

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

KEVIN V. HUNT,

a Justice of the Shawangunk Town Court,
Ulster County.

**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, Esq., Administrator and Counsel to the Commission, and Honorable Kevin V. Hunt ("respondent"), who is unrepresented in this proceeding, that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

1. Respondent has been a Justice of the Shawangunk Town Court, Ulster County, since January 2005. Respondent's current term expires December 31, 2013. He is not an attorney.

2. Respondent was served with a Formal Written Complaint dated July 18, 2011, and enters into this Agreed Statement of Facts in lieu of submitting an Answer.

As to Charge I

3. On May 25, 2006, Shawangunk Police Officer Roy Snyder issued Wendy M. Myers two traffic tickets for violations of Vehicle and Traffic Law Sections

1180(c) (speeding in a school zone) and 1225-c(2)(a) (using a cell phone while operating). The tickets, copies of which are annexed as Exhibit A, were returnable in the Shawangunk Town Court on June 13, 2006, before respondent's co-judge, Timothy S. McAdam.

4. After receiving the tickets, Wendy M. Myers entered a plea of not guilty by mail. By letter dated June 6, 2006, Judge McAdam acknowledged receipt of the defendant's not guilty plea and scheduled a trial date for July 11, 2006.

5. Respondent became aware of the *Myers* tickets shortly after their issuance. At the time the tickets were issued, respondent had known Wendy M. Myers and her husband, Keith Myers, in a social capacity for approximately 15 years. Respondent never spoke to Wendy Myers about the tickets, but he looked up the tickets in the court's files and determined they were returnable before Judge McAdam.

6. Prior to the trial date, respondent went to the Shawangunk Police station and spoke to Officer Snyder about Myers' tickets. Officer Snyder was acquainted with respondent and had appeared before him in court. Respondent told Officer Snyder that Wendy M. Myers was a friend and that she and her family were "good people." He asked Officer Snyder to do "whatever you can do."

7. Officer Snyder and defendant Myers both appeared in court on the July 11, 2006, trial date before Judge McAdam. Officer Snyder recommended that the tickets be disposed of by adjournment in contemplation of dismissal (ACD). Judge McAdam granted an ACD and the matter was adjourned for six months. On January 11, 2007, the

tickets were dismissed. Respondent never spoke to Judge McAdam about the defendant or the tickets.

8. Officer Snyder would not have proposed an ACD as a disposition for the charges against Wendy M. Myers absent respondent's request.

9. Respondent acknowledges that he should not have intervened in the disposition of Wendy Myers' tickets.

10. Respondent acknowledges that his actions in speaking to Officer Snyder and advocating for his friend lent the prestige of judicial office to advance the private interest of his friend and constituted a request for favoritism.

11. 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; and 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, allowed a personal relationship to influence his judicial conduct and judgment, in violation of Section 100.2(B) of the Rules, and lent the prestige of judicial office to advance the private interest of another, in violation of Section 100.2(C) of the Rules.

Mitigating Factors

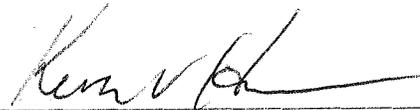
12. Respondent has been cooperative and forthright with the Commission and its staff throughout the investigative and adjudicative proceedings in this matter.

13. Respondent is remorseful and assures the Commission that lapses such as occurred here will not recur.

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

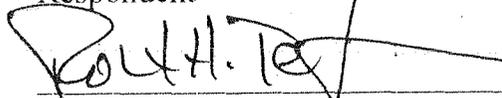
IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Censure without further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

Dated:



Honorable Kevin V. Hunt
Respondent

Dated: 07.11, 2011



Robert H. Tembeckjian, Esq.
Administrator & Counsel to the Commission
(Jill S. Polk, Of Counsel)

7/11/06

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UT-3.3 (7/03) New York State • Department of Motor Vehicles
LV 427503 6 SIMPLIFIED TRAFFIC INFORMATION For Court Use
06050119.2

T/SHAWANGUNK POLICE AGENCY

Last Name (Defendant) MYERS First Name Wendy M.I. M
Number and Street 941 Oregon Trl Apt. No.
City Pine Bush State NY Zip Code 12566
Client ID Number 179107165904

Lic. State NY Lic. Class DM Date Expires 1/12 Sex F Date of Birth 01/20/71 Com. Veh. Bus Haz. Mat.

Plate Number ANN-8049 Reg. State NY Reg. Type PAS Color WH Veh. Type

Vehicle Year/Make 1986 MER/BE Operator Cons Veh. Yes People of the State of New York Versus Defendant. The Undersigned Officer Accuses Defendant of the Following Offense Committed On

Weekday THURS Date of Offense 5/24/06 Time AT 8:55 AM 2

Street Name ON Rt 208 Hwy. Type 2 Hwy. No. 208

IN CITY OF SHAWANGUNK CO. OF ULST Location Code 5666

IN VIOLATION OF NYS V&T Law 01 Other Law

Sec 1225 Sub C

Description of Violation Cell phone operator MPH MPH Zone IN

AFFIRMED UNDER PENALTY OF PERJURY

(Officer's Signature) [Signature]

Officer Operating Radar Date of Affirmation 5/25/06

NCIC/ORI 05599 DIV/Troop PCT/Zone Section Station 14701

Officer's Last Name (print) SNYDER R P Badge/Shield 109

YOU ARE HEREBY DIRECTED TO APPEAR IN THE

City Town of Shawangunk

Village COURT Address 14 CENTRAL Ave

City WALKILL State NY Zip 12589 Court Code 5366

Date ON JUNE 13 YEAR 2006 AT 7 M Justice Code 51334

Charge Convicted of Law Convicted of V&T Other Date Adjudicated 11/107

Disposition/Sentence Sec. Sub. Same as Above Fine \$ Surcharge \$

Disposition/Sentence DISM

Notice of Correction Bail Forfeiture Amount \$ Date of Bail Forfeiture Trial Yes No

Revoked Suspended days

Revoked Suspended days

U.S. DOT#- 427503

LV 427503

7/11/06

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Sec 1180 Sub C

Description of Violation Speed School Zone MPH MPH Zone 43 IN 25

AFFIRMED UNDER PENALTY OF PERJURY

(Officer's Signature) [Signature]

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EXHIBIT A