



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*October 12, 2022*

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### **Delaware County Town Justice Should Be Censured for Improper Communications and Other Misconduct in Various Cases**

The New York State Commission on Judicial Conduct has determined that Gary P. Arndt, a Justice of the Franklin Town Court, Delaware County, should be censured for various misconduct in numerous cases, such as engaging in prohibited communications with only one party, and for failing to follow fundamental legal procedures.

Judge Arndt agreed to the censure and to take several judicial training and education courses.

From 2018 to 2019:

- In four traffic infraction matters, Judge Arndt solicited and/or received *ex parte* information from the defendants in the absence of a prosecutor.
- In two small claims matters, Judge Arndt spoke with either the plaintiff or defendant after the other party had left the courtroom. In one case, he told the plaintiff how he planned to rule, and in the other he

dismissed the matter without notifying the parties or issuing a decision that could be appealed.

- Judge Arndt failed to advise a defendant of his right to counsel.
- Judge Arndt reduced a speeding charge without the required notice to and consent of the prosecutor.
- In three small claims matters, Judge Arndt failed to administer the required oath or affirmation to the witnesses.

In censuring Judge Arndt, the Commission noted that he “has been a judge since 2010 and should be fully familiar with his ethical obligations including the requirements to avoid *ex parte* communications and to abide by the law.” The Commission also noted that Judge Arndt acknowledged that his conduct was improper and that he completed several continuing judicial education courses which were part of the negotiated resolution of the misconduct charges against him.<sup>1</sup>

Judge Arndt, who is not an attorney, has been a Justice of the Franklin Town Court since 2010. His current term expires on December 31, 2025.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“Judges are required by the Rules Governing Judicial Conduct to maintain professional competence in the law. Where, as here, the violations are numerous and fundamental, public discipline is appropriate. In agreeing to take judicial education courses, Judge Arndt both accepted responsibility and showed his resolve to get it right from now on.”

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<sup>1</sup> (See the [Agreed Statement of Facts](#) signed by the judge, his attorney, and the Commission’s Administrator.)

### **The Commission Proceedings**

Judge Arndt was served with a Formal Written Complaint dated February 1, 2022, containing four charges, and filed an Answer dated March 20, 2022.

On July 13, 2022, the Administrator of the Commission, Judge Arndt, and his attorney, 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 August 11, 2022, and on September 7, 2022, the judge provided documentation that he had completed a selection of continuing judicial education courses as he had agreed he would do.

### **The Commission Determination**

The Commission filed a determination dated September 28, 2022, in which all eleven members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq. (the Vice Chair), Judge Fernando M. Camacho, Jodie Corngold, Judge John A. Falk, Judge Angela M. Mazzarelli, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Ronald J. Rosenberg, Esq., Graham B. Seiter, Esq., and Akosua Garcia Yeboah.

### **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 October 11, 2022, that Judge Arndt 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 Arndt 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 346 determinations of censure against judges in New York State. The Commission has issued 178 determinations of removal and 280 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.

### **Counsel**

Judge Arndt was represented by Andrew Puritz, Esq., 189 Main Street, Suite 103, Oneonta, New York 13820, (607) 432-0943.

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

### **Background Information on Judge Arndt**

First Took Office:	2010
Current Term Expires:	December 31, 2025

### **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, 2023
Hon. Fernando M. Camacho	Former Chief Judge Janet DiFiore	March 31, 2024
Jodie Comgold	Former Governor Andrew M. Cuomo	March 31, 2023
Hon. John A. Falk	Former Chief Judge Janet DiFiore	March 31, 2025
Hon. Angela M. Mazzarelli	Former Chief Judge Janet DiFiore	December 31, 2022 <sup>2</sup>
Hon. Robert J. Miller	Governor Kathy Hochul	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
Akosua Garcia Yeboah	Former Governor Andrew M. Cuomo	March 31, 2025

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<sup>2</sup> Judge Mazzarelli's term on the Commission will end upon her retirement from judicial office on December 31, 2022.