

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

THOMAS F. RATHBUN, JR.,

a Justice of the Salisbury Town Court,
Herkimer County.

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
Honorable Fernando M. Camacho
Brian C. Doyle, Esq.
Honorable John A. Falk
Honorable Robert J. Miller
Nina M. Moore, Ph.D.
Marvin Ray Raskin, Esq.
Graham B. Seiter, Esq.¹
Honorable Anil C. Singh
Akosua Garcia Yeboah

APPEARANCES:

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

Hon. Thomas F. Rathbun, Jr., *pro se*

¹ Mr. Seiter, who was a member of the Commission at the time of the vote in this matter, is no longer a member of the Commission.

Respondent, Thomas F. Rathbun, Jr., a Justice of the Salisbury Town Court, Herkimer County, was served with a Formal Written Complaint (“Complaint”) dated February 7, 2024 containing five charges. Charge I of the Complaint alleged that since in or about 2022, respondent failed to complete the annual judicial certification training and education required for all non-lawyer town and village court justices by Article VI, Section 20(c) of the New York State Constitution, and Section 105(a) of the Uniform Justice Court Act. As a result, he has been prohibited from performing judicial duties since March 2023. Charge II alleged that for the months of January, February and March 2023, 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 2005 through in or about March 2023, respondent displayed a Confederate flag on his desk in chambers. Additionally, from in or about March 2012 through in or about September 2017, respondent posted inappropriate, partisan, political, and otherwise controversial content to his public Facebook page. Charge IV alleged that from in or about February 2021 to in or about January 2022, respondent failed to schedule or otherwise adjudicate *Bradsen Properties, LLC v Perry Siver*, a residential eviction case. Charge V alleged that respondent failed to cooperate with the Commission’s investigation of allegations that he posted inappropriate

content to his Facebook page, by failing to respond to two inquiry letters from the Commission. Respondent did not file an Answer.

By motion dated April 5, 2024, 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 May 2, 2024, 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 May 2, 2024, the Commission set a schedule for briefs and oral argument on the issue of sanction. On May 20, 2024, 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 Salisbury Town Court, Herkimer County, since January 1, 2002. His current term expires on December 31, 2025. Respondent is not an attorney.

As to Charge I of the Formal Written Complaint

2. Pursuant to Section 17.2 of the Rules of the Chief Judge, town and village justices are required to complete a basic course of training upon first assuming office, and then to complete an advanced course of training annually while holding office, by December 31st of each year. *See* Uniform Justice Court Act §105(a); 22 NYCRR §17.2.

3. On or about July 18, 2022, the Office of the Deputy Chief Administrative Judge issued respondent a written notice reminding him that justices are required to earn at least twelve Continuing Judicial Education (CJE) credits each year and advised that, as of the date of the letter, respondent had “No Courses Taken” for the year 2022.

4. On or about October 20, 2022, the Office of the Deputy Chief Administrative Judge issued respondent a second written notice reminding him that justices are required to earn at least twelve CJE credits each year and advised that, as of the date of the letter, respondent had “No Courses Taken” for the year 2022.

5. On or about November 22, 2022, the Office of the Deputy Chief Administrative Judge issued respondent a third written notice reminding him that justices are required to earn at least twelve CJE credits each year and advised that, as of the date of the letter, respondent had “No Courses Taken” for the year 2022.

6. On or about December 14, 2022, the Office of the Deputy Chief Administrative Judge issued respondent a fourth written notice reminding him that justices are required to earn at least twelve CJE credits each year and advised that, as of the date of the letter, respondent had “No Courses Taken” for the year 2022.

7. On or about December 29, 2022, the Office of the Deputy Chief Administrative Judge issued respondent a fifth written notice reminding him that justices are required to earn at least twelve CJE credits each year and advised that, as of the date of the letter, respondent had “No Courses Taken” for the year 2022.

8. On or about January 30, 2023, respondent’s request for an extension of time to complete the training, due to health issues, was granted by the Office of the Deputy Chief Administrative Judge, which gave respondent until March 3, 2023, to fulfill his training requirements for the year 2022.

9. Respondent failed to complete the required training for the year 2022 before the March 3, 2023, deadline. As a result, on or about March 3, 2023, Deputy Chief Administrative Judge Norman St. George issued Administrative Order 095/2023 directing that:

- A. All judicial matters pending before respondent be reassigned to German Flatts Town Justice Jeffrey M. Stone;
- B. No additional matters be assigned to respondent; and

- C. Respondent be restricted to judicial chambers until the training was completed and documentation of completion was provided to the District Administrative Judge.

10. To date, respondent has failed to complete the required Continuing Judicial Educational training for the year 2022.

11. Respondent has also failed to complete required Continuing Judicial Educational training for the year 2023. As a result, he remains restricted to judicial chambers without a caseload, and he is ineligible to perform the duties of his judicial office.

As to Charge II of the Formal Written Complaint

12. On or about May 16, 2023, the Comptroller issued respondent a written notice indicating that:

- A. Respondent had failed to file monthly reports for January, February, and March 2023 by the 10th day of the following months with the Comptroller, as required;² and
- B. Respondent's failure to file his monthly reports in a timely manner resulted in his judicial salary being stopped on or about May 16, 2023.

13. To date, respondent has not filed the monthly reports for January, February and March 2023 with the Comptroller as required by law, and his judicial salary remains stopped.

² The filings are 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 99-1 of the State Finance Law.

As to Charge III of the Formal Written Complaint

14. Respondent's judicial office is adjacent to the courtroom via a doorway. He frequently left the door open, and his desk was visible from the courtroom. Respondent permitted attorneys to use the office to conference cases.

15. Beginning in or around 2005 and continuing through in or about March 2023, respondent displayed a statue featuring a Confederate flag on his desk in his judicial office. When the door to his office was open, the Confederate flag was visible from the courtroom. When attorneys used the office to conference cases, the flag was visible to them.

16. 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 setting associated with their accounts. At the option of the account holder, the content of one's Facebook page may be viewable online by the public or restricted to one's Facebook "Friends."

17. At all times relevant to this Charge, respondent maintained a personal Facebook account under the name "Thomas Rathbun," which was viewable by the public.

18. On or about March 21, 2012, respondent posted to his Facebook page a meme entitled "AMERICAN PRESIDENTS IN UNIFORM," which depicted

former President Clinton in a High School band uniform and former President Obama wearing a turban.

19. On or about June 13, 2012, respondent posted to his Facebook page a meme featuring a Black man whose underwear was visible above sagging jeans accompanying the text, “Did you know that sagging pants originated in jail, and the inmates would purposely sag their pants as a sign that they were ‘available’ to other inmates for sex.”

20. On or about September 20, 2012, respondent shared to his Facebook page a post in support of then-presidential candidate Mitt Romney.

21. On or about October 1, 2012, respondent posted to his Facebook page a meme attributing the following quote to former President Barack Obama: “HEY, DON’T BE MAD. YOU’RE THE ONE WHO FELL FOR ALL MY BULLSHIT FOUR YEARS AGO.”

22. On or about October 12, 2012, respondent posted to his Facebook page a meme suggesting that then-Vice Presidential candidate Joseph Biden and “the Joker” – a fictional villain from the 1989 movie “Batman” – were “SEPARATED AT BIRTH.”

23. On or about October 12, 2012, respondent posted to his Facebook page a meme of then-Vice Presidential candidate Joseph Biden wearing clown makeup

accompanied by wording which inquired what was so “DAMN FUNNY” about the “ECONOMIC CRISIS.”

24. On or about October 12, 2012, respondent posted to his Facebook page a meme disparaging then-Presidential candidate Barack Obama and suggesting people should vote for then-Presidential candidate Mitt Romney because he was “an adult.”

25. On or about October 31, 2012, respondent posted to his Facebook page a meme that stated, “THAT OBAMA SIGN IN YOUR YARD MIGHT AS WELL SAY ‘YES, I’M STUPID.’”

26. On or about November 16, 2012, respondent posted to his Facebook page a cartoon implying that restaurants charge an “Obamacare surcharge” to fund “*FREE* CONTRACEPTIVES” for women.

27. On or about November 17, 2012, respondent posted to his Facebook page a meme of Hillary Clinton purportedly showing her raising a glass in a toast to four dead Americans, and stating she lied to their families and to the people of the United States because she is “a coward.”

28. On or about November 17, 2012, respondent posted to his Facebook page a cartoon depicting President Obama as the “FOOD STAMP PRESIDENT” and suggesting food stamp recipients will “BECOME DEPENDENT” and “NEVER LEARN TO FEND FOR [THEMSELVES].”

29. On or about January 21, 2013, respondent posted to his Facebook page an image of a Columbia University Foreign Student Identification card depicting then-President Obama with the name “BARRY SOETORO.” Related text below the image indicated that the image had been digitally altered.

30. On or about March 25, 2013, and on or about May 26, 2015, respondent posted to his Facebook page a message suggesting that food stamp recipients are like “ANIMALS” who will “GROW DEPENDENT ON . . . HANDOUTS, AND . . . NEVER LEARN TO TAKE CARE OF THEMSELVES.”

31. On or about April 2, 2013, respondent posted to his Facebook page a meme depicting then-Vice President Joseph Biden, then-President Barack Obama, and then-Speaker of the House Nancy Pelosi in a cage accompanied by the statement, “We don’t need GUN CONTROL. We need IDIOT CONTROL.”

32. On or about April 19, 2013, respondent posted to his Facebook page a post containing a map of New York State accompanied by the suggestion that “fellow Patriots” oppose the “Anti-Gun Law” known as the “SAFE Act.”

33. On or about May 12, 2013, respondent posted to his Facebook page a meme stating, “Why the hell do I have to press one for ENGLISH?? Did America move?”

34. On or about June 30, 2013, respondent posted to his Facebook page an image of then-President Barrack Obama quoting him as stating, “Weapons of war

have no place on our streets,” accompanied by an image of a non-military armored vehicle with the words “Homeland Security” and “POLICE/RESCUE” emblazoned on its side.

35. On or about September 6, 2013, respondent posted to his Facebook page an image of Senator Ted Cruz accompanied by text attributing to him the quote, “Anyone know if President Obama intends to perform background checks on the Syrian rebels before providing them weapons?”

36. On or about June 29, 2015, respondent posted to his Facebook page an image of the Confederate flag and the United States flag, with text suggesting that if one believed the Confederate flag should be banned because it represents “SLAVERY . . . RACISM, MURDER, AND OPPRESSION,” then one must support the banning of the United States flag based upon its history.

37. On or about July 5, 2015, respondent posted to his Facebook page an image of a man wearing a white hooded Ku Klux Klan robe standing next to a burning cross with text stating, *inter alia*, that the Democratic party started the Ku Klux Klan, opposed civil rights legislation, and fought against the right of Black Americans to vote.

38. On or about August 26, 2017, respondent shared to his Facebook page a post stating, “Reality check: Chief Justice Taney told Lincoln any ‘state’ had a legal right to secede and return to be a ‘free and independent state’ . . . i.e., an

independent nation. Thus, General Robert E. Lee was in reality defending his Nation of Virginia against a murderous invasion of his country. And Lincoln was, in reality, the greatest mass murderer America has ever seen. Ain't reality a bitch?"

39. On or about September 2, 2017, respondent posted to his Facebook page an image of Confederate soldiers carrying weapons and a Confederate flag that read, "35,000,000 OF US ARE THE LIVING DESCENDANTS OF BRAVE CONFEDERATE SOLDIERS AND SAILORS AND WE WILL NOT SURRENDER THEIR LEGACY TO YOUR IGNORANCE OR POLITICAL AGENDA."

40. On or about September 5, 2017, respondent posted to his Facebook page an image stating, "'I'm proud to be white' I bet no one passes this on because they are scared of be (sic) called a racist."

41. All of the above posts remained viewable as of February 7, 2024, the date of the Complaint.

As to Charge IV of the Formal Written Complaint

42. On or about February 10, 2021, Ken Bouchard, a process server from National Court Services, sent a petition to the Salisbury Town Court on behalf of Howard Stoll, a member of Bradsen Properties, LLC, to recover real property in the matter of *Bradsen Properties, LLC v Perry Siver*.

43. After several weeks without a response, Mr. Bouchard attempted to contact the court via telephone, but his calls were not returned. He eventually spoke with Town Clerk Stanley Bilinski, who advised that he had not seen respondent in court for a period of months and suggested certain dates and times when Mr. Bouchard might reach respondent. Mr. Bouchard made numerous attempts to reach respondent at the suggested dates and times but was unsuccessful.

44. On or about May 22, 2021, Howard Stoll went to the town hall in an attempt to locate respondent. There, Mr. Bilinski informed him that respondent had not come to court or opened court mail for months. Mr. Bilinski suggested that Mr. Stoll try reaching respondent at his residence.

45. Based upon Mr. Bilinski's suggestion, Mr. Stoll went to respondent's residence several times over a period of several days, but no one answered the door, and respondent could not be located.

46. Mr. Stoll then turned the matter over to his attorney, Gerard Snyder, who also was unable to reach respondent.

47. In or about December 2021, Charles J. Tallent, an attorney for Bradsen Properties, LLC, located respondent at the Salisbury Town Court, during a scheduled calendar for traffic cases, and handed him the papers he had failed to act on during the preceding year. Respondent advised Mr. Tallent he had not

previously seen the documents, despite the fact that the papers had been sent to the court in February 2021.

48. Mr. Stoll's eviction matter was not resolved until on or about January 12, 2022, when the defendant defaulted by failing to appear. Judgment was entered for the plaintiff, approximately 11 months after his initial filing with the court. As a result of respondent's neglect of his judicial duties, Mr. Stoll's case was subjected to unnecessary delays, and he was required to pay additional attorney's fees.

As to Charge V of the Formal Written Complaint

49. Respondent failed to cooperate with the Commission's investigation of allegations that he posted inappropriate content to his Facebook page, in that he failed to respond to letters of inquiry from the Commission dated August 10, 2023, and September 25, 2023. The letter of September 25 was personally served upon respondent.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.3(A), 100.3(B)(1), 100.3(B)(7), 100.3(C)(1), 100.4(A)(1) and (2) and 100.5(A)(1)(c) of the Rules Governing Judicial Conduct ("Rules") and should be disciplined for cause, pursuant to Article VI, Section 22, subdivision a, of the New York State Constitution and Section 44, subdivision 1, of the Judiciary Law. Charges I

through V of the Formal Written Complaint are sustained and respondent's misconduct is established.

The Rules require judges to maintain high standards of conduct and to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” (Rules, §§100.1, 100.2(A)) Judges are required to “be faithful to the law and maintain professional competence in it”, “diligently discharge the judge’s administrative responsibilities” and “dispose of all judicial matters promptly, efficiently and fairly.” (Rules §§100.3(B)(1), 100.3(B)(7) and 100.3(C)(1)) The Rules also prohibit judges from engaging in extra-judicial activities which “detract from the dignity of judicial office.” (Rules §100.4(A)(2)) Section 100.5(A)(1)(c) of the Rules provides that, with limited exceptions not applicable here, judges shall not “directly or indirectly engage in any political activity . . .” Respondent violated these Rules when he, *inter alia*, failed to complete his mandatory judicial training, displayed a statue featuring a Confederate flag in his chambers and made improper public Facebook posts, including posts lauding the Confederacy and posts engaging in prohibited political activity. In addition, he failed to make required reports to the Office of the State Comptroller, failed to dispose of the *Bradsen* matter in a timely manner and failed to cooperate with the Commission’s investigation.

“Any conduct, on or off the Bench, inconsistent with proper judicial

demeanor subjects the judiciary as a whole to disrespect and impairs the usefulness of the individual Judge to carry out his or her constitutionally mandated function” *Matter of Kuehnel*, 49 NY2d 465, 469 (1980) (citations omitted); *Matter of Senzer*, 35 NY3d 216, 220 (2020) (“[b]ecause judges carry the esteemed office with them wherever they go, they must always consider how members of the public . . . will perceive their actions and statements” (citation omitted)); *Matter of Lonschein*, 50 NY2d 569, 572 (1980) (“[m]embers of the judiciary should be acutely aware that any action they take, whether on or off the bench, must be measured against exacting standards of scrutiny to the end that public perception of the integrity of the judiciary will be preserved.” (citation omitted)).

Respondent disregarded the constitutional and statutory requirements of his judicial office when he failed to complete his required annual judicial training for 2022 and 2023 even after being notified multiple times that he was not in compliance with his obligations. By this conduct, respondent failed to comply with his legal obligations and his administrative responsibilities in violation of the Rules and rendered himself ineligible to serve as a judge. *See, Matter of Lobdell*, 1984 Ann Rep NY Commn on Jud Conduct at 120, 123 (“[b]y failing to attend and complete the training and certification program required by law for all non-lawyer town and village justices, despite repeated notice from the Office of Court Administration and his administrative judge, respondent demonstrated a serious

disregard of the constitutional and statutory obligations of judicial office.”); *Matter of Joedicke*, 1982 Ann Rep NY Commn on Jud Conduct at 73, 76 (“[f]ailure to obtain the required certificate renders a judge unqualified to hold office and has been held, *per se*, to constitute cause for removal.”) By failing to meet his judicial training requirements for 2022, despite being granted an extension of time to do so, and continuing to fail to comply with the requirements for 2023, respondent demonstrated that he is unfit for judicial office.

In additional significant misconduct, respondent undermined the integrity of the judiciary and created at least the appearance of racial bias by displaying a statue featuring a Confederate flag on his desk in his chambers. According to New York statutes, the Battle Flag of the Confederacy is a “symbol[] of hate.” *See, e.g.*, NY CLS Pub B §146(2), NY CLS Educ §1527-a(2) and NY CLS Gen Mun §99-x(2). It is deeply troubling that this flag was displayed on respondent’s desk in his judicial chambers for approximately 18 years until he was relieved of his judicial duties in 2023. The Confederate flag was viewable from the courtroom and by those who used respondent’s chambers to conference cases. Furthermore, respondent made public Facebook posts which also created the appearance of racial bias, including posts that praised the Confederacy. In a recent matter in which a judge created the appearance of racial bias, the Court of Appeals found removal was warranted stating, “[w]e stress that the ‘appearance of such

impropriety is no less to be condemned than is the impropriety itself' . . .” *Matter of Putorti*, 40 NY3d 359, 366 (2023) (citations omitted) By displaying the Confederate flag, a divisive symbol, in his chambers and celebrating the Confederacy in his public Facebook posts, respondent created at least the appearance that he harbored racial bias which severely undermined public confidence in his integrity and impartiality.

The ethical Rules strictly prohibit judges from direct and indirect engagement in political activity other than in connection with their own campaigns for judicial office. (Rules, §100.5(A)(1)(c)) Despite this prohibition, respondent made public Facebook posts in which he improperly engaged in political activity. For example, during a presidential election year, respondent made public posts supportive of a presidential candidate as well as posts denigrating other candidates. “The ethical standards require a judge to avoid extra-judicial conduct that casts doubt on the judge’s impartiality. . . or 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.”). Through his public Facebook posts, in addition to creating the appearance of racial bias, respondent engaged in improper political activity, detracted from the dignity of his judicial office and undermined public confidence in his integrity.

Furthermore, respondent engaged in a pattern of disregarding his administrative responsibilities and the duties of his judicial office. In addition to failing to comply with mandatory judicial training requirements, respondent failed to report and remit funds to the Office of the State Comptroller for three months. “The handling of official monies is one of a judge’s most important responsibilities. . . . The failure to comply with these mandates constitutes misconduct, even if there is no evidence that monies were missing or used for inappropriate purposes.” *Matter of Ridgeway*, 2010 Ann Rep NY Commn on Jud Conduct at 205, 209 (citations omitted); *See, Matter of Hrycun*, 2002 Ann Rep NY Commn on Jud Conduct at 109, 110 (citations omitted) (“[t]he failure to remit funds promptly to the State Comptroller constitutes neglect of a judge’s administrative duties, even if the money is accounted for and on deposit and even if the amounts are small.”) By not reporting and remitting funds to the State Comptroller as required, respondent failed to diligently perform his administrative duties.

In addition, respondent failed to timely dispose of the *Bradsen* matter, a residential eviction case. Between approximately February 2021 and January 2022, respondent neglected to schedule or adjudicate this matter. Respondent's inattention to his responsibilities in this regard constituted additional misconduct. *See, Matter of Corretore*, 2021 Ann Rep of NY Commn on Jud Conduct at 87, 91 (“[u]ndue delay in rendering judgment in small claims matters undermines public confidence in the judiciary. . . .”)

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 constituted additional significant misconduct. The Commission's Operating Procedures and Rules, 22 NYCRR 7000.3(c), authorize the Commission during an investigation to request a written response from a judge who is the subject of a complaint. During the investigation, respondent failed to respond to two inquiry letters from the Commission, one of which was personally served on him. 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 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. 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.”) Respondent’s failure to cooperate during the investigation, respond to the Complaint, and participate in the proceedings demonstrated his disdain for the Commission’s important function.

“[T]he 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) In *Matter of Miller*, 35 NY3d 484, 490 (2020) (citation omitted), in determining that removal was the appropriate sanction, the Court of Appeals held that “[a] judge’s behavior must be considered ‘in the aggregate.’” Here, respondent’s failure to comply with his mandatory judicial training requirements for 2022 and 2023, his display of the Confederate flag in his chambers, his inappropriate public Facebook posts, his failure to perform the duties of his office, including reporting and remitting funds to the State Comptroller, and his decision to ignore the Commission’s investigation and proceedings render him unfit for judicial office and warrant his removal.³

³ 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

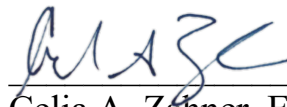
By reason of the foregoing, the Commission determines that the appropriate disposition is removal.

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

CERTIFICATION

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

Dated: August 5, 2024



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

AD3d 39 (2nd Dept. 2021); *Matter of McCoy-Jacien*, 181 AD3d 1089 (3rd Dept. 2020); *Matter of Shaw*, 180 AD3d 1 (4th Dept. 2019).