

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

JAMES P. ROMAN,

STIPULATION

A Justice of the Sullivan Town Court,
Madison County.

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission on Judicial Conduct, the Honorable James P. Roman (“respondent”), and his attorney, Alan J. Pope, Esq., of Pope & Schrader, LLP, as follows:

1. This Stipulation is presented to the Commission in connection with a formal proceeding pending against respondent.
2. Respondent was admitted to practice law in New York in 1985. He has been a Justice of the Sullivan Town Court, Madison County, since 1998. Respondent’s current term expires December 31, 2013.
3. Respondent was served with a Formal Written Complaint dated August 7, 2012, a copy of which is annexed as Exhibit 1. The Formal Written Complaint contained one charge alleging *inter alia* that respondent engaged in judicial misconduct, on or about August 12, 2011, when he publicly and physically confronted a fifteen-year-old boy who was riding his bicycle in respondent’s neighborhood, yelled profanities, took unauthorized possession of and damaged the

boy's bicycle, and recommended to a local landlord that he evict a neighborhood family because of their relationship with the boy.

4. Respondent filed an Answer, dated October 30, 2012, in which he admitted in part and denied in part the allegations charged against him. A copy of the Answer is annexed as Exhibit 2.

5. Respondent submitted his letter of resignation from judicial office dated May 22, 2013, effective at the close of business July 3, 2013. A copy of respondent's resignation letter is annexed as Exhibit 3.

6. 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.

7. Respondent affirms that, after he vacates his judicial office, he will neither seek nor accept judicial office or a position as a judicial hearing officer at any time in the future.

8. Respondent understands that, should he abrogate the terms of this Stipulation and hold any judicial position at any future time, the present proceeding before the Commission will be revived and the matter will proceed to a hearing before a referee.

9. Upon execution of this Stipulation by the three signatories below, this Stipulation will be presented to the Commission with the joint recommendation

that the matter be concluded by the terms of this Stipulation, without further proceedings, as of the date respondent's resignation takes effect.

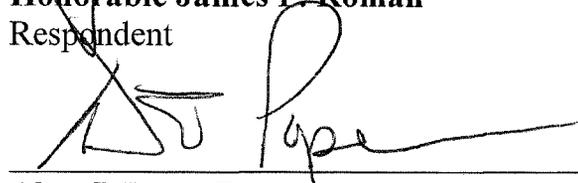
10. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that this Stipulation and the Commission's Decision and Order regarding this Stipulation will become public.

Dated:



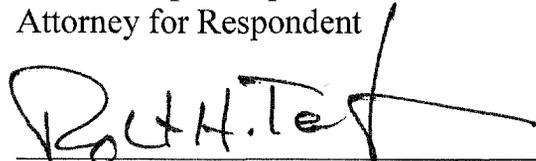
Honorable James P. Roman
Respondent

Dated:



Alan J. Pope, Esq.
Attorney for Respondent

Dated: May 28, 2013



Robert H. Tembeckjian
Administrator and Counsel to the Commission
(John J. Postel and Kathleen Martin Of Counsel)

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

JAMES P. ROMAN,

a Justice of the Sullivan Town Court,
Madison County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to respondent, James P. Roman, a Justice of the Sullivan Town Court, Madison 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: August 7, 2012
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

JAMES P. ROMAN,

a Justice of the Sullivan Town Court,
Madison County.

**FORMAL
WRITTEN COMPLAINT**

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 James P. Roman (“respondent”), a Justice of the Sullivan Town Court, Madison County.

3. The factual allegations set forth in Charge I 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 was admitted to the practice of law in New York in 1985. He has been a Justice of the Sullivan Town Court, Madison County, since 1998. Respondent’s current term expires December 31, 2013.

CHARGE I

5. On or about August 12, 2011, respondent: (1) publicly confronted M [REDACTED] [REDACTED], a 15-year-old boy, who was riding his bicycle in respondent's neighborhood, (2) yelled profanities at the boy, (3) took unauthorized possession of Mr. [REDACTED]'s bicycle, pushed him to the ground in the process, and damaged his bicycle, (4) recommended to a local landlord that he evict a neighborhood family because of their friendly relationship with Mr. [REDACTED] and (5) wielded a baseball bat when Mr. [REDACTED] appeared in the company of another neighbor to reclaim his bicycle, saying that he did not want Mr. [REDACTED] on his property or in the neighborhood.

Specifications to Charge I

6. During the summer of 2011, money was stolen on multiple occasions from a farm stand that respondent operated on his property.

7. On or about August 12, 2011, respondent stopped his car in front of Mr. [REDACTED] and J [REDACTED] [REDACTED], a 14-year-old friend of Mr. [REDACTED], who were riding their bicycles in the neighborhood in which respondent resides. [REDACTED] and his family lived down the street from respondent. Respondent exited his car and questioned why Mr. [REDACTED] was riding near respondent's farm stand.

8. Respondent called Mr. [REDACTED] a "damn thief" and a "troublemaker," and told him to "get out of this neighborhood," or words to that effect. Respondent also told Mr. [REDACTED] that he was a "cocksucker" and a "motherfucker," or words to that effect.

9. Respondent grabbed Mr. [REDACTED]'s bicycle and began to turn towards his car. Mr. [REDACTED] pulled back on the bicycle. Respondent pushed Mr. [REDACTED] backwards, causing Mr. [REDACTED] to fall to the ground. Respondent placed the bicycle into his car and drove down the street to Mr. [REDACTED]'s home.

10. When respondent arrived at Mr. [REDACTED]'s house, he took the bicycle out of his car, held it up and heaved it onto the front yard, causing damage to it.

11. Respondent told Sarah Wagoner, Mr. [REDACTED]'s mother, that Mr. [REDACTED] was "nothing but trouble." Respondent added that he wanted "that fucking kid out of this neighborhood," or words to that effect.

12. Respondent then went next door to the home of Ms. Wagoner's landlord, Stephen Walters. Mr. Walters knew that respondent was the Sullivan Town Court Justice. Referring to the [REDACTED]/Wagoner family, respondent told Mr. Walters that he was renting to people who "bring misery to our community" or words to that effect. Respondent said, "Tell them to get out" or "Throw them out," or words to that effect.

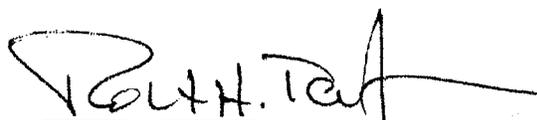
13. Respondent returned home and observed Mr. [REDACTED] walking towards his property in the company of Patrick Scott Petosa, a man who lived nearby.

14. Respondent sat on the stone wall in his front yard with a baseball bat, repeatedly banged the bat into the ground, told Mr. Petosa that he did not want Mr. [REDACTED] on his property and added, "Those fucking kids don't belong in our neighborhood," or words to that effect. Respondent acknowledged to Mr. Petosa that he had taken Mr. [REDACTED]'s bicycle and said that he had left it at Mr. [REDACTED]'s home.

15. 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 conduct his extra-judicial activities as to minimize the risk of conflict with judicial obligations, in that he failed to conduct his extra-judicial activities so that they did not detract from the dignity of judicial office, in violation of Section 100.4(A)(2) 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: August 7, 2012
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

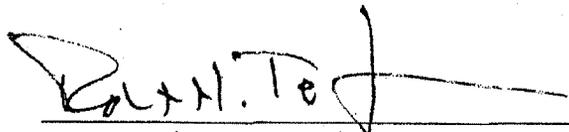
JAMES P. ROMAN,

a Justice of the Sullivan Town Court,
Madison County.

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

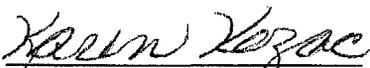
ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

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
7th day of August 2012



Notary Public

KAREN KOZAC
Notary Public, State of New York
No. 02KO6171500
Qualified in New York County
Commission Expires November 2, 2015

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

ANSWER

JAMES P. ROMAN

a Justice of the Sullivan Town Court,
Madison County.

The Hon. James P. Roman, by his attorneys, Pope & Schrader, LLP, answering the Complaint herein alleges upon information and belief as follows:

1. Admit the allegations of paragraphs 1, 4, 6, 7, 10 and 13 of the Complaint.
2. Deny knowledge or information sufficient to form a belief with respect to the allegations of paragraph 2 of the Complaint as to whether the Commission properly directed the drawing and service of the Complaint herein.
3. With respect to the allegations of paragraph 5 of the Complaint, admit that the Respondent in a private non-judicial matter outside of the courthouse and outside of any pending judicial matter before the Respondent confronted one M [REDACTED] [REDACTED] on or about August 12, 2012, spoke harsh words and expletives to said M [REDACTED] [REDACTED], took unauthorized control of M [REDACTED] [REDACTED]'s bicycle and caused some damage to the same, and advised that M [REDACTED] [REDACTED] was not to come upon his property, but deny the other allegations as pled.
4. With respect to the allegations of paragraph 8 of the Complaint, admit that the Respondent in a private non-judicial matter and with reasonable good faith belief for the truth of such statements stated words to the effect that one M [REDACTED] [REDACTED] was a thief, a trouble maker and that said M [REDACTED] [REDACTED] was not wanted in Respondent's neighborhood, and

further admits stating to said M [REDACTED] [REDACTED] that he was tired of listening to M [REDACTED] [REDACTED] shouting profanities and would show him how to swear and use profanities, but deny any recollection of specific profanities that he directed towards M [REDACTED] [REDACTED].

5. With respect to the allegations of paragraph 9 of the Complaint, admit that in a private non-judicial matter he took control of said M [REDACTED] [REDACTED]'s bicycle and that M [REDACTED] [REDACTED] pulled back on the bicycle, and placing the bicycle in his car and driving to Mr. [REDACTED]'s house, but deny pushing said M [REDACTED] [REDACTED] or causing him to fall to the ground.

6. With respect to the allegations of paragraph 11 of the Complaint, admit that in a private non-judicial matter stating words to the effect that said M [REDACTED] [REDACTED] was a troublemaker and was not wanted in his neighborhood, but deny the other allegations.

7. With respect to the allegations of paragraph 12 of the Complaint, admit that in a private non-judicial matter stating words to the effect that said M [REDACTED] [REDACTED] was a troublemaker and that Mr. Walters should take action to keep such people out of the neighborhood, but deny the other allegations.

8. With respect to the allegations of paragraph 14 of the Complaint, admit that in a private non-judicial matter Respondent on the same day in issue was legally at the stone wall at his property and stated words to the effect that said M [REDACTED] [REDACTED] was a troublemaker and was not wanted in the neighborhood, and further admits that he advised at that time that he had taken M [REDACTED] [REDACTED]'s bicycle to Mr. [REDACTED]'s house, but deny the other allegations, including, in particular, that he used a baseball bat in a menacing manner.

9. Deny the allegations of paragraphs 3 and 15 of the Complaint.

10. Deny each and every other allegation of the Complaint not specifically admitted, denied or otherwise controverted herein.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

11. The allegations of the Complaint with respect to Count I fail to set forth a claim of judicial misconduct, in that, there are no factual allegations of intentional conduct that would constitute a failure to uphold the integrity and independence of the judiciary, or that would constitute a failure to avoid the appearance of impropriety, or that would constitute a failure to act in a manner that promotes public confidence.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

12. The allegations of the Complaint with respect to Count I fail to set forth a claim of judicial misconduct, in that, the alleged extra-judicial conduct was a private matter with no evidence that any person in or about the Town of Sullivan believes the incident in issue adversely reflects on Respondent's qualifications as a Town Justice.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

13. The allegations of the Complaint with respect to Count I occurred completely in an extra-judicial setting where the Respondent and his family were victims of a series of crimes, wherein as a victim of crimes, the Respondent was entitled to take reasonable action to confront the perpetrator and to protect his family and property.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

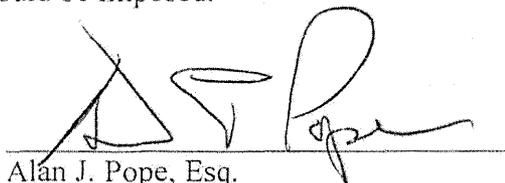
14. The allegations of the Complaint do not involve any proceedings or actions in a Courtroom, do not involve any actions directed at any attorneys, litigants or witnesses in any matter pending before the Respondent, do not adversely affect any rights of the public who appear before the Respondent.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

15. The Respondent is in all respects a capable, qualified, honorable and respected Town Justice with no prior record of any complaint in approximately a fourteen (14) year period as a Town Justice. This one extra-judicial matter should be considered for what it is, an anomaly which occurred under unique circumstances in a private setting.

WHEREFORE, by reason of the forgoing, it is respectfully submitted that Count I of the Complaint be dismissed, and that if the Commission should find any liability on the part of the Respondent, that a private sanction should be imposed.

Dated: October 30, 2012

A handwritten signature in black ink, appearing to read 'Alan J. Pope', is written over a horizontal line.

Alan J. Pope, Esq.
POPE & SCHRADER, LLP
Attorneys for Hon. James P. Roman
2 Court Street, 4th Floor
P.O. Box 510
Binghamton, New York 13902
Tel: (607) 584-4900

TO: Robert H. Tembeckjian, Esq.
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, NY 10006

VERIFICATION

STATE OF NEW YORK)
)SS:
COUNTY OF MADISON)

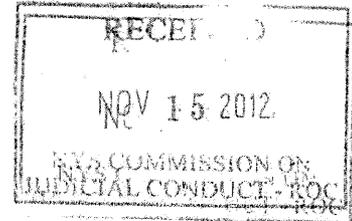
Hon. James P. Roman, being duly sworn, deposes and says: I am the person named in the matter herein; I have read the annexed Answer, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true.

James P. Roman
Hon. James P. Roman

Sworn to and subscribed before me
this 30th day of October, 2012.

Lisa A. Dinger
Notary Public

LISA A. DINES *Dinger*
Notary Public, State of New York
Appointed in Madison Co., No. 01DIS061591
Commission Expires June 17, 2014





JAMES P. ROMAN
Attorney-at-Law

443 Genesee Street
Post Office Box 277
Chittenango, New York 13037

May 22, 2013

Telephone
(315) 687-6562

Facsimile
(315) 687-6943

Hon. John Becker
Chairman, Town of Sullivan Board
Town Office Building
7507 Lakeport Road
Chittenango, New York 13037

Re: My Resignation as Town Justice

Dear John:

As we have discussed, this letter will serve to confirm that I will be resigning my position as Town of Sullivan Justice effective at 12:00 noon on July 3, 2013.

Very truly yours,

A handwritten signature in black ink, appearing to be "J. Roman", written over the typed name.

James P. Roman

JR/ld