



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

April 25, 2022

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Westchester County Village Justice Should Be Removed for Professional Misconduct as an Attorney

The New York State Commission on Judicial Conduct has determined that Carlos Gonzalez, a Justice of the Elmsford Village Court, Westchester County, should be removed from office as a result of his misconduct as an attorney, for which he has been suspended from the practice of law for 24 months.¹

In April 2021, the Appellate Division, Second Department, suspended Mr. Gonzalez from the practice of law for a period of six months based upon a finding of professional misconduct by the United States District Court for the District of Connecticut, Western Connecticut. Mr. Gonzalez failed to notify the Appellate Division of the Connecticut discipline in a timely manner, in violation of statute. In December 2021, the Appellate Division again suspended him for engaging in professional misconduct, also finding that he did not accurately describe his disciplinary history to the Attorney Grievance Committee.

In determining to remove Judge Gonzalez from the bench, the Commission found that he “engaged in a pattern of professional misconduct which involved six

¹ Town and village justices serve part-time and are permitted to engage in the private practice of law.

separate client matters,” and that his “professional misconduct and his lack of candor demonstrated that he is unfit for judicial office.”

Judge Gonzalez has served as a Justice of the Elmsford Village Court since April 2021. His current term expires on March 16, 2025.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“It would be contrary to the public interest and common sense to bar someone from appearing in court as a lawyer but not from taking the bench and deciding legal issues. Judge Gonzalez compounded his misconduct as an attorney and further undermined his integrity as a judge by being less than candid with the Appellate Division about his disciplinary history.”

The Commission Proceedings

Judge Gonzalez was served with a Formal Written Complaint dated December 14, 2021, containing one charge.

By motion dated January 14, 2022, the Administrator moved for summary determination. The judge submitted written opposition to the motion along with an untimely and undated Answer, in which he acknowledged the facts underlying his suspension from the practice of law. The motion was granted on February 3, 2022, determining that the factual allegations of the Complaint were sustained and that the judge’s misconduct was established.

Counsel to the Commission filed a brief arguing for the judge’s removal. The judge did not make a written submission on the issue of sanction or respond to the administrator’s brief. On March 17, 2022, the Commission heard oral argument, at which Judge Gonzalez appeared and represented himself.

The Commission Determination

The Commission filed a determination dated April 13, 2022, in which all 11 members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq., (the Vice Chair), Hon. Fernando M. Camacho, Jodie Corngold, Judge John A. Falk, Judge Angela M. Mazzarelli, Judge Robert J. Miller², Marvin Ray

² The vote in this matter was taken on March 17, 2022. Judge Miller’s term on the Commission expired on March 31, 2022.

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. Judge Gonzalez received it on April 18, 2022, 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 Gonzalez does not request review by the Court of Appeals, the Court of Appeals will remove 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 177 determinations of removal against judges in New York State. The Commission has issued 342 determinations of censure and 280 determinations of admonition. Since 2003, 114 judges have agreed to publicly resign from office and never seek or accept judicial office in the future, ending inquiries into their misconduct.

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

In the proceedings before the Commission, Judge Gonzalez represented himself.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Mark Levine, Deputy Administrator in Charge of the New York City office; and Senior Attorney Melissa DiPalo. Investigator Christina Partida was assigned to the case.

Background Information on Judge Gonzalez

| | |
|---------------------------|----------------|
| First Took Office: | 2021 |
| Current Term Expires: | March 16, 2025 |
| Year Admitted to NYS Bar: | 2005 |

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:

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

| Member | Appointing Authority | Term End |
|--------------------------------|---|--------------------------------|
| 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 | Chief Judge Janet DiFiore | March 31, 2024 |
| Jodie Corngold | Former Governor Andrew M. Cuomo | March 31, 2023 |
| Hon. John A. Falk | Chief Judge Janet DiFiore | March 31, 2025 |
| Hon. Angela M. Mazzarelli | Chief Judge Janet DiFiore | December 31, 2022 ³ |
| 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 |
| Vacant | Governor | March 31, 2026 |

³ Judge Mazzarelli's term on the Commission will end upon her retirement from judicial office on December 31, 2022.