

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

STEPHEN A. MORE,

a Justice of the Springfield Town
Court, Otsego County.

THE COMMISSION:

Mrs. Gene Robb
Honorable Myriam J. Altman
Henry T. Berger, Esq.
John J. Bower, Esq.
Honorable Carmen Beauchamp Ciparick
E. Garrett Cleary, Esq.
Dolores Del Bello
Victor A. Kovner, Esq.
Honorable Isaac Rubin
Honorable Eugene W. Salisbury
John J. Sheehy, Esq.

APPEARANCES:

Gerald Stern (Cathleen S. Cenci, Of Counsel) for
the Commission

The respondent, Stephen A. More, a justice of the
Springfield Town Court, Otsego County, was served with a Formal
Written Complaint dated January 20, 1989, alleging that he
failed to promptly deposit court funds in his official account
and failed to remit funds to the state comptroller in a timely
fashion. Respondent did not answer the Formal Written
Complaint.

By motion dated March 28, 1989, the administrator of the Commission moved for summary determination and a finding that respondent's misconduct be deemed established. Respondent did not oppose the motion or file any papers in response thereto. By determination and order dated April 25, 1989, the Commission granted the administrator's motion.

The administrator filed a memorandum as to sanction and a supplementary letter dated July 10, 1989. Respondent neither filed a memorandum nor requested oral argument.

On July 17, 1989, the Commission considered the record of the proceeding and made the following findings of fact.

1. Respondent was a justice of the Springfield Town Court from January 1, 1976, until he notified the Chief Administrator of the Courts of his resignation on May 18, 1989.

2. Between July 1984 and November 1988, respondent failed to remit court funds to the state comptroller within ten days of the month after he received them, as required by Sections 2020 and 2021(1) of the Uniform Justice Court Act, Section 1803 of the Vehicle and Traffic Law and Section 27(1) of the Town Law, and as denominated in Schedule A appended hereto. Respondent remitted court funds late in all but four of the 53 months of the period. Money was remitted between one and 116 days late.

3. Between September 1984 and September 1988, respondent failed to promptly deposit court funds in his

official account, as required by Section 30.7(a) of the Uniform Justice Court Rules in effect until January 5, 1986, and by Section 214.9(a) of the Uniform Civil Rules for the Justice Courts in effect since January 6, 1986, amended on March 25, 1987, and as denominated in Schedule B appended hereto.

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 and 100.3(b)(1) of the Rules Governing Judicial Conduct and Canons 1, 2A, 3 and 3B(1) of the Code of Judicial Conduct. Charge I of the Formal Written Complaint is sustained, and respondent's misconduct is established.

Respondent has mishandled court funds by keeping them in his own possession rather than promptly depositing them in the bank and by failing to turn them over to the state comptroller in a timely fashion as required by law.

The failure by respondent to timely deposit and remit court funds raises questions about the interim use of such funds and diminishes public confidence in the individual judge and in the judiciary as a whole. See Matter of Rater, 1987 Annual Report 135, 137 (Com. on Jud. Conduct, July 25, 1986), accepted, 69 NY2d 208 (1987). Respondent failed to comply with the law and to diligently perform his administrative duties.

Respondent has offered no excuse or mitigating factors which would moderate the otherwise severe penalty to be imposed. See Matter of Rater v. State Commission on Judicial Conduct, 69 NY2d at 209.

This determination is rendered pursuant to Section 47 of the Judiciary Law in view of respondent's resignation from the bench.

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

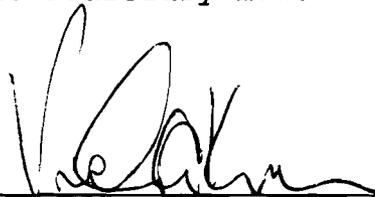
Mrs. Robb, Mr. Berger, Judge Ciparick, Mr. Cleary, Mrs. Del Bello, Mr. Kovner, Judge Rubin, Judge Salisbury and Mr. Sheehy concur.

Judge Altman and Mr. Bower were not present.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct, containing the findings of fact and conclusions of law required by Section 44, subdivision 7, of the Judiciary Law.

Dated: August 25, 1989



Victor A. Kovner, Esq.
New York State
Commission on Judicial Conduct

Schedule A

<u>Received</u>	<u>Remitted</u>	<u>Number of Days Late</u>
July 1984	August 31, 1984	21
August 1984	October 15, 1984	35
September 1984	November 26, 1984	47
October 1984	December 3, 1984	23
November 1984	December 7, 1984	0
December 1984	February 21, 1985	42
January 1985	March 11, 1985	29
February 1985	April 5, 1985	26
March 1985	April 3, 1985	0
April 1985	May 23, 1985	13
May 1985	June 24, 1985	14
June 1985	August 21, 1985	42
July 1985	August 28, 1985	18
August 1985	November 4, 1985	55
September 1985	November 4, 1985	25
October 1985	November 14, 1985	4
November 1985	February 19, 1986	71
December 1985	February 21, 1986	42
January 1986	June 6, 1986	116
February 1986	June 6, 1986	88
March 1986	June 6, 1986	57
April 1986	June 12, 1986	33
May 1986	June 11, 1986	1
June 1986	September 4, 1986	56
July 1986	September 4, 1986	25
August 1986	September 4, 1986	0
September 1986	December 31, 1986	82
October 1986	February 11, 1987	93
November 1986	February 11, 1987	63
December 1986	February 18, 1987	39
January 1987	February 18, 1987	8
February 1987	March 11, 1987	1
March 1987	April 14, 1987	4
April 1987	May 15, 1987	5
May 1987	June 9, 1987	0
June 1987	August 12, 1987	33
July 1987	August 14, 1987	4
August 1987	December 10, 1987	91
September 1987	December 17, 1987	68
October 1987	December 29, 1987	49
November 1987	February 16, 1988	68
December 1987	March 8, 1988	58
January 1988	March 3, 1988	22
February 1988	March 11, 1988	1
March 1988	May 11, 1988	31
April 1988	August 8, 1988	90
May 1988	September 8, 1988	90
June 1988	September 8, 1988	60
July 1988	September 16, 1988	37
August 1988	October 17, 1988	37
September 1988	January 6, 1989	88
October 1988	January 3, 1989	54
November 1988		

Schedule B

<u>Dates of Receipt</u>	<u>Total of Receipts</u>	<u>Date of Deposit</u>	<u>Total of Deposit</u>	<u>Deficiency or Surplus</u>	<u>Cumulative Deficiency or Surplus</u>
9/10/84	\$ 60.00	9/13/84	\$ 25.00	- 35.00	- 35.00
9/14-10/8/84	285.00	10/11/84	65.00	- 220.00	- 255.00
10/15-11/19/84	730.00	11/26/84	70.00	- 660.00	- 915.00
11/26/84	80.00	12/03/84	995.00	+ 915.00	0
12/01-28/84	1,437.50	12/31/84	1,357.50	- 80.00	- 80.00
1/14-2/25/85	1,055.00	3/05/85	640.00	- 415.00	- 495.00
3/25/85	110.00	4/03/85	525.00	+ 415.00	- 80.00
4/15-17/85	180.00	4/19/85	150.00	- 30.00	- 110.00
4/22-29/85	338.75	5/01/85	368.75	+ 30.00	- 80.00
5/01-20/85	868.75	5/22/85	113.75	- 755.00	- 835.00
5/27-6/13/85	735.00	6/18/85	633.75	- 101.25	- 936.25
6/18-20/85	0	6/20/85	910.00	+ 910.00	- 26.25
6/20-25/85	182.50	6/25/85	250.00	+ 67.50	+ 41.25
6/25-7/15/85	925.00	7/16/85	92.50	- 832.50	- 791.25
7/22-8/19/85	235.00	8/20/85	220.00	- 15.00	- 806.25
8/26/85	35.00	8/27/85	885.00	+ 850.00	+ 43.75
8/30-9/25/85	410.00	9/27/85	65.00	- 345.00	- 301.25
9/29-30/85	535.00	10/01/85	665.00	+ 130.00	- 171.25
10/01/85	350.00	10/07/85	500.00	+ 150.00	- 21.25
10/07-09/85	375.00	10/10/85	350.00	- 25.00	- 46.25
10/11-21/85	910.00	10/22/85	615.00	- 295.00	- 341.25
10/28/85	35.00	11/01/85	130.00	+ 95.00	- 246.25
11/1-3/85	0	11/04/85	195.00	+ 195.00	- 51.25
11/04/85	32.50	11/13/85	70.00	+ 37.50	- 13.75
11/24/85-1/20/86	1,622.50	2/12/86	165.00	-1,457.50	-1,471.25
2/17/86	110.00	2/18/86	1,025.00	+ 915.00	- 556.25
2/18-26/86	0	2/27/86	265.00	+ 265.00	- 291.25
2/27-5/30/86	464.00	6/05/86	639.50	+ 175.50	- 115.75
6/07-09/86	50.00	6/10/86	165.00	+ 115.00	- .75
6/16-8/18/86	955.00	8/19/86	435.00	- 520.00	- 520.75
8/25/86	62.50	9/03/86	552.50	+ 490.00	- 30.75
9/03-15/86	405.00	9/18/86	345.00	- 60.00	- 90.75
9/29-11/24/86	515.00	12/29/86	260.00	- 255.00	- 345.75

<u>Dates of Receipt</u>	<u>Total of Receipts</u>	<u>Date of Deposit</u>	<u>Total of Deposit</u>	<u>Deficiency or Surplus</u>	<u>Cumulative Deficiency or Surplus</u>
12/29/86-2/02/87	57.00	2/09/87	290.00	+ 233.00	- 112.75
2/02-18/87	0	2/18/87	55.00	+ 55.00	- 57.75
2/23-3/02/87	660.05	3/05/87	571.05	- 89.00	- 146.75
3/09/87	285.00	3/12/87	374.00	+ 89.00	- 57.75
3/16/87	50.00	3/23/87	50.00	0	- 57.75
3/31-4/03/87	205.00	4/07/87	180.00	- 25.00	- 82.75
4/13-27/87	691.20	4/30/87	685.00	- 6.20	- 88.95
5/04-26/87	436.20	6/01/87	436.20	0	- 88.95
6/01/87	295.00	6/03/87	295.00	0	- 88.95
6/22-29/87	375.00	6/30/87	375.00	0	- 88.95
7/13-27/87	580.00	8/11/87	580.00	0	- 88.95
8/13-17/87	45.00	8/18/87	35.00	- 10.00	- 98.95
8/24/87	170.00	8/28/87	60.00	- 110.00	- 208.95
8/31-11/30/87	770.00	12/01/87	250.00	- 520.00	- 728.95
12/04/87	3.87	12/10/87	500.00	+ 496.13	- 232.82
12/10-20/87	0	12/21/87	133.87	+ 133.87	- 98.95
12/28/87	355.00	12/31/87	355.00	0	- 98.95
1/04-2/22/88	205.00	2/29/88	135.00	- 70.00	- 168.95
2/29/88	480.00	3/03/88	500.00	+ 20.00	- 148.95
3/07/88	630.00	3/10/88	630.00	0	- 148.95
3/14/88	305.00	3/18/88	305.00	0	- 148.95
4/04-7/17/88	2,542.75	7/18/88	750.00	-1,792.75	-1,941.70
7/18-8/02/88	0	8/03/88	1,320.00	+1,320.00	- 621.70
8/31-9/5/88	165.00	9/06/88	388.50	+ 223.50	- 398.20
9/6-11/88	0	9/12/88	144.25	+ 144.25	- 253.95
9/26/88	25.00	9/29/88	100.00	+ 75.00	- 178.95