

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding  
Pursuant to Section 44, subdivision 4,  
of the Judiciary Law in Relation to

VERIFIED ANSWER

**ROBERT J. PUTORTI, JR.**

a Justice of the Whitehall Town Court and  
Whitehall Village Court, Washington County,

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The Respondent, **ROBERT J. PUTORTI, JR.**, by his attorneys, Cerio Law Offices, answers the Second Formal Written Complaint as follows:

1. To the extent the allegations contained in paragraphs “1”, “2”, and “3” of the Second Formal Written Complaint contain conclusions of law, no response is required; otherwise **DENIES** the allegations contained therein.

2. **DENIES** the allegations contained in paragraphs “5”, “14”, “15”, “16”, “17”, “18”, “19”, “20”, and “21” of the Second Formal Written Complaint.

3. **ADMITS** the allegations contained in paragraphs “4”, “6”, and “13” of the Second Formal Written Complaint.

4. **ADMITS** the allegations contained in paragraph “9” of the Second Formal Written Complaint to the extent Respondent had a Facebook account under the name “Robert Putorti Jr.”; otherwise **DENIES**.

5. **ADMITS** the allegations contained in paragraph “10” of the Second Formal Written Complaint to the extent Respondent had over 1,300 Facebook “friends” between October 2019 and November 2020; otherwise **DENIES**.

6. **ADMITS** the allegations contained in paragraph “11” of the Second Formal Written Complaint to the extent Respondent wrote “I am very humbled by this, I hope to see as

many people as I can. Thank you.”; upon information and belief, Respondent was “tagged” in the Facebook post described therein; otherwise **DENIES**.

7. **DENIES** the allegations contained in paragraph “12” of the Second Formal Complaint to the extent it states that Respondent received \$9,400; otherwise **ADMITS**.

8. The allegation in paragraph “7” of the Second Formal Written Complaint is based on knowledge of people other than the answering Respondent and therefore no response is required; and otherwise **DENIES** the allegations contained therein.

9. The social networking website known as Facebook referred to in paragraph “8” of the Second Formal Written Complaint speaks for itself, and otherwise **DENIES** the allegations contained therein.

10. **DENIES** any allegation that may be contained in the “WHEREFORE” clause of the Second Formal Written Complaint.

11. Any allegation set forth in the Second Formal Written Complaint not herein specifically admitted, denied or denied knowledge or information, is herein specifically **DENIED**.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

12. The Respondent did not violate the Constitution of the United States and/or violate any laws of the State of New York and/or violate the Code of Judicial Conduct.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

13. The conduct alleged in the Second Formal Written Complaint, if true, was reasonable and justified.



**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

14. The conduct alleged in the Second Formal Written Complaint, if punished, would be in violation of Respondent’s Constitutional right to free speech.

WHEREFORE, the Respondent, **ROBERT J. PUTORTI, JR.**, demands judgment dismissing the Second Formal Written Complaint, together with the costs and disbursements of this action, and for such other and further relief as may be just and proper.

**DATED: March 8, 2021**

**CERIO LAW OFFICES**

By:   
Michael D. Root, Esq.  
*Attorneys for Respondent Robert J. Putorti*  
407 South Warren Street, Fifth Floor  
Syracuse, New York 13202  


To: NYS Commission on Judicial Conduct  
Robert H. Tembeckjian  
S. Peter Pedrotty  
Corning Tower, Suite 2301  
Albany, NY 12223

VERIFICATION

STATE OF NEW YORK            )  
COUNTY OF WASHINGTON    ) ss:

ROBERT J. PUTORTI, being duly sworn, deposes and says:

I am the Respondent in the above action. I have read the above Verified Answer to the Second Formal Written Complaint and know the contents thereof. The same are true to my own knowledge, except those matters which are stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

  
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ROBERT J. PUTORTI

Sworn to before me this  
8<sup>th</sup> day of March, 2021.

  
Notary Public

HOLLY A. RABIDEAU  
Notary Public - State of New York  
No. 01RA6161693  
Qualified in Essex County  
My Commission Expires Feb. 26, 2023