



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

November 15, 2021

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Westchester County Town Justice Should Be Censured for Drinking and Driving

The New York State Commission on Judicial Conduct has determined that Erik P. Jacobsen, a Justice of the Bedford Town Court, Westchester County, should be censured for the consequences of excessive drinking and driving, for which he was charged with, and pled guilty to, Driving While Intoxicated (DWI).

Judge Jacobsen agreed to the censure.

In April 2019, after consuming a number of alcoholic beverages, Judge Jacobsen was pulled over after driving erratically, crossing into the oncoming traffic lane, and disobeying street signs. When asked by the police officer to exit the vehicle the judge refused, told them that they were “going to have to hurt [him],” and that they were “making a big mistake.” After being warned several times that he would be tased if he did not comply, the judge was tased, removed from the vehicle, placed under arrest and taken to a hospital.

Judge Jacobsen’s blood was drawn at the hospital and his blood alcohol concentration (BAC) was .264%, more than three times the legal limit. He was charged with DWI, resisting arrest, failing to stop while facing a red signal and failure to use a designated lane. He pled guilty to DWI in full satisfaction of all

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the charges. The judge avers that after his arrest he sought treatment for the first time to address his grief and depression stemming from the death of his wife.

In censuring Judge Jacobsen, the Commission stated that the judge has accepted responsibility for his conduct, acknowledged that that he should have sought treatment prior to his arrest, and has since engaged in “extensive treatment and rehabilitation.” The Commission’s decision noted that Judge Jacobsen’s term of office expires on December 31, 2021, that he is not a candidate for re-election and that he is vacating office at the end of the year. (He has served as a Justice of the Bedford Town Court since 2010.)

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“Judges are required to respect and comply with the law. Driving while intoxicated is a serious offense that puts lives at risk. To his credit, Judge Jacobsen did not throw the weight of his office around to avoid the consequences of his behavior, and he took this episode as a ‘wake-up call’ to get help.”

The Commission Proceedings

Judge Jacobsen was served with a Formal Written Complaint dated June 22, 2021, containing one charge and filed an Answer dated July 6, 2021.

On August 30, 2021, the Administrator of the Commission, Judge Jacobsen and his attorney entered into an Agreed Statement of Facts, stipulating to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on September 23, 2021.

The Commission Determination

The Commission filed a determination dated October 8, 2021, in which all ten members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq., (the Vice Chair), Hon. Fernando M. Camacho, Jodie Corngold, Judge John A. Falk, Judge Angela M. Mazzarelli, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Ronald J. Rosenberg, Esq., Graham B. Seiter, Esq., and Akosua Garcia Yeboah.

*November 15, 2021***Court of Appeals Review**

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. Judge Jacobsen received it on October 27, 2021, and the Commission was subsequently notified by the Court of Appeals that service was complete. Consequently, the matter is now public.

A judge may either accept the Commission's determination or, within 30 days from receipt, make a written request to the Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge Jacobsen does not request review by the Court of Appeals, the Commission will censure him in accordance with the determination.

If a Commission determination is reviewed by the Court of Appeals, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

Statistics Relating to Prior Determinations

Since 1978, the Commission has issued 339 determinations of censure against judges in New York State. The Commission has issued 175 determinations of removal and 278 determinations of admonition.

The Court of Appeals has reviewed 101 Commission determinations. The Court accepted the Commission's sanctions in 85 cases (76 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: nine removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings.

Counsel

In the proceedings before the Commission, Judge Jacobsen was represented by Peter Gerstenzang of Gerstenzang, Sills, Cohn & Gerstenzang, 210 Great Oaks Boulevard, Albany, New York 12203, (518) 456-6456.

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The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Mark Levine, Deputy Administrator in Charge of the New York City office; and Senior Attorney Eric Arnone. Investigator Drew Zagami was assigned to the case.

Background Information on Judge Jacobsen

First took office:	2010
Year Admitted to NYS Bar:	1994
Current Term Expires:	December 31, 2021

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

The Public File

The determination is attached. The record of the proceedings upon which the determination is based is available for inspection by appointment during regular business hours at the Commission's three offices:

61 Broadway Suite 1200 New York, New York 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223	400 Andrews Street Suite 700 Rochester, New York 14604
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*November 15, 2021***MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT**

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Former Governor Andrew M. Cuomo	March 31, 2024
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023
Hon. Fernando M. Camacho	Chief Judge Janet DiFiore	March 31, 2024
Jodie Corngold	Former Governor Andrew M. Cuomo	March 31, 2023
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2025
Hon. Angela M. Mazzarelli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Former Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Ronald J. Rosenberg, Esq.	Former Senate Minority Leader John J. Flanagan	March 31, 2024
Graham B. Seiter, Esq.	Assembly Minority Leader William A. Barclay	March 31, 2025
Akosua Garcia Yeboah	Former Governor Andrew M. Cuomo	March 31, 2025