

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, and

In the Matter of the Investigation of a Complaint  
Pursuant to Section 44, subdivisions 2 and 3 of the  
Judiciary Law in Relation to

**STIPULATION**

**WALTER C. PURTELL,**

a Justice of the York Town Court,  
Livingston County.

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THE FOLLOWING IS HEREBY STIPULATED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and the Honorable Walter C. Purtell (“Respondent”) and his attorney, Peter K. Skivington, Esq.

1. Respondent has been a justice of the York Town Court, Livingston County, since 1998. His current term expires on December 31, 2017. Respondent is not an attorney.
2. Respondent was served with a Formal Written Complaint dated November 3, 2016, containing four charges.
3. The Formal Written Complaint is appended as Exhibit A.
4. Respondent was also apprised by the Commission in January 2017 that it was investigating a complaint regarding his conduct in handling a recent arraignment.
5. Respondent enters into this Stipulation in lieu of filing an Answer to the Formal Written Complaint.

6. Respondent has tendered his resignation as York Town Justice by letter dated February 21, 2017, addressed to the York Town Clerk and copied to the Office of the Administrative Judge, Seventh Judicial District. Respondent's resignation will become effective March 8, 2017. A copy of the resignation letter is appended as Exhibit B.

7. Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from the date of a judge's resignation to complete proceedings, and if the Commission determines that the judge should be removed from office, file a determination with the Court of Appeals.

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 in the future, the present proceeding pursuant to Judiciary Law § 44 (4) will be revived and the matter will proceed to a hearing before a referee, and the present investigation pursuant to Judiciary Law § 44 (2) and (3) will be revived.

10. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that all matters 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 this Stipulation and the Commission's Decision and Order regarding this Stipulation will become public on or after March 9, 2017. However, the Administrator is authorized to release this Stipulation to the public in advance of

March 9, 2017, should Respondent seek to withdraw from it at any time, or rescind his letter of resignation, or remain in office beyond March 9, 2017, or otherwise abrogate the terms of this Stipulation.

Dated: 2/21/2017



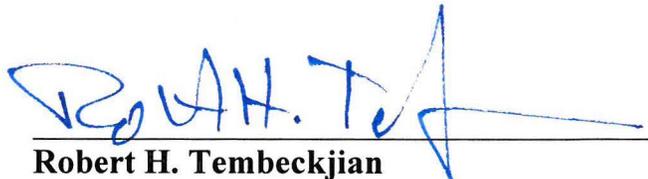
**Honorable Walter C. Purtell**  
Respondent

Dated: 2/21/2017



**Peter K. Skivington, Esq.**  
Attorney for Respondent

Dated: 2/23/2017



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

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

**WALTER C. PURTELL,**

a Justice of the York Town Court,  
Livingston County.

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**NOTICE OF FORMAL  
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Walter C. Purtell, a Justice of the York Town Court, Livingston County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon Respondent the annexed Formal Written Complaint; and that, in accordance with said statute, Respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon him to serve the Commission at its Rochester office, 400 Andrews Street, Suite 700, Rochester, New York 14604, with his verified Answer to the specific paragraphs of the Complaint.

Dated: November 3, 2016  
New York, New York

**ROBERT H. TEMBECKJIAN**  
Administrator and Counsel  
State Commission on Judicial Conduct  
61 Broadway  
Suite 1200  
New York, New York 10006  
(646) 386-4800

To: Peter K. Skivington, Esq.  
Attorney for Respondent  
31 Main Street  
Geneseo, New York 14454

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

**FORMAL  
WRITTEN COMPLAINT**

**WALTER C. PURTELL,**

a Justice of the York Town Court,  
Livingston County.

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1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.

2. The Commission has directed that a Formal Written Complaint be drawn and served upon Walter C. Purtell (“Respondent”), a Justice of the York Town Court, Livingston County.

3. The factual allegations set forth in Charges I, II, III and IV state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).

4. Respondent has been a Justice of the York Town Court, Livingston County, since 1998. His current term expires on December 31, 2017. Respondent is not an attorney.

## CHARGE I

5. On or about April 8, 2013, while presiding over the arraignment in *People v Addison M. Morris*, Respondent engaged or failed to engage in the following conduct:

- A. Respondent failed to accurately advise the defendant of his right to counsel, failed to afford him an adequate opportunity to exercise that right, and failed to affirmatively effectuate the defendant's right to counsel, contrary to Sections 170.10(3) and (4) of the Criminal Procedure Law (CPL).
- B. Respondent failed to adequately advise the defendant of his constitutional rights and the consequences of his guilty pleas so as to ensure that his pleas would be knowing, voluntary, and intelligent; and Respondent allowed the defendant to proceed with the arraignment and guilty pleas without the aid of counsel, notwithstanding that the defendant did not understand the significance of doing so; all contrary to CPL §§170.10(4) and (6).
- C. Respondent engaged the unrepresented defendant in a dialogue prior to the entry of a plea concerning potentially incriminating information.
- D. Respondent conditioned the duration of the defendant's incarceration upon his payment of fines and surcharges, without advising him of his right to apply for resentencing if he was financially unable to pay, as provided by CPL §420.10(3) and (5).

### Specifications to Charge I

6. On or about April 8, 2013, Respondent presided over the arraignment of Addison M. Morris for the Geneseo Village Court, the jurisdiction adjoining that of his own court. Mr. Morris, a 23-year-old student, was charged with:

- A. aggravated unlicensed operation of a motor vehicle in the third degree, in violation of Vehicle & Traffic Law (VTL) §511(1)(a), an unclassified misdemeanor;

- B. operation of a motor vehicle while registration suspended/revoked, in violation of VTL §512, an unclassified misdemeanor;
- C. operation of an uninspected motor vehicle, in violation of VTL §306(b), a traffic infraction; and
- D. unlicensed operation of a motor vehicle, in violation of VTL §509(1), a traffic infraction.

7. On or about April 8, 2013, a deputy from the Livingston County Sheriff's Office brought the defendant for arraignment before Respondent, who presided for the Geneseo Village Court, the jurisdiction adjoining that of Respondent's own court. Respondent questioned the unrepresented defendant about why he had been previously issued a ticket in the Town of Geneseo.

8. Without inquiring into Mr. Morris' ability to obtain an attorney, Respondent advised him that he was entitled to an attorney, but that "[t]he public defender generally will not come out for this type of...violation." Respondent then asked Mr. Morris, "Do you think you want to hire an attorney on this matter? Or are you going to just fall on your sword and pay the fines?"

9. Mr. Morris said that he wanted to consult his parents before deciding what to do, and Respondent assured him that he would have an opportunity to do so.

10. Respondent did not advise Mr. Morris of his rights to adjourn the arraignment in order to obtain counsel, make a free telephone call to obtain counsel, and inform a relative or friend that he had been charged.

11. Respondent questioned the arresting deputy about his basis for stopping Mr. Morris and discussed with the deputy the manner in which evidence had been gathered to

support the arrest. Respondent spoke with Mr. Morris about Department of Motor Vehicles notification procedures for suspending a motorist's driver's license, during which Respondent stated, "I suspect that the suspension is probably in effect now" and "Yeah, so, it's very likely you are suspended..."

12. Mr. Morris informed Respondent that the car was registered to his mother, who maintained the insurance on it. Respondent again assured Mr. Morris that he would have a chance to speak to his mother.

13. Respondent advised Mr. Morris of his right to a supporting deposition but did not advise him:

- A. that he had a right against self-incrimination and to confront the evidence against him;
- B. that he was presumed innocent and that the prosecution had the burden of proving his guilt beyond a reasonable doubt to each element of each charge;
- C. that a guilty plea to the top charge would result in his having a criminal record and of the significance and consequences of having a criminal record; and
- D. that his failure to make full payment would result in his incarceration.

14. Without giving Mr. Morris a chance to call his parents or consult an attorney, Respondent asked for his "plea on the operating while ... registration is suspended or revoked," and Mr. Morris said, "Guilty."

15. When Respondent asked Mr. Morris for his plea on the uninspected motor vehicle charge, Mr. Morris asked whether there were any negative consequences to

pleading not guilty. Respondent said that if Mr. Morris pled not guilty, the case would be transferred to the Village of Geneseo and handled by another judge who would set the fine. Respondent added that if Mr. Morris pled guilty at arraignment, he would "set a fine today, and it could be taken care of at this point." He added, "you can get them out of your way so you haven't got to worry about them."

16. Respondent then asked Mr. Morris if he still wanted to plead guilty to the first charge, and Mr. Morris answered, "Yeah, that's fine." Respondent went through each of the other charges, and Mr. Morris pled guilty.

17. Respondent imposed fines and surcharges totaling \$510 for Mr. Morris' three convictions and stated:

I can commit you until the fines are paid. Which could be a matter of hours or it could be two or three days. I don't know. Again, depending on how late, or how quick mama or somebody else coughs up some money or puts it in your account so you can pay somebody, or authorizes you to hit a charge card.

18. The arresting deputy, after hearing the difficulty Mr. Morris was having trying to obtain and use his parents' credit cards to pay the fines, suggested to Respondent that Mr. Morris be allowed to plead not guilty. Respondent responded, "I'm reluctant to just let him go though," and the deputy then suggested that bail be set. Respondent chose to continue Mr. Morris' guilty plea.

19. Respondent executed a jail commitment order for Mr. Morris that ordered "a fine of \$510.00 and imprisonment until the fine is satisfied, or for a maximum period of

ten days.” Respondent did not advise Mr. Morris of his right to apply for resentencing if he was unable to pay the fines and surcharges.

20. Mr. Morris was taken to the Livingston County Jail. He was released approximately an hour after his fines and surcharges were paid.

21. On or about April 23, 2013, Mr. Morris appeared in the Geneseo Village Court, at which time his VTL convictions in the York Town Court on April 8, 2013, were vacated. A Livingston County Assistant District Attorney offered a negotiated plea recommendation for Mr. Morris to plead guilty to unlicensed operation of a motor vehicle, in violation of VTL §509(1), and a reduced charge of operation of an unregistered vehicle, in violation of VTL §401(1)(a), in satisfaction of the remaining charges. The court approved the negotiated plea recommendation, accepted Mr. Morris’ guilty pleas, and sentenced him to pay a total of \$235 in fines and surcharges.

22. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, 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; 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 perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain professional competence

in it, in violation of Section 100.3(B)(1) of the Rules, and failed to accord a person with a legal interest in a proceeding the right to be heard according to the law, in violation of Section 100.3(B)(6) of the Rules.

### **CHARGE II**

23. On or about September 20, 2014, while presiding over the arraignment in *People v Shiesha A. Balkman*, Respondent engaged or failed to engage in the following conduct:

- A. Respondent failed to accurately advise the defendant of her right to counsel, failed to afford her an adequate opportunity to exercise that right, and failed to affirmatively effectuate the defendant's right to counsel, contrary to CPL §§170.10(3) and (4).
- B. Respondent failed to adequately advise the defendant of her constitutional rights and the consequences of her guilty pleas so as to ensure that her pleas would be knowing, voluntary, and intelligent; and Respondent allowed the defendant to proceed with the arraignment and entry of guilty pleas without the aid of counsel, notwithstanding that the defendant did not understand the significance of doing so; all contrary to CPL §§170.10(4) and (6).
- C. Respondent conditioned the duration of the defendant's incarceration upon her payment of fines and surcharges, without advising her of her right to apply for resentencing if she was financially unable to pay, as provided by CPL §420.10(3) and (5).

### **Specifications to Charge II**

24. On or about September 20, 2014, Respondent presided over the arraignment of Shiesha A. Balkman for the Geneseo Village Court, the jurisdiction adjoining that of his own court. Ms. Balkman was charged with:

- A. aggravated unlicensed operation of a motor vehicle in the second degree, in violation of Vehicle & Traffic Law (VTL) §511(2)(a)(iv), an unclassified misdemeanor;
- B. speeding, in violation of VTL §1180(d), a traffic infraction; and
- C. unlicensed operation of a motor vehicle, in violation of VTL §509(1), a traffic infraction.

25. After reviewing the charges, Respondent advised Ms. Balkman that she was entitled to counsel. Respondent made no inquiry into Ms. Balkman's ability to obtain an attorney and twice advised Ms. Balkman that the Livingston County Public Defender's Office would not represent her.

26. Respondent did not advise Ms. Balkman of her rights to adjourn the arraignment to obtain counsel, make a free telephone call to obtain counsel, and inform a relative or friend that she had been charged.

27. Initially, Respondent incorrectly advised Ms. Balkman that she was entitled to only a bench trial. He then stated:

An unclassified misdemeanor, there is a possibility that you could ask for a jury trial on that, if you wanted a jury trial, since that is a misdemeanor, even though unclassified. I don't think the DA [is] going to be happy about it, but if you insisted, I think you might have a case, but you'd have to, I, I would say, get an attorney before you make a decision on that.

28. In ascertaining whether Ms. Balkman wished to enter a plea, Respondent stated:

In other words, you'd have a choice of pleading guilty or not guilty on these charges. And if you plead guilty, then you don't have to worry about, about an attorney, but as I say, I'm not real

happy about, about you pleading guilty to the unclassified misdemeanor, but you can.

29. Respondent accepted Ms. Balkman's guilty pleas to the misdemeanor aggravated unlicensed operation of motor vehicle in the second degree and the traffic infraction of speeding, without advising Ms. Balkman:

- A. that she had a right against self-incrimination and to confront the evidence against her;
- B. that she was presumed innocent and that the prosecution had the burden of proving her guilt beyond a reasonable doubt to each element of each charge;
- C. that a guilty plea to the top charge would result in her having a criminal record and of the significance and consequences of having a criminal record;
- D. that she could be sentenced to jail and to pay more than a thousand dollars in fines and surcharges upon her guilty pleas; and
- E. that she would face additional jail time if she did not pay the fines and surcharges in full before the expiration of her initial jail sentence.

30. Respondent told Ms. Balkman:

Since you are pleading guilty, the court is going to set a fine, and if you can't meet that fine now, I am going to also put you in jail until such time as the, as the fine is paid.

31. Respondent sentenced Ms. Balkman to a definite term of seven days in jail and fines and surcharges totaling \$1,286, *i.e.* the maximum fine of \$1000 and a \$93 surcharge on the aggravated unlicensed operator in the second degree conviction, and a \$100 fine and a \$93 surcharge on the speeding conviction.

32. In response to Ms. Balkman's question about when she would be released from jail, Respondent told her, "You'll have seven days less good time." Respondent then stated:

So, you're going to have to pay the fine. You have to, have to serve the time in jail, and then pay the fine, or else you could stay there up to, up to 21 days minus good time.

33. Respondent did not advise Ms. Balkman of her right to apply for resentencing if she was unable to pay the fines and surcharges, even after Ms. Balkman asked, "Yeah, but what if I don't [have] the money? So, basically, if I don't [have] the money, I [have] to stay there?"

34. After being contacted by his supervising judge, Respondent executed a securing order dated September 26, 2014, releasing Ms. Balkman from the Livingston County Jail.

35. On or about October 14, 2014, Ms. Balkman appeared in the Geneseo Village Court, at which time her September 20, 2014, VTL convictions in the York Town Court were vacated. A Livingston County Assistant District Attorney offered a negotiated plea recommendation for Ms. Balkman to plead guilty to aggravated unlicensed operation of a motor vehicle in the second degree, VTL §511(2)(a)(iv) in satisfaction of all charges. The court approved the negotiated plea recommendation, accepted Ms. Balkman's guilty plea, and sentenced her to time served, a \$500 fine and a \$93 surcharge. The court subsequently rescinded Ms. Balkman's fine and advised her of such by letter dated October 15, 2014.

36. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, 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; 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 perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed to accord a person with a legal interest in a proceeding the right to be heard according to the law, in violation of Section 100.3(B)(6) of the Rules.

### **CHARGE III**

37. On or about August 28, 2013, while presiding over the arraignment in *People v Joseph W. Benson*, Respondent engaged or failed to engage in the following conduct:

- A. Respondent failed to accurately advise the defendant of his right to counsel, failed to afford him an adequate opportunity to exercise that right, and failed to affirmatively effectuate the defendant's right to counsel, contrary to CPL §§170.10(3) and (4).
- B. Respondent told the defendant that he did not need an attorney and discouraged him from obtaining counsel.

- C. Respondent engaged in conversation with the defendant during which Respondent elicited potentially incriminating statements.
- D. Respondent fixed bail and knowingly set the defendant's next court appearance for a date twelve days beyond the maximum jail term that the defendant could serve if convicted of a violation, as set forth in Section 10.00(3) of the Penal Law.
- E. Respondent failed, before issuing a securing order, to ascertain whether the defendant was eligible for assigned counsel, and failed to provide the public defender with information about the defendant's case, as required by 22 NYCRR §200.26.

**Specifications to Charge III**

38. On or about August 28, 2013, Respondent presided over the arraignment of Joseph W. Benson, who was charged with trespass, in violation of Penal Law §140.05.

39. When the unrepresented Mr. Benson volunteered his account of what had happened, including admitting that he had been on the property in question, Respondent merely said, "Had to be exciting," and did not advise Mr. Benson of his right to remain silent and that his statements could be used against him. Respondent read the information to Mr. Benson, who again proceeded to give his version of events and inquired if he could file a cross-complaint. Respondent said, "Not at this time, no."

40. When Mr. Benson indicated that he had been drinking, Respondent stated that he would not accept a plea under the circumstances.

41. Mr. Benson asked about obtaining legal representation in the matter and Respondent said Mr. Benson was entitled to counsel. Respondent also told Mr. Benson three times that he did not need an attorney and that he was not entitled to representation by the public defender.

42. Respondent permitted Mr. Benson to repeatedly describe the events underlying the charge, including his admission that he had been present at the complainant's property at or about the time of the alleged violation.

43. Respondent stated that he would enter a not guilty plea for Mr. Benson because he appeared to be intoxicated. Respondent advised Mr. Benson that the maximum sentence for the offense was 15 days in jail. After learning that Mr. Benson was unemployed, Respondent stated that he was required by law to set bail for any charge. Respondent fixed bail for Mr. Benson at \$500 cash or \$1,000 bond and set Mr. Benson's next court appearance for September 23, 2013, a date 26 days away, notwithstanding that Respondent presided weekly in the York Town Court.

44. Respondent executed a securing order for the unrepresented Mr. Benson at the conclusion of the arraignment. Respondent failed to ascertain whether Mr. Benson was eligible for assigned counsel and failed to provide the public defender with information about his case.

45. Mr. Benson was transported to the Livingston County Jail. He was released within hours of his detention after his bail was posted by a friend.

46. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, 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; 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 perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules.

#### **CHARGE IV**

47. On or about April 8, 2013, while presiding over the arraignment in *People v Addison M. Morris*, and on or about June 25, 2013, while presiding over the arraignment in *People v James A. Johnson*, Respondent made undignified and/or discourteous comments from the bench about women.

#### **Specifications to Charge IV**

##### ***People v Addison M. Morris***

48. On or about April 8, 2013, Respondent presided over the arraignment of Addison M. Morris for the Geneseo Village Court, the jurisdiction adjoining that of his own court. Mr. Morris was charged with: aggravated unlicensed operation of a motor vehicle in the third degree, in violation of Vehicle & Traffic Law (VTL) §511(1)(a), an unclassified misdemeanor; operation of a motor vehicle while registration suspended/revoked, in violation of VTL §512, an unclassified misdemeanor; operation of an uninspected motor vehicle, in violation of VTL §306(b), a traffic infraction; and unlicensed operation of a motor vehicle, in violation of VTL §509(1), a traffic infraction.

49. Prior to Mr. Morris entering a plea, Respondent engaged in a discussion with him about whether the vehicle he had been driving was insured as required by law. Mr.

Morris indicated that the vehicle was registered to his mother, that his mother maintained the insurance on the vehicle, and that he did not know if the insurance had lapsed.

50. After Mr. Morris pled guilty to three of the VTL charges, Respondent asked Mr. Morris if he wanted to telephone his mother to secure \$510 for the fines and fees that Respondent had sentenced him to pay so that he could avoid being taken to jail.

Respondent stated that the car insurance was Mr. Morris' mother's responsibility and then commented on the car being uninspected, stating:

"I know a lot of women; they aren't too good on, on keeping an eye on inspection stickers and getting cars inspected ... So, that doesn't surprise me that she may have not, have overlooked that ..."

People v James A. Johnson

51. On or about June 25, 2013, Respondent presided over the arraignment of James A. Johnson for the Geneseo Village Court, the jurisdiction adjoining that of his own court.

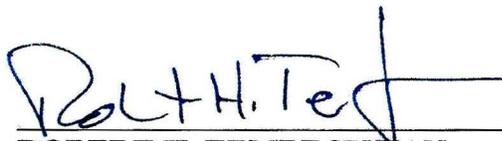
52. From the bench before addressing Mr. Johnson's charges, Respondent engaged in a conversation about an unrelated matter with the deputy sheriff who had arrested Mr. Johnson. Respondent commented that he had spoken to another judge about a woman who had "a reputation as a biter." Respondent recounted that he told that judge, "It's a wonder she's got any teeth left." Respondent continued:

She'd bite me about once and I'd haul off and whack her teeth out ... of her mouth on her.

53. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, 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; 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 perform the duties of judicial office impartially and diligently, in that he failed to be patient, dignified and courteous to those with whom he deals in an official capacity, in violation of Section 100.3(B)(3) of the Rules.

**WHEREFORE**, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: November 3, 2016  
New York, New York

  
**ROBERT H. TEMBECKJIAN**  
Administrator and Counsel  
State Commission on Judicial Conduct  
61 Broadway  
Suite 1200  
New York, New York 10006  
(646) 386-4800

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

**VERIFICATION**

**WALTER C. PURTELL,**

a Justice of the York Town Court,  
Livingston County.

STATE OF NEW YORK            )  
  : ss.:  
COUNTY OF NEW YORK        )

ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.

  
\_\_\_\_\_  
Robert H. Tembeckjian

Sworn to before me this  
3<sup>rd</sup> day of November 2016

  
\_\_\_\_\_  
Notary Public

MARY C. FARRINGTON  
Notary Public, State of New York  
No. 02FA6241341  
Qualified in Kings County  
Commission Expires May 16, 2019

February 21, 2017

Walter C. Purtell  
P.O. Box 119  
Retsof, New York 14539

Mr. Gerald L. Deming, York Town Supervisor  
Ms. Christine Harris, York Town Clerk  
2668 Main Street  
P.O. Box 187  
York, New York 14592

RE: Town of York Justice Court

Dear Mr. Deming and Ms. Harris:

Please accept this letter as my written resignation as York Town Justice, which will be effective on March 8, 2017.

I have been honored to serve as York Town Justice for the past nineteen years.

Thank you for giving me the opportunity to serve the citizens of York, as well as Livingston County.

Respectfully,  
  
Hon. Walter Purtell  
York Town Justice

cc: Hon. Craig J. Doran,  
Office of the Administrative Judge,  
Seventh Judicial District