



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*May 30, 2023*

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### **Town Justice in Essex County Should Be Censured for Involving Himself in His Son's Traffic Ticket**

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The New York State Commission on Judicial Conduct has determined that Richard F. Olcott, a Justice of the Elizabethtown Town Court (Essex County) should be censured for involving himself in the disposition of a traffic ticket issued to his son.

In January 2022, Judge Olcott's adult son received a traffic ticket for operating an Unregistered Motor Vehicle. Two days after receiving the ticket, the judge's son registered the vehicle. About a week later, during the judge's regularly scheduled court date, the judge asked an Assistant District Attorney (ADA) about resolving the ticket. During Judge Olcott's conversation with the ADA, he did not disclose that it was his son's ticket. The ADA agreed to dismiss the ticket as the judge told him that the vehicle was now properly registered.

Compounding his misconduct, the judge also failed to mechanically record any vehicle and traffic proceedings despite being required to do so.

In censuring Judge Olcott, the Commission considered his belief that since his son had promptly registered the vehicle, the disposition of the matter was ministerial and consistent with how similar tickets were disposed when motorists promptly registered their vehicles and that he now recognizes that he should not have handled his son's ticket under any circumstances.

Judge Olcott, who is not an attorney, has been a Justice of the Elizabethtown Town Court since 2020. His current term expires on December 31, 2023.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“Public confidence in the integrity of the courts requires a judge to step aside in any case where a close relative is charged. In such situations, the judge is disqualified and must play no part, even if the charge is a relatively minor traffic violation, the infraction is cured, and the disposition is similar to what anyone else would have received in similar circumstances.”

### **The Commission Proceedings**

Judge Olcott was served with a Formal Written Complaint dated January 9, 2023, containing two charges, and filed an Answer dated February 2, 2023.

On April 10, 2023, the Administrator of the Commission and Judge Olcott entered into an Agreed Statement of Facts, stipulating to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on April 20, 2023.

### **The Commission Determination**

The Commission filed a determination dated May 16, 2023, in which eight members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq. (the Vice Chair), Judge Fernando M. Camacho, Judge John A. Falk, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Ronald J. Rosenberg, Esq., and Graham B. Seiter, Esq.

One member, Akosua Garcia Yeboah was not present.

### **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. The Commission was notified on May 26, 2023, that Judge Olcott had received the determination. 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 Olcott 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 348 determinations of censure against judges in New York State. The Commission has issued 179 determinations of removal and 281 determinations of admonition.

The Court of Appeals has reviewed 101 Commission determinations. The Court accepted the Commission's sanctions in 85 cases (76 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 currently pending.

**Counsel**

Judge Olcott was represented by Andrew J. Russell, of Russell, McCormick & Russell, 101 Clinton Street, P.O. Box 549, Keeseville, New York, 12944, (518) 834-7700.

The Commission was represented by Deputy Administrator Cathleen S. Cenci, Senior Attorney S. Peter Pedrotty and Investigator Laura Misjak.

**Background Information on Judge Olcott**

First Took Office:	2020
Current Term Expires:	December 31, 2023

**Members of the Commission**

The Commission members serve four-year terms. A list of members is appended.

**The Public File**

The determination and other records are available on the Commission's website: [www.cjc.ny.gov](http://www.cjc.ny.gov).

**MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT**

<b>Member</b>	<b>Appointing Authority</b>	<b>Term End</b>
Joseph W. Belluck, Esq., Chair	Former Governor Andrew M. Cuomo	March 31, 2024
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2027
Hon. Fernando M. Camacho	Chief Judge Janet DiFiore	March 31, 2024
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2025
Hon. Robert J. Miller	Former Governor Andrew M. Cuomo	March 31, 2026
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2026
Ronald J. Rosenberg, Esq.	Former Senate Minority Leader John J. Flanagan	March 31, 2024
Graham B. Seiter, Esq.	Assembly Minority Leader William A. Barclay	March 31, 2025
Hon. Anil C. Singh <sup>1</sup>	Chief Judge Rowan D. Wilson	March 31, 2026
Akosua Garcia Yeboah	Former Governor Andrew M. Cuomo	March 31, 2025
Vacant	Governor	March 31, 2027

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<sup>1</sup> Hon. Anil C. Singh was appointed to the Commission on May 26, 2023, 10 days after the determination in this case was filed.