

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

LAWRENCE I. HOROWITZ,

A Justice of the Supreme Court,
Westchester County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to respondent, Lawrence I Horowitz, a Justice of the Supreme Court, Westchester County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon respondent the annexed Formal Written Complaint; and that, in accordance with said statute, respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon him to serve the Commission at its New York office, 61 Broadway, New York, New York 10006, with his verified Answer to the specific paragraphs of the Complaint.

Dated: March 20, 2006
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
New York, New York 10006
(212) 809-0566

To: Deborah A. Scalise, Esq.
Attorney for Respondent
Jones Sledzik Garneau & Nardone
670 White Plains Road
Scarsdale, New York 10583

Ex. 1

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

LAWRENCE I. HOROWITZ,

A Justice of the Supreme Court,
Westchester County.

**FORMAL
WRITTEN COMPLAINT**

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct ("Commission"), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.

2. The Commission has directed that a Formal Written Complaint be drawn and served upon Lawrence I. Horowitz ("respondent"), a Justice of the Supreme Court, Westchester County.

3. The factual allegations set forth in Charges I and II state acts of judicial misconduct by respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct ("Rules").

CHARGE I

4. On or about February 3, 2005, respondent intervened with the Yorktown Police Department on behalf of Michelle Nolan, his close personal friend, who

had been stopped for speeding and was arrested for driving a car that had been reported stolen.

5. From on or about February 5, 2005, to on or about February 7, 2005, respondent intervened on Ms. Nolan's behalf with the Mount Pleasant Police Department and the Westchester County District Attorney's Office, attempting to prompt an investigation into the conduct of Ms. Nolan's estranged husband, Christopher Angiello, and her brother-in-law, Police Officer Dominic Angiello, for their conduct in allegedly having Ms. Nolan's car inaccurately reported as stolen.

Specifications to Charge I

6. Dominic Angiello and Christopher Angiello are brothers.

7. At all times relevant hereto:

A. Dominic Angiello was a police officer with the Mount Pleasant Police Department.

B. Christopher Angiello was legally separated from his wife, Michelle Nolan

C. Michele Nolan and respondent were romantically involved with each other.

8. On or about February 3, 2005, Michelle Nolan was stopped by a Yorktown Police officer for speeding. A subsequent New York Statewide Police Information Network (NYSPIN) check indicated that Mr. Nolan's car was reported as stolen. Ms. Nolan was brought into police headquarters and called respondent.

9. Respondent called the police station and spoke with Police Officer T. J. Gentner, who knew respondent. Respondent told Officer Gentner that Ms. Nolan was a friend of his and would respond to the traffic summonses. Although Officer Gentner's supervisor had recommended that Ms. Nolan be charged with a crime and that bail be set, Officer Gentner issued Ms. Nolan several summonses, did not charge her with a crime, and released her.

10. On or about February 5, respondent accompanied Ms. Nolan to the Mount Pleasant Police Department in order to file a complaint against Christopher Angiello for having falsely reported Ms. Nolan's car as stolen. In a meeting at the police station with Officer James Reilly, respondent demanded that Dominic Angiello also be investigated. During the meeting, respondent gave Officer Reilly his business card, which identified him as a Justice of the Supreme Court.

11. Officer Reilly thereafter called Sergeant Paul O'Leaver into the meeting and advised him that respondent was a judge and that respondent and Ms. Nolan were making complaints against Dominic Angiello and Christopher Angiello. Respondent persisted in asking that charges be drawn up, but Sergeant O'Leaver declined to draw up charges against either Dominic or Christopher Angiello

12. Respondent thereafter dictated a statement to the police on behalf of Ms. Nolan, which Officer Reilly typed and Ms. Nolan signed. Respondent thereafter said in the presence of Ms. Nolan and Officer Reilly, "Now we'll see whose dick is bigger, mine or Donny's," referring to Officer Angiello.

13. On or about February 7, 2005, respondent called Mount Pleasant Police Chief Louis Alagno, identified himself as a Justice of the Supreme Court, indicated that he believed Christopher Angiello had committed a crime, and indicated that Ms. Nolan's complaint should be investigated.

14. On or about February 7, 2005, respondent telephoned Westchester County Assistant District Attorney Vincent O'Connell, mentioned that he was a judge and indicated that Ms. Nolan's complaint should be investigated.

15. On or about February 7, 2005, respondent telephoned Westchester County Chief Assistant District Attorney Richard Weill and indicated that Ms. Nolan's complaint should be investigated.

16. 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; and failed to avoid impropriety and the appearance of impropriety in that he failed to respect and comply with the law and to act in a manner that upholds public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules, and lent the prestige of judicial office to advance the private interest of another, in violation of Section 100.2(C) of the Rules.

CHARGE II

17. From on or about January 1, 2004, to on or about April 30, 2005, respondent lent the prestige of judicial office to his private business, family and other matters, in that he used his judicial stationery for personal correspondence unrelated to his official duties, including a bill-paying dispute with a telephone company.

Specifications to Charge II

18. On or about October 12, 1004, in connection with a billing dispute between respondent and Verizon and Yellow Book USA, over an unpaid bill of \$14,707.45 for a telephone number associated with his former law practice, respondent wrote a letter on his judicial stationery to Verizon, contesting the bill. A copy of the letter is annexed as Exhibit A

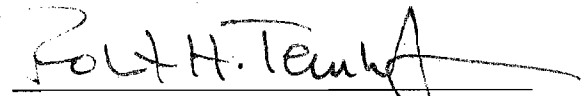
19. On or about December 7, 2004, in connection with the billing dispute between respondent and Verizon and Yellow Book USA, respondent wrote three letters on his judicial stationery to Verizon, contesting the bill and one letter to Yellow Book USA. Copies of the letters to Verizon are annexed as Exhibit B, Exhibit C and Exhibit D and the letter to Yellow Book USA is annexed as Exhibit E.

20. From on or about January 1, 2004, to on or about April 30, 2005, respondent wrote approximately 38 letters on his judicial stationery, on personal or family business or other matters unrelated to his judicial office, such as to the schools his children attend (commenting on certain school policies) and to his house of worship (discussing his membership dues).

21. 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; and failed to avoid impropriety and the appearance of impropriety in that he failed to respect and comply with the law and to act in a manner that upholds public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules, and lent the prestige of judicial office to advance his own private interest and or the private interests of others, in violation of Section 100.2(C) of the Rules.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: March 20, 2006
New York, New York


ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
New York, New York 10006
212-809-0566

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

LAWRENCE I. HOROWITZ,


VERIFICATION

A Justice of the Supreme Court,
Westchester County.

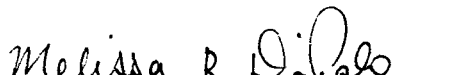
STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.


Robert H. Tembeckjian

Sworn to before me this
20th day of March 2006


Notary Public

Melissa R. DiPalo
Notary Public, State of New York
No. 02DI6065643
Qualified in Kings County
Commission Expires 10/22/09

EXHIBIT A



CHAMBERS OF
LAWRENCE I. HOROWITZ
SUPREME COURT JUSTICE

Supreme Court of the State of New York

ORANGE COUNTY COURTHOUSE
255-285 MAIN STREET
GOSHEN, NEW YORK 10924

October 12, 2004

PERSONAL and UNOFFICIAL

Verizon
PO Box 15124
Albany, New York 12212-5124

Re: Outstanding Bills - Telephone number 914 V02 0111
Account # 914 v02 0111 587 69 9

Dear Sir or Madam:

I have written to you on prior occasions and requested that you change the address where you send the bills. The address for bills to be sent is P.O. Box 547, Yorktown Heights, New York 10598. Please be further advised that I am having a problem with Verizon getting the phone back in my name and have corresponding with Kelly Stumpo to try to accomplish this. Currently the phone is ringing at an un occupied office and I have e-mailed Ms. Stumpo about having the lines transferred or in the interim having calls forwarded. I have not heard back.

Very truly yours,

LAWRENCE IVAN HOROWITZ

cc: Verizon POB 999, Hicksville, New York 11802-0999, Kelly Stumpo



EXHIBIT B



Supreme Court of the State of New York

ORANGE COUNTY COURTHOUSE
255-285 MAIN STREET
GOSHEN, NEW YORK 10924

CHAMBERS OF

AWRENCE I. HOROWITZ

SUPREME COURT JUSTICE

December 7, 2004

PERSONAL and UNOFFICIAL

Gloria Rios
Legal Department
Verizon
1095 Avenue of the Americas
Room 3794
New York, New York 10036

Re: 914-962-4500

Dear Ms. Rios:

As you can see from my letterhead, I am a New York State Supreme Court Justice. Prior to my obtaining that position, I was an attorney in private practice for many years with the above referenced number. When I was elected, I could no longer advertise, but could and am allowed to continue to possess property namely a phone number. I both wanted and needed this phone number for the reasons I will now state.

When I took the bench, I was and still am not sure what the length of my tenure would be. Although the term is for fourteen years, because of issues in my personal life (a matrimonial) I wanted to reserve the option of resuming my law practice with the number so many people knew for so many years. In addition it was my intention to work out an arrangement with another attorney to receive the calls from that number and, in turn, pay the advertising cost associated with that phone number. I contracted with Verizon and Yellow book prior to my winning in November of 2004.

Ultimately, I thought I had such an arrangement with Martin Ashley. Martin Ashley, unilaterally and without my permission transferred, the phone service from Bridgecom to Verizon. He had the phone once again without my permission put in his name. I immediately spoke to Martin and he, as I understand, both spoke to and sent an e-mail to Kelly Stumpo at Verizon (a copy of the e-mail he sent is annexed hereto). Kelly Stumpo sent him an e-mail in response. (copy of that e-mail is annexed) Thereafter I sent a letter to Verizon (a copy of which is annexed) in which I reiterated my position and attached the Stumpo correspondence.



Gloria Rios
December 7, 2004
Page Two

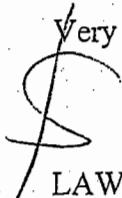
During July, August and September, I spoke with various individuals to check on the progress of my phone number. (I have the names of the individuals I spoke to). Finally on September 7, 2004, I spoke to Michelle Montalvo who told me the matter was being processed by Kelly Stumpo and I would be notified shortly. On September 15, 2004 I sent an e-mail to Ms. Stumpo expressing my concern and dismay over the situation. I had terminated my arrangement with Mr. Ashley on August 31, 2004 and wanted to move the phone lines to a different law office.

Imagine my surprise when I called the number last week and got a recorded message saying the line was not in service and calls were being take at another number. A number owned or controlled by Martin Ashley. When I spoke to Pamela George of Verizon this morning I was told the number was still in the name of Martin Ashley.

I appreciate your responding as soon as possible as I will have to take legal action against Verizon and Mr. Ashley if this matter is not resolved.

Thank you for your attention to this matter.

Very truly yours,



LAWRENCE IVAN HOROWITZ

cc: Martin Ashley

EXHIBIT C



Supreme Court of the State of New York

ORANGE COUNTY COURTHOUSE
255-285 MAIN STREET
GOSHEN, NEW YORK 10924

CHAMBERS OF
LAWRENCE I. HOROWITZ
SUPREME COURT JUSTICE

December 7, 2004

PERSONAL and UNOFFICIAL

Gloria Rios
Legal Department
Verizon
1095 Avenue of the Americas
Room 3794
New York, New York 10036

Re: 914-962-4500

Dear Ms. Rios:

I reviewing my file last night I discovered an additional letter I sent on October 12, 2004.
A copy is attached

Thank you for your attention to this matter.

Very truly yours,

LAWRENCE IVAN HOROWITZ

cc: Martin Ashley



EXHIBIT D



Supreme Court of the State of New York

ORANGE COUNTY COURTHOUSE
255-285 MAIN STREET
GOSHEN, NEW YORK 10924

CHAMBERS OF
LAWRENCE I. HOROWITZ
SUPREME COURT JUSTICE

December 7, 2004

PERSONAL and UNOFFICIAL

Verizon
PO BOX 15124
Albany, New York 12212-5124

Re: 914-962-4500 - advertising
Account 914V02 0111 587 69 9

To Whom It May Concern:

Pursuant to State and Federal law please consider all charges to the above referenced account in dispute. As you can see from the annexed correspondence with Ms. Rios. I do not have access to the lines and therefore cannot have someone benefit from the phone calls so the bill can be paid. As soon as my authority to direct the call is restored I will be in a position to pay amounts billed.

I have previously notified you that my address for billing purposes is P.O. Box 547,
Yorktown Heights, New York 10598.

Thank you for your attention to this matter.

Very truly yours,

LAWRENCE IVAN HOROWITZ

cc: Martin Ashley
Gloria Rios
P.O. Box 64809, Baltimore, MD 21264-4809



EXHIBIT E



Supreme Court of the State of New York

ORANGE COUNTY COURTHOUSE
255-285 MAIN STREET
GOSHEN, NEW YORK 10924

CHAMBERS OF
LAWRENCE I. HOROWITZ
SUPREME COURT JUSTICE

December 7, 2004

PERSONAL and UNOFFICIAL

Yellow Book USA
c/o Yellow Book of New York
193 EAB Plaza
Uniondale, New York 11556-0193

Re: 914-962-4500 - advertising
Account 037365

To Whom It May Concern:

Pursuant to State and Federal law please consider all charges to the above referenced account in dispute. As you can see from the annexed correspondence with Ms. Rios. I do not have access to the lines and therefore cannot have someone benefit from the phone calls so the bill can be paid. As soon as my authority to direct calls is restored I will be in a position to pay amounts billed.

I am however further troubled, as I understand that your company dealt directly with Martin Ashley and worked out or agreed to a disposition of the amount owed. This was done without my involvement or knowledge. It appears you may have an action against Mr. Ashley if he in fact committed to making any payments.

Thank you for your attention to this matter.

Very truly yours,

LAWRENCE IVAN HOROWITZ

cc: Martin Ashley

