



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Contact

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Otsego County Town Court Justice Should Be Admonished for Repeatedly Trying to Circumvent Building Security Checkpoints

The New York State Commission on Judicial Conduct has determined that Bruce R. Moskos, a Justice of the New Lisbon Town Court, Otsego County, should be admonished for asserting the prestige of his judicial office in order to circumvent security procedures in a government building.

Judge Moskos agreed to the admonition.

On three separate occasions, between July 2013 and June 2015, Judge Moskos asserted his judicial position while attempting to bring a licensed gun into a County-owned building, contrary to a local law.

In its determination the Commission stated that throughout the incidents Judge Moskos “repeatedly referred to his judicial status and asserted that his judicial position exempted him from security procedures and compliance with the local law prohibiting possession of a weapon in county buildings.” The Commission noted: “Even if [Judge Moskos] was not abusive or discourteous in confronting the security officers, he should have recognized that his repeated insistence that his judicial status entitled him to special treatment would place them in a more difficult position in carrying out their assigned responsibilities.”

Judge Moskos, who is not an attorney, has served as a Justice of the New Lisbon Town Court since 1981. His current term expires on December 31, 2017.

The Commission Proceedings

Judge Moskos was served with a Formal Written Complaint dated March 28, 2016, containing one charge, and filed an Answer dated April 14, 2016.

On August 23, 2016, the Administrator of the Commission, Judge Moskos and Judge Moskos' attorney entered into an Agreed Statement of Facts, stipulating as to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on September 15, 2016.

The Commission Determination

The Commission filed a determination dated October 3, 2016, in which nine members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Paul B. Harding, Esq. (the Vice Chair), Judge Rolando Acosta, Joel Cohen, Esq., Jodie Corngold, Richard D. Emery, Esq., Judge Thomas A. Klonick, Richard A. Stoloff, Esq., and Judge David A. Weinstein.

One member, Judge Leslie G. Leach, did not participate.

There is currently one vacancy on the 11-member Commission.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“Standard security checkpoint procedures – at airports, courthouses and other public spaces – are meant to protect us all. A judge should know better than to pull rank on security personnel whose jobs are already challenging, in order to bring a gun into a place where weapons are prohibited.”

Court of Appeals Review

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. Judge Moskos received it on October 11, 2016, and the Commission was subsequently notified by the Court of Appeals that service was complete. Consequently, the matter is now public.

A judge may either accept the Commission's determination or, within 30 days from receipt, make a written request to the Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge Moskos does not request review by the Court of Appeals, the Commission will admonish him in accordance with the determination.

If a Commission determination is reviewed by the Court of Appeals, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

Statistics Relating to Prior Determinations

Since 1978, the Commission has issued 263 determinations of admonition against judges in New York State. The Commission has issued 169 determinations of removal and 316 determinations of censure.

The Court of Appeals has reviewed 95 Commission determinations. The Court accepted the Commission's sanctions in 79 cases (70 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: nine removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings. One request for review is pending.

Counsel

In the proceedings before the Commission, Judge Moskos was represented by Michael A. Santo, Duffy & Duffy, PLLC, 1370 RXR Plaza, Uniondale, New York 11556, (516) 206-4039.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Staff Attorney S. Peter Pedrotty. Senior Investigator Ryan Fitzpatrick assisted in the investigation

Background Information on Judge Moskos

First took office:	1981
Current Term Expires:	December 31, 2017
Salary:	\$6,250

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

The Public File

The determination is attached. The record of the proceedings upon which the determination is based is available for inspection by appointment during regular business hours at the Commission's three offices:

61 Broadway Suite 1200 New York, New York 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223	400 Andrews Street Suite 700 Rochester, New York 14604
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MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2020
Paul B. Harding, Esq., Vice Chair	Assembly Minority Leader Brian M. Kolb	March 31, 2017
Hon. Rolando T. Acosta	Former Chief Judge Jonathan Lippman	March 31, 2018
Joel Cohen, Esq.	Former Assembly Speaker Sheldon Silver	March 31, 2018
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2019
Richard D. Emery, Esq.	Senate Minority Leader Andrea Stewart-Cousins	March 31, 2020
Hon. Thomas A. Klonick	Former Chief Judge Jonathan Lippman	March 31, 2017
Hon. Leslie G. Leach	Chief Judge Janet DiFiore	March 31, 2020
Richard A. Stoloff, Esq.	Former Senate President Pro Tem Dean Skelos	March 31, 2019
Hon. David A. Weinstein	Governor Andrew M. Cuomo	March 31, 2018
Vacant	Governor	March 31, 2017