



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*April 1, 2022*

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### **Monroe County Town Justice Should Be Censured for Filing Inaccurate Unemployment Insurance Claims**

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The New York State Commission on Judicial Conduct has determined that Scott Okolowicz, a Justice of the Riga Town Court, Monroe County, should be censured for inaccurately certifying he had not worked on four days he actually performed judicial duties and then accepting \$318.75 in unemployment compensation to which he was not entitled.

Judge Okolowicz agreed to the censure.

In 2015, Judge Okolowicz applied for, and was approved to, receive unemployment insurance from the New York State Department of Labor (DOL). He thereafter provided weekly certifications to DOL, as required, reporting each day he worked during the week. For four dates in 2016, he inaccurately certified that he did not work at all, when he had in fact presided over arraignments outside of his regular court hours.<sup>1</sup>

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<sup>1</sup> January 14, February 5, May 12 and June 19, 2016.

Despite clear boldface instructions in the Unemployment Insurance Claimant's Handbook, which he admits he did not read, Judge Okolowicz incorrectly believed he did not have to report his judicial work because it had not occurred on regularly scheduled court days. The manual read in part:

If you perform work, services or activities as an elected official, you are considered to be working the day you perform these duties. It does not matter what the work is, the amount of time you spent working each day, or whether or not you earned any money or any other payment. **All work, even an hour or less, performed in connection with your elected office must be declared as work when you claim weekly benefits** (emphasis in original).

Judge Okolowicz has now repaid the monies as well as a \$100 civil fine. He had properly reported the money on his income tax returns.

In censuring Judge Okolowicz, the Commission noted his contrition.

Judge Okolowicz, who is not an attorney, has been a Justice of the Riga Town Court since 2012. His current term expires on December 31, 2023.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“The amount of money at issue here may be small, but the pertinent principle looms large. Whether acting as a fiduciary or beneficiary of public funds, a judge must know and follow the rules and not swear to the truth of inaccurate claims, especially where the result is money in his or her pocket. Faith in the integrity of the judge and ultimately the court hangs in the balance. To his credit, Judge Okolowicz accepted responsibility.”

### **The Commission Proceedings**

Judge Okolowicz was served with a Formal Written Complaint dated July 21, 2021, containing one charge, and filed an Answer dated September 13, 2021.

On January 14, 2022, the Administrator of the Commission, Judge Okolowicz 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 February 3, 2022.

### **The Commission Determination**

The Commission filed a determination dated February 17, 2022, in which ten members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq. (the Vice Chair), Judge Fernando M. Camacho, Jodie Corngold, Judge Angela M. Mazzarelli, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Ronald J. Rosenberg, Esq., Graham B. Seiter, Esq., and Akosua Garcia Yeboah.

One member, Judge John A. Falk, did not participate.

### **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 April 1, 2022, that Judge Okolowicz 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 Okolowicz 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 342 determinations of censure against judges in New York State. The Commission has issued 176 determinations of removal and 278 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 Okolowicz was represented by Michael R. Wolford of Bond, Schoeneck & King, PLLC, 350 Linden Oaks, 3<sup>rd</sup> Floor, Rochester, New York 14625, (585) 362-4719.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; John J. Postel, Deputy Administrator in Charge of the Rochester office; and Senior Attorney David Duguay. Senior Investigator Vanessa Mangan was assigned to the case.

### **Background Information on Judge Okolowicz**

First Took Office:	2012
Current Term Expires:	December 31, 2023
Judicial Salary:	\$19,000

### **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:

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**

<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	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	March 31, 2022
Hon. Robert J. Miller	Former Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
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
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