



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

March 16, 2020

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Town Court Justice in Herkimer County Resigns After Being Charged with Mishandling Court Funds, Driving Without a License and Other Misconduct

Manheim Town Court Justice Douglas E. Gardner (Herkimer County) has resigned after being served with formal charges by the New York State Commission on Judicial Conduct, for among other things (1) mishandling court funds resulting in a deficiency of almost \$1,300, and (2) driving for more than eight years without a valid driver's license. Judge Gardner, who admitted the charges and resigned from office effective February 12, 2020, agreed never to seek or accept judicial office at any time in the future. The Commission accepted a stipulation to that effect signed by the judge and the Commission's Administrator and closed its formal proceeding.¹

Judge Gardner, who previously served as a Justice of the Stratford Town Court, was served with a Formal Written Complaint dated December 9, 2019, containing eight charges, alleging that he:

- Failed to deposit \$743 in cash payments for fines into his court bank account;

¹ The Stipulation was signed on February 3, 2020. The Commission accepted it and issued an order closing the matter on March 13, 2020.

- Failed to deposit court funds into his court bank account as required by statute, resulting in a cumulative deficiency of deposits totaling \$1,283;
- Received court funds in at least 64 cases and failed to issue and/or maintain receipts as required by law;
- Failed to report the dispositions of 40 traffic tickets to the Department of Motor Vehicles as required by law;
- Failed to maintain adequate court records as required by law;
- Failed to mechanically record court proceedings as required by the Rules of the Chief Judge;
- Failed to cooperate with the Office of the State Comptroller, Stratford town officials, and the Commission, concerning the judge's apparent financial, reporting and recordkeeping inadequacies;
- Operated a motor vehicle without a valid driver's license.

Judge Gardner waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission's order accepting it and closing the case would be public.

Judge Gardner, who is not an attorney, had been a Justice of the Manheim Town Court since 2018, having previously served as a Justice of the Stratford Town Court, Fulton County, from January 1, 2011, to October 15, 2018. His current term would have expired on December 31, 2022.

The stipulation and the Commission's order closing the case can be found on the Commission's website: www.cjc.ny.gov.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

"Failing to deposit court-collected funds and running up a deficiency of almost \$1,300, is serious judicial misconduct. Flouting the law by driving for more than eight years without a valid license, while presiding in town courts that hear traffic offenses, is indefensible and undermines public confidence in the judiciary."

Statistics Relating to Prior Commission Decisions

The Commission has accepted 90 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 272 determinations of admonition against judges in New York State, 331 determinations of censure and 174 determinations of removal.

The Court of Appeals has reviewed 99 Commission determinations. The Court accepted the Commission's sanctions in 83 cases (74 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. Two requests for review are pending.

Counsel

In the proceedings before the Commission Judge Gardner represented himself.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Cathleen S. Cenci, Deputy Administrator in Charge of the Albany office; and Senior Attorney S. Peter Pedrotty. Senior Investigator Ryan Fitzpatrick was assigned to the case.

Background Information on Judge Gardner

First Took Office (Town of Stratford):	2011
Current Term Expires (Town of Manheim):	December 31, 2022

Members of the Commission

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

The Public File

The stipulation and order are attached. They are also available for inspection 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, 2021
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2023
Taa Grays, Esq.	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2021
Hon. Leslie G. Leach	Chief Judge Janet DiFiore	March 31, 2020
Hon. Angela M. Mazzairelli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021
Vacant	Senate Minority Leader	March 31, 2020