

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

**RALPH J. EANNACE, JR.,**

a Judge of the Utica City Court,  
Oneida 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 Ralph J. Eannace, Jr. ("Respondent"), who is represented in this proceeding by Robert F. Julian, Esq., of the Law Offices of Robert F. Julian, 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 was admitted to the practice of law in New York in 1980. He has been a Judge of the Utica City Court, Oneida County, since 2003. Respondent's current term expires on December 31, 2023.

2. Respondent was served with a Formal Written Complaint dated June 18, 2020. He enters into this Agreed Statement of Facts in lieu of filing an Answer.

**As to Charge I**

3. Respondent failed to file his 2018 financial disclosure statement with the

Ethics Commission for the Unified Court System ("Ethics Commission") by May 15, 2019, or to seek an extension of time to do so, contrary to the requirements of the Rules of the Chief Judge (22 NYCRR Section 40.2). Respondent failed to file his disclosure statement until September 4, 2019, after he had received both a Notice to Cure and a Notice of Delinquency from the Ethics Commission.

4. By letter dated December 18, 2014, the Commission cautioned Respondent for failing to file his 2013 financial disclosure statement in a timely manner. Respondent failed to file his 2018 financial disclosure statement in a timely manner despite that prior caution.

**As to the Specifications to Charge I**

5. Pursuant to Part 40 of the Rules of the Chief Judge (22 NYCRR Section 40.2), Respondent is required to file a financial disclosure statement with the Ethics Commission by May 15 of each year with respect to his finances for the previous calendar year.

6. Respondent did not file his 2018 statement by May 15, 2019. Thereafter, the Ethics Commission sent, and Respondent received, a Notice to Cure dated July 3, 2019. The Notice to Cure directed Respondent to file his 2018 statement within 15 days of July 3, 2019. A copy of the Notice to Cure is appended as Exhibit 1.

7. Respondent did not file his 2018 statement in accordance with the Notice to Cure. Thereafter, the Ethics Commission sent, and Respondent received, a Notice of Delinquency dated September 3, 2019. A Copy of the Notice of Delinquency is appended as Exhibit 2.

8. Respondent ultimately filed his 2018 financial disclosure statement on September 4, 2019, nearly four months after it was due.

9. By letter dated December 18, 2014, Respondent had been cautioned by the Commission to adhere to the Rules Governing Judicial Conduct and the requirements of Part 40 of the Rules of the Chief Judge, after he failed to file his 2013 annual financial disclosure statement in a timely manner with the Ethics Commission, resulting in its sending him a Notice to Cure and a Notice of Delinquency. A copy of the caution letter is appended as Exhibit 3.

10. 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 to act at all times 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; failed to perform the duties of judicial office impartially and diligently, in that he failed to diligently discharge his administrative responsibilities, in violation of Section 100.3(C)(1) 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 comply with Part 40 of the Rules of the Chief Judge (22 NYCRR Part 40), in violation of Section 100.4(1) of the rules.

**Additional Factors**

11. Respondent acknowledges that the prompt and accurate filing of financial disclosure forms is not a mere formality. The information disclosed on the forms is open to public scrutiny so that, for example, a litigant or lawyer may determine whether a judge has a conflict of interest in a matter, subjecting the judge to recusal.

12. Respondent avers that his failure to file his 2018 and 2013 financial disclosure statements in a timely manner resulted from simple oversight on his part. Respondent recognizes that the Commission's cautionary letter to him in 2014 should have prompted him in subsequent years to file his statements in a timely manner, which he commits to ensure going forward.

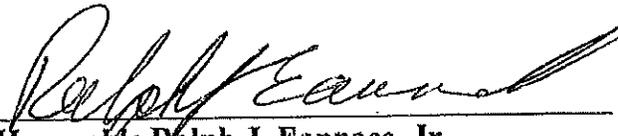
13. Respondent has been cooperative and contrite with the Commission throughout this inquiry.

**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 Admonition based upon the judicial misconduct set forth above.

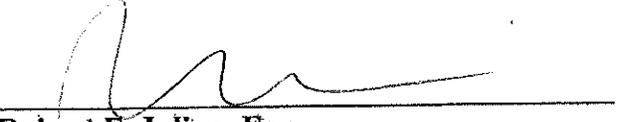
**IT IS FURTHER STIPULATED AND AGREED** that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Admonition without 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: 8/13/2020

  
Honorable **Ralph J. Eannace, Jr.**  
Respondent

Dated: 8/13/2020

  
Robert F. Julian, Esq.  
Law Offices of Robert F. Julian

Dated: August 13, 2020

  
Robert H. Tembeckjian  
Administrator & Counsel to the Commission  
(**Kathleen E. Klein**, Of Counsel)



NEW YORK STATE  
**ETHICS COMMISSION**  
**FOR THE**  
**UNIFIED COURT SYSTEM**

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 NEW YORK, NEW YORK 10004  
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 FAX (212) 428-2896  
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 Intranet: UGS home page: Topics A-Z  
 Email: [ethicscomm@nycourts.gov](mailto:ethicscomm@nycourts.gov)

# EXHIBIT 1

**RALPH J EANNACE JR**  
**CITY COURT JUDGE**



Hon. Robert J. Miller  
 Chair  
 Tracee E. Davis, Esq.  
 Lisa DiPoala Haber, Esq.  
 Rosemary Garland-Scott, Esq.  
 Hon. Shirley Troutman  
 Janice Howard  
 Executive Director

7/3/2019

**NOTICE TO CURE**  
 Pursuant to 22 NYCRR 40.1(k)

**YOUR ANNUAL STATEMENT OF FINANCIAL DISCLOSURE MUST BE FILED WITHIN FIFTEEN (15) DAYS OF THE DATE OF THIS NOTICE**

Our records indicate that you are required to file a financial disclosure statement for calendar year 2018 pursuant to the Rules of the Chief Judge, 22 NYCRR Part 40.

Our records also indicate that the Commission has not received your financial disclosure statement which was due on 5/15/2019.

IF YOU FILED your financial disclosure statement, or if there is an explanation for your failure to file, please call the office within fifteen days of the date of this Notice.

If you fail to file your statement within fifteen (15) days of the date of this Notice, then, pursuant to 22 NYCRR 40.1(k), the Commission will be required to send you a **Notice of Delinquency**, with a copy to: the State Commission on Judicial Conduct if you are a judge or justice; or the Chief Administrator of the Courts if you are a nonjudicial officer or employee of the Unified Court System. Pursuant to 22 NYCRR 40.1(m), a copy of any notice of delinquency sent pursuant to section 40.1(k) will be available for public inspection. Furthermore, under section 40.1(l), if you knowingly and willingly fail to file an annual statement of financial disclosure, you will be subject to disciplinary action: as otherwise permitted by law or rule if you are a judge or justice; or as otherwise permitted by law, rule, or collective bargaining agreement if you are a nonjudicial officer or employee of the Unified Court System.

If the Commission is required to send a Notice of Delinquency to a filer, his or her name will be posted on our website.

**TURN THE PAGE FOR FILING INSTRUCTIONS**

### To File Electronically:

You must be on an OCA computer at work. You must have the FileMaker14 program installed on your computer.

1. If you have not already done so, log on to the computer using your UCS user name and password.
2. Click on one of the following internet browsers: Internet Explorer, Microsoft Edge, or Google Chrome.
3. Go to the "Inside UCS" "Home" page, (<http://inside-ucs.org>). Choose "Topics A to Z" and then go to "E" and choose "Ethics Commission", or go to "F" and choose "Financial Disclosure Statements". The Ethics Commission home page will appear.
4. Choose "Electronic Filing" then "File Online (Financial Disclosure Form)".
5. Follow the instructions that appear under, "How to access your statement".

The eAccess page will open, giving you three options:

1. "If You Want To Open Your Current Year Financial Disclosure Statement because";
2. "If You Want To Open Your Current Year Statement and Copy Into It All The Information You Reported In Last Year's Statement";
3. "If You Want to Visit Your Dashboard because".

**If you are filing online for the first time, or you filed previously but did not file online last year, or you filed previously but do not want to copy information from the statement you filed online last year:**

- Choose option 1 on the eAccess page by clicking on the "Click Here" button- your financial disclosure statement for calendar year 2018 will appear. The response to question 1 is automatically generated- the response areas to all other questions will be empty.
- You can also access your current year statement through your dashboard. To get to your dashboard choose option 3 by clicking on "Click Here". In the dashboard, open your calendar year 2018 statement by clicking on the "View/Edit" icon.
- See the electronic filing instructions on the Ethics Commission website.

OR

**If you filed online last year and want to copy information from that statement:**

Choose option 2 on the eAccess page by clicking on the "Click Here" button- your calendar year 2018 statement will appear, with all the responses you made in your 2017 statement. Attachments from your 2017 statement will not be copied. If necessary, you must edit your 2017 responses. Once you affirm a 2017 response, it becomes your 2018 response. See the electronic filing instructions on the Ethics Commission website.

### To File By Paper:

You can go to our website, [www.nycourts.gov/ip/ethics](http://www.nycourts.gov/ip/ethics), and print a financial disclosure statement form. In the left navigation bar on the Home page, click on "Financial Disclosure Statement", then "For Judges, Justices & UCS Employees", then "Form". If you want a copy of the filing instructions, click on "Instructions" as well as "Form". Print the form. If you don't have access to a computer, call or e-mail the Ethics Commission office and request that a form be mailed to you. We do not e-mail statement forms to filers. You must mail, or hand deliver, a paper statement to the Ethics Commission office. We do accept paper statements that are e-mailed or faxed to the office.



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ETHICS COMMISSION  
FOR THE  
UNIFIED COURT SYSTEM

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# EXHIBIT 2

RALPH J. EANNACE JR.  
CITY COURT JUDGE



Hon. Robert J. Miller  
Chair  
Tracee E. Davis, Esq.  
Lisa DiPoala Haber, Esq.  
Rosemary Garland-Scott, Esq.  
Hon. Shirley Troutman  
Janice Howard  
Executive Director

9/3/2019

**NOTICE OF DELINQUENCY**  
Pursuant to 22 NYCRR 40.1(k)

Our records indicate that you are required to file a financial disclosure statement for calendar year 2018 pursuant to the Rules of the Chief Judge, 22 NYCRR Part 40.

Our records also indicate that we have not yet received your financial disclosure statement, which was due on 5/15/2019. A Notice to Cure was mailed to you on or about 7/3/2019. You did not respond to that Notice.

Pursuant to 22 NYCRR 40.1(k), the Commission is required to send a copy of this Notice to the State Commission on Judicial Conduct if you are a judge or justice, or the Chief Administrator of the Courts if you are a nonjudicial officer or employee of the Unified Court System.

Pursuant to 22 NYCRR 40.1(m), a copy of any notice of delinquency sent pursuant to section 40.1(k) will be available for public inspection. Furthermore, under section 40.1(l), if you knowingly and willingly fail to file an annual statement of financial disclosure, you will be subject to disciplinary action, as otherwise permitted by law or rule, if you are a judge or justice, or as otherwise permitted by law, rule, or collective bargaining agreement if you are a nonjudicial officer or employee of the Unified Court System.

Your name will appear on our website, on the "Delinquent Filers" page.

**TURN THE PAGE FOR FILING INSTRUCTIONS**

FORM E1

Empld: 0016967

#### To File Electronically:

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1. If you have not already done so, log on to the computer using your UCS user name and password.
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# EXHIBIT 3

## NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
HON. TERRY JANE RUDERMAN, VICE CHAIR  
HON. ROLANDO T. ACOSTA  
JOSEPH W. BELLUCK  
JOEL COHEN  
JODIE CORNGOLD  
RICHARD D. EMERY  
PAUL B. HARDING  
RICHARD A. STOLOFF  
HON. DAVID A. WEINSTEIN

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ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL

December 18, 2014

### MEMBERS

JEAN M. SAVANYU, CLERK

### CONFIDENTIAL

Honorable Ralph J. Eannace, Jr.  
Utica City Court Judge  
Utica City Courthouse  
411 Oriskany Street, West  
Utica, New York 13502

### LETTER OF DISMISSAL AND CAUTION

Dear Judge Eannace:

The Commission on Judicial Conduct has completed its investigation of a complaint alleging that you failed to file your 2013 financial disclosure statement in a timely manner with the Ethics Commission for the Unified Court System. After considering your response to the allegations, the Commission has determined not to institute formal charges.

In accordance with Section 7000.3(c) of the Commission's Operating Procedures and Rules, the Commission has dismissed the complaint with this letter of dismissal and caution.

You are cautioned to adhere to Section 100.1 of the Rules Governing Judicial Conduct ("Rules"), which requires a judge to observe high standards of conduct so that the integrity and independence of the judiciary will be preserved; Section 100.2(A) of the Rules, which requires a judge to respect and comply with the law and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary; and Section 100.4(I) of the Rules, which requires a judge's compliance with Part 40 of the Rules of the Chief Judge, requiring the filing of an annual financial disclosure statement with the Ethics Commission of the Unified Court System

by May 15<sup>th</sup> of the year following the year covered by the disclosure statement.

Your unexcused failure to file your 2013 disclosure statement in a timely manner did not comply with the above standards, resulted in the issuance to you of a Notice to Cure and a Notice of Delinquency by the Ethics Commission and was finally resolved by your submission of the disclosure statement in August 2014, almost three months late.

In accordance with the Commission's policy, you may either accept this letter of dismissal and caution or request a formal disciplinary hearing. If you choose to accept this letter of dismissal and caution, no further action will be taken. If you request a hearing, the Commission may authorize a Formal Written Complaint against you pursuant to Judiciary Law Section 44(4) and designate a referee to hear and report findings of fact and conclusions of law. If a hearing is held, the Commission may then decide to dismiss the complaint, issue a letter of caution to you, or file a determination pursuant to Judiciary Law Section 44(7) that you be publicly admonished, publicly censured, or removed from office.

The letter of dismissal and caution is a confidential disposition of the current complaint but may be used in a future disciplinary proceeding pursuant to Section 7000.4 of the Commission's Operating Procedures and Rules (22 NYCRR §7000.4).

Please advise the Commission in writing no later than 10 days after receipt of this letter if you choose not to accept this letter of dismissal and caution and wish to have a hearing on formal charges. If we do not hear from you requesting a formal hearing within 10 days, the letter shall be final.

A copy of the Commission's rules is enclosed for your information.

Very truly yours,

COMMISSION ON JUDICIAL CONDUCT

By: 

Honorable Thomas A. Klonick  
Chair

Enclosure

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Re: File No. 2014/A-0212