

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding  
Pursuant to Section 44, subdivision 4,  
of the Judiciary Law in Relation to

ERIC T. MORTENSON,

**DETERMINATION**

a Justice of the Gallatin Town Court,  
Columbia County.

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THE COMMISSION:

Joseph W. Belluck, Esq., Chair  
Taa Grays, Esq., Vice Chair  
Honorable Fernando M. Camacho  
Stefano Cambareri, Esq.  
Brian C. Doyle, Esq.  
Honorable John A. Falk  
Robin Chappelle Golston  
Nina M. Moore, Ph.D.  
Honorable Peter H. Moulton  
Marvin Ray Raskin, Esq.

APPEARANCES:

Robert H. Tembeckjian (Cathleen S. Cenci and S. Peter Pedrotty, Of  
Counsel) for the Commission

James Kleinbaum for respondent

Respondent, Eric T. Mortenson, a Justice of the Gallatin Town Court,

Columbia County was served with a Formal Written Complaint dated November 25, 2025 containing one charge. The Complaint alleged that on May 22, 2024, in the City of Hudson, New York, respondent operated a motor vehicle while under the influence of alcohol.

On January 5, 2026, the Administrator, respondent's counsel and respondent entered into an Agreed Statement of Facts 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 January 29, 2026, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent is not an attorney. He has been a Justice of the Gallatin Town Court, Columbia County, since November 2020. Respondent's current term expires on December 31, 2027.

2. Shortly before midnight on May 22, 2024, after consuming at least one alcoholic beverage at the Half Moon, a bar/restaurant on South Front Street in the City of Hudson, New York, respondent drove his 2013 Chevy pickup truck toward Green Street in Hudson. An acquaintance rode with him in the front passenger seat.

3. Before reaching his destination, respondent was stopped by New York State Police Officers Patrick Ohlerich and Joseph Esposito after they observed him fail to signal when required.

4. The troopers got out of their patrol car and approached respondent, who was sitting in the driver's seat of his truck. They observed that respondent's eyes appeared glassy and smelled alcohol on his breath.

5. After respondent produced his license and registration, Trooper Ohlerich asked how many drinks he had consumed. Respondent replied, in sum or substance, "I think I had one when we were out." Trooper Ohlerich asked respondent to get out of his vehicle, and respondent complied.

6. Respondent failed three standard field sobriety tests administered by Trooper Esposito: the horizontal gaze nystagmus, walking in a straight line, and balancing on one foot. Respondent appeared extremely nervous during the tests and, at one point, bent over and placed his hands on his knees. He commented, among other statements regarding how nervous he was, "I'm really nervous and scared, I had a drink and . . . ." When Trooper Ohlerich told respondent that he would be fine if he had had just one beer, respondent said, in sum or substance, "It wasn't a beer, but okay."

7. Respondent submitted to a portable breath test, the result of which the troopers deemed to provide additional reasonable cause for respondent's arrest. The troopers placed him under arrest shortly after midnight on May 23, 2024.

8. Prior to being transported from the site of his arrest, respondent told Trooper Esposito, in sum or substance, "I was somewhere else earlier and I guess I had more than I thought I did. I really only had one drink when . . . ." Trooper Esposito asked, "So, at the bar you only had one but . . . ?" Respondent replied, in words or substance, "Yeah, I only had one but it was a couple hours earlier but I really felt fine."

9. On May 23, 2024, at approximately 1:27 AM, respondent submitted to a chemical breath test, which recorded a Blood Alcohol Content ("BAC") of 0.07%.

10. Pursuant to Section 1195(2)(c) of the Vehicle and Traffic Law ("VTL"), chemical evidence indicating a BAC of 0.07% or more, but less than 0.08%, is "prima facie" evidence that a person's ability to operate a motor vehicle was impaired by the consumption of alcohol.

11. On May 23, 2024, respondent was charged with two VTL traffic infractions: Driving While Ability Impaired by the Consumption of Alcohol, pursuant to VTL Section 1192(1); and Illegal Signal: Stop/Slow Without Signaling, pursuant to VTL Section 1163(C).

12. On July 16, 2024, on the recommendation of the prosecution, the charges against respondent were Adjourned in Contemplation of Dismissal. They were ultimately dismissed by the Hudson City Court.

Additional Factors

13. Respondent has been cooperative with the Commission throughout this proceeding.

14. Respondent was cooperative with the troopers that stopped and ultimately arrested and charged him in May 2024, and he did not assert the influence of his judicial office in order to avoid arrest or influence them in the performance of their duties.

15. Respondent acknowledges that it was inappropriate for him to have driven a motor vehicle after consuming enough alcohol to have met the threshold for a DWAI charge and neared the threshold for a DWI charge approximately 90 minutes after having his last known alcoholic drink. He recognizes “the dangers of driving while under the influence of alcohol and the toll it exacts on society,” as well as the damage it does to public confidence in the entire judiciary, “even, as here, where [he] was not convicted of any offense.” *Matter of Mills*, 2006 Ann Rep of NY Commn on Jud Conduct at 218, 220.

16. On July 9, 2024, respondent underwent a comprehensive alcohol abuse evaluation and was found not to have an alcohol abuse problem or to be in need of treatment.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A) and 100.4(A)(2) of the Rules Governing Judicial Conduct (“Rules”) and should be disciplined for cause pursuant to Article VI, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law. Charge I of the Formal Written Complaint is sustained insofar as it is consistent with the above findings and conclusions and respondent’s misconduct is established.

Each judge must act at all times in a manner that promotes public confidence in the integrity of the judiciary and avoid conduct that detracts from the dignity of judicial office. (Rules §§100.1, 100.2(A) and 100.4(A)(2)) Respondent violated his ethical obligation to respect and comply with the law by driving his vehicle after consuming enough alcohol to meet the threshold for a DWAI charge even though the charge was ultimately dismissed. As respondent has acknowledged, his conduct endangered public safety and brought the judiciary into disrepute.

As a judge entrusted with the responsibility of applying the law and exercising judgment over the conduct of others, respondent is “obligated to conduct [himself] at all times in a manner that reflected [his] own personal respect

for the letter and spirit of the law." *Matter of Backal*, 87 NY2d 1, 7 (1995). Any departure from this high standard of personal conduct undermines the public's respect for the judiciary as a whole.

In prior cases involving alcohol-related driving offenses, in determining the appropriate disposition, the Commission has considered various mitigating and aggravating factors including: the degree of intoxication, whether the judge caused an accident or injury, whether the conduct was an isolated incident or part of a pattern, whether the judge was cooperative during arrest, whether the judge asserted his or her judicial office and sought preferential treatment, whether the judge accepted responsibility for the offense and the need and willingness of the judge to seek treatment. In this matter, there were no aggravating factors. In mitigation, respondent was cooperative with the troopers and has accepted responsibility for his conduct. In addition, he had a comprehensive alcohol abuse evaluation and was found not to have an alcohol abuse problem or to need treatment.

“In the wake of increased recognition of the dangers of driving while under the influence of alcohol and the toll it exacts on society, alcohol-related driving misbehavior must be regarded with particular severity -- even, as here, where respondent was not convicted of any offense.” *Matter of Mills*, 2006 Ann Rep of NY Commn on Jud Conduct at 218, 220. While the charges against respondent

were dismissed, he acknowledged that it was inappropriate and dangerous for him to have driven while under the influence of alcohol and that public discipline is warranted.

In accepting the jointly recommended sanction of admonition, we have also taken into consideration that respondent's misconduct involved one incident and that he has had an unblemished record on the bench. We trust that respondent has learned from this experience and in the future will act in strict accordance with his obligation to abide by 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, Mr. Cambareri, Mr. Doyle, Judge Falk, Ms. Golston, Ms. Moore, Judge Moulton and Mr. Raskin concur.

Mr. Cambareri dissents as to sanction and votes that a private letter of caution is the appropriate disposition.

#### CERTIFICATION

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

Dated: February 20, 2026

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