

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

**SCOTT OKOLOWICZ,**

a Justice of the Riga Town Court,  
Monroe County.

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**AGREED**  
**STATEMENT OF FACTS**

Subject to the approval of the Commission on Judicial Conduct (“Commission”):

**IT IS HEREBY STIPULATED AND AGREED** by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Honorable Scott Okolowicz (“Respondent”), who is represented in this proceeding by Michael R. Wolford, Esq., of Bond, Schoeneck & King PLLC, that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

1. Respondent has been a Justice of the Riga Town Court, Monroe County, since January 2012. His current term expires December 31, 2023. Respondent is not an attorney.

2. Respondent was served with a Formal Written Complaint dated July 21, 2021. He filed an Answer dated September 13, 2021.

**As to Charge I**

3. On four occasions from January 2016 through June 2016, Respondent inaccurately certified to the New York State Department of Labor (“DOL”) that he had

not worked on days that he had presided as a Town Justice, and, as a result, accepted unemployment insurance benefits to which he was not entitled.

### **Specifications to Charge I**

4. On December 14, 2015, Respondent applied online to receive unemployment insurance (“UI”) benefits from the DOL. In his application, Respondent requested that a copy of the UI claimant handbook be mailed to him at an address that he provided. Notwithstanding his position as a Riga Town Justice, Respondent was eligible as an elected official to receive UI benefits pursuant to New York State Labor Law §565(2)(a).

5. The DOL online site for UI benefits sets forth “**9 Things You Must Do When Filing For Unemployment Insurance**” (emphasis in original). The seventh item on the list read:

**Read your Claimant Handbook.** It tells you about your rights and responsibilities while collecting UI. It also lists additional benefits and services you may be able to get. You can find the handbook on our website (emphasis in original).

6. On the “CONFIRMATION PAGE” of his online application, Respondent was advised “You must follow the instructions below.” The fourth step of the instructions read:

**Read your Information Handbook** (emphasis in original)

You will receive an Unemployment Insurance Information for Claimants handbook in the mail. You should read the handbook carefully and follow all instructions contained in it. This handbook is also available on-line at <http://www.labor.ny.gov/formsdocs/ui/TC318.3e.pdf>.

IT IS YOUR RESPONSIBILITY TO READ ALL OF THE INFORMATION PROVIDED IN THE HANDBOOK. YOU WILL BE HELD RESPONSIBLE FOR THE INFORMATION CONTAINED IN THIS BOOKLET (emphasis in original).

7. The December 2015 UI Claimant Handbook had a section in the table of contents entitled, “What if I am an elected official?” On the referenced page in the claimant handbook, it stated:

If you perform work, services or activities as an elected official, you are considered to be working the day you perform these duties. It does not matter what the work is, the amount of time you spent working each day, or whether or not you earned any money or any other payment. **All work, even an hour or less, performed in connection with your elected office must be declared as work when you claim weekly benefits** (emphasis in original).

8. Respondent’s application for UI benefits was approved in December 2015. Thereafter, he was required to provide weekly certifications to the DOL, reporting each day that he worked in a particular week.

9. Respondent presided over arraignments as a Town Court Justice on the following dates in 2016: January 14<sup>th</sup>, February 5<sup>th</sup>, May 12<sup>th</sup>, and June 19<sup>th</sup>. However, he did not certify to the DOL that he had worked as a Town Court Justice on those dates.

10. On each of these four days that Respondent failed to certify that he had worked, the arraignments took place outside his regular court hours. Respondent received no additional compensation for any of these arraignments beyond his annual judicial salary of \$19,000.

11. As a result of his inaccurate certifications as to his days of work, Respondent accepted \$318.75 in UI monies to which he was not entitled.

12. As a consequence of Respondent's inaccurate certifications, he was required to reimburse monies he had received but to which he was not entitled, and to pay a civil fine. Respondent was also precluded from receiving UI benefits for a limited period.

13. In November 2019, Respondent reimbursed the DOL \$318.75 and paid a \$100 civil fine.

14. By reason of the foregoing, Respondent 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, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules Governing Judicial Conduct ("Rules"); failed to avoid impropriety and the appearance of impropriety, in that he failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to conduct his extra-judicial activities so as to minimize the risk of conflict with judicial obligations, in that he failed to conduct his extra-judicial activities so that they do not detract from the dignity of judicial office, in violation of Section 100.4(A)(2) of the Rules.

#### **Additional Factors**

15. Respondent acknowledges that he failed to exercise appropriate diligence in obtaining unemployment benefits and violated his obligation to uphold the high standards of conduct required of members of the judiciary.

16. Respondent avers that he did not review the UI handbook prior to or at the time of his inaccurate certifications. During his testimony in the course of the Commission investigation, after being shown a copy of his application, Respondent acknowledged that, at the time he applied for benefits, he had requested a copy of the handbook to be mailed to him, he was aware of how to access the handbook online, and that it was his responsibility to read the handbook.

17. Respondent avers, and the Administrator has no evidence to the contrary, that he mistakenly believed that he was required to report all scheduled court dates, but that he was not required to report non-scheduled arraignments as full days of work.

18. Respondent properly reported his receipt of unemployment compensation in 2016 on his federal and state tax returns.

19. Respondent represents that he accepts full responsibility for his actions, and he has been cooperative and contrite with the Commission throughout its inquiry. He represents that he regrets his failure to abide by the Rules in this matter. He pledges to conduct himself in accordance with the Rules for the remainder of his tenure as a judge.

20. The Administrator notes that he would have recommended suspension from office were that sanction available to the Commission under the Constitution.

**IT IS FURTHER STIPULATED AND AGREED** that Respondent withdraws from his Answer any denials or defenses inconsistent with this Agreed Statement of Facts.

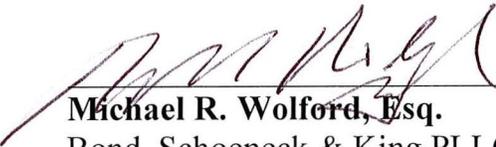
**IT IS FURTHER STIPULATED AND AGREED** that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is public Censure based upon the judicial misconduct set forth above.

**IT IS FURTHER STIPULATED AND AGREED** that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Censure without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used by the Commission, Respondent or the Administrator and Counsel to the Commission.

Dated: 1/13/2022

  
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**Honorable Scott Okolowicz**  
Respondent

Dated: 1/13/2022

  
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**Michael R. Wolford, Esq.**  
Bond, Schoeneck & King PLLC  
Attorney for Respondent

Dated: January 14, 2022

  
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**Robert H. Tembeckjian**  
Administrator & Counsel to the Commission  
(John J. Postel and David M. Duguay, Of Counsel)