

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

DETERMINATION

JEREMY L. PERSONS,

a Justice of the Guilford Town Court,  
Chenango County.

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THE COMMISSION:

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

APPEARANCES:

Robert H. Tembeckjian (Cathleen S. Cenci and Shruti Joshi, Of Counsel)  
for the Commission

Hon. Jeremy L. Persons, *pro se*

Respondent, Jeremy L. Persons, a Justice of the Guilford Town Court,  
Chenango County, was served with a Formal Written Complaint (“Complaint”)

dated July 13, 2022, containing seven charges. Charge I alleged that respondent made sexually charged comments to and about attorneys appearing in his court and drove a car with inappropriate graphics and/or bumper stickers. Charge II alleged that for the months of December 2020 and March 2021, respondent failed to report or remit court funds in a timely manner to the Office of the State Comptroller (“Comptroller”), as required. Charge III alleged that from in or about 2018 to the date of the Complaint, respondent failed to answer two traffic tickets issued to him resulting in two suspensions of his driver’s license and failed to renew the insurance on his motor vehicle also resulting in the suspension of his driver’s license. Charge IV alleged that in or about September 2021, respondent used his official judicial email account in connection with a personal matter. Charge V alleged that from in or about August 2021 through the date of the Complaint, respondent failed to cooperate with the Office of Court Administration (“OCA”) and officials of the Town of Guilford. Charge VI alleged that respondent failed to cooperate with the Commission’s investigation by failing to respond to three Commission inquiry letters, failing to produce records the Commission requested and failing to appear for testimony. Charge VII alleged that from in or about December 2020 to in or about October 2021, on various occasions, respondent visibly carried a handgun while inside or just outside the courthouse, in violation of his permit to carry a concealed pistol.

Respondent did not file an answer.

By motion dated November 4, 2022, 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 December 15, 2022, 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 December 15, 2022, the Commission set a schedule for briefs and oral argument on the issue of sanction. On January 6, 2023, the Administrator of the Commission 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 Guilford Town Court, Chenango County, since January 2020. His term expires on December 31, 2023. He is not an attorney.

As to Charge I of the Formal Written Complaint

2. In or about October 2020, while sitting on the bench at the conclusion of the proceedings before him, respondent commented to Public Defender Zachary Wentworth in sum and substance that he looked forward to Assistant Public Defender Stephanie Hanrahan's return from her vacation and said, "She's better looking than [you]."

3. On or about August 26, 2021, when Ms. Hanrahan and Assistant District Attorney Christopher Curley were in a conference with respondent in respondent's chambers, Ms. Hanrahan told respondent that she would be attending the Sheriff's office golf tournament the following day, to which respondent said, "I'd like to watch you golf." When Ms. Hanrahan noted that respondent did not want to watch her since she was not good at golf, respondent replied, "That's not why I want to watch you."

4. On or about August 26, 2021, while in the courtroom with Mr. Curley and Ms. Hanrahan, respondent began discussing his marital relationship. Respondent told the attorneys that he had had a three-way relationship with his ex-wife and another woman, but the two women cut him out of the relationship. Referring to his ex-wife, respondent then commented, "She likes the hole better than the pole."

5. From in or about July 2021 to in or about October 2021, the

following occurred in connection with respondent's automobile, a Chevrolet passenger car:

- A. Respondent displayed on his automobile a graphic of "Judge Dredd," referring to a fictional character known in popular culture as "judge, jury and executioner."
- B. On or about October 6, 2021, respondent displayed on his automobile a bumper sticker that read, "Boobies Make Me Smile."
- C. Respondent usually parked his vehicle near the non-public entrance to the court, where it was visible to police officers and/or defendants in custody, entering or leaving the court.

As to Charge II of the Formal Written Complaint

6. On or about February 26, 2021, the Comptroller issued to respondent a written notice that his December 2020 monthly report had not been filed by the 10<sup>th</sup> day of the following month as required and was not on file with the Comptroller.

7. On or about April 13, 2021, the Comptroller issued to respondent a second written notice that his December 2020 monthly report had not been filed by the 10<sup>th</sup> day of the following month as required and was not on file with the Comptroller.

8. On or about June 1, 2021, the Comptroller sent an email to respondent, again noting the delinquent December 2020 monthly report and notifying him of his failure to file his March 2021 monthly report in a timely

manner.

9. Respondent's failure to file his monthly reports for December 2020 and March 2021 in a timely manner resulted in his judicial salary being stopped on or about May 20, 2021.

10. Respondent failed to file his monthly reports for December 2020 and March 2021 with the Comptroller until on or about July 8, 2021 and July 20, 2021, respectively.

As to Charge III of the Formal Written Complaint

11. On or about October 28, 2017, respondent was charged with two traffic violations for driving a motor vehicle that was uninspected and was without adequate lights. The citations were returnable in the Johnson City Village Court on November 15, 2017.

12. Respondent failed to answer the tickets. As a result, his driver's license was suspended on or about February 22, 2018. The suspension was lifted on or about November 25, 2019, after respondent pled not guilty and paid a fee to lift the suspension.

13. Thereafter, respondent failed to appear on the two tickets in the Johnson City Village Court. As a result, on or about April 30, 2021, his license was suspended again.

14. On or about January 1, 2021, respondent received an unrelated

license suspension for lapsed insurance on his motor vehicle.

15. On or about September 9, 2021, after being notified by the Commission that it was investigating a complaint concerning his license suspensions, respondent pled guilty to both traffic tickets in the Johnson City Village Court. On or about November 15, 2021, respondent paid a total fine of \$335 plus a fee of \$140 to lift the second suspension.

16. Respondent's license remained suspended for lapsed insurance as of the date of the Complaint.

As to Charge IV of the Formal Written Complaint

17. On or about October 28, 2017, respondent was charged with two traffic violations for driving a motor vehicle that was uninspected and was without adequate lights. The citations were returnable in the Johnson City Village Court on November 15, 2017. Respondent failed to answer the tickets, and his driver's license was suspended on February 22, 2018, as a result. The suspension was lifted after respondent pled not guilty and paid a fee to lift the suspension on or about November 25, 2019. However, respondent again failed to appear on the two tickets, and his license was suspended again on or about April 30, 2021.

18. In or around January 2020, after becoming a judge of the New York State Unified Court System ("UCS"), respondent was issued a UCS email

account with the address “██████████@nycourts.gov.”

19. On or about September 9, 2021, respondent telephoned the Johnson City Village Court and spoke to April Chapman, a court clerk. During the call, respondent gave Ms. Chapman the email address “██████████@nycourts.gov” as a means by which the court could communicate with him and send him the credit card form for payment of the suspension lift fee. After seeing the “nycourts” email address, Ms. Chapman looked up respondent and made a note in the court file regarding her phone call that included the comment, “hes [sic] a judge at Guilford, NY.”

As to Charge V of the Formal Written Complaint

20. During the relevant time period, Supreme Court Justice Norman St. George served as Deputy Chief Administrative Judge of the Unified Court System for the Courts Outside New York City and Supreme Court Justice Eugene D. Faughnan served as Administrative Judge for the Sixth Judicial District, which is based in Binghamton and includes Chenango County. Cortland City Court Judge Elizabeth Burns served as Supervising Judge for the Town and Village Courts in certain counties of the Sixth Judicial District, including Chenango County. Joshua S. Shapiro served as Special Counsel to the Administrative Judge for the Town and Village Courts in the Sixth Judicial District. During the relevant period, Guilford Town Justice Karen Osborn was



respondent's co-judge and George Seneck was the Guilford Town Supervisor.

21. In or about May 2021, after respondent's salary had been stopped for his failure to file monthly reports with the Office of the State Comptroller in a timely manner for December 2020 and March 2021, Judge Osborn and Supervisor Seneck communicated with OCA officials and expressed their concerns regarding respondent's handling of his judicial duties, including *inter alia*, the following:

- A. Respondent's failure to process and/or deposit fine payments or pleas in a timely manner according to law;
- B. Respondent's failure to report or remit funds to the Comptroller in a timely manner according to law;
- C. Respondent's improper suspensions of drivers' licenses;
- D. Respondent's failure to lift license suspensions after requisite suspension fees had been paid to lift such suspensions; and
- E. Respondent's failure to address complaints from litigants who experienced difficulty reaching him or his office on court-related business.

22. On or about August 4, 2021, Supervising Judge Burns and Special Counsel Shapiro met with respondent, Judge Osborn, and Supervisor Seneck to address and resolve concerns regarding respondent's judicial and administrative duties. Respondent agreed to take remedial steps necessary to address each of the concerns, including a missing deposit of court funds.

23. On or about September 21, 2021, respondent was asked to meet

with Supervising Judge Burns and Mr. Shapiro at the Sixth Judicial District Administrative Office in Binghamton. Although respondent had confirmed that he would attend this meeting, which was scheduled for 10:00 AM, he did not appear for the meeting, nor did he respond to several messages left on his cell phone and home phone by Mr. Shapiro that day.

24. On or about September 22, 2021, respondent wrote an email to Mr. Shapiro asserting that he did not attend the meeting because his car broke down, that he had no cell phone service at the location where his car broke down, and that when he reached an area where he did have cell phone service, he did not have the phone number for the District office.

25. Despite his agreement on or about August 4, 2021, to take remedial steps regarding his judicial and administrative duties, respondent failed to do so, notwithstanding assistance offered by Judge Burns and Mr. Shapiro. As a result, Mr. Shapiro, in consultation with Administrative Judge Faughnan, ordered an internal audit of the Guilford Town Court.

26. An initial audit meeting was held on October 7, 2021, via video.<sup>1</sup> At the meeting, respondent was told which documents he needed to produce to the auditors. Although respondent promised to scan and email the requested

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<sup>1</sup> The meeting originally was scheduled to be held in person, but respondent had to be asked to appear virtually after he told Mr. Shapiro that his wife and son has been exposed to the COVID-19 virus and were symptomatic.

documents, he never did so.

27. On or about October 15, 2021, Deputy Chief Administrative Judge St. George issued an administrative order, AO/298/2021, directing respondent to relinquish his judicial duties, in that all pending matters before him were to be assigned to another judge, and no additional matters were to be assigned to him.

28. Notwithstanding respondent's failure to cooperate with the audit of his court records between October 2021 and May 2022, the audit was completed and found five areas of concern, as follows:

- A. There was a shortage in respondent's combined fine/fee and bail account;
- B. Receipts were not always deposited and disbursed in a timely manner;
- C. Receipt forms were not properly controlled;
- D. Cash handling responsibilities were not separated; and
- E. Cash and checkbook records were deleted from the cashbook.

As to Charge VI of the Formal Written Complaint

29. Section 44, subdivision 3, of the Judiciary Law, and Volume 22, Sections 7000.3(c) and (e) of the New York Codes, Rules and Regulations (22 NYCRR 7000.3[c] and [e]), authorize the Commission to request a written response from a judge who is the subject of a complaint and to require a judge's testimony during an investigation.

30. By letter dated June 23, 2021, the Commission notified respondent that it was investigating a complaint from the Comptroller alleging that he had failed to file reports or remit funds to the Comptroller in the time required by law for the months of December 2020 and March 2021, resulting in his judicial salary being stopped on or about May 20, 2021. The letter requested respondent's written response to the allegations by July 21, 2021.

31. Respondent submitted an undated letter, received by the Commission on August 5, 2021, attributing the delay in filing his monthly reports for December 2020 and March 2021 to medical issues that led to his hospitalization. Respondent asked for additional time to respond to the remaining questions about his court activity and to provide related court records, but he did not offer a timeframe for the additional response.

32. By letter dated August 26, 2021, the Commission sent respondent a follow-up letter concerning both the complaint by the Comptroller and an additional complaint alleging that respondent's driver's license was suspended due to lapsed insurance and that he had failed to answer two traffic tickets in the Village of Johnson City.

33. Respondent failed to respond to the Commission's letter of August 26, 2021. By letter dated September 30, 2021, the Commission sent respondent a copy of its letter dated August 26, 2021 and requested his response by October

12, 2021. The letter of September 30 informed respondent that his “failure to respond may be found by the Commission to be a failure to cooperate with the investigation” (emphasis in original).

34. Respondent never submitted an additional response to the Commission’s letter dated June 23, 2021, nor did he submit any response to the Commission letters dated August 26, 2021 and September 30, 2021.

35. By letter dated March 11, 2022, the Commission notified respondent to appear for testimony via video on April 4, 2022, concerning the four complaints and his failure to respond to the Commission’s inquiries. The letter also asked respondent to produce certain documents by March 24, 2022 and to confirm his appearance by March 28, 2022.

36. Respondent neither confirmed his appearance for testimony nor provided any documents to the Commission. Respondent first communicated with the Commission on April 4, 2022, approximately five minutes before his testimony was to begin, to ask for a video link in order to participate in the proceeding. During the phone call, respondent offered no explanation for why he failed to produce the records or confirm his appearance in advance, as the Commission had directed.

37. After being provided with the video link, respondent appeared, and the proceeding to take his testimony commenced. After a short time, however,

he abruptly disconnected from the proceeding. After a brief recess was called and Commission staff attempted to determine what had occurred, Commission staff established a telephone connection with respondent, who claimed that an internet outage in his area had occurred. The stenographer transcribing the video proceeding continued to transcribe the telephone conversation, during which respondent agreed on the record that his testimony would resume on April 8, 2022, at 10:00 AM, in person at the Commission's Albany office, which he would attend to complete his testimony.

38. The Commission sent respondent a letter dated April 5, 2022, confirming his appearance on April 8 and providing directions to the Commission's Albany office.

39. Respondent failed to appear at the Commission on April 8, 2022 and he failed to communicate with the Commission in any manner. A transcript was prepared on April 8, 2022, noting respondent's failure to appear.

As to Charge VII of the Formal Written Complaint

40. On or about August 24, 2020, respondent applied for a New York State Pistol Permit.

41. On or about December 11, 2020, respondent was issued a permit to carry a concealed pistol. Respondent thereafter obtained two handguns: a semi-automatic Glock and a Uberti revolver.

42. Notwithstanding that respondent's permit requires the pistol to be concealed, his practice while in or just outside the courthouse was to carry a handgun on a hip-holster which was easily visible anytime he was not wearing his judicial robe.

43. On one occasion from in or about July 2021 to in or about October 2021, respondent placed his handgun on the bench when Mr. Wentworth was appearing before him during a session of the court.

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(A), 100.3(B)(1), (2), (3) and (4), 100.3(C)(1) and 100.4(A)(2) 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 VII 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 attorneys who appear before them. Respondent violated these Rules when he made inappropriate

sexually charged comments to and about attorneys appearing before him and displayed a “Boobies Make Me Smile” bumper sticker on the car he parked at the courthouse. Respondent’s comments to and about attorneys appearing before him and the bumper sticker on his car were demeaning, undignified and improper. *See, Matter of Doolittle*, 1986 NYSCJC Annual Report 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 Miller*, 35 N.Y.3d 484, 487 (2020) (respondent, *inter alia*, told court clerk that she “look[ed] really hot” in an outfit and should always wear it); *Matter of Gerber*, 2021 NYSCJC Annual Report 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); *Matter of Stilson*, 2023 NYSCJC Annual Report \_\_ (respondent made posts which “objectified and denigrated women” on his public Facebook page).<sup>2</sup>

It is well-settled that judges are held to a higher standard of conduct than the general public. *Matter of Kuehnel*, 49 N.Y.2d 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

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<sup>2</sup> Available at: <https://cjc.ny.gov/Determinations/S/Stilson.David.R.2022.01.07.DET.pdf>



will be preserved. A Judge must conduct his everyday affairs in a manner beyond reproach.”); *Matter of Mazzei*, 81 N.Y.2d 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)). In making his comments while in his courtroom or in chambers, respondent failed to meet the high standards of judicial conduct and detracted from the dignity of his judicial office.

Respondent also violated the Rules when he engaged in a pattern of failing to respect and comply with the law including failing to timely report and remit funds to the State Comptroller as required for the months of December 2020 and March 2021 which resulted in his judicial salary being stopped;<sup>3</sup> failing to answer two traffic citations which resulted in the suspension of his driver’s license on two separate occasions and failing to renew the insurance on his vehicle which also resulted in the suspension of his driver’s license. In addition, respondent violated the terms of his permit to carry a concealed pistol including by placing his handgun on the bench during a court session. “In its totality, respondent's conduct shows a pervasive disregard for the ethical and administrative responsibilities of [his] judicial office. . .” *Matter of Halstead*, 2012 NYSCJC Annual Report 94, 104.

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<sup>3</sup> This reporting is required by Section 1803 of the Vehicle and Traffic Law, Sections 2020 and 2021 of the Uniform Justice Court Act, Section 27, subdivision 1, of the Town Law, and Section 99-a of the State Finance Law.

Furthermore, it certainly could be interpreted that respondent asserted his judicial office to advance his private interests when he provided the Johnson City Village Court with his judicial email address as a means to communicate with him regarding his personal matter. Respondent did not file an answer and did not oppose the motion for summary determination which was granted. Accordingly, we find that respondent asserted his judicial office to advance his private interests in violation of Section 100.2(C) of the Rules by giving his judicial email address to the Johnson City Village Court in connection with his private matter.

Respondent also violated Section 100.3(C)(1) of the Rules by failing to diligently discharge his administrative duties when he failed to cooperate with OCA and with Town of Guilford officials in their investigation of his alleged failure to fulfill his official financial obligations and to perform his judicial duties. In this regard, respondent failed to take agreed upon remedial actions and also failed to send requested documents to auditors conducting an internal audit of the Guilford Town Court.

Moreover, respondent's failure to cooperate during the Commission's investigation as well as his failure to participate in the Commission's proceedings after the Complaint was issued significantly exacerbated his underlying misconduct. Section 44(3) of the Judiciary Law and the Commission's Operating Procedures and Rules, 22 NYCRR 7000.3(c) and (e), authorize the Commission

during an investigation to request a written response from a judge who is the subject of a complaint and to require a judge's testimony. Respondent failed to respond to three inquiry letters from the Commission and failed to appear for testimony during the Commission's investigation. In addition, 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 make a submission to the Commission regarding the 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 respondent 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 critical and all judges must be attentive to their responsibility to participate in Commission proceedings. In *Matter of O'Connor*, 32 N.Y.3d 121, 129 (2018), the Court of Appeals described Commission proceedings as follows:

If the public trust in the judiciary is to be maintained, as it must, those who don the robe and assume the role of arbiter of what is fair and just must do so with an acute appreciation both of their judicial obligations and of the Commission's constitutional and statutory duties to investigate allegations of misconduct (*see* NY Const, art VI, § 22; Judiciary Law article 2-A). In short, willingness to cooperate with the Commission's investigations and proceedings is not only required -- it is essential.

Here, respondent's pattern of ignoring his duty to cooperate with the Commission demonstrated his disdain for the Commission's important role and he undermined public confidence in the judiciary.

In *Matter of Miller, supra*, 35 N.Y.3d at 490, 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 N.Y.2d at 572 (citations omitted). Here, respondent violated the Rules when he behaved in an undignified manner by making inappropriate comments to and about attorneys appearing before him; engaged in a pattern of failing to comply with the law; invoked his judicial office in connection with a personal matter and failed to cooperate with OCA and the Town of Guilford in the investigation of his judicial conduct. His underlying misconduct was significantly exacerbated when he chose to ignore the Commission’s proceedings.<sup>4</sup>

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<sup>4</sup> This finding is consistent with New York attorney grievance proceedings in which nonresponsive

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 N.Y.2d 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, Ms. Corngold, Judge Falk, Judge Miller, Mr. Raskin, Mr. Rosenberg, Mr. Seiter and Ms. Yeboah concur.

#### CERTIFICATION

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

Dated: February 23, 2023

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

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attorneys are routinely disbarred. *Matter of Carlos*, 192 A.D.3d 170 (1<sup>st</sup> Dept. 2021); *Matter of Lovett*, 194 A.D.3d 39 (2<sup>nd</sup> Dept. 2021); *Matter of McCoy-Jacien*, 181 A.D.3d 1089 (3<sup>rd</sup> Dept. 2020); *Matter of Shaw*, 180 A.D.3d 1 (4<sup>th</sup> Dept. 2019).