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

CAROL A. RUMENAPP,

AGREED
STATEMENT OF FACTS

A Justice of the	Milford	Town	Court,	
Otsego County.				

Subject to the approval of the Commission on Judicial Conduct ("Commission"):

IT IS HEREBY STIPULATED AND AGREED by and between Robert H.

Tembeckjian, Administrator and Counsel to the Commission, and Honorable Carol A.

Rumenapp ("Respondent"), who is represented in this proceeding by Richard A.

Rothermel of Rothermel & Wilson, PLLC, that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

- 1. Respondent has been a Justice of the Milford Town Court, Otsego County, since January 1, 2004. Her current term expires on December 31, 2019. Respondent is not an attorney, a notary public or a commissioner of deeds.
- Respondent was served with a Formal Written Complaint dated August 9.
 Respondent filed a Verified Answer dated August 18, 2016, in which she admitted all of the allegations in the Formal Written Complaint.

As to Charge I

- 3. In July 2015, Respondent lent the prestige of judicial office to advance her private interests as a candidate for judicial office and the private interests of two other candidates for elective office, engaged in prohibited partisan political activity and failed to respect and comply with the law, in that:
 - A. Respondent carried and/or circulated a Republican Party designating petition for Robert E. Moore, Sr., a candidate for election as Milford Town Supervisor, and requested and/or collected up to 20 signatures in support of Mr. Moore's candidacy;
 - B. Respondent attested as "Town Justice" to the signatures on a

 Conservative Party designating petition for her own town justice
 candidacy and for that of Timothy Knapp as candidate for town tax
 collector, notwithstanding that the law and the petition itself require
 attestation by a "Notary Public or Commissioner of Deeds," and
 Respondent is neither; and
 - C. Respondent attested as "Town Justice" to the signatures on an Independence Party designating petition for her own town justice candidacy and for that of Timothy Knapp as candidate for town tax collector, notwithstanding that the law and the petition itself require attestation by a "Notary Public or Commissioner of Deeds," and Respondent is neither.

As to the Specifications to Charge I

4. Respondent and Robert E. Moore have known each other for many years.

In the 1980's, Mr. Moore was a town justice and asked Respondent to be his court clerk.

She served in that capacity for approximately ten years. Respondent and Mr. Moore were

also co-judges in the Milford Town Court for approximately nine years before he retired as a judge in 2013.

- 5. In July 2015, Mr. Moore was seeking election to the position of Milford Town Supervisor. In 2015, Respondent was a candidate for re-election as Milford Town Justice, whose judicial salary is set by the town supervisor and members of the town board.
- 6. On July 3, 2015, at the request of Mr. Moore, Respondent carried Mr. Moore's designating petitions to the homes of numerous Town of Milford residents who were listed as registered members of the Republican Party, and obtained the signatures of 20 individuals on the designating petitions. Copies of these designating petitions are annexed as Exhibit A. Respondent was accompanied to these homes by Timothy Knapp, who was then a candidate for re-election as the Milford Town Tax Collector.
- 7. On July 3, 2015, Respondent signed the "Statement of Witness" portions of Mr. Moore's designating petitions, indicating that she witnessed all of the signatures on the petitions. Mr. Knapp had also witnessed the signatures being placed on the petitions, but he did not sign the petitions as a witness. Respondent gave the designating petitions to Mr. Moore, who filed or caused them to be filed with the Otsego County Board of Elections.
- 8. On July 6, 2015, Respondent attested to the signatures on a Conservative
 Party designating petition for herself as candidate for town justice and for Timothy
 Knapp as candidate for Milford Town Tax Collector, in the portion of the form
 designated "Notary Public or Commissioner of Deeds," notwithstanding that Respondent

is neither a notary public nor a commissioner of deeds. Instead, Respondent wrote her title as "Town Justice, Town of Milford" and that her "Commission expires 12/31/15," when in fact it was her term as town justice that was due to expire on that date. A copy of the petition is annexed as Exhibit B.

- 9. On July 6, 2015, Respondent attested to the signatures on an Independence Party designating petition for her own town justice candidacy and for that of Timothy Knapp as candidate for Milford Town Tax Collector, in the portion of the form designated "Notary Public or Commissioner of Deeds," notwithstanding that Respondent is neither a notary public nor a commissioner of deeds. Instead, Respondent wrote her title as "Town Justice, Town of Milford" and that her "Comm. expires 12/31/15," when in fact it was her term as town justice that was due to expire on that date. A copy of the petition is annexed as Exhibit C.
- 10. 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 she 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 lent the prestige of judicial office to advance the private interests of herself and others, in violation of Section 100.2(C) of the Rules; and failed to

refrain from inappropriate political activity, in that she engaged in partisan political activity on behalf of another candidate, in violation of Section 100.5(A)(1)(c) and (d) of the Rules, and publicly endorsed another candidate for public office, in violation of Section 100.5(A)(1)(e) of the Rules.

Additional Factors

- 11. Respondent has been cooperative throughout the Commission's inquiry.
- 12. Respondent acknowledges that, having previously run for election and reelection to judicial office, she knew or should have known that her political activity on behalf of other candidates in 2015 was prohibited under the Rules. She assures the Commission that she will not repeat this conduct.
- 13. Respondent also acknowledges that, although she believed her judicial status authorized her to witness certain documents in her judicial capacity, any such authority did not apply to the facts herein, in that she knew she was not acting in her judicial capacity when she signed the Conservative and Independence party petitions. Moreover, Respondent is not a notary or a commissioner of deeds and was not legally authorized to sign the candidates' designating petitions as such. She assures the Commission that she will not repeat this conduct.

IT IS FURTHER STIPULATED AND AGREED that Respondent withdraws from her Answer any denials or defenses inconsistent with this Agreed Statement of Facts.

IT IS FURTHER STIPULATED AND AGREED that the parties to this

Agreed Statement of Facts respectfully recommend to the Commission that the

appropriate sanction is public Admonition based upon the judicial misconduct set forth

above.

IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Admonition without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used by the Commission, the Respondent or the Administrator and Counsel to the Commission.

Dated: 9-22-2016

Honorable Carol A. Rumenapp

Respondent

Dated: 9/22/16

Richard A. Rothermel
Attorney for Respondent

Dated: 9/28/2016

Robert H. Tembeckjian 'Administrator & Counsel to the Commission (Cathleen S. Cenci and Thea Hoeth, Of Counsel)

EXHIBIT A

Designating	Petition	Sec. 6-132, ELECTION L	AW	
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Designating Petition Sec. 6-132, ELECTION LAW

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