# DURKIN & BOGGIA

COUNSELLORS AT LAW

MARTIN T. DURKIN*
PHILIP N. BOGGIA**

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WILLIAM R. BETESH
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January 22, 2009

Candance Moody, Esq.
Advisory Committee on Judicial Conduct
Richard J. Hughes Justice Complex
25 Market Street
P.O. Box 037
Trenton, New Jersey 08625

**Re: ACJC 2008-121**

Dear Ms. Moody:

In connection with the above matter, enclosed please find an Answer to the Complaint and a Certification from Martin T. Durkin, Esq. Thank you for your attention to this matter. If you require any additional information, please do not hesitate to contact me.

Very truly yours,

Philip N. Boggia

PNB:ll
encs.
Cc: Robert E. Ramsey, Esq.


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JAN 26 2009
ACJC

**DURKIN & BOGGIA, ESQS.**
**71 Mt. Vernon Street**
**P.O. Box 378**
**Ridgefield Park, New Jersey 07660**
**201-641-0006**

**FILED**
**JAN 2 6 2009**
**A. C. J. C.**

**SUPREME COURT OF NEW JERSEY**
**ADVISORY COMMITTEE ON JUDICIAL CONDUCT**

**IN THE MATTER OF**

**PHILIP N. BOGGIA**
**JUDGE OF THE MUNICIPAL COURT**

**DOCKET NO. : ACJC 2008-121**

**ANSWER**

1. Respondent admits the allegation in paragraph one of the Complaint.

2. Respondent admits the allegation in paragraph two of the Complaint.

3. Respondent admits the allegation in paragraph three of the Complaint.

4. Respondent admits the allegation in paragraph four of the Complaint, however, Respondent did not authorize or have knowledge at the time, that the contributions had been made by the firm. See attached Certification of Martin T. Durkin, Esq.

5. Respondent admits the allegation in paragraph five of the Complaint, however, Respondent did not authorize or have knowledge at the time that the contribution had been made by the firm. See attached certification of Martin T. Durkin, Esq.

6. Denied– Respondent is not responsible for the political activities of his partner in the name of the firm when he had no advance knowledge of it, did not approve it and would not have approved it in advance. To my knowledge, there is no New Jersey case law, Canon of Judicial Conduct or Rule of Court that renders this particular violation a strict liability offense.

**I certify that the foregoing statements by me are true and that if any of these statements are willfully false I am subject to punishment.**

Dated: January 22, 2009

**PHILIP N. BOGGIA,**
Respondent

**DURKIN & BOGGIA, ESQS.**
**71 Mt. Vernon Street**
**Ridgefield Park, New Jersey 07660**
**201-641-0006**

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|---|---|---|
| | | **SUPREME COURT OF NEW JERSEY ADVISORY COMMITTEE ON JUDICIAL CONDUCT** |
| **IN THE MATTER OF** | : | **DOCKET NO. ACJC 2008-121** |
| **PHILIP N. BOGGIA JUDGE OF THE MUNICIPAL COURT** | : | **CERTIFICATION OF MARTIN T. DURKIN** |

**MARTIN T. DURKIN,** certifies as follows:

1. I graduated from New York University Law School in 1956 and have been a member of the New Jersey Bar since March 1957 and remain a member in good standing.

2. I am also admitted to practice in the Supreme Court of New York, The Third Circuit Court of Appeals, and the United States Supreme Court. In the 52 years I have been admitted to practice in the State of New Jersey, I have never had an ethics complaint filed against me and that is also true of the other jurisdictions in which I am admitted.

3. I formed a partnership with Philip N. Boggia, in 1981 and we remain partners up to the present date. The firm consists of three other lawyers; Priscilla M. Boggia, Esq., William R. Betesh, Esq., and Joseph W. Voytus, Esq. Our firm concentrates in the area of municipal law, real estate matters, administration of estates and estate planning.

4. I have been the attorney for the Village of Ridgefield Park from 1962 to 1964 and from 1968 to the present time. I have also been the attorney for other Municipalities, including Englewood Cliffs, Township of South Hackensack and I am presently serving as attorney for the Borough of Bergenfield in addition to Ridgefield Park.

5. I have attended a substantial number of meetings for Mr. Boggia in various municipal agencies that he has represented over the years, including the Borough of Edgewater Planning Board, the Borough of Edgewater Governing Body, and the Borough of Emerson. He has also represented this firm in municipal matters in Ridgefield Park, including cases in the Trial Courts and Appellate Court.

6. My partner, Philip N. Boggia, became the Municipal Court Judge for the Borough of Moonachie on January 30, 2004. At that time, my partner advised members of the law firm that he could no longer make any political contributions including those from the firm's checking account.

7. In February, 2008, I became aware that a grievance had been filed against my partner alleging that he had made a political campaign contribution from our firm's checking account. Apparently, my partner was incorrectly listed as the person making the contribution.

8. A review of our firm's checking account revealed that I did in fact sign three checks:

   a. May 27, 2004 in the amount of $500.00 payable to Edgewater Democratic Campaign.

   b. September 29, 2004 in the amount of $500.00 payable Edgewater Democratic Campaign.

   c. January 1, 2005 in the amount of $500.00 payable to the Bergen County Democratic Organization.

9. My partner did not request that these checks be issued and to my knowledge he was unaware that I had issued these checks. These checks were drawn on my the law firm's checking account by mistake and it was due to an inadvertence on my part.

10. In our law firm, there are four people who are authorized to sign checks from our regular checking account, Martin T. Durkin, Philip N. Boggia, Priscilla M. Boggia, and Janet Rehm, our office manager. Often these checks are issued independently. The checks are never countersigned. The checks are never presented to the other individuals that are authorized to sign checks. We implicitly trust all of the signatories on this account. I estimate that there are at least between 50 and 60 checks which are issued each month from the law firms checking account for various expenditures. They are never countersigned by any other person including those that are signed by Ms. Rehm.

11. I have discussed this issue with my partner, our associates and secretaries to insure that this does not happen in the future. I have instructed all employees of the firm that campaign contributions cannot be made from this firm. I have been assured by all employees, that they will adhere to this policy.

12. I regret that this unfortunate situation occurred. This firm has taken appropriate steps to ensure that this will never happen again in the future. For example, Ms. Rehm, our office manager, has been instructed that no checks can be issued to any organization affiliated with a municipality even for charitable purposes unless she has the approval of either myself or Ms. Boggia.

**I certify that the foregoing statements by me are true and that if any of these statements are willfully false I am subject to punishment.**

Dated: January 22, 2009

**MARTIN T. DURKIN**