FILED
DEC 21 2012
A. C. J. C.

IN THE MATTER OF SETH I. DAVENPORT, FORMER JUDGE OF THE MUNICIPAL COURT	SUPREME COURT OF NEW JERSEY ADVISORY COMMITTEE ON JUDICIAL CONDUCT DOCKET NO.: ACJC 2009-050 STIPULATIONS

The undersigned Disciplinary Counsel ("Presenter") to the Advisory Committee on Judicial Conduct and Seth I. Davenport, Esq. ("Respondent") stipulate as follows:

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1984.

2. At all times relevant to this matter, Respondent served as a part-time judge in the Montville Municipal Court, a position he no longer holds.

3. Other than the subject matter of this proceeding, Respondent has never been the subject of any judicial ethics complaint.

4. Respondent served as Montville Township Municipal Court Judge from January 1, 2003 to April 30, 2010.

5. John Rosellini served as Chairman and Mayor of the Montville Township Committee over a twelve year period from

January 1995 for a one year term, and again between January 1997 and December 31, 2004.

6. Prior to Respondent's appointment as the Montville Municipal Court Judge, Respondent represented John Rosellini, as Executor of the Estate of Olympia Rosellini ("Estate Matter").

7. On December 27, 2002, Respondent wrote to an adversary in the Estate Matter to address outstanding issues. At that time, Respondent advised counsel that he would no longer be representing the Estate of Olympia Rosellini, and the matter would be transferred to Ronald Shaljian, Esq. of Boffa, Cammarata & Shaljian as new counsel effective January 7, 2003.

8. Respondent continued to represent John Rosellini after his judicial appointment in connection with:

a. the Estate's sale of his mother's property located at 136 Changebridge Road, Montville, New Jersey to a third party;

b. the sale of a home at 1707 Bay Boulevard in Lavallette, New Jersey owned by John Rosellini and his wife; and

c. the pay off of a mortgage in the name of John Rosellini on a property at 101 Coleman Avenue, Lavallette, New Jersey.

9. On October 27, 2006, in connection with litigation in the matter of South Salem Street Associates, LLC, Delaware Hudson Management, Inc., Ronald Soussa and Delaware Hudson Realty, Inc. v. The Planning Board of the Township of Montville and the Township of Montville, to which Respondent was not a party, Respondent was asked by Montville's counsel to execute a certification declaring, among other things, that he had not represented John Rosellini while Mr. Rosellini was the Mayor of Montville and Respondent was the Montville municipal court judge.

10. Respondent certified that he ceased all representation of John Rosellini upon his appointment as Montville Municipal Court Judge in January 2003.

11. The Certification is inaccurate due to Respondent's continued representation of John Rosellini as set forth in Paragraph 8.

15. Respondent's representation of Mr. Rosellini while Mr. Rosellini was Mayor of Montville Township violated Rule 1:15-1(b) and, as to Count One of the Complaint, was contrary to Canons 1 and 2A of the Code of Judicial Conduct.

TRACIE H. GELBSTEIN

SETH T. DAVENPORT