

FILED

JUL 22 2025

A.C.J.C.

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

DOCKET NO: ACJC 2024-518

IN THE MATTER OF

**GARY M. PRICE,
JUDGE OF THE MUNICIPAL COURT**

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**AMENDED
FORMAL COMPLAINT**

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Gary M. Price, J.M.C. (“Respondent”), says:

Facts

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1988.
2. At all times relevant to this matter, Respondent served as a part-time judge in the Municipal Court of the Township of Edison, a position he continues to hold.
3. Respondent maintains a private office for the practice of law in the Borough of South Plainfield.

4. At approximately 6:46 PM on July 5, 2024, Respondent was operating his motor vehicle on Park Avenue in the Borough of South Plainfield, Middlesex County, New Jersey when he struck a guardrail. No other vehicles were involved in the accident.
5. At approximately 6:52 PM, a 9-1-1 call from the *OnStar* connected to Respondent's vehicle was made to the South Plainfield Police Department.
6. The first police officer from South Plainfield that arrived at the scene found Respondent's vehicle against a construction barrier with damage to the front passenger side of the vehicle.
7. The officer spoke with Respondent and noticed blood on Respondent's clothing as well as his bloodshot eyes.
8. Respondent advised the officer that he was unaware how the accident happened.
9. When speaking to Respondent, the officer detected a slight odor of an alcoholic beverage emitting from Respondent's breath.
10. In response to the officer's inquiry as to whether Respondent consumed any alcoholic beverages, Respondent stated that he drank a martini while out to eat earlier in the day at Seasons 52 Restaurant in Edison, New Jersey.
11. Due to Respondent's injuries, emergency medical services ("EMS") were requested and arrived on scene for further medical evaluation.

12. While inside the ambulance, the officer again noticed the odor of an alcoholic beverage coming from Respondent's breath.
13. Respondent's injuries and the treatment rendered to him at the time by EMS prevented law enforcement from conducting ambulatory field sobriety tests to determine if Respondent was under the influence of alcohol or drugs.
14. Respondent was asked by the officer to recite the specific portion of the English alphabet starting with the letter 'D' and ending with the letter 'W.'
15. Respondent was unable to recite the portion of the alphabet as requested and thereafter refused any further tests in respect of the alphabet stating, "the alphabet never made sense to me."
16. The officer asked Respondent to count backwards from 55 to 43.
17. Respondent began counting backwards but could not recall the number at which he was asked to stop.
18. Respondent did not perform the counting backwards test successfully.
19. Additional South Plainfield police officers arrived on scene, one of whom eventually accompanied Respondent, in an ambulance, to the hospital.
20. Respondent was advised that he was under arrest for driving while intoxicated ("DWI") in violation of N.J.S.A. 39:4-50.
21. At or about 8:30 PM, while at the hospital, Respondent consented to a blood draw to test for the presence of any intoxicating substances.

22. At 8:42 PM, blood samples were collected from Respondent.
23. Respondent's blood samples were submitted to the State of New Jersey, Department of Law & Public Safety, Division of State Police, Office of Forensic Sciences for analysis.
24. On July 16, 2024, an analysis performed on the samples showed, with a probability of 99%, that Respondent's blood alcohol content ("BAC") was 0.086%, which exceeds the legal limit of 0.08% set forth in N.J.S.A. 39:4-50. No impairing drugs were identified.
25. Two additional summonses were issued to Respondent for reckless driving in violation of N.J.S.A. 39:4-96 and for failing to maintain lane in violation of N.J.S.A. 39:4-88.
26. Due to Respondent's municipal court judgeship in Edison Township, located within Middlesex County, his matter was transferred out of the county.
27. Through counsel, Respondent provided reciprocal discovery to the county prosecutor's office which included photographs from the scene of the accident and a report authored by a toxicology and pharmacology expert retained by Respondent.
28. While awaiting his court date, Respondent voluntarily applied for and installed an ignition interlock device in his vehicle.
29. On October 25, 2024, Respondent, his counsel, and an assistant prosecutor appeared in Superior Court in respect of Respondent's several moving violations.

30. The assistant prosecutor advised the court that the defense expert's toxicology report called into question the accuracy of the BAC results, that the State lacked any observational findings, and as a result, the State could not meet its burden to prove, beyond a reasonable doubt, that Respondent operated a motor vehicle while intoxicated.

31. The State indicated it would be dismissing the charges for DWI and failing to maintain lane.

32. Respondent, through his counsel, pled guilty to reckless driving.

33. The State recommended the minimum fine of \$50 and no jail time.

34. Although the DWI charge was dismissed, Respondent consented to the utilization, for a three-month period, of an ignition interlock device pursuant to N.J.S.A. 39:4-50.21a.

COUNT I

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

36. Respondent's bill, including gratuity, for his July 5, 2024 Seasons 52 order, time-stamped 6:15.25 PM, totaled \$130.87, which included two Bombay Sapphire martinis, two vodka Cucumber Basil Smash drinks, an appetizer, side, and a main dish.

37. On each of the five previous occasions on which Respondent patronized Seasons 52 in the month prior to the accident, his drink order included two Bombay Sapphire martinis. On two of those prior occasions, Respondent purchased additional alcoholic beverages as reflected on Respondent's itemized receipts from Seasons 52.

38. Respondent, in a verified response dated October 16, 2024 to an inquiry from the Advisory Committee on Judicial Conduct ("ACJC") dated October 7, 2024, stated, "[p]rior to the accident on July 5th, respondent consumed an alcoholic drink, a martini, at Seasons 52 restaurant in Edison, New Jersey while waiting for his 'to go' dinner order to be prepared. Respondent was alone in the restaurant and also at the time of the accident."

39. Respondent, when interviewed by staff to the ACJC on January 27, 2025, similarly testified, under oath, to having consumed only one martini while waiting for his "to go" order at Seasons 52.

40. At the scene of the accident, Respondent, when questioned by the police, likewise stated that he "[h]ad a martini while out to eat at Seasons 52, earlier in the day."

41. Bombay Sapphire is the same brand of gin that fell out of Respondent's trunk at the scene of the accident.

42. At the plea hearing on October 25, 2024, Respondent answered in the affirmative when asked by defense counsel whether he consumed “a bit of alcohol” prior to operating his vehicle on July 5, 2024.

43. There was no reference to Respondent’s BAC result of 0.086% during the plea hearing nor did Respondent commit to consuming a specific amount of alcohol prior to the accident.

44. Respondent, by misrepresenting to the police, the ACJC in his verified response dated October 16, 2024, and to ACJC staff, under oath, during his interview on January 27, 2025, the amount of alcohol he consumed prior to his one-vehicle accident, lacked candor thereby impugning the integrity of the Judiciary in violation of Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code of Judicial Conduct.

COUNT II

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

46. By Respondent’s conduct on the evening of July 5, 2024, including:

- a. consuming alcohol thirty minutes earlier, driving and, without the involvement of another vehicle, colliding with a road barrier resulting in injuries to himself and requiring responses to the accident site by police and emergency personnel;
- b. failing to successfully perform verbal field sobriety tests administered by responding police officers;

c. providing a blood draw at the hospital two hours later that demonstrated Respondent's BAC level to be 0.086%, in excess of the legal limit, resulting in Respondent being charged with Driving While Impaired in violation of N.J.S.A. 39:4-50;

d. misrepresenting to police at the scene of the accident and to the ACJC in his verified response and when interviewed, under oath, the amount of alcohol he consumed that evening prior to driving; and

e. pleading guilty to reckless driving in violation of N.J.S.A. 39:4-96

Respondent impugned the integrity of the Judiciary in violation of Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code of Judicial Conduct.

COUNT III

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

48. On November 22, 2024, the Committee requested from Respondent's counsel certain information, including Respondent's receipt from Seasons 52 for his food and beverage order placed on July 5, 2024, and any credit card statements and/or receipts memorializing Respondent's other alcohol purchases made that day.

49. Respondent's counsel failed to provide the requested information, despite the Committee's repeated demands, until December 17, 2024, when counsel made a partial production of a single page of Respondent's credit card statement reflecting Respondent's July 5, 2024 charges while at Seasons 52.

50. On December 19, 2024, the Committee notified Respondent's counsel of the materials missing from his production, including Respondent's itemized receipt for his credit card charges while at Seasons 52 on July 5, 2024.

51. On January 27, 2025, Respondent testified, under oath, when interviewed by ACJC staff, that he never sought from Seasons 52 his itemized receipt for his credit card charges incurred on July 5, 2024.

52. Despite numerous requests, Respondent has failed to produce to the Committee his receipt from Seasons 52 for his July 5, 2024 order.

53. Respondent's failure to produce to the ACJC the requested receipt from Seasons 52 conflicts with his obligations under Rule 2:15-7, which requires judges "cooperate and give reasonable assistance and information to the Committee, the Executive Director/Counsel, and any authorized representative thereof, in connection with any investigations of the Committee."

54. By his failure to cooperate with the ACJC, as required by Rule 2:15-7, Respondent impugned the integrity of the Judiciary in violation of Canon 1, Rule 1.1 and Rule 1.2 and Canon 2, Rule 2.1 of the Code of Judicial Conduct.

WHEREFORE, Complainant charges that Respondent has violated the following Canons of the Code of Judicial Conduct:

Canon 1, Rule 1.1, which requires that judges observe high standards of conduct so that the integrity and independence of the Judiciary may be preserved;

Canon 1, Rule 1.2, which requires judges to respect and comply with the law;
and

Canon 2, Rule 2.1, which requires judges to promote public confidence in the independence, integrity and impartiality of the Judiciary.

DATED: July 22, 2025



Maureen G. Bauman, Disciplinary Counsel
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