

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding  
Pursuant to Section 44, Subdivision 4  
of the Judiciary Law in Relation to

**VERIFIED**  
**ANSWER**

WAYNE R. PEBLER

a Justice of the Roxbury Town Court,  
Delaware County.

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The Respondent, Wayne R. Pebler (hereinafter "Respondent"), by and through his attorneys, Young/Sommer LLC, as and for his Answer to the Formal Written Complaint by the New York State Commission on Judicial Conduct dated March 27, 2020 (the "Complaint"), respectfully shows and alleges as follows:

1. Admits the allegations set forth in Paragraph 1 of the Complaint.
2. Denies knowledge or information sufficient to form a belief with respect to the allegations set forth in Paragraph 2 of the Complaint; however, admits that Respondent is a Justice of the Roxbury Town Court, Delaware County.
3. Denies the allegations set forth under Paragraph 3 of the Complaint.
4. With respect to the allegations set forth in Paragraph 4 of the Complaint, states that Respondent has been a Justice of the Town of Roxbury Court, Delaware County since January of 2001 and admits the remaining allegations set forth in Paragraph 4 of the Complaint.

**AS AND IN RESPONSE TO CHARGE I**

5. With respect to the allegations set forth in Paragraph 5 of the Complaint, the Respondent admits to making comments about the *People v. Chad M. Ostrander* matter in open Court on June 13, 2018, August 1, 2018 and August 15, 2018 and the Respondent denies

engaging in any improper *ex parte* communications and denies making comments that created an appearance that Respondent was biased against defendant Ostrander in the *People v Chad M. Ostrander* matter.

6. With respect to the allegations set forth in Paragraph 6 of the Complaint, denies that Respondent engaged in improper *ex parte* communications about the *People v Chad M. Ostrander* matter. Respondent admits that the Commission on Judicial Conduct sent the Respondent a Letter of Dismissal and Caution dated June 29, 2009 and respectfully refers the Commission on Judicial Conduct to the correspondence referenced for a full and accurate account of the contents therein.

7. With respect to the allegations set forth in Paragraph 7 of the Complaint, admits that on or about June 8, 2018, Chad M. Ostrander was charged in the Roxbury Town Court under various statutes and denies knowledge or information sufficient to form a belief with respect to the remaining allegations set forth in Paragraph 7 of the Complaint. The Respondent respectfully refers the Commission on Judicial Conduct to the Town of Roxbury Court records for a full and accurate account of the contents therein.

8. Denies knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 8 of the Complaint.

9. With respect to the allegations set forth in Paragraph 9 of the Complaint, admits that the quoted language from the June 13, 2018 transcript from the Town of Roxbury Court is accurate and is annexed to the Complaint as Exhibit A. The Respondent denies the remaining allegations set forth in Paragraph 9 of the Complaint to the extent that the allegations are characterizations and/or opinions regarding the June 13, 2018 statements referenced.

10. With respect to the allegations set forth in Paragraph 10 of the Complaint, admits that the quoted language from the June 13, 2018 transcript from the Town of Roxbury Court is

accurate. The Respondent denies the remaining allegations set forth in Paragraph 10 of the Compliant to the extent that the allegations are characterizations and/or opinions regarding the June 13, 2018 statements.

11. With respect to the allegations set forth in Paragraph 11 of the Complaint, admits that the quoted language from the August 1, 2018 transcript from the Town of Roxbury Court is accurate. The Respondent denies the remaining allegations set forth in Paragraph 11 of the Compliant to the extent that the allegations are characterizations and/or opinions regarding the August 1, 2018 statements.

12. With respect to the allegations set forth in Paragraph 12 of the Complaint, admits that the quoted language from the August 1, 2018 transcript and the August 15, 2018 transcript from the Town of Roxbury Court is accurate and that the transcripts of these proceedings are annexed to the Complaint as Exhibit B and Exhibit C. The Respondent denies the remaining allegations set forth in Paragraph 12 of the Compliant to the extent that the allegations are characterizations and/or opinions regarding the August 1, 2018 and August 15, 2018 statements.

13. Admits that a Letter of Dismissal and Caution dated June 29, 2009 is attached to the Complaint as Exhibit D and was sent to the Respondent and Respondent denies the remaining allegations set forth in Paragraph 13 of the Complaint and respectfully refers the Commission on Judicial Conduct to the June 29, 2009 letter for a full and accurate account of the contents therein.

14. Denies the allegations set forth in Paragraph 14 of the Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

15. The Complaint must be dismissed as it fails to state a claim, cause or action or violation of the New York State Rules of the Chief Administrative Judge governing judicial conduct.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

16. All allegations contained in the Complaint stem from conversations between the Respondent and others which took place on the record in open Court and none of these communications were made for the benefit of one party only. The record reflects that no party obtained a procedural, substantive or tactical advantage as a result of the conversations forming the basis of the allegations in the Complaint. Therefore, the Complaint fails to establish that any of the communications identified in the Complaint were *ex parte* communications.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

17. The record reflects that the Respondent's conversations forming the basis of the Complaint were not motivated by bias, personal relationships, monetary gain, self-interest, prejudice, favoritism and/or animosity for one or more parties and therefore are not violative of the New York State Rules of the Chief Administrative Judge governing judicial conduct.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

18. Neither party in the underlying matter forming the basis of the Complaint requested that the Respondent recuse himself or questioned the Respondent's impartiality in the underlying matter. The Respondent presided over the underlying matter until conclusion.

WHEREFORE, by reason of the foregoing, the Respondent respectfully requests that no further action be taken in this matter and that the Complaint be dismissed.

DATED: May 6, 2020  
Albany, New York

Respectfully submitted,  
YOUNG/SOMMER, LLC

By: Kristin Laviolette Pratt

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STATE OF NEW YORK  
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In the Matter of the Proceeding  
Pursuant to Section 44, Subdivision 4  
of the Judiciary Law in Relation to

**VERIFICATION**

WAYNE R. PEBLER

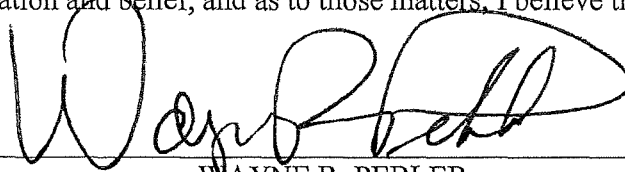
a Justice of the Roxbury Town Court,  
Delaware County.

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

WAYNE R. PEBLER, being duly sworn, deposes and states:

I am the Respondent in the within proceeding; I have read the foregoing Verified Answer, know the contents thereof and the same are true to my knowledge, except as to matters therein stated as to be alleged upon information and belief, and as to those matters, I believe them to be true.



WAYNE R. PEBLER

Sworn to before me this  
6 day of May, 2020



Notary Public

**DIANE L. PICKETT**  
Notary Public, State of New York  
No. 01PI5045605  
Qualified in Delaware County 23  
Commission Expires June 19, 20 23