

FILED

DEC -3 2013

A. C. J. C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2013-222

IN THE MATTER OF

ANTONIO INACIO
JUDGE OF THE MUNICIPAL COURT

FORMAL COMPLAINT

Tracie H. Gelbstein, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Municipal Court Judge Antonio Inacio (“Respondent”), says:

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1985.
2. At all times relevant to this matter, Respondent served as a part-time Judge in the Municipal Courts of the Borough of Garwood, Township of Clark, and Township of Scotch Plains, positions he continues to hold.

Count I

3. At all times relevant to this matter, Mr. X was a councilman in the Borough of Garwood (“Councilman X”)¹ at the same time Respondent served as Garwood’s municipal court judge.
4. On January 29, 2013, Councilman X’s minor daughter was arrested in Clark, New Jersey, and charged with possession of alcohol.

¹ The identity of the Garwood councilman shall remain anonymous to protect the identity of his minor daughter and the confidentiality of court proceedings in which she was involved.

5. The daughter and her mother appeared before the Juvenile Conference Committee (“JCC”), a confidential court-approved diversionary program for juvenile offenders, to discuss the circumstances of her specific offense.

6. The JCC considered the daughter’s testimony and the underlying facts of the case, and, on January 29, 2013, made a recommendation to the Superior Court, Family Division to resolve the daughter’s matter conditioned on fulfillment of certain obligations designed to aid in her rehabilitation.

7. On February 1, 2013, the Honorable Robert Kirsch, J.S.C. approved the JCC’s recommendation and ordered that the daughter satisfy the terms and conditions of the JCC’s recommendation, which included her attendance at two meetings of Alcoholics Anonymous (“AA”).

8. Upon receipt of the February 1, 2013 Order, Councilman X reached out to Respondent to discuss his daughter’s matter, and, specifically, the requirement in the February 1, 2013 Order that his daughter attend two AA meetings.

9. Respondent advised Councilman X that he would look into the appropriate punishment for underage possession of alcohol.

10. Respondent also volunteered to personally speak with Councilman X’s daughter about the dangers of underage drinking and driving, and invited Councilman X’s wife and daughter to the Clark Municipal Court, where he also served as the municipal court judge.

11. Councilman X’s wife and daughter agreed, and, on February 27, 2013, they appeared in Clark Municipal Court.

12. Upon their arrival, Respondent immediately ushered the wife and daughter back to Respondent's chambers, and spoke to the daughter about his real life experience with underage drinking and driving.

13. While in chambers with Respondent, Councilman X's wife and daughter never discussed the conditions of the February 1, 2013 Order, and never asked Respondent to take any action with respect to the February 1, 2013 Order.

14. Around that same time, Respondent contacted Clark Police Detective William Buczynski ("Detective Buczynski") to inquire as to whether juveniles charged with underage drinking could observe court proceedings in lieu of attending AA meetings as a condition of punishment.

15. Detective Buczynski indicated to Respondent that he had no authority over that decision, and referred Respondent to the JCC.

16. On April 1, 2013, Respondent composed a letter on the official stationery of the Municipal Court of the Township of Clark and sent it to the Chair of the JCC regarding the JCC matter involving Councilman X's daughter.

17. In the body of the letter, Respondent referred to his judicial letterhead and stated "I am the Municipal Court Judge for the Township of Clark, New Jersey. I am also the Municipal Court Judge for the Township of Scotch Plains, New Jersey and the Borough of Garwood, New Jersey."

18. Also in the body of the letter, Respondent requested that the Chair consider "[i]n lieu of the JCC Committee Agreement item 2 to have [Councilman X's daughter] attend two (2) AA Meetings [sic] obtain proof of attendance, I would appreciate your consideration of the following account."

19. Respondent went on to describe the steps he took to educate Councilman X's daughter on the consequences of underage drinking, driving while intoxicated, and the ultimate consequence of death.

20. Respondent concluded the letter by writing "[f]orgive me for being so bold, but I think my telling [Councilman X's daughter] of the tragedy that occurred in my life was infinitely more compelling to her than any attendance at an AA meeting would have."

21. Respondent copied Detective Buczynski on the April 1, 2013 letter.

22. By his conduct in composing a letter on his official judicial stationery that identified himself as a judge for the purpose of interceding in a juvenile matter over which he had no jurisdiction and attempting with that letter to alter the terms of a court order, Respondent attempted to use the power and prestige of his judicial office to advance the private interests of the daughter of the Garwood councilman in violation of Canons 1, 2A and 2B of the Code of Judicial Conduct.

23. By his conduct of interjecting his judicial office into the JCC matter in response to Councilman X's inquiry, Respondent also created the appearance that he was attempting to curry favor with the Councilman in violation of Canon 2B of the Code of Judicial Conduct.

Count II

24. Complainant repeats the allegations contained in the foregoing paragraphs as if each were set forth fully and at length herein.

25. Respondent and Councilman X have been acquainted since 1993 when Councilman X retained Respondent to represent him in the purchase of his home.

26. Beginning in 2004, Councilman X retained Respondent to represent his company, Accent Electric Corporation ("Accent Electric"), in debt collection matters.

27. Respondent represented Accent Electric in a debt collection matter filed in the Union County Superior Court captioned Accent Electric v. Kent Construction Co., Docket No. UNN-DC000807-10.

28. On June 6, 2010, Respondent obtained a judgment against Kent Construction on behalf of Councilman X's company.

29. On January 27, 2011, following Respondent's appointment to the Garwood municipal court effective January 1, 2011, Respondent filed a Notice of Application for Wage Execution on behalf of Councilman X's company to collect on the judgment against Kent Construction.

30. Respondent also attempted to serve the Notice of Application for Wage Execution on the defendant in the Kent Construction matter.

31. On April 4, 2011, at the direction of Councilman X, Respondent sent to Gary L. Maher, Esq. ("Maher") a letter and documents summarizing Respondent's attempts to collect on the judgment against Kent Construction, along with a Substitution of Attorney for Maher to file.

32. On April 19, 2011, Maher filed the Substitution of Attorney with the Union County Court as the substituted attorney of record for Accent Electric.

33. By acting as counsel for Councilman X in a private legal matter while Councilman X served on the Township Council for the Borough of Garwood and Respondent served as Garwood's municipal court judge, Respondent violated Rule 1:15-1(b) of the New Jersey Rules of Court.

34. By engaging in such conduct in violation of Rule 1:15-1(b), Respondent also failed to observe the high standards of conduct expected of judges and engaged in improper conduct in violation of Canons 1 and 2A of the Code of Judicial Conduct.

WHEREFORE, Complainant charges that Respondent, Municipal Court Judge Antonio Inacio, has violated the following Canons of the Code of Judicial Conduct:

Canon 1, which requires judges to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved;

Canon 2A, which requires judges to respect and comply with the law and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary; and

Canon 2B, which prohibits a judge from lending the prestige of the judicial office to advance the private interests of the judge and others.

Complainant also charges that Respondent's conduct was in violation of Rule 1:15-1(b) of the New Jersey Court Rules.

DATED: December 3, 2013



Tracie H. Gelbstein, Disciplinary Counsel
ADVISORY COMMITTEE ON JUDICIAL CONDUCT
Richard J. Hughes Justice Complex
25 Market Street
P. O. Box 037
Trenton, NJ 08625
(609) 292-2552