

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

ERIC T. MORTENSON,

a Justice of the Gallatin Town Court,
Columbia County.

**AGREED
STATEMENT OF FACTS**

Subject to the approval of the Commission on Judicial Conduct:

IT IS HEREBY STIPULATED AND AGREED by and between

Robert H. Tembeckjian, Administrator and Counsel to the Commission, and the
Honorable Eric T. Mortenson ("Respondent"), who is represented in this
proceeding by James Kleinbaum, Esq., that further proceedings are waived and
that the Commission shall make its determination upon the following facts,
which shall constitute the entire record in lieu of a hearing.

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. Respondent was served with a Formal Written Complaint dated
November 25, 2025. He enters into this Agreed Statement of Facts in lieu of
filing an Answer.



As to Charge I

3. On May 22, 2024, in the City of Hudson, New York, Respondent operated a motor vehicle while under the influence of alcohol.

As to the Specifications to Charge I

4. 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.

5. 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.

6. 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.

7. 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.



8. 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."

9. 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.

10. 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."



11. 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%.

12. 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.

13. 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).

14. 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.

15. By reason of the foregoing, Respondent 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, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules of the Chief Administrator

of the Courts Governing Judicial Conduct (“Rules”); failed to avoid impropriety and the appearance of impropriety, in that he failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to so conduct his extra-judicial activities as to minimize the risk of conflict with judicial obligations, in that he failed to conduct all of his extra-judicial activities so that they do not detract from the dignity of judicial office, in violation of Section 100.4(A)(2) of the Rules.

Additional Factors

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

17. 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.

18. 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, 220.¹

19. 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.

IT IS FURTHER STIPULATED AND AGREED that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is public Admonition based upon the judicial misconduct set forth above.

IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Admonition without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall

¹ Available at <https://cjc.ny.gov/Determinations/M/Mills.Donna.M.2005.08.17.DET.pdf>



not be used by the Commission, the Respondent or the Administrator and
Counsel to the Commission.

Dated:

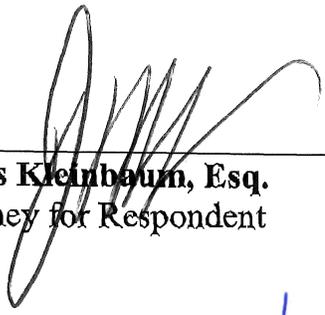
1/2/2026



Honorable Eric T. Mortenson
Respondent

Dated:

1/5/26



James Kleinbaum, Esq.
Attorney for Respondent

Dated: 1/5/2026



Robert H. Tembeckjian
Administrator & Counsel to the Commission
(**Cathleen S. Cenci & S. Peter Pedrotty,**
Of Counsel)