



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*January 10, 2017*

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### **Otsego County Town Court Justice Should Be Admonished for Engaging in Prohibited Political Activity**

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The New York State Commission on Judicial Conduct has determined that Carol A. Rumenapp, a Justice of the Milford Town Court, Otsego County, should be admonished for engaging in prohibited partisan political activity.

Judge Rumenapp agreed to the admonition.

The Commission found that in 2015, Judge Rumenapp improperly circulated designating petitions for a candidate for Milford Town Supervisor and attested to the signatures on two other petitions in violation of the ethics rules.

In its determination the Commission stated that collecting signatures on a designating petition for another candidate “clearly constitutes partisan political activity and ‘participating in’ the campaign of the candidate, conduct that is explicitly barred by the ethical rules.” The Commission noted that the judge’s support of a candidate for town supervisor, who plays a role in determining the judge’s salary also “necessarily creates an appearance of impropriety.”

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Compounding the misconduct, the judge attested to signatures as “Town Justice” on two other designating petitions notwithstanding that the law requires attestation by a “Notary Public or Commissioner of Deeds,” although the judge is neither. The Commission noted that “a town or village justice is not a notary public simply by virtue of holding judicial office.”

Judge Rumenapp, who is not an attorney, has served as a Justice of the Milford Town Court since 2004. Her current term expires on December 31, 2019.

### **The Commission Proceedings**

Judge Rumenapp was served with a Formal Written Complaint dated August 9, 2016, containing one charge, and filed an Answer dated August 18, 2016.

On September 28, 2016, the Administrator of the Commission, Judge Rumenapp and Judge Rumenapp’s attorney entered into an Agreed Statement of Facts, stipulating as to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on October 20, 2016.

### **The Commission Determination**

The Commission filed a determination dated December 30, 2016, in which eight members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Paul B. Harding, Esq. (the Vice Chair), Judge Rolando Acosta, Joel Cohen, Esq., Jodie Corngold, Judge Thomas A. Klonick, Judge Leslie G. Leach, and Richard A. Stoloff, Esq.

Two members, Richard D. Emery, Esq., and Judge David A. Weinstein voted to reject the Agreed Statement of Facts and filed separate dissenting opinions.

One member, Akosua Garcia Yeboah, did not participate<sup>1</sup>.

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<sup>1</sup> Ms. Yeboah was appointed to the Commission on November 29, 2016. The vote in this matter was taken on October 20, 2016.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

"It may seem paradoxical to require judges to run for office while otherwise refraining from political activity, but the judicial ethics rules strike a careful balance by allowing judicial candidates to act on behalf of their own campaigns while prohibiting them from politicking for others. Judicial candidates who have any question about what is permissible should seek guidance from the [Advisory Committee on Judicial Ethics](#) and its [Judicial Campaign Ethics Center](#)."

### **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 Rumenapp received it on January 6, 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 Rumenapp does not request review by the Court of Appeals, the Commission will admonish her 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 265 determinations of admonition against judges in New York State. The Commission has issued 169 determinations of removal and 316 determinations of censure.

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

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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.

### **Counsel**

In the proceedings before the Commission, Judge Rumenapp was represented by Richard A. Rothermel of Rothermel and Wilson, PLLC, 48 Dietz Street, Suite E, Oneonta, New York 13820, (607) 432-7410.

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 Thea Hoeth. Investigator Laura Misjak assisted in the investigation.

### **Background Information on Judge Rumenapp**

First took office:	2004
Current Term Expires:	December 31, 2019
Salary:	\$8,327 (Town of Milford Website)

### **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:

<p>61 Broadway Suite 1200 New York, New York 10006</p>	<p>Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223</p>	<p>400 Andrews Street Suite 700 Rochester, New York 14604</p>
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**MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT**

<b>Member</b>	<b>Appointing Authority</b>	<b>Term End</b>
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, 2017
Hon. Rolando T. Acosta	Former Chief Judge Jonathan Lippman	March 31, 2018
Joel Cohen, Esq.	Former Assembly Speaker Sheldon Silver	March 31, 2018
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2019
Richard D. Emery, Esq.	Senate Minority Leader Andrea Stewart-Cousins	March 31, 2020
Hon. Thomas A. Klonick	Former Chief Judge Jonathan Lippman	March 31, 2017
Hon. Leslie G. Leach	Chief Judge Janet DiFiore	March 31, 2020
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, 2017