

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

WILLIAM J. FISHER,

A Justice of the Worcester Town Court,
Otsego County.

**AGREED
STATEMENT OF FACTS**

Subject to the approval of the Commission on Judicial Conduct

("Commission"):

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Honorable William J. Fisher ("Respondent"), who is represented in this proceeding by Michael L. Breen, Esq., that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

1. Respondent is not an attorney. He has been a Justice of the Worcester Town Court, Otsego County, since July 1991. His current term expires on December 31, 2018.
2. Respondent was served with a Formal Written Complaint dated February 23, 2018. He enters into this Agreed Statement of Facts in lieu of filing an Answer.

As to Charge I

3. From January 2015 to February 2018, Respondent failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, failed to

avoid the appearance of impropriety and failed to conduct all of his extra-judicial activities so that they do not detract from the dignity of judicial office, in that:

- A. In January 2015, Respondent, without notice or permission, entered the home of a woman who had defaulted on a mortgage held by an estate of which Respondent's wife was co-executrix. Respondent took photographs to document what he considered to be the poor physical condition of the premises, and he posted the photographs on his wife's Facebook account with the comment, "Mom and Alton are turning over in their graves;"¹
- B. On April 6, 2017, Respondent publicly posted four of the photographs of the premises on his own Facebook account, as well as six photographs of the residence's interior taken prior to its sale. Along with the "before" and "after" photographs, Respondent commented on contrasting the condition of the home before and after the sale, and he stated that the buyer had been in arrears in her mortgage payments. Respondent made the posting in retaliation for the woman's public accusations that Respondent and his co-judge had committed judicial misconduct; and
- C. Respondent did not remove the four "after" photographs from his Facebook account until November 13, 2017, following an inquiry by the Commission. As of February 2, 2018, Respondent had not removed from his Facebook

¹ The "Mom and Alton" reference is to the deceased relatives who left the estate.

account either the “before” photographs or the comments about the condition of the house or the buyer’s mortgage arrearage.

As to the Specifications to Charge I

4. Respondent is married to Joanne Fisher. In 2008, following the death of Ms. Fisher’s stepfather, Alton Adams, Ms. Fisher became a co-executrix of his estate (“Estate”). The primary asset of the Estate was a house located at [REDACTED] [REDACTED] (“Property”).

5. Respondent was not an executor or beneficiary of the Estate and had no legal right to act on its behalf.

6. In March 2012, the Estate sold the Property to [REDACTED] S [REDACTED]. The note and mortgage identified the Estate as the mortgagee and provided that Ms. S [REDACTED] was to make monthly payments to the Estate until March 16, 2015, at which time she was required to make a “balloon” payment of the outstanding balance. Under the note and mortgage, the Estate’s legal remedies, upon a default by Ms. S [REDACTED], were to commence summary eviction and/or foreclosure proceedings. The note and mortgage included no provision granting the Estate a right to enter and inspect the Property.

7. On January 10, 2015, Ms. S [REDACTED] was in arrears in her mortgage payments and was not living on the Property. After consulting the Estate’s attorney but without providing notice to Ms. S [REDACTED] or obtaining her permission to enter, Respondent entered the Property, which was in a state of disorder, and took photographs of the premises. The Estate had not commenced legal proceedings against Ms. S [REDACTED].

8. Facebook is an internet social networking website that inter alia allows

users to post and share content on their own Facebook accounts as well as on the Facebook accounts of other users. Facebook users are responsible for managing the privacy settings associated with their accounts. At the option of the account holder, the content of one's Facebook account may be viewable online by the public or restricted to one's Facebook "Friends."

9. In January 2015, Respondent's wife maintained a Facebook account under the name "Joanne Fisher."

10. On January 18, 2015, Respondent posted seven of the photographs he had taken of the Property on Ms. Fisher's Facebook account, including at least two photographs showing the Property's interior. The photographs were posted with a comment stating: "Mom and Alton are turning over in their graves," a reference to Respondent's deceased mother-in-law and stepfather-in-law.

11. Other Facebook users wrote comments on Ms. Fisher's Facebook account expressing, inter alia, their disgust and sadness concerning the state of the Property without identifying Ms. S [REDACTED] by name. Respondent's son, who is also named William Fisher, indicated in two comments that the owner of the house had children and "had many visits . . . And many phone calls for action[.]" Another Facebook user opined that the residents of the Property were "either on drugs or have mental illness."

12. Although Ms. S [REDACTED] was not "Friends" with Ms. Fisher on Facebook, she was able to view the content of the January 18, 2015 post on Ms. Fisher's Facebook account, including the comments left by other Facebook users. In November 2016, Ms. S [REDACTED] took screenshots of portions of the Facebook post on her mobile phone. Copies

of the screenshots are attached as Exhibit A.

13. In August 2015, Ms. S [REDACTED] completed payment of the outstanding balance due to the Estate, discharging the mortgage, and subsequently completed renovations to the Property.

14. From December 2015 to February 2017, Ms. S [REDACTED] then-domestic partner, [REDACTED] G [REDACTED], was a defendant in three proceedings in Worcester Town Court, in which Ms. S [REDACTED] was the complaining witness.

15. By letter dated March 15, 2017, addressed to the Worcester Town Court Clerk, the Commission requested copies of court records and audio recordings of proceedings related to Mr. G [REDACTED]. The Commission's letter made no reference to Ms. S [REDACTED].

16. Between March 17, 2017, and March 21, 2017, Mr. G [REDACTED] was charged with various offenses in Worcester Town Court. Ms. S [REDACTED] was the complaining witness. Respondent's co-judge, Brian P. Keenan, presided over the charges and sentenced Mr. G [REDACTED] to a conditional discharge in November 2017.

17. By letter dated March 27, 2017, Respondent personally replied to the Commission's request for records by submitting copies of the G [REDACTED] court records. Respondent also gratuitously included numerous pages containing apparent Facebook posts by Ms. S [REDACTED] from her Facebook account, urging others to contact the Commission about Respondent and his co-judge.

18. Respondent sent the Commission the posts from Ms. S [REDACTED] Facebook account because he believed Ms. S [REDACTED] had made a complaint against him with the

Commission and he wanted the Commission to understand “what [he] was dealing with.”

19. In April 2017, Respondent maintained a Facebook account under the name “William Fisher.”

20. On April 6, 2017, Respondent posted 10 photographs onto his Facebook account, with the comment: “house before sale(holding paper) [sic] next photos behind 4 months of not making payments and not paying and ballon [sic] payment of (\$25000.00) power off, behind \$6200.00 in taxes starting to foreclose.good [sic] thing mommy and daddy come [sic] through. (if selling do a back ground [sic] check.)”² Copies of screenshots of this post are attached as Exhibit B.

21. Six of the 10 photographs posted by Respondent were date-stamped February 15, 2011, purportedly showing the interior of the Property prior to its sale to Ms. S [REDACTED]. The other four photographs, date-stamped January 10, 2015, were among the ones Respondent had taken of the Property’s interior, without authorization, as indicated in paragraph 9 herein.

22. The content of Respondent’s April 6, 2017 Facebook post was viewable by the public, and other Facebook users wrote comments to the post.

23. Respondent posted the content onto his Facebook account and intended it to be viewable by the public because he was “upset” at Ms. S [REDACTED] for repeatedly and publicly accusing him and Judge Keenan of committing judicial misconduct and for publicly encouraging others to file complaints against them with the Commission.

² The “mommy and daddy come through” reference is to financial aid Respondent believed Ms. S [REDACTED] had received from her parents to discharge the mortgage.

24. In testimony before the Commission on July 10, 2017, Respondent pledged to remove the April 6, 2017 Facebook post “this afternoon.” By letter dated November 10, 2017, the Commission asked Respondent why, as of November 7, 2017, he had not removed the post. On November 13, 2017, Respondent removed from the post the four photographs that he had taken of the Property’s interior, without authorization, on January 10, 2015. Respondent failed to remove the remainder of the post, including his comment (as quoted in paragraph 22 herein), the February 2011 photographs and comments by other Facebook users, which remained publicly viewable at least until February 2, 2018.

25. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, 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.

Additional Factors

26. Respondent avers that he believed, as the spouse of an executrix, he could lawfully enter Ms. S [REDACTED]'s Property to inspect it, and that it appeared to have been abandoned and uninhabited. Respondent now realizes he should not have entered the Property without permission of the owner.

27. Respondent did not remove the Facebook post of April 6, 2017, until February 28, 2018. Respondent has no excuse for not having removed it promptly, as he had promised to do when he appeared for testimony at the Commission on July 10, 2017.

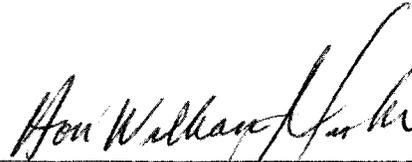
28. Respondent promises to be more circumspect in the use of social media in the future, to ensure that none of his postings convey the appearance of impropriety, conflict or interfere with his judicial duties or detract from the dignity and impartiality of the judiciary.

IT IS FURTHER STIPULATED AND AGREED that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is public Admonition based upon the judicial misconduct set forth above.

IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Admonition without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made

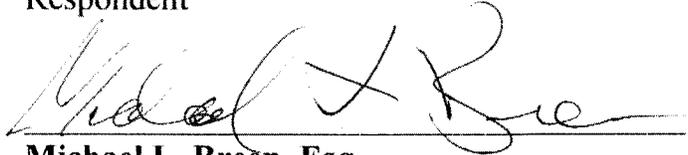
herein shall not be used by the Commission, the Respondent or the Administrator and Counsel to the Commission.

Dated:



Honorable William J. Fisher
Respondent

Dated:



Michael L. Breen, Esq.
Attorney for Respondent

Dated: March 20, 2018



Robert H. Tembeckjian
Administrator & Counsel to the Commission
(**Cathleen S. Cenci and S. Peter Pedrotty, Of
Counsel**)



Joanne Fisher

January 18, 2015 at 4:42pm

Mom and Alton are turning over in their graves,

Share

2



Jen Dorsch

Geez.... that's a mess!!

More · Jan 18, 2015



Bethany Gorsch

This is sooo sad! 😞

More · Jan 18, 2015



Joanne Fisher

the floors were hard wood , and looked new before the sale two years ago.

More · Jan 18, 2015



Jessilyn Marie

Omg this really makes me sad and angry 😞

More · Jan 18, 2015



Laura Griffin Butler

OMG.... 😞

More · Jan 18, 2015

EXHIBIT A

https://m.facebook.com/  



Joanne Fisher added 7 new photos.

Jan 18, 2015

4 Comments

 Share



Christine Mauro Clement

Omg what pigs so sad

 1 More · Jan 18, 2015



Kathleen Marschilok

Looks like our rental when the last tenant moved out

More · Jan 18, 2015



Jennifer Holmes-Space

Omg Joanne! I am speechless....

More · Jan 18, 2015



Diana M Doroski

So sorry Joanne.

More · Jan 19, 2015





Jennifer Holmes-Space

Omg Joanne! I am speechless....

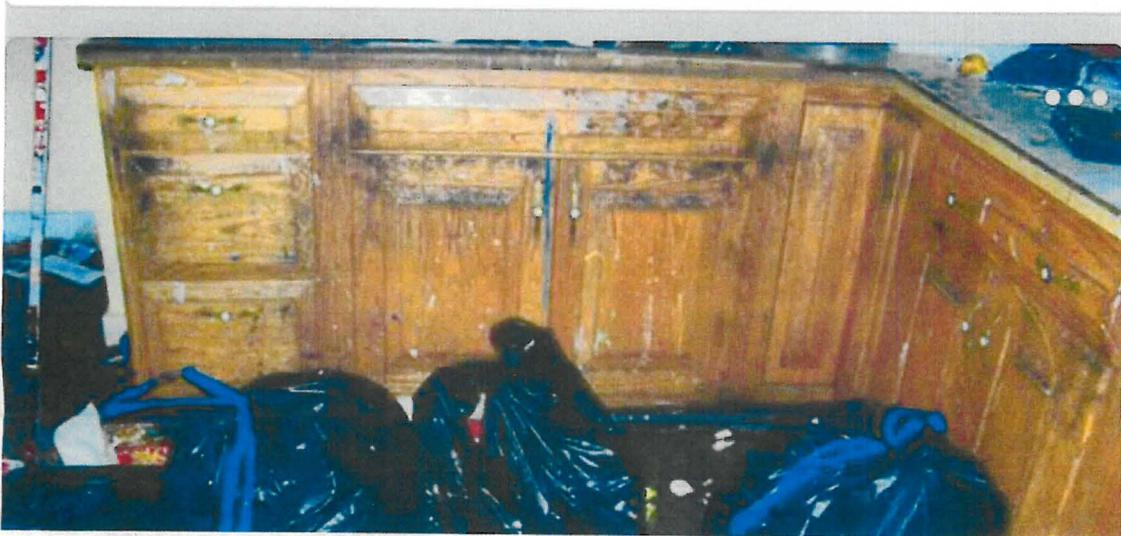
[More](#) · Jan 18, 2015



Diana M Doroski

So sorry Joanne.

[More](#) · Jan 19, 2015





2

8 Comments



Jenifer Westfall-Fisher

Want these Jennifer Burdick Dorsch?????

More · Jan 18, 2015



Jenifer Westfall-Fisher

Jennifer Burdick Dorsch

More · Jan 18, 2015



Jen Dorsch

Ummmmm..... no I'm good. Thanks though!!!

More · Jan 18, 2015



Jen Dorsch

Not sure how they would get along with my chickens??

More · Jan 18, 2015



Jenifer Westfall-Fisher

Im not even sure what they r



Laura Griffin Butler

OMG.... 😞

[More](#) · Jan 18, 2015



Terri Lorette

Unreal frigin hogs.

[More](#) · Jan 18, 2015



Joanne Fisher

does it look differant (terri)

[More](#) · Jan 18, 2015



Terri Lorette

Hell yeah this is unreal. Can we help in anyway?

[More](#) · Jan 18, 2015



Teare Korbul

I cannot believe it only took 3 years to do this! Looks like a lifetime of neglect! And children lived there? Disgusting!

[More](#) · Jan 18, 2015



Elizabeth Jenkins

They had kids living in that house ?

[More](#) · Jan 18, 2015



Ashley Osorio

That is very sad. I had very fond memories as a kid in that house.

[More](#) · Jan 18, 2015



William Fisher

They had children and had many visits

[More](#) · Jan 18, 2015



Pamela Gould Baryk
OMG...that's terrible!!!

[More](#) · Jan 18, 2015



Jenifer Westfall-Fisher
However, the county figured that was acceptable living conditions for children..... Shouldn't be for anyone...its one thing to be messy and another to be dirty.

[Edited](#) ·  1 [More](#) · Jan 18, 2015



Lisa Brown Hale
Wow they live like pigs

[More](#) · Jan 18, 2015



Lucy Conroe
Yes Joanne I think Minnie and Alton would be very disturbed with this mess!

[More](#) · Jan 18, 2015



Helen Goodrich
What are wrong with people?? I can't believe they would live like this in the first place. Or, let there children live in those conditions to begin with it's sick. And to that to such a beautiful home. It's just unbelievable. Sorry to see to this Joanne. Thinking of you.

[More](#) · Jan 18, 2015



Donna Lange
 absolutely disgusting that some one could do that



Teare Korbul

I cannot believe it only took 3 years to do this! Looks like a lifetime of neglect! And children lived there? Disgusting!

[More](#) · Jan 18, 2015



Elizabeth Jenkins

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That is very sad. I had very fond memories as a kid in that house.

[More](#) · Jan 18, 2015



William Fisher

They had children and had many visits

[More](#) · Jan 18, 2015



William Fisher

And many phone calls for action

[More](#) · Jan 18, 2015



Terri Lorette

Imagine that county at work for ya

[More](#) · Jan 18, 2015



Lisa Cummings Kwiatkowski

Sorry that this had to happen to you.

[More](#) · Jan 18, 2015



Wendy Stroosnyder Budd

Which house is this?

[More](#) · Jan 18, 2015

https://m.facebook.com/



Umg.

More · Jan 18, 2015



Michelle Millias

These people are either on drugs or have mental illness. So sad

More · Jan 18, 2015



Pamela Gould Baryk

OMG...that's terrible!!!

More · Jan 18, 2015



Jenifer Westfall-Fisher

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[More](#) · Jan 18, 2015



William Fisher

They had children and had many visits

[More](#) · Jan 18, 2015



William Fisher

And many phone calls for action

[More](#) · Jan 18, 2015



Terri Lorette

Imagine that county at work for ya

[More](#) · Jan 18, 2015



Lisa Cummings Kwiatkowski

Sorry that this had to happen to you.

[More](#) · Jan 18, 2015



Wendy Stroosnyder Budd

Which house is this?

[More](#) · Jan 18, 2015



George Jenkins Jr

speechless im gonna work extra hard tuesday so the county can help another fine group live like this WTF .

4:34 PM

4G

AT&T 71%

5:17 PM

4G

AT&T 81%

[More](#) · Jan 18, 2015



William Fisher

They had children and had many visits

[More](#) · Jan 18, 2015



William Fisher

And many phone calls for action

[More](#) · Jan 18, 2015



Terri Lorette

Imagine that county at work for ya

[More](#) · Jan 18, 2015



Lisa Cummings Kwiatkowski

Sorry that this had to happen to you.

[More](#) · Jan 18, 2015



Wendy Stroosnyder Budd

Which house is this?

[More](#) · Jan 18, 2015



George Jenkins Jr

speechless im gonna work extra hard tuesday
so the county can help another fine group live
like this WTF .

[More](#) · Jan 18, 2015



Pam Kenyon

OMG! What happened and who did this?

[More](#) · Jan 18, 2015



Kathleen Marschilok

OMG what the hell happened???



William Fisher

Add Friend

Message

Timeline

About

Friends

Photos

More



Intro



Worked at General Electric (retired)



Photos



Friends

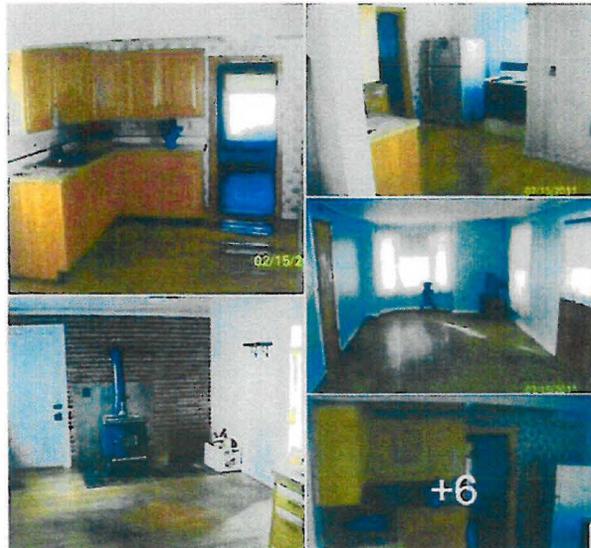
English (US) Español Português (Brazil) Français (France) Deutsch



William Fisher added 10 new photos

April 6 at 9:25pm

house before sale(holding paper) next: photos behind 4 months of not making payments and not paying and ballon payment of (\$20000.00) power off, behind \$6200.00 in taxes starting to foreclose good thing mommy and daddy come through. (if selling do a back ground check.)



Chat (Off)

EXHIBIT B



William Fisher

Timeline

Recent

Add Friend

Intro

Worked at General Electric (retired)

Photos



46 Friends

English (US) Español Português (Brasil) Français (France) Deutsch



Like Comment Share



Eric Haley That's disgusting
Like Reply April 7 at 6:48am

Jen Dorsch Wtf!!!!
Like Reply April 7 at 7:53am

Carol Spann my house looked almost as bad when I got it back after renting it for a few years. Heart breaking someone could do that to a home... totally disgusting for sure... sorry
Like Reply April 8 at 9:33am

Roger Smith Sad sorry wish we knew the whole story. Did you enter the home illegally to get the photos.
Like Reply April 8 at 2:42pm

Write a comment



Chat (Off)



William Fisher

April 6 · 🌐

👍 Like 💬 Comment ➦ Share



Write a comment

People You May Know



Tom Braid

21 mutual friends

[Add Friend](#)

Fisher's post

Options Share Send 👍 Like



William Fisher

April 6 · 🌐

👍 Like 🗨 Comment ➦ Share



Write a comment

Suggested Groups



My Favorite Murder . Anything Go
5,088 members

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02/15/2011



William Fisher

April 6 · 🌐

👍 Like 💬 Comment ➦ Share



Write a comment...

Suggested Groups

See All



William Fisher

April 6 · 🌐

👍 Like 💬 Comment ➦ Share



Write a comment

02/15/2011

Suggested Groups

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William Fisher

April 6 · 🌐

👍 Like 🗨 Comment ➡ Share



Write a comment...

02/15/2011

Suggested Groups

See All



William Fisher

April 6 · 🌐

👍 Like 🗨 Comment ➦ Share



Write a comment...

Suggested Groups

[See All](#)



William Fisher

April 6 · 🌐

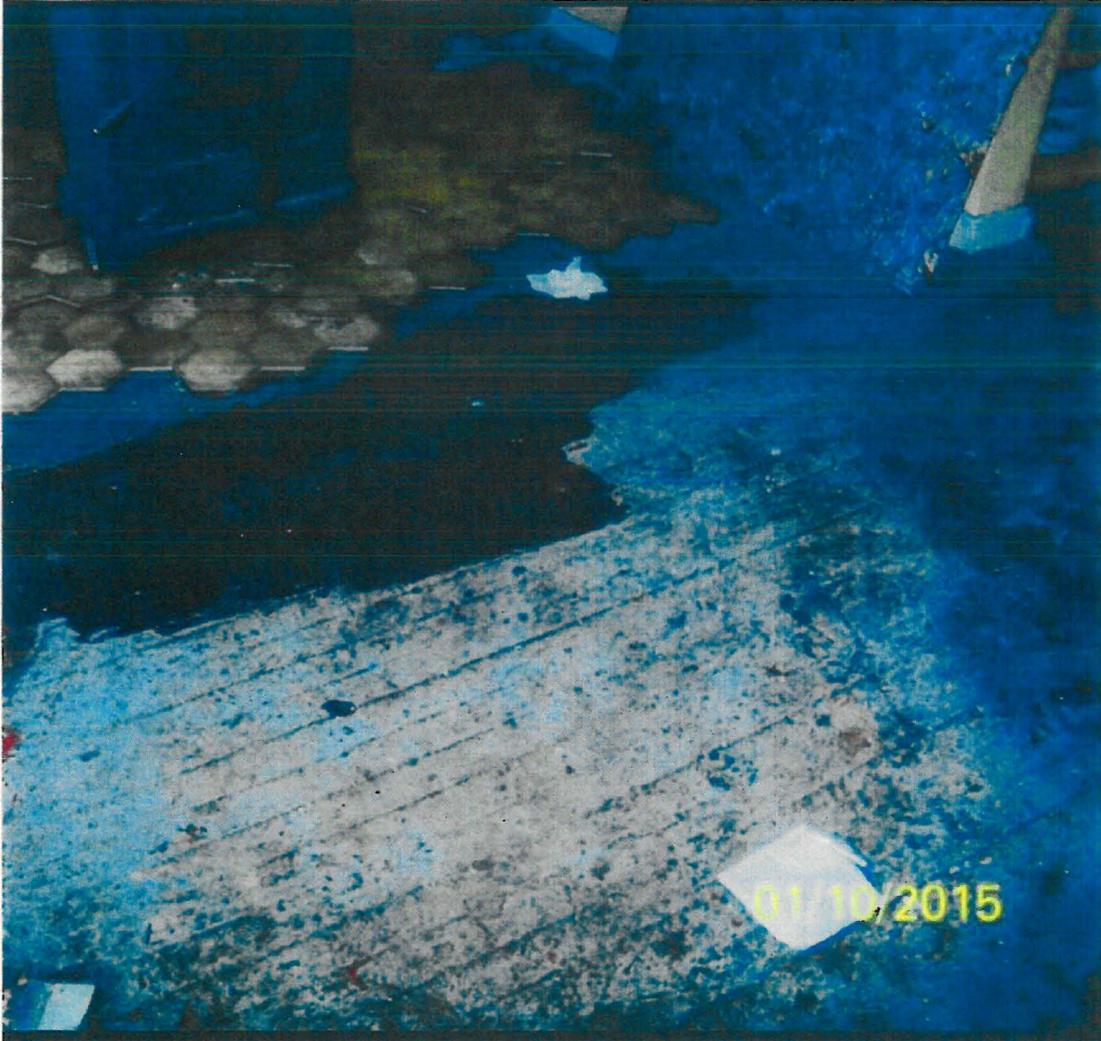
👍 Like 🗨 Comment ➦ Share



Write a comment...

Suggested Groups

[See All](#)



William Fisher

April 6 · 🌐

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Suggested Groups

See All



William Fisher

April 6 · 🌐

👍 Like 🗨 Comment ➦ Sh



Write a comment

01/10/2015

Suggested Groups

See All



William Fisher

April 6 · 🌐

👍 Like 🗨 Comment ➦ Share



Write a comment...

Suggested Groups

See All