

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

DETERMINATION

TATIANA COFFINGER,

a Judge of the County, Family and
Surrogate's Courts, Hamilton County.

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
Honorable Fernando M. Camacho
Jodie Corngold
Honorable John A. Falk
Honorable Angela M. Mazzarelli
Honorable Robert J. Miller
Marvin Ray Raskin, Esq.
Ronald J. Rosenberg, Esq.
Graham B. Seiter, Esq.
Akosua Garcia Yeboah

APPEARANCES:

Robert H. Tembeckjian (Cathleen S. Cenci and Kathleen E. Klein, Of
Counsel) for the Commission

Dreyer Boyajian, LLP (by William J. Dreyer) for respondent

Respondent, Tatiana Coffinger, a Judge of the County, Family and
Surrogate's Courts, Hamilton County, was served with a Formal Written Complaint

("Complaint") dated December 7, 2021 containing two charges. Charge I of the Complaint alleged that in June 2019, during her campaign for election as judge of the County, Family and Surrogate's Courts in Hamilton County, respondent personally solicited contributions on behalf of a political organization on four separate occasions by posting on social media an invitation to a fundraising event on behalf of the Hamilton County Republican Committee. Charge II of the Complaint alleged that in June 2019, during her election campaign, respondent approved the content and distribution of campaign literature falsely depicting that one of her opponents in the Republican primary would appear on a ballot line labeled, "Democrat."

On January 25, 2022, the Administrator, respondent's counsel and respondent entered into an Agreed Statement of Facts ("Agreed Statement") pursuant to Section 44, subdivision 5, of the Judiciary Law, stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be admonished and waiving further submissions and oral argument.

On February 3, 2022, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent has been a Judge of the County, Family and Surrogate's Courts, Hamilton County, since 2020. Respondent's current term expires on December 31, 2030. Previously, she served as a Justice of the Indian Lake Town Court, Hamilton County, from July through December of 2018. She was admitted to the practice of law in New York in 2001.

As to Charge I of the Formal Written Complaint

2. Facebook is an internet social networking website and platform that *inter alia* allows users to post and share content on their own Facebook page 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 and posts may be viewable online by the public or restricted to one's Facebook "Friends."

3. At all times relevant to this charge, respondent was a candidate for election as judge of the County, Family and Surrogate's Courts in Hamilton County.

4. At all times relevant to this charge, respondent maintained a campaign-related Facebook account under the name, "Tatiana Coffinger for Hamilton County Court Judge," which was viewable by the public.

5. On June 3, June 9, June 17 and June 21, 2019, respondent posted to her campaign's Facebook page an invitation to the Hamilton County Republican picnic. It read, "You are Invited 2019 Republican Picnic and Meet the Candidates Day!" The invitation offered food, drinks, "Music, Bingo, Door prizes and more!" Ticket prices ranged from \$12 to \$35. The invitation also read, "Tickets – See any Republican Committee Member." Screenshots of this invitation are appended as Exhibit A to the Agreed Statement.

6. At all times relevant to this charge, all four of respondent's posts advertising the event were viewable by the public.

7. At all times relevant to this charge, respondent was scheduled to speak at

the “2019 Hamilton County Republican Picnic and Meet the Candidates Day.” She did, in fact, ultimately speak at the event.

8. The event advertised by respondent took place on June 22, 2019. It was a fundraiser that generated a profit of nearly \$1,800 for the Hamilton County Republican Committee.

9. At all times relevant to this charge, the Hamilton County Republican Committee constituted a political organization.

As to Charge II of the Formal Written Complaint

10. In 2019, respondent ran in the Republican Party primary for the party’s nomination to the office of judge of the County, Family and Surrogate’s Courts in Hamilton County. Her two opponents in the primary were Marsha King Purdue and James W. Hyde, IV. The Republican primary took place on June 25, 2019. There was no Democratic primary.

11. In 2019, there were approximately 2,659 registered Republican voters in Hamilton County, and approximately 954 registered Democrats.

12. At all times relevant to this charge, Ms. Purdue was a registered Republican, respondent knew Ms. Purdue to be a Republican, and respondent knew that Ms. Purdue was running against her in the Republican primary. Respondent also knew that Ms. Purdue had been the elected Hamilton County District Attorney since 2012, and respondent believed Ms. Purdue had widespread name recognition among Republican voters in the county.

13. In June 2019, prior to the primary, respondent approved the content and

distribution of campaign literature to be mailed to registered Republicans (“mailer”), depicting a sample primary ballot for the upcoming Hamilton County Republican primary. A copy of the mailer is appended as Exhibit B to the Agreed Statement.

14. In the mailer, respondent depicted an “Unofficial Sample Ballot” that identified Ms. Purdue on a line labeled “Democrat,” which respondent knew would not have appeared on the actual Republican primary ballot. A copy of the official Sample Ballot from the Board of Elections is appended as Exhibit C to the Agreed Statement.

15. Respondent and/or her campaign distributed the misleading mailer (Exhibit B to the Agreed Statement) approximately one week before the primary election to an estimated 1,600 to 1,800 households of registered Republican voters in Hamilton County.

16. Respondent won the primary election with a total of 748 votes, defeating Ms. Purdue, who received 351 votes, and Mr. Hyde, who received 200 votes. Respondent thereafter won the general election in November 2019 with a total of 1,446 votes, defeating Ms. Purdue, who received 1,020 votes on the Democratic line. Ms. Purdue was nominated by the Democratic Party for the general election without a primary and with no opponents, notwithstanding that she was a registered Republican.

Additional Factors

17. Respondent has been cooperative throughout this inquiry.

18. With respect to the Hamilton County Republican Picnic and Meet the Candidates Day, respondent avers that while she believed the event to be a social occasion held to thank committee members and introduce the candidates, she acknowledges in retrospect that she should have made inquiries and been aware that it

was a fundraiser which would have precluded her from posting the invitation or otherwise advertising the event.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.5(A)(1)(d), 100.5(A)(1)(h), 100.5(A)(2)(i), 100.5(A)(4)(a), (b) and (c), and 100.5(A)(4)(d)(iii) of the Rules Governing Judicial Conduct (“Rules”) and should be disciplined for cause, pursuant to Article VI, Section 22, subdivision a, of the New York State Constitution and Section 44, subdivision 1, of the Judiciary Law. Charges I and II of the Formal Written Complaint are sustained insofar as they are consistent with the above findings and conclusions and respondent’s misconduct is established.

While judges and judicial candidates are permitted to participate in their own campaigns for judicial office, the ethical Rules strictly prohibit direct and indirect engagement in other political activity. (Rules, §100.5(A)(1)) The Court of Appeals has held, “[o]nce elected to the bench, a judge’s role is significantly different from others who take part in the political process and, for this reason, conduct that would be appropriate in other types of campaigns is inappropriate in judicial elections.” *In re Raab*, 100 N.Y.2d 305, 316 (2003). “Judicial candidates are held to higher standards of conduct than candidates for non-judicial office, and the campaign activities of judicial candidates are significantly circumscribed in order to maintain public confidence in the integrity and impartiality of the judicial system.” *Matter of Chan*, 2010 NYSCJC Annual Report 124, 127. Respondent acknowledged that by posting the invitation to the picnic on her campaign’s public Facebook page, she violated the Rules and improperly solicited

contributions for a political organization's fundraising event.

In addition, the Rules specifically prohibit judicial candidates from knowingly making false statements and misrepresentations about their opponents. (Rules §100.5(A)(4)(d)(iii)) The Commission has held,

This requirement not only helps ensure that judicial campaigns comport with fundamental standards of honesty and fairness, but enables voters to choose judges based upon information that is fairly and accurately presented. . . .

Distortions and misrepresentations have no place in campaigns for judicial office. Judicial candidates for judicial office are expected to be, and must be, above such tactics.

Matter of Kulkin, 2007 NYSCJC Annual Report 115, 117. Here, respondent acknowledged that in literature her campaign distributed during the primary campaign, she misrepresented that one of her opponents would appear on the Republican primary ballot on a line labeled "Democrat." At the time she caused this mailer to be disseminated, respondent knew that her opponent was a registered Republican and was running against her in the Republican primary. Such misleading conduct was inappropriate for a judicial candidate and respondent violated her ethical obligations.

In accepting the jointly recommended sanction of admonition, we have taken into consideration that respondent has acknowledged that her conduct warrants public discipline. We trust that respondent has learned from this experience and in the future will act in strict accordance with her obligation to abide by all the Rules Governing Judicial Conduct.

By reason of the foregoing, the Commission determines that the appropriate

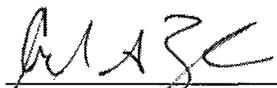
disposition is admonition.

Mr. Belluck, Ms. Grays, Judge Camacho, Ms. Corngold, Judge Falk, Judge
Mazzarelli, Judge Miller, Mr. Raskin, Mr. Rosenberg, Mr. Seiter and Ms. Yeboah concur.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on
Judicial Conduct.

Dated: February 23, 2022



Celia A. Zahner, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct