

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

ROBERT J. PUTORTI, JR.,

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

**NOTICE OF
SECOND FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Robert J. Putorti, Jr., a Justice of the Whitehall Town Court and Whitehall Village Court, Washington County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon Respondent the annexed Second Formal Written Complaint; and that, in accordance with said statute, Respondent is requested within twenty (20) days of the service of the annexed Second Formal Written Complaint upon him to serve the Commission at its Albany office, Corning Tower, Suite 2301, Albany, New York 12223, with his verified Answer to the specific paragraphs of the Complaint.

Dated: January 20, 2021
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

To: Hon. Robert J. Putorti, Jr.
Whitehall Town and Village Justice
72 County Route 9
Whitehall, New York 12887

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

**SECOND FORMAL
WRITTEN COMPLAINT**

ROBERT J. PUTORTI, JR.

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

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.

2. The Commission has directed that a Second Formal Written Complaint be drawn and served upon Robert J. Putorti (“Respondent”), a Justice of the Whitehall Town Court and Whitehall Village Court, Washington County.

3. The factual allegations set forth in Charge II of this Second Formal Written Complaint state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).

4. Respondent has been a Justice of the Whitehall Town Court, Washington County, since January 1, 2014. In or about June 2014, Respondent was appointed as an Acting Justice of the Whitehall Village Court, Washington County, and was then elected as a Justice of that court in or about April 2018. Respondent’s current term as Whitehall Town Justice expires on December 31, 2021, and his term as Whitehall Village Justice expires on March 31, 2021. Respondent is not an attorney.

CHARGE II

5. From on or about October 24, 2019, to on or about October 5, 2020, Respondent personally participated in the solicitation of funds or other fund-raising activities for his own personal benefit and for the benefit of the Whitehall Elks Lodge (“Lodge”), and lent the prestige of his judicial office to those same activities, by sharing and promoting on his personal Facebook page: (A) a post by his sister advertising a fundraiser for Respondent and his family and (B) posts by the Lodge advertising fundraisers for the Lodge.

Specifications as to Charge II

6. Respondent has been a member of the Lodge since in or about 1992. Respondent has held various leadership positions in the Lodge since in or about April 2017. On or about April 1, 2020, Respondent was elected by the Lodge’s members to the position of Exalted Ruler.

7. It is generally known among the members of the Lodge that Respondent is a judge.

8. Facebook is an internet social networking website and platform that *inter alia* allows users to post and share content on their own Facebook pages as well as on the Facebook pages of other users and on Facebook groups. Facebook users are responsible for managing the privacy settings associated with their accounts. At the option of the account holder, the content of one’s Facebook page may be viewable online by the public or restricted to one’s Facebook “Friends.”

9. At all times relevant to this Charge, Respondent maintained a Facebook account under the name “Robert Putorti Jr.” Respondent made his Facebook page viewable by the public.

10. From about October 2019 to about November 2020, Respondent had over 1,300 Facebook “Friends,” some of whom were aware he was a judge.

11. On or about October 24, 2019, Respondent shared to his Facebook page a post by his sister, Kristy Putorti, which included an invitation to a “SPAGHETTI DINNER – BASKET PARTY BENEFIT FOR ROBERT PUTORTI JR.,” scheduled for November 9, 2019, at the Whitehall Elks Lodge, and wrote, “I am very humbled by this, I hope to see as many people as I can. Thank you.” The invitation listed the cost to attend the benefit as \$10, announced there would also be raffles for baskets and “large items,” and reported injuries and medical expenses suffered by Respondent due to a motorcycle accident. The invitation concluded, “We Need Your Help!! We are accepting donations and items to raffle off: baskets, gift cards, or large items. Proceeds to go to Bobby and his family. We can’t do this without your assistance and attendance! Please Share!! Thank You Very Much for Your Support!!” Copies of screenshots of this post are appended as Exhibit C.

12. The November 9, 2019, event to benefit Respondent was attended by over 500 people and raised a net amount of approximately \$9,400, which Respondent received and/or which organizers of the event applied to Respondent’s medical expenses.

13. On or about July 20, 2020, Respondent shared to his Facebook page a post by the Lodge advertising a “QUEEN OF HEARTS” drawing scheduled for July 25, 2020, and wrote, “Come support our lodge everyone, we’re trying to keep the doors open,

because of the COVID-19, we need all your help to bring in some revenue. We help support the communities around us with various fundraisers, but now we need yours!! Thank you!” A copy of a screenshot of this post is appended as Exhibit D. The event was a members-only fundraiser for the Lodge. It raised a net amount of approximately \$40.

14. On or about August 8, 2020, Respondent shared to his Facebook page a post by the Lodge advertising an “Elks BBQ” event scheduled for August 8, 2020, and wrote, “Come out and support our lodge, help us so we can give back to the people in the communities around us!” Copies of screenshots of this post are appended as Exhibit E. The event was a fundraiser for the Lodge and open to the public. It was attended by approximately 213 people and raised a net amount of approximately \$1,460.

15. On or about September 9, 2020, Respondent shared to his Facebook page a post by the Lodge advertising a “Thirsty Thursday” event scheduled for September 10, 2020, and wrote, “Come out for some good food and help support the lodge!” A copy of the screenshot of this post is appended as Exhibit F. The event was a members-only fundraiser for the Lodge. It raised a net amount of approximately \$97.

16. On or about September 11, 2020, Respondent shared to his Facebook page a post by the Lodge advertising a “chicken BBQ” event scheduled for September 12, 2020, and wrote, “I hope everyone can attend our last chicken bbq for the season....” Copies of screenshots of this post are appended as Exhibit G. The event was a fundraiser for the Lodge and open to the public. It was attended by approximately 239 people and raised a net amount of approximately \$1,978.

17. On or about September 16, 2020, Respondent shared to his Facebook page a post by the Lodge advertising a “THIRSTY THURSDAY” event scheduled for September 17, 2020, and wrote, “Something a little different tomorrow, come down and join us for dinner, help support our lodge! We’re doing much better, let’s keep it going!!” Copies of screenshots of this post are appended as Exhibit H. The event was a members-only fundraiser for the Lodge. It raised a net amount of approximately \$152.

18. On or about September 22, 2020, Respondent shared to his Facebook page a post by the Lodge advertising a “Thirsty Thursday” event scheduled for September 24, 2020, and wrote, “It’s my slow smoked pulled pork, hope you all can enjoy!” A copy of a screenshot of this post is appended as Exhibit I. The event was a members-only fundraiser for the Lodge. It raised a net amount of approximately \$242.

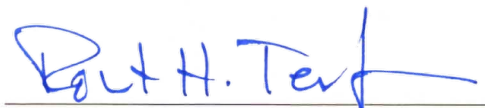
19. On or about October 5, 2020, Respondent shared to his Facebook page a post by the Lodge advertising a “Thirsty Thursday” event scheduled for October 8, 2020, and wrote, “Come join us Thursday, I’m making Hot and Sweet Sausage for everyone to enjoy! Please remember your masks and that all Covid-19 rules apply! Thanks for your support!” A copy of a screenshot of this post is appended as Exhibit J. The event was a members-only fundraiser for the Lodge. It raised a net amount of approximately \$186.

20. All of these posts were viewable by the public and remain viewable as of the date of this Second Formal Written Complaint, notwithstanding that Respondent was notified by letter dated November 12, 2020, that the Commission was investigating a complaint alleging that he had engaged in the conduct charged herein.

21. 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 he 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 himself and others, in violation of Section 100.2(C) of the Rules; and failed to conduct his extra-judicial activities so as to minimize the risk of conflict with judicial obligations, in that he personally participated in the solicitation of funds or other fund-raising activities, in violation of Section 100.4(C)(3)(b)(i) of the Rules.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: January 20, 2021
New York, New York



ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

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

VERIFICATION

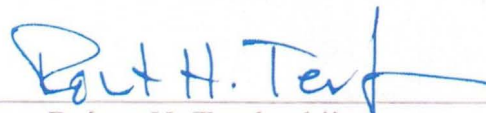
ROBERT J. PUTORTI, JR.,

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

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Second Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.


Robert H. Tembeckjian

Sworn to before me this
20th day of January 2021


Notary Public

LATASHA Y. JOHNSON
Notary Public, State of New York
No.01JO6235579
Qualified in New York County
Commission Expires February 14, 2023



Robert Putorti Jr

Add Friend



EXHIBIT C

Intro

Machinery Equipment Operator at Town of Whitehall

Went to Whitehall Junior - Senior High School

From Whitehall, New York

Married

Joined October 2009

Photos

[See All Photos](#)



Robert Putorti Jr

October 24, 2019 ·

I am very humbled by this, I hope to see as many people as I can. Thank you

SPAGHETTI DINNER – BASKET PARTY BENEFIT FOR ROBERT PUTORTI JR.



When: Saturday, Nov 9th
from 4:30 PM – 9 PM.

Where: Whitehall Elks Lodge

Menu: Spaghetti with Meatballs,
Salad, Roll, Dessert

Cost: \$10.00

Also: Basket and Large-Item Raffles (Big Screen TV included)
Drawing at 7:30 PM (No need to be present to Win)



Whitehall Elks Leading Knight and community friend to all, Robert Putorti Jr., was involved in a terrible motorcycle accident on the morning of Saturday, August 31st. He sustained multiple fractures to his right arm, left foot, ribs and spine. He was brought to Glens Falls Hospital and then immediately



Salad, Roll, Dessert

Cost: \$10.00

Also: Basket and Large-Item Raffles (Big Screen TV included) Drawing at 7:30 PM (No need to be present to Win)

Whitehall Elks Leading Knight and community friend to all, Robert Putorti Jr., was involved in a terrible motorcycle accident on the morning of Saturday, August 31st. He sustained multiple fractures to his right arm, left foot, ribs and spine. He was brought to Glens Falls Hospital and then immediately rushed to Albany Medical Center, due to his critical condition. After spending 6 days in Albany Med, he was discharged home, and then on the same day, re-admitted to Rutland Regional Medical Center (RRMC) until September 17th. While at Rutland, Bobby underwent a complicated surgery to his right arm, and recovered from the numerous injuries he had, related to the accident. Unfortunately, Bobby developed post-operative complications/infections related to his arm, and was re-admitted to RRMC for another surgery. He was recently discharged home from RRMC but is requiring long term IV antibiotics to be infused until the end of November. It's been a long, difficult road for Bobby, and continues to be at this time. He's staying positive, and hoping to recover from the terrible injuries that he's been suffering with.

Please Keep Him in Your Prayers!

We Need Your Help!! We are accepting donations and items to raffle off: baskets, gift cards, or large items. Proceeds to go to Bobby and his family. We can't do this without your assistance and attendance! Please Share!!

Thank You Very Much for Your Support!!

Friends

[See All Friends](#)

1,484 friends



Kristy Putorti is with Tommy StClair and 19 others.

October 22, 2019 · 🌐

Just a heads up about an upcoming benefit that is being held for my brother Bobby on November 9th. There will be a Facebook



Robert Putorti Jr

Add Friend



Kristy Putorti is with Tommy StClair and 19 others.

October 22, 2019 ·

Just a heads up about an upcoming benefit that is being held for my brother Bobby on November 9th. There will be a Facebook page with more details, I just wanted to post the flyer now so everyone can lock in the date and hopefully attend the event. There will be food, music and a cash bar. Mostly importantly, you can stop in and say hi to Bobby in person. He is going to try and stay at the event as long as he can.
PLEASE SHARE THIS POST!!!!

20

5 Comments 8 Shares

Like

Comment

Share

Friends

1,484 friends

[See All Friends](#)



Angel LaRosa



Brittney Putorti



Reba Putorti



Anne Wilcox

We are sorry, we are going to miss this, we will be in Florida.

We want to wish you a speedy recovery. If you need some sunshine, you are welcome to come down!!

You are all in our thoughts and prayers

Like · Reply · 1y



Darlene Treadway



Robert Putorti Jr

Add Friend



Angel LaRose



Brittney Putorti



Reba Putorti



Kristy Putorti



Pam Putorti



Bob Putorti



Michael Putorti



Mike Putorti



Reba Putorti

we want to wish you a speedy recovery. If you need some sunshine, you are welcome to come down!!
You are all in our thoughts and prayers

Like · Reply · 1y



Darlene Treadway

We also will be in Florida until November 16th- hope all goes well

Like · Reply · 1y



Jackie Higgins VanDerwarker

We plan to be there Bobby.

Like · Reply · 1y



Robert Putorti Jr

Thank you All

Like · Reply · 1y



Kimberly VanDerwarker Wing

I will be away but will be sending you guys all kinds of love ❤️

Like · Reply · 1y



Robert Putorti Jr

Add Friend



EXHIBIT D



Robert Putorti Jr

July 20 · 🌐

Come support our lodge everyone, we're trying to keep the doors open, because of the COVID-19, we need all your help to bring in some revenue. We help support the communities around us with various fundraisers, but now we need yours!! Thank you!

WILL YOU...



FIND HER?

Friends

[See All Friends](#)

1,484 friends



Brittney Putorti



Mikey Prendo



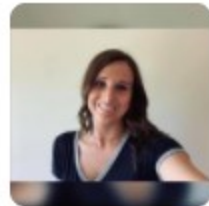
Pam Putorti



Bob Putorti



Reba Putorti



Rebecca Putorti



Angel LaRose



Kristy Putorti



Michael Putorti

Whitehall Elks Lodge #1491

July 20 · 🌐

👤❤️ QUEEN OF HEARTS IS BACK!!

This Saturday, July 25th, drawing is at 6:00PM. Tickets sold at the Lodge \$1/ticket 🍷🍷🍷🍷

-ALSO-

Drinks will now be served in glass cups 🍷🍷

🇺🇸 See you there, please come out and support your Lodge 🦌

👍 3

2 Shares

👍 Like

💬 Comment

➦ Share



Robert Putorti Jr

+ Add Friend



Photos

[See All Photos](#)



Friends

[See All Friends](#)

1,484 friends



Brittney Putorti



Mikey Prendo



Pam Putorti



Bob Putorti



Reba Putorti



Rebecca Putorti



Angel LaRose



Kristy Putorti



Michael Putorti

EXHIBIT E



Robert Putorti Jr

August 8 · 🌐

Come out and support our lodge, help us so we can give back to the people in the communities around us!



Whitehall Elks Lodge #1491

August 7 · 🌐

🗣️ Elks BBQ TOMORROW!

👤 VOLUNTEERS NEEDED 👤

📍 Whitehall's Elks Lodge 1491 cordially invites you tomorrow, Saturday August 8th 14



Robert Putorti Jr

Add Friend



Friends

[See All Friends](#)

1,484 friends



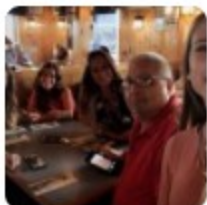
Brittney Putorti



Mikey Prendo



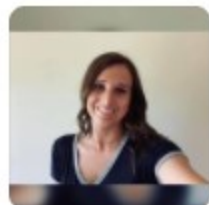
Pam Putorti



Bob Putorti



Reba Putorti



Rebecca Putorti

Whitehall Elks Lodge #1491

August 7 · 🌐

🗣️ Elks BBQ TOMORROW!

👤 VOLUNTEERS NEEDED 👤

📍 Whitehall's Elks Lodge 1491 cordially invites you tomorrow, Saturday August 8th 14

💰 \$12 will get you half a BBQ chicken, baked potato, baked beans, roll and dessert

🍗 Meals will be served from noon until they are sold out. 🍗

👍 3

2 Shares

👍 Like

💬 Comment

➦ Share



Robert Putorti Jr

Add Friend



Photos

[See All Photos](#)



Friends

[See All Friends](#)

1,484 friends



Brittney Putorti



Mikey Prendo



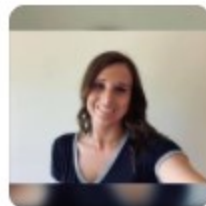
Pam Putorti



Bob Putorti



Reba Putorti



Rebecca Putorti



EXHIBIT F



Robert Putorti Jr

September 9 · 🌐

Come out for some good food and help support the lodge!



Whitehall Elks Lodge #1491

September 8 · 🌐

🗨️ Thirsty Thursday this week (September 10th):

Cheeseburger with french fries and select drink!

🍔🍟🍺 \$7

See everyone there, come support your Lodge 🐇



👍 1

2 Shares

👍 Like

💬 Comment

➦ Share



Robert Putorti Jr

+ Add Friend



EXHIBIT G

Intro

- Machinery Equipment Operator at Town of Whitehall
- Went to Whitehall Junior - Senior High School
- From Whitehall, New York
- Married
- Joined October 2009

Photos

[See All Photos](#)



Robert Putorti Jr

September 11 · 🌐

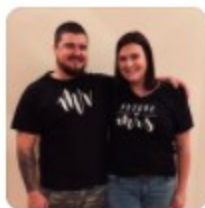
I hope everyone can attend our last chicken bbq for the season, we're also having my homemade Italian Sausage, hot and sweet! But, we're in need of plastic bags for Togo's. Anyone with extra bags, can drop them off across from Cumberland farm in the morning! Thank you



Friends

[See All Friends](#)

1,484 friends



Brittney Putorti



Mikey Prendo



Pam Putorti

Whitehall Elks Lodge #1491

September 9 · 🌐

This Saturday, September 12 the [Whitehall Elks](#) will host a chicken BBQ as we regularly do BUT we will have the option of homemade sausage, peppers and onions!



Robert Putorti Jr

Add Friend



Friends

[See All Friends](#)

1,484 friends



Brittney Putorti



Mikey Prendo



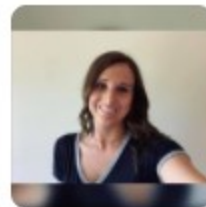
Pam Putorti



Bob Putorti



Reba Putorti



Rebecca Putorti



Angel LaRose



Kristy Putorti



Michael Putorti

Whitehall Elks Lodge #1491

September 9 · 🌐

This Saturday, September 12 the [Whitehall Elks](#) will host a chicken BBQ as we regularly do BUT we will have the option of homemade sausage, peppers and onions!

Regular Chicken BBQ meal \$12

Sausage, Peppers and Onions meal \$12

Sausage, Peppers and Onions alone \$8

Volunteers ALWAYS needed.

Serving will start at noon.



👍 9

3 Comments 2 Shares

👍 Like

💬 Comment

➦ Share



Brian Greene
Starts at 12 ? Coming up for the sweet sausage

Like · Reply · 7w



Rich Morin
I wish I wasn't 2k miles away. It looks great.

Like · Reply · 7w



Luke Gimmler
Chicken was delicious

Like · Reply · 7w



Robert Putorti Jr

+ Add Friend



EXHIBIT H



Robert Putorti Jr

September 16 · 🌐

Something a little different tomorrow, come down and join us for dinner, help support our lodge! We're doing much better, let's keep it going!!



Whitehall Elks Lodge #1491

September 16 · 🌐

THIRSTY THURSDAY: September 17th at 5:30PM

Grilled cheese or grilled ham and cheese with french fries and select drink \$7 🍷🍷🍷

See you there, come support your lodge 🇺🇸🇺🇸

👍 7

4 Comments 1 Share

👍 Like

💬 Comment

➦ Share



Mikey Prendo
I'm hungry brother..lol

Like · Reply · 7w



Robert Putorti Jr
Mikey Prendo haha, when aren't you hungry Bigboy!!

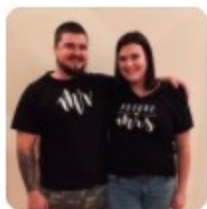
Like · Reply · 7w · Edited

👍 1

Friends

1,484 friends

[See All Friends](#)



Brittney Putorti



Mikey Prendo



Pam Putorti



Bob Putorti



Reba Putorti



Rebecca Putorti



Angel LaRose



Kristy Putorti



Michael Putorti



Robert Putorti Jr

+ Add Friend



Photos

[See All Photos](#)



Whitehall Elks Lodge #1491

September 16 · 🌐

THIRSTY THURSDAY: September 17th at 5:30PM

Grilled cheese or grilled ham and cheese with french fries and select drink \$7 🧀🍟🍺

See you there, come support your lodge 🇺🇸🇺🇸

👍 7

4 Comments 1 Share

👍 Like

💬 Comment

➦ Share

Friends

1,484 friends

[See All Friends](#)



Brittney Putorti



Mikey Prendo



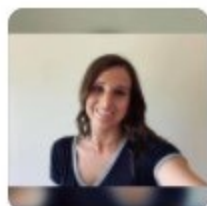
Pam Putorti



Bob Putorti



Reba Putorti



Rebecca Putorti



Mikey Prendo
I'm hungry brother..lol

Like · Reply · 7w



Robert Putorti Jr
Mikey Prendo haha, when aren't you hungry Bigboy!!

Like · Reply · 7w · Edited

👍 1



Mikey Prendo
Robert Putorti Jr

NOM-NOM



Like · Reply · 7w



Rocco Losavio
to bad that isnt tonight

Like · Reply · 7w



Robert Putorti Jr

Add Friend



EXHIBIT I

Photos

See All Photos



Robert Putorti Jr

September 22 · 🌐

It's my slow smoked pulled pork, hope you all can enjoy!



Friends

See All Friends

1,484 friends



Brittney Putorti



Mikey Prendo



Pam Putorti



Bob Putorti



Reba Putorti



Rebecca Putorti



Anael LaRose



Kristy Putorti



Michael Putorti

Whitehall Elks Lodge #1491

September 22 · 🌐

🗨️ THIRSTY THURSDAY!

Thirsty Thursday has been a great success. We have had a nice turn out thanks to you all! Let's keep it going! 👍

This Thursday: Pulled Pork, Coleslaw, French Fries and select drink

🍷🍷 \$7.00

🕒 Serving starts at 5:30

See everyone at the Lodge 🇺🇸🇺🇸



Robert Putorti Jr

Add Friend



To see what he shares with friends, send him a friend request.

EXHIBIT J

Intro

- Machinery Equipment Operator at Town of Whitehall
- Went to Whitehall Junior - Senior High School
- From Whitehall, New York
- Married
- Joined October 2009

Photos

[See All Photos](#)



Robert Putorti Jr

October 5 at 6:36 PM · 🌐



Come join us Thursday, I'm making Hot and Sweet Sausage for everyone to enjoy! Please remember your masks and that all Covid-19 rules apply! Thanks for your support!



Whitehall Elks Lodge #1491

October 5 at 5:51 PM · 🌐

THIRSTY THURSDAY!

Let's keep Thirsty Thursday successful, it's been going really well thanks to you 👍

This Thursday: ER Bobby's Homemade Sausage, Peppers, Onions in a roll with French Fries and select drink 🍷🍺 \$8.00

Serving starts at 5:30

See everyone at the Lodge 🇺🇸🇩🇪

8

2 Shares



Friends

[See All Friends](#)

1,484 friends