

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.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Eric T. Mortenson, a Justice of the Gallatin Town Court, Columbia County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon Respondent the annexed Formal Written Complaint; and that, in accordance with said statute, Respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon him to serve the Commission at its Albany office, Corning Tower, Suite 2301, Albany, New York 12223, with his verified Answer to the specific paragraphs of the Complaint.

Dated: November 25, 2025
Albany, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

To: James Kleinbaum, Esq.
Attorney for Respondent
18 Park Row
Chatham, New York 12037

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

**FORMAL
WRITTEN COMPLAINT**

ERIC T. MORTENSON,

a Justice of the Gallatin Town Court,
Columbia County.

1. Article VI, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.
2. The Commission has directed that a Formal Written Complaint be drawn and served upon Eric T. Mortenson (“Respondent”), a Justice of the Gallatin Town Court, Columbia County.
3. The factual allegations set forth in Charge I state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).
4. 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.

CHARGE I

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

Specifications to Charge I

6. Shortly before midnight on or about 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.

7. 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.

8. 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.

9. 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.

10. 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.”

11. 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.

12. 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.”

13. On or about 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%.

14. 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.

15. On or about 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).

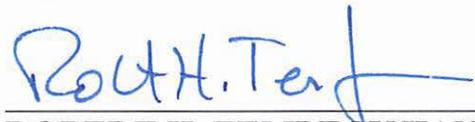
16. On or about July 16, 2024, on the recommendation of the prosecution, the charges against Respondent were Adjourned in Contemplation of Dismissal. They were ultimately dismissed by the Hudson City Court.

17. 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; 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.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: November 25, 2025
Albany, New York



ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

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COMMISSION ON JUDICIAL CONDUCT

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of the Judiciary Law in Relation to

VERIFICATION

ERIC T. MORTENSON,

a Justice of the Gallatin Town Court,
Columbia County.

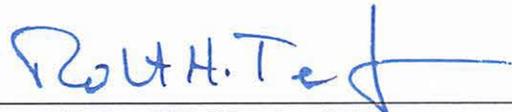
STATE OF NEW YORK)
 : ss.:
COUNTY OF ALBANY)

ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon

information and belief, all matters stated therein are true.

3. The basis for said information and belief is the files and records of
the State Commission on Judicial Conduct.



Robert H. Tembeckjian

Sworn to before me this
25th day of November 2025



Notary Public

Marisa Harrison Santos
Notary Public, State of New York
No. 01SA0003835
Qualified in Albany County
Commission Expires March 27, 2027