



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

July 6, 2017

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Oswego County Town Court Justice Should be Censured For Trying to Fix a Ticket

The New York State Commission on Judicial Conduct has determined that James A. Aluzzi, a Justice of the Volney Town Court, Oswego County, should be censured for trying to fix a traffic ticket for an acquaintance.

In 2015, after being asked by a local businessman for help with a ticket he had received for driving a vehicle with tinted windows, Judge Aluzzi took the ticket to the court where the case was pending and told the court clerk to give it to the judge handling the case and “have him dismiss it for me.” The clerk reluctantly complied because the request was from a judge.

Three days later, Judge Aluzzi returned to the court to ensure the ticket did not get “lost in the shuffle.” The judge did not stop his efforts to fix the ticket until the clerk referred him to a supervising judge. The ticket was subsequently dismissed on motion of the District Attorney for having been improperly issued.

The Commission’s Administrator recommended that Judge Aluzzi be removed from office. The judge argued for a result more lenient than removal.

*July 6, 2017**Page 2*

In its determination, the Commission stated: “It is undisputed that [Judge Aluzzi] used the prestige of his judicial office in an attempt to obtain special consideration for an acquaintance who had received a traffic ticket.” The Commission noted that “even after the clerk rebuffed him... [the judge] persisted his efforts...and when the clerk refused again to take the ticket, he placed it on the counter and directed her to write his name and telephone number on it.”

The Commission noted that Judge Aluzzi, who had been a judge for 12 years at the time of the incident, knew that what he was doing was unethical. His behavior “showed a clear disregard of basic ethical precepts, which are fundamental to ensuring public confidence in the fairness and integrity of judicial proceedings.”

The Commission also noted that ticket-fixing had “declined sharply” after its special report on the subject in 1977 and the subsequent discipline of over 150 judges for it.

In determining the appropriate sanction, the Commission considered the judge’s remorse, his otherwise unblemished record as a judge and his testimony that he “wasn’t thinking clearly” at the time since his mother had recently died. The Commission stated that “ticket-fixing will not be tolerated and that any such conduct will be condemned with strong measures, including, in appropriate circumstances in the future, the sanction of removal.”

Judge Aluzzi, who is not an attorney, has served as a Justice of the Volney Town Court since 2003. His current term expires on December 31, 2017.

The Commission Proceedings

Judge Aluzzi was served with a Formal Written Complaint dated June 15, 2016, containing one charge, and filed an answer dated July 19, 2016.

The Commission designated Gary Muldoon, Esq., as referee to hear and report proposed findings of fact and conclusions of law. A hearing was held on November 18, 2016, in Syracuse. The referee filed a report dated February 17, 2017.

The parties submitted briefs with respect to the referee’s report and the issue of sanctions. The Commission’s Administrator recommended removal from office, and the judge’s counsel argued for a result less than removal. On April 27, 2017, the Commission heard oral argument.

The Commission Determination

The Commission filed a determination dated June 26, 2017, in which ten members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Paul B. Harding, Esq. (the Vice Chair), Judge Rolando T. Acosta, Joel Cohen, Esq., Jodie Corngold, Judge John A. Falk, Judge Leslie G. Leach, Richard A. Stoloff, Esq., Judge David A. Weinstein and Akosua Garcia Yeboah.

One member, Taa Grays, Esq., was not present.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“A judge does not need ethics training to know that ticket-fixing perverts justice and is wrong. Few things are as plain and simple. After 40 years of Commission decisions on the subject, including some removals from office, ticket-fixing can be a career-ending mistake that no judge should risk.”

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 Aluzzi received it on June 30, 2017, 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 Aluzzi does not request review by the Court of Appeals, the Commission will censure 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 320 determinations of censure against judges in New York State. The Commission has issued 170 determinations of removal and 267 determinations of admonition.

The Court of Appeals has reviewed 96 Commission determinations. The Court accepted the Commission's sanctions in 80 cases (71 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 Aluzzi was represented by Robert F. Julian, Esq., 2037 Genesee Street, Suite 2, Utica, New York 13501, (315) 797-5610.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; John J. Postel, Deputy Administrator in Charge of the Rochester office; Senior Attorney David M. Duguay; and Senior Attorney M. Kathleen Martin. Investigator Betsy Sampson assisted in the investigation.

Background Information on Judge Aluzzi

First took office:	2003
Current Term Expires:	December 31, 2017

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, 2021
Joel Cohen, Esq.	Former Assembly Speaker Sheldon Silver	March 31, 2018
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2019
Taa Grays, Esq.	Senate Minority Leader Andrea Stewart-Cousins	March 31, 2020
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. Mazzarelli ¹	Chief Judge Janet DiFiore	March 31, 2018
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
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021

¹ When the determination in this matter was filed on June 26, 2017, Hon. Rolando T. Acosta was a member of the Commission. On July 1, 2017, he was succeeded by Justice Mazzarelli.