

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

RECEIVED AND FILED
COURT OF
JUDICIAL DISCIPLINE
OF PENNSYLVANIA

2016 DEC - 7 P 2:44

IN RE:

Andrew M. Hladio :
Magisterial District Judge :
Magisterial District 36-1-01 : 6 JD 2016
36th Judicial District :
Beaver County :

**PETITION FOR RELIEF FOR INTERIM SUSPENSION
WITH OR WITHOUT PAY**

AND NOW, this 7th day of December, 2016 comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board), by and through the undersigned counsel, and files this Petition for Relief for Interim Suspension With or Without Pay against the Honorable Andrew M. Hladio pursuant to Article V, § 18(d)(2) of the Pennsylvania Constitution, Rule 701 of the Court of Judicial Discipline Rules of Procedure, and Rule 13(A) of the Judicial Conduct Board Rules of Procedure and in support thereof, avers the following:

1. The Pennsylvania Constitution at Article V, § 18(d)(2) provides the Court with the authority to impose interim suspension as follows:

Prior to a hearing, the court may issue an interim order directing suspension, with or without pay, of any justice, judge or justice of the peace against whom formal charges have been filed with the court by the board or against whom has been filed an indictment or information charging a felony. An interim order under this paragraph shall not be considered a final order from which an appeal may be taken.

PA CONST. art. V, § 18(d)(2).

2. From January 2010 until the present time, Judge Hladio has served as the magisterial district judge of District Court 36-1-01.

3. Contemporaneously with the filing of this Petition, Board Counsel is filing a Board Complaint against Judge Hladio, alleging eight counts of judicial misconduct. A copy of the Board Complaint is attached hereto, made a part hereof and incorporated herein by reference as though set forth in full. **See Attachment "1"** (Board Complaint).

4. The majority of the allegations against Judge Hladio involve misconduct directed against court staff and persons having business with the court in the form of harassing, demeaning and retaliatory conduct. **See** Board Complaint, Parts A and B, ¶¶ 9-162.

5. Many of the alleged violations set forth in the Complaint assert workplace violations in that, by his conduct, Judge Hladio failed to ensure adherence to and compliance with the Unified Judicial System of Pennsylvania Policy on Non-Discrimination and Equal Employment Opportunity which prohibits sexual harassment and retaliatory conduct and "ensures that all individuals having business with the UJS be treated in a dignified, civil, respectful and non-discriminatory manner." **See** Board Complaint, Part A, ¶¶ 19, 29, 31 and 32 and Part D, Count 1(A) ¶¶ 211-215 and Count 1B, 222-224.

6. The allegations contained within this Board Complaint against Judge Hladio undermine both public confidence in and the reputation of the judiciary. If Judge Hladio is permitted to continue to perform any judicial duties during the pendency of the Board Complaint, the public's confidence in the judiciary will continue to erode and those having business with or before Judge Hladio, including his employees, may continue to suffer his improper conduct.

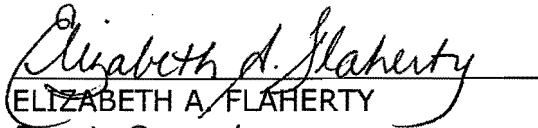
WHEREFORE, it is respectfully requested that this Honorable Court enter an interim order suspending Judge Hladio, either with or without pay, pending disposition of the Board Complaint filed against him and to grant such other relief as may be deemed appropriate.

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

DATE: December 7, 2016

By:


ELIZABETH A. FLAHERTY
Deputy Counsel
Pa. Supreme Court ID No. 205575

Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Andrew M. Hladio	:	
Magisterial District Judge	:	
Magisterial District 36-1-01	:	6 JD 2016
36th Judicial District	:	
Beaver County	:	

TO: ANDREW M. HLADIO

You are hereby notified that the Pennsylvania Judicial Conduct Board has determined that there is probable cause to file formal charges against you for conduct proscribed by Article V, § 17(b) and the Administration of Justice and Disrepute Clauses of § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, Rules 2A, 4A and 4C of the Old Rules Governing Standards of Conduct of Magisterial District Judges and Rules 1.1, 1.2, 2.2, 2.3(B), 2.4(A), 2.8(B) and 2.16 of the New Rules Governing Standards of Conduct of Magisterial District Judges. The Board's counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within fifteen (15) days of service of this Board Complaint in accordance with C.J.D.R.P. No. 110.

You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than

thirty (30) days after the service of this Complaint in accordance with C.J.D.R.P. No. 411.

You are further hereby notified that within thirty (30) days after the service of this Complaint, if no omnibus motion is filed, or within twenty (20) days after the dismissal of all or part of the omnibus motion, you may file an Answer admitting or denying the allegations contained in this Complaint in accordance with C.J.D.R.P. No. 413. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.

COMPLAINT

AND NOW, this 7th day of December, 2016, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania and files this Board Complaint against the Honorable Andrew M. Hladio, Magisterial District Judge for Magisterial District Court 36-1-01 of Beaver County Pennsylvania, alleging that Judge Hladio has violated the Rules Governing Standards of Conduct of Magisterial District Judges and Article V, § 17(b) and 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, as more specifically delineated herein.

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court, and thereafter, to prosecute the case in support of such charges in this Court.

2. From January 2010 until the present time, Judge Hladio has served as the magisterial district judge of District Court 36-1-01.

3. Judge Hladio is an attorney, licensed to practice in Pennsylvania, and continues to maintain a small private practice, specializing in personal injury, wills and estate matters.

4. As a judicial officer, Judge Hladio was at all times required to "ensure adherence to and compliance with" the Unified Judicial System of Pennsylvania Policy on Non-Discrimination and Equal Employment Opportunity effective January 1, 2008 (revised Nov. 2013; revised July 2016) (UJS Policy).

5. Based on a Confidential Request for Investigation at JCB File No. 2014-684, the Board investigated the instant matter.

6. As a result of its investigation, and pursuant to Article V, § 18(a)(7) of the Constitution of the Commonwealth of Pennsylvania, the Board determined that there is probable cause to file formal charges against Judge Hladio in this Court.

7. Some of the alleged judicial misconduct occurred prior to December 1, 2014 and therefore, the Old Rules Governing Standards of Conduct of Magisterial District Judges (R.G.S.C.M.D.J.) apply to those allegations of misconduct.

8. Some of the alleged judicial misconduct occurred after November 30, 2014 and therefore, the New R.G.S.C.M.D.J. apply to those allegations of misconduct.

A. IMPROPER CONDUCT TOWARD DISTRICT COURT CLERKS

9. In April 2008, N.B. began working as a court clerk at District Court 36-1-01.

10. In January, 2010, Judge Hladio began his new position as magisterial district judge of District Court 36-1-01.

11. In 2010, Judge Hladio first asked N.B. to go out on a date with him, but she refused his invitation.

12. Judge Hladio continued to ask N.B. to go out on dates with him.

13. During this same period of time, Judge Hladio frequently asked N.B. questions about her private life.

14. During this same period of time, Judge Hladio showed up at public places to be with N.B. even though she rebuffed his advances and invitations.

15. Judge Hladio continued to pursue N.B. and ignored the boundaries between her professional and personal life.

16. Beginning in 2010, N.B. and other court clerks at District Court 36-1-01 began filing complaints with Court Administration of the Beaver County Court of Common Pleas about Judge Hladio's inappropriate behavior toward them.

17. In August 2011, the District Court Administrator met with Judge Hladio and advised him to modify his behavior toward all court staff by eliminating inappropriate language and intrusive, offensive behaviors.

18. The District Court Administrator specifically instructed Judge Hladio that his pursuit of a personal relationship with N.B. was inappropriate and must stop.

19. In September, 2011, the District Court Administrator warned Judge Hladio not to create a hostile work environment which is prohibited by the Rules Governing Standards of Conduct for Magisterial District Judges and the UJS Policy prohibiting harassment in the workplace.

20. In January 2012, Judge Hladio recommended that N.B. be promoted to her current position of Office Manager of District Court 36-1-01.

21. In 2012, Judge Hladio continued to approach N.B. to comment on and ask questions about her personal life.

22. N.B. reported Judge Hladio's continued, unwelcome advances toward her to the District Court Administrator.

23. In 2012, Judge Hladio sat in the district court reception area and watched the court clerks perform their work duties for a period of hours at a time without speaking to anyone.

24. In 2012, Judge Hladio demonstrated sulking, vindictive behavior toward N.B. when she refused to go out with him or answer his questions about her personal life.

25. In 2012, Judge Hladio went to N.B.'s home, uninvited and unannounced.

26. In November, 2012, President Judge John D. McBride of the Court of Common Pleas of Beaver County, the District Court Administrator and the Deputy Court Administrator met with Judge Hladio to discuss his inappropriate behavior toward N.B. and the other clerks at his district court.

27. President Judge McBride told Judge Hladio to stop his unwelcome advances toward N.B.

28. President Judge McBride told Judge Hladio to stop his sulking and vindictive behavior toward N.B. and other clerks at his district court.

29. During the meeting, President Judge McBride, the District Court Administrator and the Deputy Court Administrator advised Judge Hladio that his conduct toward N.B. violated the UJS Policy pertaining to Sexual Harassment.

30. During the November 2012 meeting, President Judge McBride referred Hladio to AOPC legal counsel and recommended that he attend personal counseling.

31. During the November 2012 meeting, President Judge McBride told Judge Hladio that he was prohibited from creating a hostile work environment.

32. During the November 2012 meeting, President Judge McBride told Judge Hladio that he was prohibited from retaliating against N.B. and other clerks at his district court who filed complaints against him.

33. During the November 2012 meeting, President Judge McBride told Judge Hladio that if he received further complaints about his conduct, then he would file a complaint with the Judicial Conduct Board.

34. In a later meeting with the District Court Administrator, Judge Hladio admitted that he asked N.B. to go out on a date with him.

35. In December, 2013, Judge Hladio approached N.B. and asked her to go out on a date with him.

36. In April, 2014, Judge Hladio again approached N.B. and asked her to go out on a date with him.

37. In March or April, 2014, Judge Hladio learned that N.B. was dating another man.

38. After learning of N.B.'s relationship with another man, Judge Hladio acted in an angry, retaliatory manner toward N.B.

39. Judge Hladio has continued to demonstrate inappropriate conduct toward N.B.

40. At times, Judge Hladio refuses to speak with N.B.

41. At other times, Judge Hladio speaks to N.B. in a sarcastic manner if at all.

42. At times, Judge Hladio ignores N.B.'s questions about work-related matters.

43. Judge Hladio speaks negatively about N.B. and her ability to perform her job duties to the other clerks at his district court.

44. Judge Hladio reassigned some of N.B.'s Office Manager job duties to other clerks at his district court.

45. The reassignment of N.B.'s job duties creates an added burden on the workloads of the other clerks at Judge Hladio's district court.

46. Judge Hladio continues to demonstrate retaliatory conduct toward N.B.

47. As the Office Manager of District Court 36-1-01, it is N.B.'s responsibility to submit bills received by the court to Judge Hladio for his approval and to subsequently pay the approved bills.

48. Between December 1, 2014 and 2016, Judge Hladio has held back bills from N.B. that require his approval.

49. When Judge Hladio fails to timely approve the payment of bills, it reflects poorly on N.B. because it interferes with her ability to timely pay amounts due and owing by the district court.

50. Judge Hladio yells and behaves in an angry manner toward his court clerks when they fail to comply with his directives about clerical matters.

51. Judge Hladio does not provide written directions to his court clerks to memorialize his directives about clerical procedures

52. On February 24, 2016, Judge Hladio told J.T., a clerk at his district court, that N.B. is not doing her job and cannot follow directions.

53. On May 6, 2015, Judge Hladio sat at the bench of his courtroom and spoke with L.D., a court clerk, criticizing her job performance while a disruptive criminal defendant waited for 40 minutes in the reception area with police officers in attendance.

54. On May 6, 2015, Judge Hladio told L.D that he was not satisfied with her job performance because she does not make him "number one."

55. Judge Hladio has repeatedly told L.D. that her first priority is to make him and his needs "number one," and that she is not complying with that directive.

56. On May 6, 2015, Judge Hladio continued to speak with L.D., criticizing the job performance of Office Manager N.B. while a disruptive criminal defendant waited for 40 minutes in the reception area with police officers in attendance.

57. On May 6, 2015, Judge Hladio told L.D. that he was displeased with the work performance of J.T., another court clerk, while a disruptive criminal defendant waited for 40 minutes in the reception area with police officers in attendance.

58. On May 6, 2015, Judge Hladio advised L.D. about administrative matters at the district court as follows:

- a. When court clerks are busy, they should not answer phones;
- b. When court clerks are busy, they should tell customers to come back another day to pay their fines; and
- c. Court clerks should always make him their "number one priority."

59. In light of the pending retirement and part-time hours of one of Judge Hladio's court clerks, N.B. and the other court clerks asked Judge Hladio to request that Court Administration assign additional staff to his district court.

60. The court clerks were too busy to take their breaks, to go the ladies room and, at times, too busy to answer the telephone.

61. Judge Hladio refused to request more staff and yelled at current court staff for taking earned vacation leave.

62. Judge Hladio told his district court staff that the reason he did not want to request more staff is that other magisterial district judges would complain if additional staff members were to be assigned to his district court.

63. Deputy Court Administrator Bowers spoke with Judge Hladio about the request for additional help at his district court.

64. Judge Hladio was resistant to the idea of requesting additional staff at his district court and responded, "Hey, that's the courts. It happened to me in the PD's Office. We all have crazy days."

65. Deputy Court Administrator Bowers informed Judge Hladio that extra help was necessary and not a luxury in light of the amount of work demanded of his court clerks.

66. Deputy Court Administrator Bowers told Judge Hladio that she would be sending a part-time employee, two days per week, to assist at his district court.

B. IMPROPER Demeanor

Demeanor toward Central Court Clerk

67. On March 21, 2016, Central Court Clerk S.P. handed case files up to Judge Hladio while he was seated at the judge's bench in Central Court.

68. On March 21, 2016, Judge Hladio yelled at S.P., "You didn't tell me who they [defendants] were!"

69. On March 21, 2016, Judge Hladio yelled at S.P. each of the many times that she handed paperwork up to him at the judge's bench in Central Court.

70. Judge Hladio continued to yell at S.P. from the start of the Central Court session at 9:30 a.m. to the end of the session at 12:30-1:00 p.m.

71. Other individuals who were present at Central Court heard Judge Hladio yell at S.P.

72. Judge Hladio routinely yells at S.P. when he is assigned to hear cases at Central Court.

73. When presiding at Central Court, Judge Hladio spends a lot of time looking at his cell phone with his head down.

74. When presiding at Central Court, Judge Hladio yells at other individuals who appear before him.

75. Approximately two months before the March 21, 2016 conduct set forth above, the Assistant District Attorney and defense counsel were present at Central Court. Prior to the start of the proceeding, the attorneys agreed on a disposition and fine for a particular defendant.

76. When S.P. handed Judge Hladio the appropriate form with the agreed upon fine, he yelled, "You don't tell me what the fine is. I tell you."

77. While yelling at S.P. about the fine agreement between the ADA and defense counsel, Judge Hladio crossed out the agreed upon fine of \$275 and wrote \$25 instead.

78. On May 16, 2016, Judge Hladio arrived 40 minutes late to preside over the scheduled proceedings at Central Court.

79. On May 16, 2016, when Judge Hladio assumed the bench at Central Court, S.P. asked if he was ready to begin proceedings.

80. Judge Hladio yelled, "For What?" in response to S.P.'s question.

81. Judge Hladio continued to yell at S.P. during the May 16, 2016 Central Court proceedings and accused her of failing to announce the following:

a. The name of the defendant in each case;

b. The name of the Assistant District Attorney in each case;

and

c. The names of the parties in each case,

82. The standard procedure at Central Court prior to May 16, 2016 did not require the court clerk to announce the names of the defendants, the names of the ADA's or the names of the parties in each case.

Demeanor Toward Lawyers in Central Court

83. When Judge Hladio presides over cases in Central Court, he demonstrates an agitated and angry demeanor.

84. During the first six months of 2016, Judge Hladio's agitated and angry demeanor grew progressively worse.

85. Assistant District Attorney Ashley Elias is regularly assigned to represent the Commonwealth in Central Court.

86. Up until approximately June to July 2015, Judge Hladio demonstrated a proper demeanor toward ADA Elias when she appeared before him in Central Court proceedings.

87. Beginning in approximately June or July, 2015, Judge Hladio began to treat ADA Elias differently than he treated other attorneys who appeared before him.

88. On July 21, 2015, ADA Elias represented the Commonwealth at a Preliminary Hearing in Judge Hladio's district court against Kenneth Wayne Moore on charges of Driving Under the Influence (DUI): General Impairment 1st Offense (Misdemeanor); Driving with License Suspended/Revoke (Summary Offense); No Rear Lights (Summary Offense); and Driving Unregistered Vehicle (Summary Offense). *Commonwealth v. Kenneth Wayne Moore*, Docket No. MJ-36201-CR-0000183-2015.

89. During the Preliminary Hearing, Judge Hladio dismissed the DUI charge against Moore and conducted a summary trial on the other charges, ultimately dismissing the three summary charges.

90. The dismissal of the DUI charge, followed by a Summary Trial and ruling on the other charges at Moore's Preliminary Hearing, had the effect of prohibiting the DA from refileing the DUI charge against Moore and was contrary to settled law.

91. ADA Elias filed a Motion for Reconsideration in *Commonwealth v. Moore* in the Court of Common Pleas of Beaver County.

92. The Court of Common Pleas granted the Motion for Reconsideration in *Commonwealth v. Moore*.

93. Judge Hladio's demeanor and attitude toward ADA Elias changed dramatically after she prevailed on appeal from Judge Hladio's ruling in *Commonwealth v. Moore*.

94. Judge Hladio openly exhibits anger and dislike for ADA Elias when she appears before him in Central Court.

95. On May 16, 2016, Judge Hladio announced from the bench, "The DA needs to say, "May it please the Court," before addressing him.

96. The formal salutation, "May it please the Court," has never been required in Central Court by Judge Hladio or any other magisterial district judge.

97. On May 16, 2016, a client of Assistant Public Defender Dirk Goodwald was not available which necessarily delayed his presentation of the case.

98. Knowing about the delay in Assistant Public Defender Goodwald's case, ADA Elias asked S.P. if one of her cases, a hearing *in absentia*, could be heard next on the list of cases since she expected it would take approximately five minutes.

99. When S.P. asked Judge Hladio to consider ADA Elias's request, he yelled at S.P. and refused the request.

100. Forty minutes later, when ADA Elias tried to present the hearing *in absentia*, Judge Hladio yelled at her in front of a crowded courtroom of ADAs, public defenders, other attorneys, police officers and defendants.

101. Judge Hladio continued to yell at ADA Elias for approximately two minutes, admonishing her for interrupting him and repeating the words he had yelled at S.P.

102. Based on his observations at Central Court, another ADA informed Beaver County District Attorney David J. Lozier about Judge Hladio's conduct of yelling at ADA Elias and S.P.

103. On May 16, 2016, District Attorney Lozier entered Central Court and observed that Judge Hladio ignored ADA Elias's requests pertaining to her assigned cases, as if she had not spoken.

104. District Attorney Lozier also observed that Judge Hladio ignored the requests made by the Public Defender pertaining to cases in which ADA Elias represented the Commonwealth.

105. On May 16, 2016, when District Attorney Lozier spoke up and made the requests pertaining to ADA Elias's cases, Judge Hladio listened to and acted upon those requests.

106. On May 16, 2016, Judge Hladio continued to ignore ADA Elias whenever she spoke as if she were not present in the courtroom.

107. Judge Hladio routinely puts ADA Elias's cases at the end of the day when he presides in Central Court which causes police officers, witnesses and other attorneys to experience long delays pertaining to their cases.

Demeanor Toward Litigants and Police Officers in District Court

Docket No. MJ-36101-CR-0000331-2008

108. On May 6, 2015 at 1:06 p.m., a criminal defendant, R.F., approached the counter of the reception area of Judge Hladio's district court and spoke with L.D., a court clerk.

109. R.F. stated that she received instructions at the local welfare office to go to Judge Hladio's district court because of an outstanding warrant for her arrest.

110. The warrant pertained to a September 12, 2008 criminal complaint filed by Ambridge Police Department against R.F. on charges of Open Lewdness and Disorderly Conduct. Docket No. MJ-36101-CR-0000331-2008.

111. According to the clerks at Judge Hladio's district court, on September 12, 2008, R.F. appeared to be highly intoxicated.

112. The court clerks believed that there was a substantial risk that R.F. would flee from the district court building.

113. R.F. refused to sit down and was irate.

114. District Court Office Manager N.B. contacted Judge Hladio by telephone and told him that he was needed at district court for an arraignment.

115. Based on her actions in the district court reception area, the court clerks observed that R.F. appeared to be a danger to herself and to others.

116. District court staff contacted the Ambridge Police Department for assistance.

117. Ambridge Police Officers arrived at the district court and observed R.F.'s conduct which continued for a considerable period of time.

118. At 1:30 p.m. on May 6, 2015, Judge Hladio arrived at the district court where L.D. informed him that R.F. was intoxicated.

119. L.D. provided detailed information to Judge Hladio about R.F.'s conduct and statements.

120. Judge Hladio put on his robe, went into the courtroom and sat at the bench.

121. A few minutes after Judge Hladio entered the courtroom, L.D. asked Judge Hladio if he was ready to arraign R.F.

122. Judge Hladio responded that he thought he was being "set up."

123. Judge Hladio told L.D. that he had to be careful because the police, the court clerks and the defendants are all trying to set him up.

124. The May 6, 2015 incident with R.F. at Judge Hladio's district court occurred less than two months after Board counsel first deposed Judge Hladio on March 10, 2015.

125. While he sat at the judge's bench in the courtroom, Judge Hladio spoke with L.D. and criticized her job performance while R.F. waited in the reception area with police officers in attendance.

126. Judge Hladio told L.D. that he was not satisfied with her job performance because she does not make him "number one."

127. Judge Hladio has repeatedly told L.D. that her first priority is to make him and his needs "number one," and that she is not complying with that directive.

128. On May 6, 2015, Judge Hladio continued to speak with L.D., criticizing the job performance of Office Manager N.B., while R.F. waited in the reception area with the police officers in attendance,

129. J.T., another court clerk, entered the courtroom to tell Judge Hladio that the police officers had to block the door to prevent R.F. from fleeing the district court building.

130. When J.T. entered the courtroom, L.D. could hear the defendant, R.F., behaving in a loud and agitated manner.

131. Despite the commotion in the reception area, Judge Hladio still would not permit R.F. to enter the courtroom.

132. After J.T. left the courtroom, Judge Hladio told L.D. that he was displeased with J.T.'s work performance.

133. While R.F. continued to wait in the reception area with the police officers in attendance, Judge Hladio advised L.D. about administrative matters at the district court as follows:

- d. When court clerks are busy, they should not answer phones;
- e. When court clerks are busy, they should tell customers to come back another day to pay their fines; and
- f. Court clerks should always make him their "number one priority."

134. On May 6, 2015, at 2:10 p.m., 40 minutes after Judge Hladio arrived at his district court, he permitted R.F. to enter the courtroom.

135. On May 6, 2015, Judge Hladio conducted the Preliminary Arraignment in R.F.'s 2008 criminal matter.

136. Ambridge Police Officer John Bialik was at Judge Hladio's district court on May 6, 2015 and was prepared to arrest R.F. for public intoxication.

137. Judge Hladio set bail at \$50 unsecured and directed the attending police officers to release R.F. from the handcuffs and to let her go.

138. While waiting in the reception area of the district court for an hour and 10 minutes, R.F. urinated in her clothing. The urine soaked through her clothing and onto the chairs which she had occupied in the reception area

Docket No. MJ-36101-NT-0000390-2015

139. On March 29, 2016, Judge Hladio presided over a summary trial at his district court in a criminal matter in which J.H. entered a guilty plea to one count of Public Drunkenness and Similar Misconduct. Docket No. MJ-36101-NT-0000390-2015.

140. Police Officer Timothy Depenhart of the Ambridge Police Department appeared before Judge Hladio in the March 29, 2016 criminal case against J.H.

141. At the March 29, 2016 Summary Trial, Officer Depenhart requested that Judge Hladio sentence J.H. to a minimal fine.

142. Judge Hladio responded to Officer Depenhart, "Hold on, I'm busy."

143. Judge Hladio then spoke directly to J.H. in a degrading tone, telling her that people in the community are complaining about people like her.

144. Judge Hladio told J.H. that he did not need people like her in his town, urinating on themselves and being drunk all the time.

145. At the March 29, 2016 Summary Trial, Judge Hladio continued to speak to J.H. in a degrading manner for approximately 10 minutes.

146. Judge Hladio then asked Officer Depenhart, "Why does the Commonwealth wish to have a minimum fine?"

147. Officer Depenhart stated that his recommendation was based on the facts that J.H. had limited financial resources and that she had not been involved in any similar incidents in the past year.

148. Judge Hladio responded, "Oh, so if you don't have any money you can do whatever you want in town?"

149. Judge Hladio also said to Officer Depenhart, "I guess its ok to urinate everywhere and on yourselves, be drunk in public in this town just because you don't have any money."

150. Officer Depenhart told Judge Hladio that it was unprofessional for him to degrade him in front of J.H.

151. Judge Hladio denied that he degraded Officer Depenhart.

152. Judge Hladio asked Officer Depenhart, "How about if all these people were to come live in your community and urinate on themselves and everywhere while being drunk."

153. Judge Hladio told Officer Depenhart, "we don't need them [people like J.H.] here and you think its ok since they deserve a minimal fine."

154. During the heated exchange, Judge Hladio spoke to Officer Depenhart in a loud voice about people in town who are complaining about people like J.H.

155. During the heated exchange, Officer Depenhart yelled at Judge Hladio and told him to act professionally.

156. Judge Hladio adjudicated J.H. guilty and sentenced her to the maximum fine with the condition that if she did not make \$50 payments, she would be sentenced to jail.

Docket No. MJ-36101-TR-0000144-2014

157. On February 29, 2014, Ambridge Borough Police Officer Sean A. Owen filed a Traffic Citation in Judge Hladio's district court, charging a truck driver with driving an overweight truck over the 11th Street Bridge in violation of 75 Pa.C.S.A. § 4902(a) with fines and costs listed at \$6,432.50. *Commonwealth v. Ruben Alberto Carrazan*, Docket No. MJ-36101-TR-0000144-2014.

158. Officer Owen is certified by the Pennsylvania Department of Transportation in the weighing and measuring of vehicles.

159. On March 24, 2014, prior to the Summary Trial in *Carrazan*, Police Officer Owen waited for two and one-half hours while Judge Hladio conducted a summary trial in another matter.

160. After Police Officer Owen presented evidence at the *Carrazan* Summary Trial, a question arose about old and new traffic studies. Judge Hladio asked Officer Owen about particular case law which Officer Owen believed was unrelated to the issue at the *Carrazan* hearing.

161. When Police Officer Owens attempted to look up the particular case law in his Bridge and Traffic Study Binder, Judge Hladio told him he had "thirty-seven seconds" to find the information.

162. After approximately one minute had passed, Judge Hladio told Officer Owens that he should have been prepared and dismissed the *Carrazan* case.

C. FAILURE TO UPHOLD AND APPLY THE LAW

(1) Landlord-Tenant Case

163. In 2015, S.S. was a tenant in Ambridge Towers, a housing project in Ambridge, PA.

164. The Housing Authority of County of Beaver (HACB) manages Ambridge Towers.

165. On November 6, 2015, Ambridge Police were summoned to Ambridge Towers to investigate an incident in which S.S. physically attacked a female tenant, M.M., in the hallway of the apartment building.

166. M.M. declined to press criminal charges and instead requested that S.S. obtain psychological care.

167. Based on the November 6, 2015 incident, on January 14, 2016, HACB filed a Landlord-Tenant Complaint against S.S., seeking his eviction and repossession of his apartment. Docket No. MJ-36101-LT-0000006-2016.

168. On January 27, 2016, Judge Hladio presided over the HACB Landlord-Tenant Hearing.

169. Babette Robertson, the Project Manager for HACB, represented the plaintiff Landlord at the HACB Landlord-Tenant Hearing.

170. Ms. Robertson is not an attorney but regularly represents HACB in Landlord-Tenant matters in Judge Hladio's district court.

171. On multiple prior occasions, Judge Hladio questioned Ms. Robertson why HACB sent her, a non-attorney, to represent HACB in Landlord-Tenant cases in his district court instead of an attorney.

172. Defense counsel informed Judge Hladio that if S.S. were to be evicted from his apartment, then he would need 60 days to find another apartment.

173. At the conclusion of the hearing, Judge Hladio entered an Order for a 60-day continuance in *the* HACB case against S.S.

174. Ms. Robertson objected to the 60-day continuance with no decision and stated that she hoped nothing bad would happen as a result of Judge Hladio failing to take action in the HACB Landlord-Tenant case against S.S.

175. According to the Pennsylvania Rules of Civil Procedure for Magisterial District Judges pertaining to actions for the recovery of possession of real property, a magisterial district judge is required to issue a judgment at the conclusion of a Landlord-Tenant hearing or within three days following the hearing. Pa.R.C.P.M.D.J. No. 514(c)(1).

176. Based on the 60-day continuance without a judgment in the HACB Landlord-Tenant case against S.S., HACB could not evict S.S. from Ambridge Towers.

177. Based on the 60-day continuance without a judgment in the HACB Landlord-Tenant against S.S., HACB could not file an appeal.

178. George A. Verlihay, Solicitor for HACB, contacted President Judge McBride and complained about the grant of a 60-day continuance without decision in the HACB Landlord-Tenant case against S.S.

179. On January 28, 2016, Deputy Court Administrator Aileen Bowers questioned Judge Hladio about the 60-day continuance that he granted in the HACB Landlord-Tenant matter against S.S.

180. During the January 28, 2016 meeting, Judge Hladio told Deputy Court Administrator Bowers that he was familiar with Pa.R.C.P.M.D.J. No. 514(c)(1), but

that he opted not to follow the Rule because he thought something could be worked out between the parties.

181. During the January 28, 2016 meeting, Deputy Court Administrator Bowers asked Judge Hladio why he did not abide by Pa.R.C.P.M.D.J. No. 514(c)(1) in the HACB Landlord-Tenant matter against S.S. Judge Hladio responded, "Well, if that's what you want me to do, that's what I'll do."

182. Deputy Court Administrator Bowers informed Judge Hladio that he must abide by the Rules and not by what she wanted him to do in the HACB Landlord-Tenant matter against S.S.

183. On February 1, 2015, Judge Hladio entered a ruling in favor of S.S and against HACB.

(2) Trucking Violation Cases

184. Under Pennsylvania law, state and local authorities may impose restrictions on the size and weight of vehicles permitted to traverse particular highways or bridges as follows:

(1) The Commonwealth and local authorities with respect to highways and bridges under their jurisdictions may prohibit the operation of vehicles and may impose restrictions as to the weight or size of vehicles operated upon a highway or bridge.

75 Pa.C.S.A. § 4902(a)(1).

185. The size and weight restrictions for vehicles operating on a particular highway or bridge may be imposed only after engineering and traffic studies demonstrate that "the highway or bridge may be damaged or destroyed unless use by vehicles is prohibited or the permissible size or weight of vehicles is reduced." *Id.*

186. The penalty for a person who violates the prohibition against operating an overweight vehicle on a particular highway or bridge is set forth in 75 Pa.C.S.A. § 4902(g)(1) which provides:

(1) Any person operating a vehicle or combination upon a highway or bridge in violation of a prohibition or restriction imposed under subsection (a) is guilty of a summary offense, and shall, upon conviction, be sentenced to pay a fine of \$75, except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

75 Pa.C.S.A. § 4902(g)(1).

187. The statutory fines imposed upon persons who violate 75 Pa.C.S.A. § 4902(a)(1) are mandatory. See *Commonwealth v. Church*, 522 A.2d 30, 36 (Pa. 1987).

188. A magisterial district judge, who enters a guilty verdict against the driver or owner of a truck for violating the weight restriction on a bridge or highway, must impose a mandatory fine and does not have discretion to discount the amount of the fine.

189. The Eleventh Street Bridge connects Ambridge to communities on the other side of the Ohio River.

190. As a result of the risk for structural damage or destruction of the Eleventh Street Bridge, weight restrictions are in place to prohibit overweight vehicles from operating on the Eleventh Street Bridge.

191. Truck drivers are prohibited from driving trucks over the Eleventh Street Bridge which exceed the restricted weight limits.

192. Despite the restrictions placed on vehicular weight, some truck drivers continue to drive trucks in excess of the weight limits over the Eleventh Street Bridge.

193. Ambridge Borough Police Department Officers John N. Bialik, Sean A. Owen and Sokhen (Jason) Seng completed the Vehicle Weighing and Measuring Training Program in accord with Section 4981(a) of the Vehicle Code, as approved by the Pennsylvania Department of Transportation. 75 Pa.C.S. § 4981(a).

194. Police Officers Bialik, Owen and Seng possess Certificates of Training which state that they are qualified and trained in the use of weighing and measuring equipment. Each of the officers is designated as a Qualified Commonwealth Employee pursuant to Section 4102 of the Vehicle Code. 75 Pa.C.S. § 4102.

195. As Qualified Commonwealth Employees, Officers Bialik, Owen and Seng stop the overweight trucks, weigh and measure the trucks and issue traffic citations to the drivers for violating the restrictive weight limits on the Eleventh Street Bridge.

196. Judge Hladio presides over many of the summary trials for traffic citations issued to truck drivers who violate the restrictive weight limits on the Ambridge bridges.

197. Prior to the start of the summary trials in the overweight truck cases, police officers may offer defendant truck drivers an opportunity to plead to a lesser charge to reduce the fine and costs.

198. Under 75 Pa.C.S.A. § 4902(g)(1), the statutory fines for the citations issued to truck drivers for driving an overweight truck across the Eleventh Street Bridge can amount to thousands of dollars.

199. The proceeds from the fines for driving an overweight truck on a bridge in Ambridge are split in half between the Commonwealth of Pennsylvania and the Borough of Ambridge.

200. Judge Hladio is aware that the sentence for a guilty verdict for a summary violation of 75 Pa.C.S.A. § 4902(a)(1) is a mandatory statutory fine. 75 Pa.C.S.A. § 4902(g)(1).

201. Beginning in 2014 and continuing through 2016, upon adjudicating truck drivers or owners guilty of driving overweight trucks on Ambridge bridges, Judge Hladio often sentences the defendants to fines which are significantly less than the mandatory fines provided for in 75 Pa.C.S.A. § 4902(g)(1).

202. When Judge Hladio sentences truckers to lesser fines for violating weight restrictions for bridges, both the Commonwealth of Pennsylvania and the Borough of Ambridge are deprived of the income that they would have received if he sentenced the truckers to the mandatory fines set forth by statute.

203. For example, on July 29, 2015, Police Officer John Bialik filed a Traffic Citation against Steve R. Everett, Jr., for driving his truck, weighing 80,263 pounds, over an Ambridge bridge with a weight limit of 44,000 pounds, in violation of 75 Pa.C.S.A. § 4902(a). Officer Bialik listed the fine as \$10,483.50. *Commonwealth v. Steve R. Everett, Jr.*, Docket No. MJ-36101-TR-0000820-2015.

204. On October 9, 2015, Judge Hladio presided over the Summary Trial in *Commonwealth v. Everett, Jr.* Judge Hladio adjudicated the defendant guilty of "Violation Size/Weight Limits" and sentenced him to a fine of \$5,700.00 plus costs for a total amount due of \$5,991.50.

205. In the following 2014-2016 cases, Judge Hladio entered guilty verdicts for the summary offense of operating an overweight truck on a restricted bridge or highway in violation of 75 Pa.C.S.A. § 4902(a), yet sentenced the truck drivers or owners to lesser fines than mandated under the Vehicle Code at 75 Pa.C.S.A. § 4902(g)(1):

2014 Cases

<u>Case Name & No.</u>	<u>Sentenced</u>	<u>Citation: Fine/Costs</u>	<u>Sentence: Fine/Costs</u>
<i>Comm. v. Ballegeer</i> TR-0000812-2014	10/14/14	\$8,850.50/\$9,132.50	\$5,550.00/\$5,840.50
<i>Comm. v. Whaley</i> TR-0000376-2014	04/22/14	\$7,585.50/\$7,632.50	\$3,750.00/\$4,040.50
<i>Comm. v. Anthony</i> TR-0000843-2014	07/17/14	\$10,650.00/\$10,932.50	\$7,650.00/\$7,940.50
<i>Comm. v. Hummel</i> TR-0001136-2014	08/19/14	\$6,000.00/\$6,282.50	\$3,500.00/\$3,790.50
<i>Comm. v. Anthony</i> TR-0001215-2014	08/26/14	\$8,850.00/\$9,132.50	\$6,450.00/\$6,740.50
<i>Comm. v. Smith</i> TR-0001229-2014	08/26/14	\$6,000.00/\$6,282.50	\$4,500.00/\$4,790.50
<i>Comm. v. Dimovski</i> TR-0001627-2014	11/25/14	\$8,700.00/\$8,982.50	\$6,100.00/\$6,290.50
<i>Comm. v. Shope</i> TR-0001913-2014	12/23/14	\$9,900.00/\$10,182.50	\$6,600.00/\$6,890.50
<i>Comm. v. Helsel</i> TR-0001925-2014	12/18/14	\$8,850.00/\$9,132.50	\$5,250.00/\$5,540.50

2015 Cases

<u>Case Name & No.</u>	<u>Sentenced</u>	<u>Citation: Fine/Costs</u>	<u>Sentence: Fine/Costs</u>
<i>Comm. v. Babatchev</i> TR-0000025-2015	03/09/15	\$9,750.00/\$10,033.50	\$7,050.00/\$7,341.50

<i>Comm. v. Bowser</i> TR-0000069-2015	03/23/15	\$9,600.00/\$9,883.50	\$6,600.00/\$6,891.50
<i>Comm. v. Phomphakdy</i> TR-0000201-2015	04/30/15	\$9,835.00/\$10,113.50	\$5,285.00/\$5,576.50
<i>Comm. V. Harrison</i> TR-0000728-2015	04/28/15	\$7,650.00/\$7,983.50	\$4,950.00/\$5,241.50

2016 Cases

<u>Case Name & No.</u>	<u>Sentenced</u>	<u>Citation: Fine/Costs</u>	<u>Sentence: Fine/Costs</u>
<i>Comm. v. Messina</i> TR-0001407-2015	02/11/16	\$8,700.00/\$8,988.50	\$6,150.00/\$6,441.50
<i>Comm. v. Herman</i> TR-0000104-2016	03/28/16	\$9,000.00/\$9,283.00	\$5,100.00/\$5,391.50
<i>Comm. v. Ivanchuk</i> TR-0000433-2016	05/20/16	\$8,830.00/\$9,125.50	\$5,250.00/\$5,541.50
<i>Comm v. Kersey</i> TR-0000588-2016	06/16/16	\$9,600.00/\$9,883.50	\$5000.00/\$5,291.50
<i>Comm. v. Young</i> TR-0001006-2016	08/03/16	\$10,650.00/\$10,933.50	\$7,500.00/\$7,791.50

206. At summary trials on trucking cases, Officer Owen asked Judge Hladio how he can reduce the fines specified by statute when he has adjudicated the truckers guilty as charged in the Summary Traffic Citations. Judge Hladio responded that the amount of the fine is his decision based on the evidence.

207. At summary trials on trucking cases, Officer Owen advised Judge Hladio that the fines for violations of 75 Pa.C.S.A. § 4902(a) are not "sliding" fines. Judge Hladio stated that it is just what he decides to do.

208. In his June 28, 2016 letter to Board staff, Judge Hladio stated the following:

"In overweight truck cases, the defendant and counsel are always very upset about how high the fines and costs are

if found guilty and defense and counsel hate the court for being part of such high fines and costs where a lot of times the driver says my gps took me there or some other innocent excuses.”

D. CHARGES

Count One

Impropriety and the Appearance of Impropriety

A. Old Rule

209. By virtue of some or all of the conduct set forth in Part A & B, Judge Hladio violated Rule 2A of the Old Rules Governing Standards of Conduct of Magisterial District Judges, effective through November 30, 2014.

210. Rule 2 is titled “Impropriety and the Appearance of Impropriety to be Avoided” and provides in pertinent part:

A. Magisterial district judges shall respect and comply with the law and shall conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Magisterial district judges shall not allow their family, social or other relationships to influence their judicial conduct or judgment.

211. As a judicial officer in the Commonwealth of Pennsylvania, Judge Hladio was and is at all times required to ensure adherence to and compliance with the Unified Judicial System Policy on Non-Discrimination and Equal Employment Opportunity (UJS Policy) which prohibits sexual harassment and retaliatory conduct and “ensures that all individuals having business with the UJS be treated in a dignified, civil, respectful and non-discriminatory manner.”

212. By his 2010 through April 2014 conduct of persistently inviting N.B. on dates, inquiring about her personal life and showing up at her home uninvited, despite her rejection of his unwelcome advances and warnings from the President Judge and

Court Administration to stop such behavior, Judge Hladio failed to ensure adherence to and compliance with the UJS Policy and failed to ensure that N.B. was treated in a dignified, civil, respectful and non-discriminatory manner.

213. By his April 2014 through November 30, 2014 conduct of acting in an angry manner toward N.B., yelling at her, refusing to speak to her at times, speaking to her in a sarcastic manner at other times, ignoring her questions about work related matters and demonstrating sulking vindictive behavior, Judge Hladio failed to ensure adherence to and compliance with the UJS Policy and failed to ensure that N.B. was treated in a dignified, civil, respectful and non-discriminatory manner.

214. By his failure to ensure adherence to and compliance with the UJS Policy and his failure to ensure that N.B. was treated in a dignified, civil, respectful and non-discriminatory manner, Judge Hladio violated the UJS Policy.

215. By his October 31, 2013 to November 30, 2014 post-*Carney* conduct of violating the UJS Policy, Judge Hladio failed to respect and comply with the law. See *In re Carney*, 79 A.3d 490 (Pa. 2013)

216. By his failure to ensure adherence to and compliance with the UJS Policy and his failure to ensure that N.B. was treated in a dignified, civil, respectful and non-discriminatory manner, Judge Hladio failed to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

217. By his conduct of pursuing a personal relationship with N.B., and his retaliatory conduct toward her when she rejected his unwelcome advances, despite warnings from the President Judge and Court Administration to cease such behavior, Judge Hladio allowed his social or other relationships to influence his judicial conduct or judgment.

218. By his January 2014 through November 30, 2014 conduct of failing to impose mandatory statutory fines, as set forth in 75 Pa.C.S.A. § 4902(g)(1), when sentencing truckers for driving overweight vehicles over Ambridge bridges in violation of 75 Pa.C.S.A. § 4902(a), Judge Hladio failed to respect and comply with the law.

219. As a result of all of the conduct set forth above, Judge Hladio violated Rule 2A of the Old Rules Governing Standards of Conduct of Magisterial District Judges.

B. New Rule

220. By virtue of some or all of the conduct set forth in Parts A & B, Judge Hladio violated Canon 1, Rule 1.1 of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014.

221. Canon 1, Rule 1.1 is titled "Compliance with the Law" and provides:

A magisterial district judge shall comply with the law, including the Rules Governing Standards of Conduct of Magisterial District Judges.

R.G.S.C.M.D.J. Canon 1, Rule 1.1.

222. By his December 1, 2014 through 2016 conduct of acting in an angry manner toward N.B., yelling at her, refusing to speak to her at times, speaking to her in a sarcastic manner at other times, ignoring her questions about work related matters and demonstrating sulking vindictive behavior, Judge Hladio failed to ensure adherence to and compliance with the UJS Policy, failed to ensure that N.B. was treated in a dignified, civil, respectful and non-discriminatory manner and thereby violated the UJS Policy against retaliation and the R.G.S.C.M.D.J.

223. By his December 1, 2014 through 2016 conduct of openly criticizing N.B. and her ability to perform her job duties to her co-workers, Judge Hladio violated the UJS Policy against retaliation and the R.G.S.C.M.D.J.

224. By his December 1, 2014 through 2016 conduct of violating the UJS Policy and the R.G.S.C.M.D.J., Judge Hladio failed to comply with the law.

225. By his December 1, 2014 through 2016 conduct of failing to impose mandatory statutory fines, as set forth in 75 Pa.C.S.A. § 4902(g)(1), when sentencing truckers for driving overweight vehicles over Ambridge bridges in violation of 75 Pa.C.S.A. § 4902(a), Judge Hladio failed to comply with the law.

226. As a result of all of the conduct set forth above, Judge Hladio violated Canon 1, Rule 1.1 of the New Rules Governing Standards of Conduct of Magisterial District Judges.

C. New Rule

227. By virtue of some or all of the conduct set forth in Parts A, B & C, Judge Hladio violated Canon 1, Rule 1.2 of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014.

228. Canon 1, Rule 1.2 is titled "Promoting Confidence in the Judiciary and provides:

A magisterial district judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

R.G.S.C.M.D.J. Canon 1, Rule 1.2.

229. By his December 1, 2014 through 2016 conduct of violating the UJS Policy and behaving in a retaliatory manner at his district court, Judge Hladio failed

to promote public confidence in the independence, integrity and impartiality of the judiciary.

230. By his December 1, 2014 through 2016 conduct of violating the UJS Policy and behaving in a retaliatory manner at his district court, Judge Hladio failed to avoid impropriety and the appearance of impropriety.

231. By his 2016 repetitive conduct of yelling at S.P. in Central Court, Judge Hladio failed to promote public confidence in the independence, integrity and impartiality of the judiciary.

232. By his 2016 repetitive conduct of yelling at S.P. in Central Court, Judge Hladio failed to avoid impropriety and the appearance of impropriety.

233. By his 2015-2016 conduct of openly exhibiting anger and dislike for ADA Elias and yelling at her in Central Court, Judge Hladio failed to promote public confidence in the independence, integrity and impartiality of the judiciary.

234. By his 2015-2016 conduct of openly exhibiting anger and dislike for ADA Elias and yelling at her in Central Court, Judge Hladio failed to avoid impropriety and the appearance of impropriety.

235. By his 2016 conduct of engaging in a heated exchange and yelling at Police Officer Depenhart in the presence of J.H. during her criminal Summary Trial in Docket No. MJ-36101-NT-0000390-2015, Judge Hladio failed to promote public confidence in the independence, integrity and impartiality of the judiciary.

236. By his 2016 conduct of engaging in a heated exchange and yelling at Police Officer Depenhart in the presence J.H. during her criminal Summary Trial in in Docket No. MJ-36101-NT-0000390-2015, Judge Hladio failed to avoid impropriety and the appearance of impropriety.

237. By his 2016 conduct of speaking in a degrading manner to J.H. during her criminal Summary Trial in Docket No. MJ-36101-NT-0000390-2015, Judge Hladio failed to promote public confidence in the independence, integrity and impartiality of the judiciary.

238. By his 2016 conduct of speaking in a degrading manner to J.H. during her criminal Summary Trial in Docket No. MJ-36101-NT-0000390-2015, Judge Hladio failed to avoid impropriety and the appearance of impropriety.

239. By his 2015 conduct of keeping R.F. waiting for 40 minutes in the reception area for her arraignment in Docket No. MJ-36101-CR-0000331-2008 because of his belief that it was a "set up" against him, Judge Hladio failed to promote public confidence in the independence, integrity and impartiality of the judiciary.

240. By his 2015 conduct of keeping R.F. waiting for 40 minutes in the reception area of his district court for her arraignment in Docket No. MJ-36101-CR-0000331-2008 because of his belief that it was a "set up" against him, Judge Hladio failed to avoid impropriety and the appearance of impropriety.

241. By his failure to uphold and apply the law in the HACB Landlord-Tenant case against S.S, Judge Hladio failed to promote public confidence in the independence, integrity and impartiality of the judiciary.

242. By his failure to uphold and apply the law in the 2016 HACB Landlord-Tenant case against S.S, Judge Hladio failed to avoid impropriety and the appearance of impropriety

243. As a result of all of the conduct set forth above, Judge Hladio violated Canon 1, Rule 1.2 of the New Rules Governing Standards of Conduct of Magisterial District Judges.

Count Two

A. Old Rule

244. By virtue of some or all of the conduct set forth in Part A, Judge Hladio violated Rule 4C of the Old Rules Governing Standards of Conduct of Magisterial District Judges, effective through November 30, 2014.

245. Rule 4 is titled "Adjudicative Responsibilities" and provides in pertinent part:

C. Magisterial district judges shall be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom they deal in their official capacity

R.G.S.C.M.D.J. No. 4C.

246. By his 2011 conduct of inappropriate language and intrusive, offensive behavior toward his court clerks, Judge Hladio failed to act in a dignified and courteous manner toward others with whom he deals in his official capacity.

247. By his April 2010 to November 30, 2014 conduct of yelling, acting in an angry manner, and demonstrating sulking and vindictive behavior toward his court clerks, Judge Hladio failed to act in a patient, dignified and courteous manner toward others with whom he deals in his official capacity.

248. By his March 24, 2014 conduct of telling Officer Owen that he had "thirty-seven seconds" to find and present particular case law that he had requested during the Summary Trial in *Carrazan*, and then dismissing the case after one minute, Judge Hladio failed to act in a patient, dignified and courteous manner toward others with whom he deals in his official capacity.

249. As a result of all of the conduct set forth above, Judge Hladio violated Rule 4C of the Old Rules Governing Standards of Conduct of Magisterial District Judges.

B. New Rule

250. By virtue of some or all of the conduct set forth in Parts A & B, Judge Hladio violated Canon 2, Rule 2.8(B) of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014.

251. Canon 2, Rule 2.8 is titled "Decorum, Demeanor, and Communication in an Official Capacity and provides in pertinent part:

(B) A magisterial district judge shall be patient, dignified, and courteous to litigants, witnesses, lawyers, authorized representatives, court staff, court officials, and others with whom the magisterial district judge deals in an official capacity

R.G.S.C.M.D.J. Canon 2, Rule 2.8(B).

252. By his December 1, 2014 through 2016 conduct of refusing to speak to N.B. at times, speaking to her in a sarcastic manner at other times, and ignoring her questions about work related matters, Judge Hladio failed to act in a patient, dignified and courteous manner toward court staff with whom he deals in his official capacity.

253. By his December 1, 2014 through 2016 conduct of yelling, acting in an angry manner, and demonstrating sulking and vindictive behavior toward his court clerks, including N.B., Judge Hladio failed to act in a patient, dignified and courteous manner toward court staff with whom he deals in his official capacity.

254. By his 2016 repetitive conduct of yelling at S.P. in Central Court, Judge Hladio failed to act in a patient, dignified and courteous manner toward Central Court staff with whom he deals in his official capacity.

255. By his 2015-2016 conduct of openly exhibiting anger and dislike for ADA Elias and yelling at her in Central Court, Judge Hladio failed to act in a patient, dignified and courteous manner toward a lawyer with whom he deals in his official capacity.

256. By his 2016 conduct of engaging in a heated exchange and yelling at Police Officer Depenhart in the presence of J.H. during the criminal Summary Trial in Docket No. MJ-36101-NT-0000390-2015, Judge Hladio failed to act in a patient, dignified and courteous manner toward another with whom he deals in his official capacity.

257. By his 2016 conduct of speaking in a degrading manner to J.H during the criminal summary trial in Docket No. MJ-36101-NT-0000390-2015, Judge Hladio failed to act in a patient, dignified and courteous manner toward a litigant with whom he deals in his official capacity.

258. By his 2016 conduct of delaying the arraignment for R.F. in Docket No. MJ-36101-CR-0000331-2008 for 40 minutes because he believed that it was a "set-up" against him, Judge Hladio failed to act in a patient, dignified and courteous manner toward a litigant with whom he deals in his official capacity.

259. As a result of all of the conduct set forth above, Judge Hladio violated Canon 2, Rule 2.8(B) of the New Rules Governing Standards of Conduct of Magisterial District Judges

Count Three

A. Old Rule

260. By virtue of some or all of the conduct set forth in Part C, Judge Hladio violated Rule 4A of the Old Rules Governing Standards of Conduct of Magisterial District Judges, effective through November 30, 2014.

261. Rule 4 is titled "Adjudicative Responsibilities" and provides in pertinent part:

A. Magisterial district judges shall be faithful to the law and maintain competence in it. They shall be unswayed by . . . fear of criticism.

R.G.S.C.M.D.J. No. 4A.

262. By his January 1, 2014 through November 30, 2014 conduct of failing to impose mandatory statutory fines, as set forth in 75 Pa.C.S.A. § 4902(g)(1), when sentencing truckers for driving overweight vehicles over Ambridge bridges, in violation of 75 Pa.C.S.A. § 4902(a), Judge Hladio failed to be faithful to the law and maintain competence in it.

263. By his January 1, 2014 through November 30, 2014 conduct of failing to impose mandatory sentences following guilty verdicts in overweight trucking cases, based in part on his belief that defendants and counsel in overweight trucking cases "are always upset about high fines and costs if found guilty" and "defense and counsel hate the court for being a part of such high fines and costs," Judge Hladio failed to be unswayed by fear of criticism.

264. As a result of all of the conduct set forth above, Judge Hladio violated Rule 4A of the Old Rules Governing Standards of Conduct of Magisterial District Judges.

B. New Rule

265. By virtue of some or all of the conduct set forth in Part C, Judge Hladio violated Canon 2, Rule 2.2 of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014.

266. Rule 2.2 is titled "Impartiality and Fairness" and provides:

A magisterial district judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

R.G.S.C.M.D.J. Canon 2, Rule 2.2.

267. By his conduct of continuing the 2016 HACB Landlord-Tenant case for 60 days in defiance of Pennsylvania Rule of Civil Procedure for Magisterial District Judges No. 514(c)(1), Judge Hladio failed to uphold and apply the law.

268. By his conduct of continuing the 2016 HACB Landlord-Tenant case for 60 days in defiance of Pennsylvania Rule of Civil Procedure for Magisterial District Judges No. 514(c)(1), Judge Hladio failed to perform all duties of judicial office fairly and impartially.

269. By his December 1, 2014 through 2016 conduct of failing to impose mandatory statutory fines, as set forth in 75 Pa.C.S.A. § 4902(g)(1), when sentencing truckers for driving overweight vehicles over Ambridge bridges, Judge Hladio failed to uphold and apply the law.

270. By his December 1, 2014 through 2016 conduct of failing to impose mandatory statutory fines, as set forth in 75 Pa.C.S.A. § 4902(g)(1), when sentencing truckers for driving overweight vehicles over Ambridge bridges, Judge Hladio failed to perform all duties of judicial office fairly and impartially.

271. As a result of all of the conduct set forth above, Judge Hladio violated Canon 2, Rule 2.2 of the New Rules Governing Standards of Conduct of Magisterial District Judges.

C. New Rule

272. By virtue of all or some of the conduct set forth in Part C, Judge Hladio violated Canon 2, Rule 2.4(A) of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014.

273. Rule 2.4 is titled "External Influences on Judicial Conduct and provides in pertinent part:

(A) A magisterial district judge shall not be swayed by public clamor or fear of criticism.

R.G.S.C.M.D.J. Canon 2, Rule 2.4(A).

274. By his December 1, 2014 through 2016 conduct of failing to impose mandatory sentences following guilty verdicts in overweight trucking cases, based in part on his belief that the defendants and their counsel "are always upset about high fines and costs if found guilty" and "defense and counsel hate the court for being a part of such high fines and costs," Judge Hladio was swayed by public clamor or fear of criticism.

275. By all of the conduct set forth above, Judge Hladio violated Canon 2, Rule 2.4(A) of the New Rules Governing Standards of Conduct of Magisterial District Judges.

Count Four

276. By virtue of some or all of the conduct set forth in Part A, Judge Hladio violated Canon 2, Rule 2.3(B) of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014.

277. Rule 2.3 is titled "Bias, Prejudice, and Harassment" and provides in pertinent part:

(B) A magisterial district judge shall not, in the performance of judicial duties, by words or conduct . . . manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon . . . sex

R.G.S.C.M.D.J. Canon 2, Rule 2.3(B).

278. By his December 1, 2014 through 2016 conduct of creating an untenable work environment following N.B.'s rejection of his unwelcome advances, Judge Hladio did manifest bias or prejudice, and engage in harassment based upon sex.

279. By all of the conduct set forth above, Judge Hladio violated Canon 2, Rule 2.3(B) of the New Rules Governing Standards of Conduct of Magisterial District Judges.

Count Five

280. By virtue of all or some of the conduct set forth in Parts A & B, Judge Hladio violated Canon 2, Rule 2.16(B) of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014.

281. Rule 2.16 is titled "Cooperation and Disciplinary Authorities" and provides in pertinent part:

(B) A magisterial district judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a magisterial district judge or a lawyer."

R.G.S.C.M.D.J. Canon 2, Rule 2.16(B)

282. Beginning in 2011, President Judge McBride and Court Administration warned Judge Hladio against the creation of a hostile work environment and retaliatory behavior toward his court clerks because of complaints filed against him.

283. Based upon his numerous meetings with President Judge McBride and Court Administration from 2011-2016, Judge Hladio knew that his court clerks had filed complaints with Court Administration about his conduct in district court.

284. Based on the January 30, 2015 Board Notice of Full Investigation (NOFI), the June 23, 2016 Supplemental NOFI, and the March 10, 2015 and October 26, 2016 Board depositions, Judge Hladio knew that his court clerks had cooperated with the Board's investigation of his conduct.

285. By his December 1, 2014 through 2016 conduct of refusing to speak to N.B. at times, speaking to her in a sarcastic manner at other times, and ignoring her questions about work related matters, Judge Hladio did retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a magisterial district judge.

286. By his December 1, 2014 through 2016 conduct of yelling, acting in an angry manner, and demonstrating sulking and vindictive behavior toward his court clerks, including N.B., Judge Hladio did retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a magisterial district judge.

287. By his December 1, 2014 through 2016 conduct of criticizing the work performance of N.B. when speaking with other court clerks, Judge Hladio did retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a magisterial district judge.

288. By his December 1, 2014 through 2016 conduct of holding back bills that require his approval from N.B., and thereby interfering with her ability to timely perform her job duties, Judge Hladio did retaliate, directly or indirectly, against a

person known or suspected to have assisted or cooperated with an investigation of a magisterial district judge

289. By all of the conduct set forth above, Judge Hladio violated Canon 2, Rule 2.16(B) of the New Rules Governing Standards of Conduct of Magisterial District Judges.

Count Six

290. By virtue of some or all of the conduct set forth in Parts A, B & C, Judge Hladio violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.

291. Article V, § 17(b) provides in pertinent part:

Justices of the peace shall be governed by rules or canons which shall be prescribed by the Supreme Court.

PA CONST., art. V, § 17(b).

292. A violation of the Rules Governing Standards of Conduct of Magisterial District Judges is an automatic derivative violation of Article V, § 17(b).

293. Judge Hladio violated Rules 2A, 4A and 4C of the Old Rules Governing Standards of Conduct of Magisterial District Judges.

294. Judge Hladio violated Rules 1.1, 1.2, 2.2, 2.3(B), 2.4(A), 2.8(B) and 2.16(B) of the New Rules Governing Standards of Conduct of Magisterial District Judges.

295. As a direct result of his violations of all of the Rules set forth above, Judge Hladio violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.

Count Seven

296. By virtue of some or all of the conduct set forth in Part C, Judge Hladio violated the Administration of Justice Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

297. Article V, § 18(d)(1) provides in pertinent part:

A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for . . . conduct which prejudices the proper administration of justice

PA CONST. art. V, § 18(d)(1).

298. By his conduct of continuing the HACB Landlord-Tenant case against S.S. for 60-days, despite his knowledge of Rule of Civil Procedure for Magisterial District Judges No. 514(c)(1), which requires a judge to issue a judgment at the conclusion of or within three days of the Hearing, Judge Hladio did prejudice the proper administration of justice.

299. By his 2014 through 2016 conduct of failing to impose mandatory statutory fines, as set forth in 75 Pa.C.S.A. § 4902(g)(1), when sentencing truckers for driving overweight vehicles over Ambridge bridges in violation of 75 Pa.C.S.A. § 4902(a), Judge Hladio did prejudice the proper administration of justice.

300. As a result of all the conduct set forth above, Judge Hladio violated the Administration of Justice Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

Count Eight

301. By virtue of some or all of the conduct set forth in Parts A, B & C(1), Judge Hladio violated the Disrepute Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

302. Article V, § 18(d)(1) provides in pertinent part:

A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for . . . conduct which . . . brings the judicial office into disrepute, whether or not the conduct occurred while acting in a judicial capacity or is prohibited by law

PA CONST. art. V, § 18(d)(1).

303. Judge Hladio engaged in conduct so extreme that it brought disrepute upon the judicial office itself.

304. As a result of all the conduct set forth above, Judge Hladio did violate the Disrepute Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

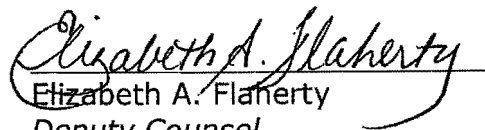
WHEREFORE, Andrew M. Hladio, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

December 7, 2016

By:


Elizabeth A. Flaherty
Deputy Counsel

Pa. Supreme Court ID No. 205575

Judicial Conduct Board
601 Commonwealth Avenue, Suite 3500
Harrisburg, PA 17106
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Andrew M. Hladio	:	
Magisterial District Judge	:	
Magisterial District 36-1-01	:	6 JD 2016
36th Judicial District	:	
Beaver County	:	

VERIFICATION

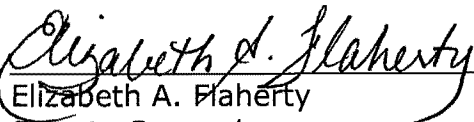
I, Elizabeth A. Flaherty, Deputy Counsel to the Judicial Conduct Board, verify that the Judicial Conduct Board found probable cause to file the formal charges contained in the Board Complaint. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

December 7, 2016

BY:


Elizabeth A. Flaherty
Deputy Counsel
Pa. Supreme Court ID No. 205575

Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Andrew M. Hladio :
Magisterial District Judge :
Magisterial District 36-1-01 : 6 JD 2016
36th Judicial District :
Beaver County :

PROOF OF SERVICE

In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on or about December 7, 2016, a copy of this *BOARD COMPLAINT* was sent by UPS Overnight Delivery to Magisterial District Judge Hladio at the following address:

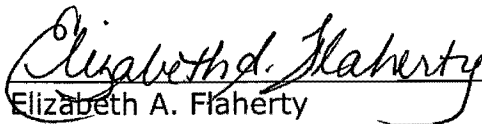
Honorable Andrew M. Hladio
1033 Maplewood Avenue
Ambridge, PA 15003

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

December 7, 2016

BY:


Elizabeth A. Flaherty
Deputy Counsel

Pa. Supreme Court ID No. 205575
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Andrew M. Hladio :
Magisterial District Judge :
Magisterial District 36-1-01 : 6 JD 2016
36th Judicial District :
Beaver County :

PROOF OF SERVICE

In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on or about December 7, 2016, a copy of this *PETITION FOR RELIEF FOR INTERIM SUSPENSION WITH OR WITHOUT PAY* was sent by UPS Overnight Delivery to Magisterial District Judge Hladio at the following address:

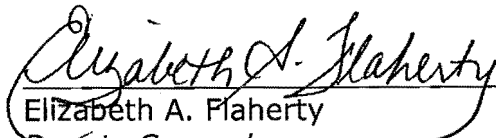
Honorable Andrew M. Hladio
1033 Maplewood Avenue
Ambridge, PA 15003

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

December 7, 2016

BY:


Elizabeth A. Flaherty
Deputy Counsel

Pa. Supreme Court ID No. 205575
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911