocence has been adjudicated, a judge must be, and appear to be, impartial and avoid making any statements that convey the appearance of bias or prejudgment.”) While presiding over their cases, respondent violated this provision when he made statements on the record which suggested that he had prejudged the guilt of three criminal defendants. For example, he asked a defendant charged with resisting arrest, “How many cops did you take down?”

Furthermore, when respondent sought employment with the police department while on the bench and on the record, he improperly gave the appearance of bias in favor of law enforcement. *Matter of Peck*, 2022 Ann Rep of NY Commn on Jud Conduct at 136, 141-42 (“respondent’s public Facebook post in which he aligned himself with and expressed his strong support for law enforcement personnel, casts doubt on respondent’s ability to act impartially when he presided over matters which involved law enforcement personnel.”)

Respondent also violated the provision of the Rules which prohibits judges from engaging in extra-judicial activities which “detract from the dignity of

judicial office.” (Rules §100.4(A)(2)) “The ethical standards require a judge to avoid extra-judicial conduct that . . . detracts from the dignity of judicial office. . . . Upon assuming the bench, a judge surrenders certain rights and must refrain from certain conduct that may be permissible for others.” *Matter of Barringer*, 2006 Ann Rep of NY Commn on Jud Conduct at 97, 100 (citation omitted); *Matter of Fisher*, 2019 Ann Rep of NY Commn on Jud Conduct at 126, 135 (“[e]very judge must understand that a judge's right to speak publicly is limited because of the important responsibilities a judge has in dispensing justice, maintaining impartiality and acting at all times in a manner that promotes public confidence in the judge's integrity.”). Respondent violated his ethical obligations when he made improper and undignified public posts and comments on Facebook, some of which referenced his judicial position. His inappropriate public social media posts undermined public confidence in the integrity of the judiciary.

In addition, respondent’s failure to participate in the Commission’s proceedings after the Complaint was served is an aggravating factor which exacerbated his underlying misconduct. He failed to file an Answer to the Complaint as Section 7000.6(b) of the Commission’s Operating Procedures and Rules required, failed to respond to the Administrator’s motion for summary determination, failed to make a submission regarding sanction after summary determination was granted, failed to respond to the Administrator’s memorandum

which argued that he should be removed and did not appear for oral argument before the Commission on the issue of sanction. Accountability for members of the judiciary is crucial and all judges must be attentive to their responsibility to participate in Commission proceedings. *See, Matter of O'Connor*, 32 NY3d 121, 129 (2018) (“... willingness to cooperate with the Commission's investigations and proceedings is not only required -- it is essential.”) Here, respondent’s failure to respond to the Complaint and participate in the proceedings demonstrated his disdain for the Commission’s important function and undermined public confidence in the judiciary.

In *Matter of Miller*, 35 NY3d 484, 490 (2020), the Court held that in determining the appropriate sanction, “[a] judge’s behavior must be considered ‘in the aggregate’ . . .” (citation omitted) Given the totality of respondent’s misconduct which demonstrated his neglect of his ethical responsibilities as well as his unwillingness to participate in Commission proceedings, we believe that respondent should be removed from the bench to protect the integrity of the courts. We are mindful that “removal, the ultimate sanction, should not be imposed for misconduct that amounts simply to poor judgment or even extremely poor judgment, but should be reserved for truly egregious circumstances.” *Matter of Mazzei, supra*, 81 NY2d at 572 (citations omitted). Here, respondent violated the Rules when he made inappropriate sexually charged comments to his co-judge and

court staff; while on the record, he publicly inquired about employment with the police department which suggested bias in favor of law enforcement; he invoked his judicial office in connection with a personal matter and made comments which gave at least the impression that he had prejudged the guilt of three criminal defendants appearing before him. He also detracted from the dignity of judicial office when he made sexual comments on his public Facebook page, some of which referenced his judicial position. Moreover, his decision to ignore the Commission's proceedings aggravated his underlying misconduct.¹

The Court of Appeals has held that, “the purpose of judicial disciplinary proceedings is ‘not punishment but the imposition of sanctions where necessary to safeguard the Bench from unfit incumbents’.” *Matter of Reeves*, 63 NY2d 105, 111 (1984) (citation omitted) Respondent's actions demonstrated his disregard for his ethical responsibilities and he is unfit for judicial office.

By reason of the foregoing, the Commission determines that the appropriate disposition is removal.

Mr. Belluck, Ms. Grays, Judge Camacho, Judge Falk, Judge Miller, Ms. Moore, Mr. Raskin, Mr. Seiter, Judge Singh and Ms. Yeboah concur.

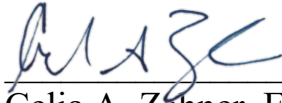
Mr. Rosenberg did not participate.

¹ This finding is consistent with New York attorney grievance proceedings in which nonresponsive attorneys are routinely disbarred. *Matter of Carlos*, 192 AD3d 170 (1st Dept. 2021); *Matter of Lovett*, 194 AD3d 39 (2nd Dept. 2021); *Matter of McCoy-Jacien*, 181 AD3d 1089 (3rd Dept. 2020); *Matter of Shaw*, 180 AD3d 1 (4th Dept. 2019).

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission
on Judicial Conduct.

Dated: October 17, 2023



Celia A. Zahner, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct