

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,

A Justice of the Milford Town Court,
Otsego County.

**AGREED
STATEMENT OF FACTS**

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. Rumennapp ("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.
2. Respondent was served with a Formal Written Complaint dated August 9, 2016. 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 re-election 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



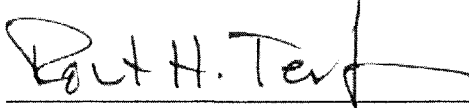
Honorable Carol A. Rumenapp
Respondent

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 LAW

I, the undersigned, do hereby state that I am a duly enrolled voter of the Republican Party and entitled to vote at the next primary election of such party, to be held on September 10, 2015, that my place of residence is truly stated opposite my signature hereto, and I do hereby designate the following named person (or persons) as a candidate (or candidates) for the nomination of such party for public office or for election to a party position of such party.

Name(s) of Candidate(s)	Public Office or Party Position	Also Post Office address (if different)
<u>Robert E Moore Sr</u>	<u>Supervisor Town of Milford</u>	[Redacted]

I do hereby appoint (here insert the names and addresses of at least three persons, all of whom shall be enrolled voters of said party),

as a committee to fill vacancies in accordance with the provisions of the election law.
 IN WITNESS WHEREOF, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (signature required) (printed name may be added)	Residence	Enter Town or City Except in NYC enter County
1. <u>7/13/15</u> <small>Printed Name</small>	<u>David M Jackson</u> <u>DAVID M JACKSON</u>	[Redacted]	<u>Milford</u>
2. <u>7/13/15</u> <small>Printed Name</small>	<u>Christy Schiele</u> <u>Christy Schiele</u>	[Redacted]	<u>Milford</u>
3. <u>7/13/15</u> <small>Printed Name</small>	<u>Cecilia P. Moore</u> <u>CECILIA P. MOORE</u>	[Redacted]	<u>Milford</u>
4. <u>7/13/15</u> <small>Printed Name</small>	<u>Robert L. Storey</u> <u>ROBERT L. STOREY</u>	[Redacted]	<u>Milford</u>
5. <u>7/13/15</u> <small>Printed Name</small>	<u>Fredrick M Knapp</u> <u>FREDRICK M KNAPP</u>	[Redacted]	<u>Milford</u>
6. <u>7/13/15</u> <small>Printed Name</small>	<u>Judy M Knapp</u> <u>JUDY M KNAPP</u>	[Redacted]	<u>Milford</u>
7. <u>7/13/15</u> <small>Printed Name</small>	<u>Kathleen Miller</u> <u>KATHLEEN MILLER</u>	[Redacted]	<u>Milford</u>
8. <u>7/13/15</u> <small>Printed Name</small>	<u>Robert F. Gerst</u> <u>ROBERT F. GERST</u>	[Redacted]	<u>Milford</u>
9. <u>7/13/15</u> <small>Printed Name</small>	<u>Mary Ann Palmatier</u> <u>MARY ANN PALMATIER</u>	[Redacted]	<u>Milford</u>
10. <u>7/13/15</u> <small>Printed Name</small>	<u>Kenneth M Stone</u> <u>KENNETH M STONE</u>	[Redacted]	<u>Milford</u>

(You may use fewer or more signature lines - this is only to show format.)

Complete ONE of the following

1) STATEMENT OF WITNESS

I (name of witness) Carol A. Lumenapp state: I am a duly qualified voter of the State of New York and am an enrolled voter of the Republican Party.
 I now reside at (residence address) [Redacted]
 Each of the individuals whose names are subscribed to this petition sheet containing (fill in number) 10 signatures, subscribed the same in my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.
 I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

7/13/15 Date Carol A. Lumenapp Signature of Witness

WITNESS IDENTIFICATION INFORMATION: The following information for the witness named above must be completed prior to filing with the board of elections in order for this petition to be valid.
 Town or City Milford County Dodge

2) NOTARY PUBLIC OR COMMISSIONER OF DEEDS

On the dates above indicated before me personally came each of the voters whose signatures appear on this petition sheet containing (fill in number) _____ signatures, who signed same in my presence and who, being by me duly sworn, each for himself or herself, said that the foregoing statement made and subscribed by him or her was true.

 Date Signature and Official Title of Officer Administering Oath
 (Sample prepared by the State Board of Elections) Sheet No. 3

Copy

Designating Petition Sec. 6-132, ELECTION LAW

I, the undersigned, do hereby state that I am a duly enrolled voter of the Republican Party and entitled to vote at the next primary election of such party, to be held on September 10, 2013 that my place of residence is truly stated opposite my signature hereto, and I do hereby designate the following named person (or persons) as a candidate (or candidates) for the nomination of such party for public office or for election to a party position of such party.

Name(s) of Candidate(s)	Public Office or Party Position	Place of Residence (also Post Office address if not identical)
<u>Robert E Moore Jr.</u>	<u>Supervisor Town of Milford</u>	[REDACTED]

I do hereby appoint (here insert the names and addresses of at least three persons, all of whom shall be enrolled voters of said party),

as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (signature required) <small>(printed name may be added)</small>	Residence	Enter Town or City <small>Except in NYC enter County</small>
1. <u>7/13/15</u> <small>Printed Name</small>	<u>[Signature]</u> <u>Susan Cause</u>	[REDACTED]	<u>Milford</u>
2. <u>7/13/15</u> <small>Printed Name</small>	<u>[Signature]</u> <u>William Eckert</u>	[REDACTED]	<u>Milford</u>
3. <u>7/13/15</u> <small>Printed Name</small>	<u>[Signature]</u> <u>Frank Stoddard</u>	[REDACTED]	<u>Milford</u>
4. <u>7/13/15</u> <small>Printed Name</small>	<u>[Signature]</u> <u>Donald A Kaapp</u>	[REDACTED]	<u>Milford</u>
5. <u>7/13/15</u> <small>Printed Name</small>	<u>[Signature]</u> <u>JANDRA MONDILLO</u>	[REDACTED]	<u>Milford</u>
6. <u>7/13/15</u> <small>Printed Name</small>	<u>[Signature]</u> <u>Kevin Mast</u>	[REDACTED]	<u>Milford</u>
7. <u>7/13/15</u> <small>Printed Name</small>	<u>[Signature]</u> <u>Wendy Chase</u>	[REDACTED]	<u>Milford</u>
8. <u>7/13/15</u> <small>Printed Name</small>	<u>[Signature]</u> <u>Jamela Stet</u>	[REDACTED]	<u>Milford</u>
9. <u>7/13/15</u> <small>Printed Name</small>	<u>[Signature]</u> <u>Victoria J Pier</u>	[REDACTED]	<u>Milford</u>
10. <u>7/13/15</u> <small>Printed Name</small>	<u>[Signature]</u> <u>Robert H Pier</u>	[REDACTED]	<u>Milford</u>

(You may use fewer or more signature lines - this is only to show format.)

Complete ONE of the following

1) STATEMENT OF WITNESS

I (name of witness) Carol A. Rummenapp state: I am a duly qualified voter of the State of New York and am an enrolled voter of the Republican Party.

I now reside at (residence address) [REDACTED]

Each of the individuals whose names are subscribed to this petition sheet containing (fill in number) 10 signatures, subscribed the same in my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

7/13/15 Carol A. Rummenapp
Date Signature of Witness

WITNESS IDENTIFICATION INFORMATION: The following information for the witness named above must be completed prior to filing with the board of elections in order for this petition to be valid.

Town or City Milford County Allegany

2) NOTARY PUBLIC OR COMMISSIONER OF DEEDS

On the dates above indicated before me personally came each of the voters whose signatures appear on this petition sheet containing (fill in number) _____ signatures, who signed same in my presence and who, being by me duly sworn, each for himself or herself, said that the foregoing statement made and subscribed by him or her was true.

Date _____ Signature and Office Title of Officer Administering Oath _____

Copy

11

EXHIBIT B

Designating Petition Sec. 6-132, ELECTION LAW

I, the undersigned, do hereby state that I am a duly enrolled voter of the Conservative Party and entitled to vote at the next primary election of such party, to be held on September 10, 2015; that my place of residence is truly stated opposite my signature hereto, and I do hereby designate the following named person (or persons) as a candidate (or candidates) for the nomination of such party for public office or for election to a party position of such party.

Name(s) of Candidate(s) Carol A. Rumenoff Town Justice, Milford Public Office or Party Position Jay Collastra T Milford Place of Residence (also Post Office address if not identical) [Redacted]

I do hereby appoint (here insert the names and addresses of at least three persons, all of whom shall be enrolled voters of said party),

[Redacted box for appointees]

as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (signature required) (printed name may be added)	Residence	Enter Town or City Except in NYC enter County
6/13/15 Printed Name	<u>John C Linder</u> <u>John C Linder</u>	[Redacted]	<u>Milford</u>
6/14/15 Printed Name	<u>Heather Carr</u> <u>Heather Carr</u>	[Redacted]	<u>Milford</u>
6/14/15 Printed Name	<u>STEPHEN D. FOURNIE</u> <u>STEPHEN D. FOURNIE</u>	[Redacted]	<u>Milford</u>
4. / / Printed Name			
5. / / Printed Name			
6. / / Printed Name			
7. / / Printed Name			
8. / / Printed Name			
9. / / Printed Name			
10. / / Printed Name			

(You may use fewer or more signature lines - this is only to show format.)

2015 JUL -6 AM 11:55
CTSEGO COUNTY
BOARD OF ELECTIONS

Complete ONE of the following

1) STATEMENT OF WITNESS

I (name of witness) _____ state: I am a duly qualified voter of the State of New Jersey and am an enrolled voter of the _____ Party.

I now reside at (residence address) _____

Each of the individuals whose names are subscribed to this petition sheet containing (fill in number) _____ signatures, subscribed the same in my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date _____ Signature of Witness _____

WITNESS IDENTIFICATION INFORMATION: The following information for the witness named above must be completed prior to filing with the board of elections in order for this petition to be valid.

Town or City _____ County _____

2) NOTARY PUBLIC OR COMMISSIONER OF DEEDS

On the dates above indicated before me personally came each of the voters whose signatures appear on this petition sheet containing (fill in number) 3 signatures, who signed same in my presence and who, being by me duly sworn, each for himself or herself, said that the foregoing statement made and subscribed by him or her was true.

7-6-15
Date

Carol A. Rumenoff, Town Justice, Town of Milford
Signature and Official Title of Officer Administering Oath
My Commission Expires 10/31/15
(Sample prepared by the State Board of Elections)

Copy

Designating Petition Sec. 6-132, ELECTION LAW

I, the undersigned, do hereby state that I am a duly enrolled voter of the Independent Party and entitled to vote at the next primary election of such party, to be held on September 15, 20 15; that my place of residence is truly stated opposite my signature hereto, and I do hereby designate the following named person (or persons) as a candidate (or candidates) for the nomination of such party for public office or for election to a party position of such party.

Name(s) of Candidate(s) Carol A. Remenapp Simon Justice / Milford
Timothy E. Kaapp Jack Callahan / Milford

I do hereby appoint (here insert the names and addresses of at least three persons, all of whom shall be enrolled voters of said party),

 as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (signature required) (printed name may be added)	Residence	Enter Town or City Except in NYC enter County
1. <u>6/14/15</u> Printed Name	<u>John Dewey</u> <u>John Dewey</u>		<u>Milford</u>
2. <u>6/14/15</u> Printed Name	<u>Heather L. Cotton</u> <u>Heather L. Cotton</u>		<u>Milford</u>
3. <u>6/14/15</u> Printed Name	<u>Robert D. Bell</u> <u>ROBERT F. BELL</u>		<u>MILFORD</u>
4. <u>6/14/15</u> Printed Name	<u>Carolyn Bell</u> <u>Carolyn F. Bell</u>		<u>Milford</u>
5. <u>6/14/15</u> Printed Name	<u>Down On</u> <u>Down On</u>		<u>Milford</u>
6. <u>6/14/15</u> Printed Name	<u>Karen Stausser</u> <u>Karen Stausser</u>		<u>Milford</u>
7. <u>6/14/15</u> Printed Name	<u>Gaul A Nayack</u> <u>PAUL A. NAYACK</u>		<u>Milford</u>
8. <u> </u> Printed Name			
9. <u> </u> Printed Name			
10. <u> </u> Printed Name			

(You may use fewer or more signature lines - this is only to show format.)

Complete ONE of the following

1) STATEMENT OF WITNESS

I (name of witness) _____ state: I am a duly qualified voter of the State of New York and am an enrolled voter of the _____ Party.
 I now reside at (residence address) _____
 Each of the individuals whose names are subscribed to this petition sheet containing (fill in number) _____ signatures, subscribed the same in my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.
 I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date _____ Signature of Witness _____

WITNESS IDENTIFICATION INFORMATION: The following information for the witness named above must be completed prior to filing with the board of elections in order for this petition to be valid.

Town or City _____ County _____

2) NOTARY PUBLIC OR COMMISSIONER OF DEEDS

On the dates above indicated before me personally name each of the voters whose signatures appear on this petition sheet containing (fill in number) 7 signatures, who signed in my presence and who, being by me duly sworn, each for himself or herself, said that the foregoing statement made and subscribed by him or her was true.

Date 7-6-15
 Signature and Official Title of Officer Administering Oath
Carol A. Remenapp Simon Justice, Town of Milford
NY Comm. expires 12/31/15

2015
 BOARD OF ELECTIONS
 COUNTY OF MIDDLESEX
 6 AM 11:00