

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

DOUGLAS BRIAN HORTON,

a Justice of the Mexico Town Court,
Oswego 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, Esq., Administrator and Counsel to the Commission, and
Honorable Douglas Brian Horton ("respondent"), who is represented in this proceeding
by James K. Eby, 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 Mexico
Town Court, Oswego County, since 2008. Respondent's current term expires on
December 31, 2013.

2. Respondent has been a member of the Mexico Volunteer Fire
Department since 1986.

3. Respondent was served with a Formal Written Complaint dated June
1, 2012, and filed an Answer dated June 20, 2012.

As to Charge I

4. On or about March 27, 2010, respondent and Lisa Cote, his longtime girlfriend, attended the annual dinner of the Mexico Town Volunteer Fire Department at the Eis House, a local restaurant/banquet hall. At the time, respondent and Ms. Cote had been romantically involved for approximately nine years, had lived together for approximately eight years and had a five year-old son. For months prior to the event, Ms. Cote and respondent had been experiencing problems in their relationship.

5. At the event, respondent and Ms. Cote each consumed multiple alcoholic drinks. At about midnight, as they prepared to leave the event, respondent and Ms. Cote entered the foyer that also served as a coatroom. Ms. Cote asked respondent about why he had been dancing with other women, but not with her. Respondent told Ms. Cote to “[s]hut the fuck up,” or words to that effect, and an argument ensued.

6. When Ms. Cote opened the door of the coatroom in order to re-enter the bar area, respondent hooked his arm across Ms. Cote, pulling her back into the coatroom. As respondent and Ms. Cote continued to argue, respondent pushed her into the cloakroom wall, causing her to fall to the floor. Ms. Cote was not physically injured and did not require medical attention.

7. Kenneth Dingman, another guest, came to Ms. Cote’s assistance, helping her up off the floor and saying to respondent, “Does that make you feel like a big man,” or words to that effect. Respondent and Mr. Dingman argued. Other banquet guests appeared in the coatroom and separated the two men. Respondent left the restaurant without Ms. Cote and returned home.

8. Someone called 911 and two New York State Troopers responded by appearing at the restaurant. Ms. Cote told the Troopers that she did not want to file a complaint against respondent. Thereafter, one of the other banquet guests drove her home.

9. On April 1, 2010, as a result of the incident with Ms. Cote, respondent was suspended from the Mexico Volunteer Fire Department for 30 days, directed to seek counseling and prohibited from drinking alcoholic beverages at Fire Department events for the next six months.

10. Ms. Cote and respondent ended their relationship in November 2010.

11. 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 at all times 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 conduct his extra-judicial activities so as to minimize the risk of conflict with judicial obligations, in that he failed to conduct his extra-judicial activities so they did not detract from the dignity of judicial office, in violation of Section 100.4 (A)(2) of the Rules.

Additional Factors

12. Respondent has no previous disciplinary record.

13. The confrontation of March 27, 2010, took place within the context of the end of a long-term relationship.

14. Respondent and Ms. Cote terminated their relationship in the fall of 2010 and have worked out mutually agreeable arrangements concerning the shared custody of their child.

15. Since respondent and Ms. Cote terminated their relationship, there have been no further confrontations between them.

16. Respondent states that he deeply regrets having engaged in a physical confrontation with Ms. Cote, and he apologizes for having brought disrepute to the judiciary by virtue of his conduct.

17. Respondent has been contrite and cooperative with the Commission throughout its inquiry.

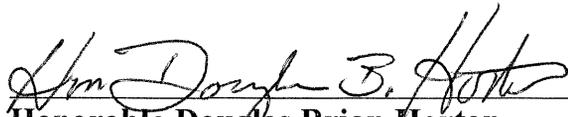
IT IS FURTHER STIPULATED AND AGREED that respondent withdraws from his Answer any denials or defenses inconsistent with this Agreed Statement of Facts.

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

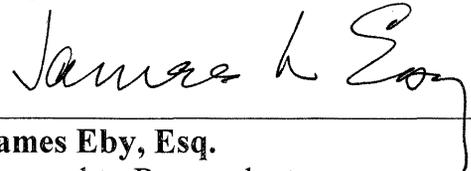
Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Admonition without further submission of the parties, based solely upon 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: 9/17/12



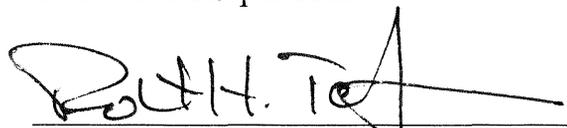
Honorable Douglas Brian Horton
Respondent

Dated: 9/17/12



James Eby, Esq.
Counsel to Respondent

Dated: 9/24/2012



Robert H. Tembeckjian, Esq.
Administrator & Counsel to the Commission
(John J. Postel & Kathleen Martin, Of Counsel)