

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE :
ANDREW M. HLADIO :
MAGISTERIAL DISTRICT JUDGE :
MAGISTERIAL DISTRICT 36-1-01: NO 6 JD 16
36TH JUDICIAL DISTRICT :
(BEAVER COUNTY) :

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TRANSCRIPT OF HEARING
ON PETITION FOR INTERIM SUSPENSION

BEFORE: THE HONORABLE JACK PANELLA
THE HONORABLE JOHN SOROKO
THE HONORABLE JEFFREY MINEHART
THE HONORABLE JUDGE DAVID BARTON

DATE: FEBRUARY 17, 2017, 10:27 A.M.

BY: KAREN BLOUCH, NOTARY PUBLIC
REGISTERED MERIT REPORTER

PLACE: COURT OF JUDICIAL DISCIPLINE
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1 PRESIDENT JUDGE PANELLA: Good
2 morning, everyone. As I always like to do, let's
3 just get some information as to the reason why
4 we're here on the record. We are here In Re:
5 Andrew Hladio, Number 6 JD of 2016.

6 I believe the Judicial Conduct Board
7 today is represented by Attorney Elizabeth
8 Flaherty, and the respondent is represented by
9 Attorney Heidi Eakin.

10 My review of the file indicates that
11 a complaint was filed by the Board against the
12 respondent on December 7, 2016. Also filed with
13 the complaint was a petition for interim
14 suspension and, as I just said, that was also
15 filed on December 7, 2016.

16 The respondent filed an answer to
17 the petition on January 9, 2017. And basically
18 the petition, the suspension was very short, it
19 didn't really need an answer, but the answer
20 being filed to the complaint, that was
21 sufficient.

22 We are here today regarding the
23 petition for interim suspension, and we're
24 prepared to go forward. Attorney Flaherty, we
25 are ready to hear from the Board.

1 MS. FLAHERTY: Good morning, Your
2 Honors.

3 The purpose of this hearing is
4 twofold. First, to put on evidence to convince
5 this Court that the grant of the petition for
6 relief for interim suspension, with or without
7 pay, of Judge Hladio is essential during the
8 pendency of this case.

9 The Board will present witness
10 testimony and exhibits of recent conduct that
11 bolsters the Board's plea for suspension.

12 Deputy Court Administrator Aileen
13 Bowers will testify about complaints she received
14 from District Court clerks, the Central Court
15 clerks, police officers, members of the public,
16 regarding Judge Hladio's nonjudicial demeanor and
17 the results of her investigation into those
18 matters.

19 She will also testify about
20 complaints she received from Judge Hladio himself
21 and the results of her investigations.

22 Further, she will testify about the
23 requests for and the equipment provided to Judge
24 Hladio to accommodate his disability.

25 Chief of Police Jim Mann will

1 testify about his concerns for his Ambridge
2 Police Department officers who appear before
3 Judge Hladio and his belief that Judge Hladio
4 fails to rule on the cases presented by those
5 officers in a fair and impartial manner.

6 Both Ms. Bowers and Chief Mann will
7 testify that they have observed a deterioration
8 in Judge Hladio's physical and mental status that
9 has significantly impacted his ability to manage
10 his District Court and to treat individuals in a
11 respectful manner.

12 Both Board witnesses will state that
13 Judge Hladio continues to retaliate against those
14 who have complained about his conduct and that
15 they find such retaliation to be unacceptable.

16 Second, although not set forth in
17 the petition for suspension, the Board requests,
18 pursuant to CJD Rule of Procedure Number 601,
19 that this Court order physical, psychiatric, and
20 psychological examinations of MDJ Hladio.

21 The results of those exams and the
22 recommendations of those professionals should be
23 submitted under seal to this Court, the Board,
24 and Judge Hladio and his counsel for
25 consideration, along with the charges set forth

1 in the Board complaint.

2 Thank you.

3 PRESIDENT JUDGE PANELLA: Attorney
4 Eakin, would you like to make an opening
5 statement?

6 MS. EAKIN: We will reserve. Thank
7 you.

8 PRESIDENT JUDGE PANELLA: Thank you
9 very much. In that case, Attorney Flaherty.

10 MS. FLAHERTY: Yes. Now I am ready
11 to call my first witness. And so bring that up,
12 the speakers up.

13
14 AILEEN BOWERS, called as a witness,
15 being sworn, testified as follows:

16
17 DIRECT EXAMINATION

18
19 BY MS. FLAHERTY:

20 Q Good morning, Ms. Bowers. Would you
21 please introduce yourself to the Court.

22 A My name is Aileen Bowers. My
23 first name is spelled A-i-l-e-e-n. My last
24 name is B-o-w-e-r-s. And I am the deputy --
25 one of two deputy court administrators in

1 Beaver County.

2 I am a graduate of Duquesne
3 University School of Law. I graduated in 1991.
4 I clerked for a Common Pleas Court judge, spent
5 time in the law department, and I have held my
6 current job since December of 1991.

7 My -- I'm sorry.

8 Q And what are your responsibilities as
9 deputy court administrator? Whom do you
10 supervise?

11 A Primarily, the biggest function of
12 my job is to supervise and administrate the
13 magisterial district courts in Beaver County.
14 There are currently eight courts. We recently
15 consolidated from nine to eight, so we now have
16 eight.

17 But I am responsible for doing
18 their budgets, helping with fiscal matters,
19 acquiring equipment, office equipment,
20 maintenance of their physical courts, providing
21 staffing when needed, additional staffing,
22 getting training, interviewing potential
23 employees or applicants, screening them for the
24 MDJs, making sure background checks are done.

25 I also supervise the operation of

1 Central Court. In Beaver County, we do not
2 have preliminary hearings in the individual
3 magisterial district courts. For more than 30
4 years, Beaver County has had a centralized
5 preliminary court system.

6 So I supervise the staff that
7 works for -- that works in Central Court.

8 Q And in that role, have you had
9 occasion to supervise Judge Hladio's court?

10 A I have. I have. Over the years,
11 I have -- I don't spend a lot of time down at
12 Central Court. I have other responsibilities.
13 But I do, on a daily basis or the four days a
14 week that we have preliminary hearings.

15 The courtroom that is used is down
16 the hallway from my office, I will stop in. I
17 will check on what they -- how things are
18 going, check in with staff. And that -- that's
19 not just when Judge Hladio's there. I do that
20 as a regular course of business no matter who
21 the MDJ is.

22 Q And in your role as deputy court
23 administrator, do you handle requests for change
24 of venue?

25 A Typically, that is an assign --

1 that is a function of the court administrator.
2 However, the District Court Administrator, A.R.
3 DeFilippi, has been out on medical leave since
4 October of 2016, and I -- in his absence, I
5 will handle those requests.

6 Q Ms. Bowers, how long have you known
7 Judge Hladio?

8 A I would say I've known him for
9 approximately 25 years. I graduated law school
10 in 1991 and joined the Bar that year, and he
11 was already a member. He was in the Public
12 Defender's Office at that time. And my first
13 job out of law school was as a judicial clerk
14 for a judge who handled criminal cases.

15 Q So you knew him while he was a
16 practicing attorney?

17 A That's correct.

18 Q As deputy court administrator, were
19 you aware of complaints about Attorney Hladio?

20 A I was not. I was not aware of
21 complaints regarding his performance as a
22 public defender or regarding any manner of his
23 private practice.

24 Q Have you had an opportunity to read
25 the Board complaint filed against Judge Hladio on

1 December 7, 2016? *

2 A I have. I have read it in its
3 entirety.

4 Q And have you also read the petition
5 for relief for interim suspension of that same
6 date?

7 A I have also read that.

8 Q Did you file the 2014 confidential
9 request for investigation against Judge Hladio?

10 A I did not. That was filed by then
11 President Judge John D. McBride.

12 Q Were you aware of the alleged
13 misconduct presented in the Board complaint when
14 it was first filed?

15 A I was aware of some of the
16 allegations, ones that I had been personally
17 involved in. I was not aware of some of the
18 allegations, such as the overweight truck that
19 -- the overweight truck dispositions that
20 Ambridge police had complained about.

21 Nor was I aware of some of the
22 allegations relating to treatment of members of
23 the public in his court, other than a complaint
24 that had been made by a mother regarding her
25 juvenile daughter.

1 Q And we'll talk about that shortly.
2 How did you become aware of some of the alleged
3 misconduct in the complaint?

4 A I received phone calls and e-mails
5 from court staff, members of MDJ Hladio's
6 staff, his former office manager, his current
7 office manager, sometimes part-timers.

8 I had complaints from my full-time
9 Central Court clerk, Shannon Preininger. I had
10 complaints from a number of staff people. I
11 had complaints from the current DA, David
12 Lozier, about the treatment of his Assistant
13 District Attorney, Ashley Elias.

14 And there were other people who
15 brought complaints to my attention, and they
16 all seemed to be complaints of behavioral-type,
17 with a couple of exceptions.

18 Q And did you also receive complaints
19 from police officers?

20 A I did. A lot of them were
21 complaints that were verbal. When I went back
22 and looked through some notes, I did find I had
23 written down some complete -- some complaints
24 from Chief Mann.

25 And some of the officers -- there

1 was an officer in particular who would complain
2 about his treatment in that court, Officer
3 Depenhart. I would instruct him to document it
4 and go to his chief.

5 Q Did you ever meet with Judge Hladio
6 to discuss the alleged misconduct?

7 A I have had meetings with Judge
8 Hladio regarding misconduct. I was in three
9 meetings regarding -- with Judge McBride and
10 the court administrator. But I also -- I also
11 had occasion to discuss with him behavior at
12 Central Court and the treatment of Ms.
13 Preininger and Ashley Elias.

14 Q So you --

15 A And I --

16 Q Go ahead.

17 A I have had -- I have had the
18 opportunity to talk with him about some of the
19 behavioral complaints. And in particular, last
20 March, I talked to him about -- that there had
21 been complaints about him yelling at Ms.
22 Preininger. And he seemed very surprised at
23 that, that while he didn't deny it, he said
24 that, well, she throws files up on the bench.

25 And that same day, I had received

1 a complaint from District Attorney Dave Lozier
2 about the way he was treating his DA, Ashley
3 Elias. And when I asked Judge Hladio about
4 that, he said he had no idea what the issue was
5 involving Ms. Elias.

6 And he went on to say, well, it
7 gets crazy in Central Court; and that he said
8 he looks out for Shannon or any other clerk,
9 but no one looks out for me.

10 So I did talk to him about
11 behavioral issues, yes.

12 Q During the meetings that you had with
13 -- that involved former PJ McBride and Court
14 Administrator DeFilippi, what was your role in
15 those meetings?

16 A My role solely was to listen and
17 to document those -- to document those
18 meetings. I had -- I did not participate in
19 terms of asking questions or going over
20 allegations.

21 This was -- I was in there
22 strictly to take notes of and to record Judge
23 McBride's admonition of MDJ Hladio or to -- and
24 to address the continuing, ongoing problems we
25 were having with him.

1 Q Do you recall what the topic was of
2 conversation at the November 2012 meeting that
3 involved Judge McBride and Mr. DeFilippi?

4 A I do. That focused on ongoing
5 complaints from Office Manager Nancy Borkowski
6 that Judge McBride apparently had met with him,
7 had met with MDJ Hladio previously, as did
8 Court Administrator Rich DeFilippi. And from
9 my memo, it appears that they met with him
10 separately.

11 But the -- at the December 1st,
12 2012 meeting, Judge McBride told Judge Hladio
13 that his behavior needed to stop and it needed
14 to stop immediately; that he saw it as
15 retaliation; and if it didn't stop, Judge
16 McBride's only recourse would be to report him
17 to the Judicial Conduct Board. And he said if
18 he had one further -- one more complaint, that
19 he would do that.

20 He also -- he also urged MDJ
21 Hladio to find a counselor, and he wanted him
22 to -- the counselor to send Judge McBride
23 confidential reports. Judge McBride told him,
24 he said to him, Andy, if you don't get
25 counseling, your behavior is going to bring you

1 down.

2 So he would -- directly, he said
3 the behavior had to stop, he viewed it as being
4 retaliatory, and he told him then that the next
5 course of action for him would be to report him
6 to the Conduct Board.

7 Q And did Judge Hladio comply with
8 submitting confidential reports from counseling?

9 A To my knowledge, no, he did not.
10 And I believe that because I was in the meeting
11 of May 17th -- I'm sorry, not May 17th, October
12 17th, 2014. And Judge McBride had told Judge
13 Hladio he had reviewed his notes prior to
14 convening the meeting on October 17th, and he
15 went to his file and did not see any reports.

16 He didn't recall receiving reports
17 and wanted to check. He believes he -- that
18 Judge Hladio, if he did go to counseling, did
19 not forward or have the treating physician
20 forward any reports to him.

21 Q And --

22 PRESIDENT JUDGE PANELLA: Attorney
23 Flaherty, one moment. Ms. Kane, would you come up
24 here, please. (Pause.)

25 You may proceed.

1 MS. FLAHERTY: Thank you.

2 BY MS. FLAHERTY:

3 Q And, Ms. Bowers, during those
4 meetings, was there also a directive pertaining to
5 seeking legal counsel with AOPC?

6 A Yes. They encouraged him to do
7 that at the first meeting, because Judge
8 McBride had told him, my next step is to report
9 you to the Judicial Conduct Board. And he also
10 told him that if you get sued, this is going to
11 be on your own dime. He said, you risk losing
12 a lot.

13 So he encouraged him to call AOPC
14 legal counsel, hoping that maybe if he heard
15 that, that would be an incentive to stop the
16 behavior.

17 Q To your knowledge, did he follow
18 through with that directive?

19 A To my knowledge, he did. Yes, I
20 believe he did contact AOPC legal. From -- I
21 recall conversations I had with my court
22 administrator, I -- and John McBride. I
23 believe he did follow through.

24 Q From your observations at the
25 meetings with Judge McBride and Mr. DeFilippi, was

1 Judge Hladio receptive to what Judge McBride was
2 saying to him?

3 A In terms of the counseling, I
4 couldn't tell.

5 Q Overall.

6 A I know -- overall? I would say
7 his demeanor changed drastically between the
8 first two meetings, the one in 2012 and 2014.
9 The one we had in May 2016, MDJ Hladio's
10 demeanor was combative. He would shout. He
11 would talk over Judge McBride.

12 I'm going to -- I recall the first
13 two meetings, I don't think he liked the
14 substance of the conversation. He disputed it,
15 but in a respectful manner. Because at the
16 second meeting, Judge McBride told him
17 pointblank that the behavior didn't stop; and
18 that he was going to report him to the Judicial
19 Conduct Board. He told him that pointblank.

20 And -- but the thing that sticks
21 out in my mind is this last meeting on May
22 17th, that he was combative with Judge McBride
23 and made statements like, well, maybe -- maybe
24 you don't like me because you're not a single
25 hand -- you're not a handicapped single male;

1 people think I'm a stupid idiot because I'm in
2 a cart.

3 And Judge McBride said that was
4 not true, that he had a longtime close friend
5 who was in a wheelchair, that he didn't think
6 that had anything to do with his -- his
7 disability was not -- not impacting people's
8 perceptions; people's perceptions and opinions
9 of him were being formed by his disrespectful
10 treatment of them.

11 And Judge Hladio responded, well,
12 maybe they don't like a single handicapped
13 male, and I have an issue with that and I'm
14 tired of it. People don't listen to me.
15 And -- but his demeanor was so different than
16 the first two meetings.

17 Judge McBride offered at this --
18 at the May 16th meeting to offer to place a
19 call to Judges Concerned for Judges or to an
20 EAP program offered by AOPC. And all he had to
21 do was let Judge McBride know and he would do
22 it.

23 Judge McBride said that he really
24 felt that people's treatment of him was not
25 based on his disability, but of the -- due to

1 the manner in which he was treating people.

2 And he -- they used -- used an
3 example of the way he treated ADA Ashley Elias,
4 that she left the courtroom in tears. That was
5 witnessed by a colleague, who actually left the
6 courtroom and went and got the district
7 attorney and said, you have to come down to the
8 courtroom.

9 And this ADA feared retaliation,
10 so much so that when Judge McBride said this to
11 Judge Hladio, his -- he replied, if they were
12 fearful of me, that's fantastic. And he said,
13 people treat me differently because of my
14 handicap; people like to get an edge on you
15 complaining, and people have a bad perception
16 of handicapped people.

17 And again, Judge McBride
18 reiterated, it was not his physical challenges;
19 it was his behavior, his demeanor, and the way
20 he was treating people that people were
21 complaining of. And he again reiterated that
22 there were counseling resources, Employee
23 Assistance Programs, and Judges Concerned for
24 Judges.

25 And we ended the meeting by -- the

1 judge said, people are concerned about you. He
2 said, that's what I'm concerned about and you
3 should be concerned about too.

4 But that -- the whole demeanor was
5 dramatically different from the previous two.

6 Q And how about during the individual
7 meetings that you had with Judge Hladio, how was
8 his demeanor then?

9 A His demeanor with me was fine. I
10 think there's times he disagreed with what I
11 was asking him. I asked him about -- told him
12 we had gotten a complaint from the Housing
13 Authority, who filed a landlord-tenant case.

14 They had a -- they were seeking an
15 eviction, of course. It was -- they had a
16 two-hour hearing, and at the end of the
17 hearing, MDJ Hladio said, well, I'm going to
18 continue this case for 60 days for you guys to
19 work this out.

20 And so when I talked to Judge
21 Hladio about it, he said -- and I pointed out
22 the rule that said, you know, you've got to
23 make a decision within three days, that's what
24 the rule requires. And he said to me, well, if
25 that's what you want me to do, I'll do it. And

1 I said, it's not what I want, it's what the
2 rules require.

3 But, you know, it was -- I'm not
4 going to say he was combative or hostile with
5 me at all. He was not. It was -- I just
6 thought it was unusual.

7 And we had another instance at
8 Central Court where we had a defendant who was
9 waiving a case that was proceeding by summons,
10 and the clerk noticed that there was a warrant
11 out for this individual. And when we called
12 the MDJ office, it was an arrest warrant, an
13 active arrest warrant for this defendant on a
14 corruption of minors charge.

15 And the clerk told MDJ Hladio.
16 And he proceeded to take the waiver and set ROR
17 bond on the summons case. He did not tell the
18 -- he did not tell the deputy to take him into
19 custody. He wrote on the ROR bond to -- for
20 this individual to report to the office where
21 the warrant was issued out of within two weeks.

22 So when I asked him about that
23 later, initially his response was, oh, I
24 thought it was a Common Pleas warrant and that
25 the deputy would just take him into custody.

1 And later in the conversation, he said, well, I
2 thought it was a summary warrant, and that's
3 why I told him to go clear up the warrant
4 within a couple of weeks on the corruption of
5 minors charge.

6 MDJ Hladio practiced criminal law
7 for a long time prior to going on the bench.
8 And a corruption of minors charge is not a
9 summary offense, it's a Felony 3, or at least
10 in that case that's what the grading was.

11 He was not combative. It was just
12 an unusual conversation.

13 Q What's the frequency with which
14 you've received complaints about Judge Hladio?
15 Let me rephrase that.

16 Have you noticed a change in the
17 frequency of complaints about Judge Hladio through
18 the years?

19 A I have. I would say that I had --
20 I have one long memo from 2012 that contained a
21 handful of, I think, I won't say insignificant,
22 but issues. And then 2014, there were some
23 more.

24 But 2016, I believe I wrote eight
25 confidential memos describing a variety of

1 issues, from the Housing Authority's complaint
2 to the juvenile -- the juvenile defendant's
3 mother complaining, to his treatment of clerk
4 -- the clerks at Central Court, the assistant
5 district attorneys, his own staff.

6 And two -- so within a 10-month
7 period in 2016, I wrote eight confidential
8 memos to the president judge and court
9 administrator regarding different complaints I
10 had had, even including two complaints from the
11 judge himself about our employees, where I
12 investigated and did a follow-up.

13 Q So when you say you wrote a memo to
14 the file, does that include the complaint and the
15 results of your investigation?

16 A Yes.

17 Q Now, let's move to some of these more
18 recent incidents. And at this time, I'd like you
19 to -- I have sent you, as an attachment to an
20 e-mail, a copy of the Board Exhibits 1 through 7.
21 Do you have those there in front of you?

22 A I do.

23 Q Would you please look through those
24 now and ascertain if they are accurate copies of
25 the documents that you received or generated?

1 A Yes.

2 MS. FLAHERTY: At this time, I
3 would like to hand up copies of those seven
4 exhibits to the Court, if I may.

5 PRESIDENT JUDGE PANELLA: That's
6 fine.

7 MS. FLAHERTY: We have already
8 provided a copy to opposing counsel.

9 (January 4, 2017, memo from Nancy
10 Borkowski marked as Board Exhibit Number 1.)

11 (Confidential Memorandum dated.
12 May 13, 2016 marked as Board Exhibit Number 2.)

13 (E-mails May 10, 2016 marked as
14 Board Exhibit Number 3.)

15 (10/18/16 e-mail from Hladio to
16 Aileen Bowers marked as Board Exhibit Number 4.)

17 (Confidential Memorandum dated
18 October 19, 2016 marked as Board Exhibit Number
19 5.)

20 (E-mail December 7, 2016 marked as
21 Board Exhibit Number 6.)

22 (E-Mail dated January 5, 2017, from
23 Judge Hladio to John McBride marked as Board
24 Exhibit Number 7.)

25 PRESIDENT JUDGE PANELLA: Any

1 objection?

2 MS. EAKIN: No objection. Thank you
3 very much.

4 BY MS. FLAHERTY:

5 Q Ms. Bowers, have you had an
6 opportunity to look through those exhibits?

7 A I have.

8 Q And are they accurate copies of the
9 original documents?

10 A They are. They appear to be just
11 as I received them or generated them.

12 Q Thank you. Could you please turn --

13 MS. FLAHERTY: And I would like to
14 submit those to the Court for admission as part of
15 the record. I can do it now or I can do it later,
16 if you prefer, after we have looked through them.

17 PRESIDENT JUDGE PANELLA: Since there
18 are no objections to them, you can move them into
19 the record.

20 MS. FLAHERTY: Yes. I'd like to move
21 those into admission now.

22 PRESIDENT JUDGE PANELLA: And there
23 being no objection, they're admitted.

24 MS. EAKIN: No objection.

25 BY MS. FLAHERTY:

1 Q Ms. Bowers, we're going to look at
2 Board Exhibit 1, and if you could just identify
3 for us what that is.

4 A This is a memo from Nancy
5 Borkowski, the office manager in District Court
6 36-1-01, that she faxed to the court
7 administrator's office and asked for this to be
8 added to her file.

9 Q And what is the date of that?

10 A January 4, 2017.

11 Q And could you summarize the content
12 of that for the Court, please?

13 A This appears to be a dispute
14 between the judge and the office manager, where
15 he accused her of either adding something to a
16 criminal complaint or taking something out of
17 it, basically altering the criminal complaint,
18 which she denied.

19 She understands that, you know, a
20 clerk would never, or should not do anything to
21 original documents, that they are not -- do not
22 have the authority to add anything or take
23 anything out.

24 And he said that there was one
25 page that was not there yesterday. And she --

1 I guess they had a dispute over whether she
2 added a page to this complaint. She said she
3 didn't.

4 Q Did she say -- did she describe Judge
5 Hladio's demeanor when they were having this
6 disagreement?

7 A She described him as being very
8 intimidating and very angry, and it upset her.

9 Q Thank you.
10 Besides Ms. Borkowski -- and I don't
11 believe we have an exhibit. I'm just going to ask
12 you. Did you receive communications from Shannon
13 Preininger regarding her concerns about a
14 communication from Judge Hladio?

15 A There was an e-mail that was sent
16 to the Court of Common Pleas and to all the
17 MDJs. My colleague, Bill Hare --

18 Q Is that the same as Exhibit 7, the
19 January 7th -- January 5th, 2017 --

20 A Yes. Yes, it is. Yes, it is.

21 Q So Ms. Preininger was aware of that
22 e-mail?

23 A It was -- I was made aware of it
24 through Judge McBride and my colleague, Bill
25 Hare. And I made her aware of it as well.

1 Q We will discuss that e-mail a little
2 later on, but is it sufficient to say her name is
3 mentioned within that e-mail?

4 A It is.

5 Q And is it critical of Ms. Preininger?

6 A It is critical of her, yes.

7 Q So when she reached out to you, can
8 you summarize your discussion with her?

9 A I received an e-mail from her that
10 after she read it, she said that -- she asked
11 if I set up -- could set up a meeting with him,
12 and she said because she wanted to refute this.
13 She was afraid of the perception that the other
14 MDJs and the Court of Common Pleas judges would
15 have of her, because it inferred that she
16 didn't know how to do her job.

17 My response to her was to let it
18 go, that meeting with MDJ Hladio would be
19 futile because, based on the meeting I had with
20 Judge McBride back in May, that he would not be
21 receptive to having a meeting where you could
22 talk about things amicably.

23 And my response to her was, you've
24 established your own reputation over the years,
25 and it will be futile to have a discussion with

1 him over this. You're not going to change his
2 mind.

3 Q And have you had a recent meeting
4 with Ambridge Police Chief James Mann?

5 A I did. It was not something
6 planned. He stopped by my office. But we did
7 have a conversation within the last couple
8 weeks.

9 Q Can you describe what that was about?

10 A He asked me, he said, how can I
11 get my -- we can't go in front of him, meaning
12 Judge Hladio, because I don't think we can get
13 a fair hearing, and --

14 Q Define -- excuse me for the
15 interruption. Who is "we"?

16 A Ambridge Police Department, his
17 department he doesn't feel can get a fair
18 hearing. And I -- my response was, the
19 president judge, who is now Judge Mancini, is
20 limited in what he can do.

21 I said, if you feel that way,
22 pending the outcome of the disciplinary matter
23 -- and at that time, we didn't even know that
24 this had been scheduled. I suggested that
25 maybe -- that maybe the judge would be open to

1 moving the overweight truck cases.

2 And I said that only because in
3 the criminal complaint, that's what the
4 Ambridge police complained -- that was their
5 big complaint, most defined or the biggest
6 impact, pending the outcome of the disciplinary
7 matter.

8 So that was the extent of our
9 conversation. I told him, you know, the judge,
10 the president judge is limited in what they can
11 do, but that would be an option, to ask the
12 president judge if he would consider moving
13 some of -- I didn't say all. I thought maybe
14 it would be reasonable to move the overweight
15 truck cases.

16 Q Since then, have you become aware of
17 a request from Chief Mann for change of venue?

18 A I have. I was not included in the
19 meeting. I became aware that Chief Mann went
20 to Judge Mancini and has talked to the current
21 district attorney, Dave Lozier, about that.

22 And I am not aware of what transpired in that
23 meeting, what Judge Mancini's response was, or
24 where that stands.

25 I know I would -- if Judge Mancini

1 had made a decision, I would have seen a court
2 order to the effect that certain types of cases
3 or all the cases would be moved to another
4 district.

5 Q Next, let's talk about complaints
6 that you may have received from members of the
7 public who appeared before Judge Hladio.

8 A In particular, do you want me to
9 discuss --

10 Q Yes, I would like you to discuss the
11 complaint you received from a mother of a truant.

12 A Last May, I was in the front
13 business office. And a woman came in and said,
14 I have a complaint I want to make about a
15 magisterial district judge.

16 Q And before you go on with that, may I
17 just refer the Court to Board Exhibits 2 and 3,
18 which are your confidential memo on this matter
19 and then an e-mail pertaining to your investigation.

20 And I apologize for the interruption.
21 Could you please go on and describe your meeting
22 with the mother of the truant.

23 A The mother came -- said to me that
24 she had just come directly from her daughter's
25 court hearing before MDJ Hladio. And she was

1 very upset. And she said that her daughter was
2 there on a contempt charge.

3 And that puzzled me, because to
4 have a juvenile on a contempt charge was
5 somewhat unusual. But, as she explained it,
6 her daughter had previously been in front of
7 the judge on a truancy hearing. And she
8 admitted to me, she said, my daughter was rude,
9 disrespectful. She said, my daughter has
10 mental health issues and she's pregnant.

11 And at the conclusion of the
12 truancy hearing, her daughter must have used an
13 expletive or a swear word; and the judge had
14 his office manager, Nancy Borkowski, file a
15 contempt citation against her.

16 So they appeared on May 9th for
17 this contempt hearing. Now, apparently the
18 judge was irritated with them because that was
19 not the scheduled public defender day. And the
20 juvenile didn't know that.

21 And, in fact, the juvenile
22 probation officer had prepared her to go in and
23 to be conciliatory, to apologize, which
24 apparently, to start the hearing, that's what
25 the child did. She apologized and said she was

1 sorry for her prior behavior.

2 And allegedly, Judge Hladio
3 responded something to the effect of, oh, well,
4 you know, drug dealers come in and say they're
5 sorry, but that doesn't mean they stop selling
6 drugs. So that got the attention of the mother
7 and the child and the probation officer, who
8 thought it was a very off-the-wall comment; and
9 that the child said I don't sell drugs.

10 She said that the judge had his
11 head down most of the time, didn't lift his
12 head, didn't make eye contact. At times, he
13 would be in mid-sentence and stop for as long
14 as 90 seconds to two minutes.

15 He threatened to put her in jail
16 for contempt. He made comments about that
17 other court personnel talk about this juvenile,
18 that he knows what she's all about, which was
19 very upsetting and I don't believe to be true,
20 based on the confidential nature of juvenile
21 proceedings. And at times, he was chewing a
22 piece of gum so loudly they had trouble
23 understanding what he was saying.

24 So -- and then the mother was
25 further upset because when they were leaving

1 the office, the office manager gave them a
2 piece of paper that she wanted them to sign.
3 And apparently this is a standard -- standard
4 information that is typically given to people
5 who are charged with 1543(b), driving under
6 suspension. That they need to get a lawyer;
7 that they need -- that they risk going to jail.

8 And I think the mother and the
9 daughter were confused by the paper, because
10 the daughter was not charged with the offenses
11 that were -- that was in this homemade or
12 office-generated form. So they didn't want to
13 sign it. And the office manager just --
14 relented, but said, you need to get a lawyer.
15 So they rescheduled the contempt hearing.

16 So there was a lot of confusion on
17 that. And I followed up with the office
18 manager, asked her why that was given to the
19 juvenile. And she said, well, we give that
20 paper to anybody who's facing jail time.

21 And I said -- asked her, I said,
22 you don't have anything -- you know, she's a
23 juvenile, she's a contempt. And the office
24 manager said, I just do as I'm told.

25 Q So when you have been reporting on

1 your findings of the investigation, was this based
2 on the report of a probation officer as well?

3 A Well, after I took the mother's
4 statement, I wrote up a memo, and I also
5 contacted Gary Rosatelli, who is the head of
6 juvenile services. He put me in touch with a
7 supervisor, Charles Rossi, who contacted Kris
8 McCafferty, who is the child's probation
9 officer.

10 And I asked her to write up a
11 narrative, because I wanted the perspective of
12 the probation officer, which may have been
13 different than that of the mother. But the
14 e-mail I received from the probation officer
15 corroborated what the mother had told me.

16 Q And that's what the Court has in
17 front of them as Board Exhibit 3, correct? It's
18 that summary by the probation officer of the
19 incident.

20 A Yes, the May 9th.

21 Q Now, have you received any complaints
22 from Judge Hladio himself in the recent past?

23 A I have. I have. I received a
24 complaint from Judge Hladio, or actually, Judge
25 McBride received a complaint from Judge Hladio

1 in August pertaining to a court employee, but
2 the incident was actually in May, but was not
3 reported until August.

4 And I also had a complaint about
5 Nancy Borkowski, the office manager, not
6 training a new employee, Pam Spencer. So I've
7 had two recent complaints from Judge Hladio.

8 Q And is that -- the complaint about
9 Nancy Borkowski, is that what the Court has before
10 them as Board Exhibit Number 4?

11 A Yes, it is.

12 Q Can you just read into the record the
13 date of that e-mail, who it's from and to, please?

14 A It's from Andrew Hladio, Tuesday,
15 October 18th, at 1:44 p.m. And it's --

16 Q And the year?

17 A 2016. October 18, 2016.

18 Q And who is it addressed to?

19 A It is addressed to myself, with
20 copies to then President Judge McBride, current
21 President Judge Richard Mancini, and Court
22 Administrator Richard DeFilippi.

23 Q And we can all see by the subject
24 line that it's regarding a situation about night
25 duty and a new employee, but if you could

1 summarize for the Court --

2 PRESIDENT JUDGE PANELLA: In all
3 honesty, I think the Court has had an opportunity
4 to review Board Exhibits 4 and 5, and I don't
5 really think we need any more evidence about it.
6 You can move on.

7 MS. FLAHERTY: Okay.

8 BY MS. FLAHERTY:

9 Q Looking to Board Exhibit 7, that's an
10 e-mail dated December 7, 2016, from Judge Hladio
11 to you and also President Judge McBride, former
12 President Judge McBride, current President Judge
13 Mancini, Mr. DeFilippi, and Mr. Hare.

14 And who is Mr. Hare?

15 A He is the other deputy court
16 administrator.

17 Q And can you just briefly summarize
18 what was the content of that e-mail?

19 A Actually, this -- I was not
20 included on this e-mail. It was not sent to
21 me. It was sent to those judges -- I don't
22 know why Senior Judge Dohanich is in there --
23 my colleague and his colleagues.

24 And it is complaining about me as
25 well as Shannon Preininger, the Central Court

1 clerk, complaining about whether there's been
2 confusion as to whether arraignments should or
3 should not be performed in Central Court.

4 But more than the confusion -- and
5 I'm not quite sure I follow everything about
6 the arraignments -- I think the real point of
7 this is that he asserts that Shannon Preininger
8 and that I have reported him to the Judicial
9 Conduct Board, which he believes is totally
10 improper.

11 And he doesn't know -- he said he
12 doesn't know whether we did the filing
13 ourselves or went to Judge McBride and asked
14 him to file.

15 Q Does it also include that there's a
16 highlighted portion that you provided that there
17 was a criticism of you sending a -- or asking Andy
18 Simpson to send a scathing report, is that
19 correct?

20 A That's correct. Andy Simpson is
21 an employee of the AOPC Judicial Programs
22 Department. He handles -- for all Magisterial
23 District Courts in the Commonwealth, he gets
24 copies of audits that are done by county
25 auditor as well as the Auditor General.

1 And it is his job to go through
2 them; and when there are findings, he sends a
3 follow-up letter to those courts and copies the
4 court administrator and the president judge as
5 a matter -- as a regular business practice. It
6 is not unusual.

7 They are looking for MDJs to
8 respond to the findings in the audit if they
9 haven't done so. They like to see something in
10 writing. He also follows up to see if there's
11 any help or suggestions.

12 But Andy Simpson, that is his sole
13 function at AOPC Judicial Programs is he's the
14 audit scout. He gets audits from over 500 MDJ
15 courts across the Commonwealth. And that's
16 what he does; he follows up. That's -- that --
17 I've gotten the Andy Simpson letter from -- on
18 a number of our MDJ courts.

19 Q Thank you. And that highlighted
20 section, I just want to correct, for the record,
21 that was within Exhibit 6, correct, about the
22 scathing report? Toni is helping me out here,
23 that I may have misstated that on the record.

24 In the last Board exhibit, the
25 January 5, 2017 e-mail, I believe that's the one

1 where he has criticized you and Ms. Preininger, is
2 that correct?

3 A That's correct.

4 Q And I know the Court's eager for us
5 to summarize here. Do you believe that the
6 mention of you and Ms. Preininger within that
7 e-mail was retaliatory?

8 A I do, because MDJ Hladio knows
9 that Judge McBride is who -- is the individual
10 who filed the complaint against him with the
11 Judicial Conduct Board. He knows that. Judge
12 McBride told him he was going to do it. He
13 told him he did it.

14 Q Have you seen any evidence of bias
15 against Judge Hladio in the local community, based
16 on his disability?

17 A I have not seen that, no.

18 Q The same question as to the legal
19 community.

20 A I have not experienced -- I have
21 not seen that, no.

22 Q The same question as to his court
23 clerks. Have you seen or heard of any bias
24 against Judge Hladio by his court clerks, based on
25 his disability?

1 A I have not seen it. They have
2 reported to me that he makes comments to them
3 that he believes that they -- that they make
4 fun of him.

5 That he made a comment to Joanne
6 Tisak that he said, I know you sit out there
7 and make fun of the cripple. And she was so
8 offended, she contacted me right away. And she
9 told him, don't play that card with me, you
10 know that's not true.

11 Q Do you know when that conversation
12 occurred?

13 A I do. It was August of 2016.
14 August 10, 2016.

15 Q Ms. Bowers, again, trying to
16 summarize your testimony, have you noticed a
17 change in Judge Hladio's ability to manage his
18 judicial responsibilities?

19 A I have, in terms of his
20 temperament. He's quick to anger. He -- it's
21 hard to have a rational conversation with him,
22 because things will go around in circles.

23 It is hard for his staff to work,
24 because they don't -- what the rule -- what a
25 rule is one day may not be the rule the next

1 day. And they -- they're belittled, they're
2 demeaned. They lack self-confidence.

3 Ms. Tisak also told me that he was
4 angry because she hadn't copied a schedule and
5 made a comment that if you can't handle a task
6 like that, I don't know how you do the rest of
7 your duties. And that is typical of the
8 comments that I hear from his staff.

9 PRESIDENT JUDGE PANELLA: Ms.
10 Flaherty, may I just interject for a moment?

11 MS. FLAHERTY: Yes.

12 PRESIDENT JUDGE PANELLA: I would
13 like to ask the witness a question.

14 BY PRESIDENT JUDGE PANELLA:

15 Q Based on what you just said to us, is
16 all of that interfering with the proper
17 administration of justice in Magisterial District
18 36-1-01?

19 A I believe it is. Ms. Tisak -- Ms.
20 Tisak has told us that, but for the fact she
21 doesn't want to leave Nancy Borkowski, the
22 office manager, to, quote, fend for herself,
23 she would have asked for a transfer by now.

24 In fact, the court had even
25 offered to transfer Ms. Borkowski in 2012. And

1 she said, no, I've done nothing wrong, I like
2 my job, I like my colleagues, I'm close to
3 home. So we have offered to move her.

4 Ms. Tisak has come -- she's
5 documented that she's considering asking for a
6 transfer, but for she does not want to leave
7 her colleague, because she fears the treatment.

8 Q What the Court is interested in
9 hearing about today, and I want to make sure we're
10 on the same wavelength, is the question that I
11 just asked you as it pertains to 2017 so far and
12 2016.

13 So are the things you have testified
14 about today interfering with the proper
15 administration of justice in that District Court
16 in both 2016 and 2017 so far? Answer it in both
17 questions.

18 A I believe, yes. Yes, in both.
19 There are indications when, in early 2016, I'm
20 getting e-mails about -- from staff saying,
21 he's resisting the use of part-time help, or it
22 can only be done, part-time help is only
23 allowed to come on hearing days, that meanwhile
24 -- meanwhile things are piling up that need to
25 be docketed, hearings scheduled. Things are

1 not getting done in a timely manner. Excuse
2 me.

3 Q That's okay.

4 A We had -- so we went from the
5 beginning of the year, where he resisted me
6 sending part-timers, until the end of the year,
7 demanding that we give him another full-timer.
8 The pendulum has swung back and forth.

9 PRESIDENT JUDGE PANELLA: Thank
10 you, Attorney Flaherty.

11 Let me ask any of my fellow
12 judges, do you have any questions, based on
13 what I asked? Judge Barton?

14 JUDGE BARTON: I do.

15 BY MS. FLAHERTY:

16 Q And to follow up on that, what is the
17 willingness of the part-timers to be assigned to
18 that court?

19 A I have -- I have had part-timers --

20 PRESIDENT JUDGE PANELLA: She can
21 get a glass of water.

22 BY MS. FLAHERTY:

23 Q Yes, do you want to get a glass of
24 water? It's right behind you. We can wait.

25 A Thank you.

1 PRESIDENT JUDGE PANELLA: After you
2 finish your question, Judge Barton does have a
3 question.

4 MS. FLAHERTY: Okay.

5 A There are current part-time staff
6 and former part-time staff that would refuse to
7 work in that office. There were times I had
8 to -- just to staff the office, I might have to
9 borrow a full-timer from another court.

10 And I've had full-timers from
11 other courts tell their MDJ, upon return, don't
12 ever ask me to go there again.

13 BY MS. FLAHERTY:

14 Q And why are they responding that way
15 or making those statements? Do they say?

16 A Because of the way -- he doesn't
17 talk to people. He talks at people. He talks
18 down to people. He shouts at people.

19 I think they're shocked when they
20 see the difference in his demeanor as compared
21 to what they're used to in their own courts.

22 PRESIDENT JUDGE PANELLA: Judge
23 Barton.

24 JUDGE BARTON: Thank you, Judge
25 Panella.

1 BY JUDGE BARTON:

2 Q Ms. Bowers, in responding to Judge
3 Panella's question about whether Judge Hladio's
4 behavior is currently interfering with the
5 administration of justice, you indicated that
6 things are piling up.

7 Can you be more specific? Tell me
8 what evidence you have that things are or are not
9 piling up and the work is or is not getting done.

10 A Well, the last audit that was
11 done, they had a finding of inadequate warrant
12 procedures and DL-38s, the driver's license
13 suspension. So that's an indication of --

14 Q What was the time period for that
15 audit? That audit period covered some prior
16 years, though, right?

17 A Right, right.

18 Q We're trying to focus in on what's
19 occurring in 2016 and the beginning of 2017. And,
20 in fact, even if we could go in more detail, I
21 would be interested from when the complaint was
22 filed on December 7th of 2016 through today.

23 Do you have any evidence that the
24 administration of justice is being affected by his
25 conduct since December 7th through today?

1 A I do not, other than the complaint
2 that came in from Nancy Borkowski about the way
3 she was treated.

4 I still think that he tries to --
5 for some reason, there has to be -- he only
6 wants people on days he has hearings, even
7 though there is work to be done. There's work
8 to be done on days other than hearing days.
9 And sometimes it's beyond the capability of two
10 people. If they have -- if they have to wait
11 on the window, if they have to docket things,
12 if the phone is ringing.

13 Let me just say that we had an
14 employee retire from that office in May of
15 2016. She gave us a year's notice. I started
16 asking MDJ Hladio in January of 2016 to please
17 start interviewing people, looking for
18 candidates, and so that we would be able to
19 fill that full-time position as soon as the
20 person -- as soon as the person retired.

21 And we had a gap. Linda David
22 retired in May of 2016; and Pamela Spencer did
23 not start until July of 2016, because I didn't
24 have a recommendation until July. He
25 interviewed -- he interviewed people over and

1 over and over again. And I know that, because
2 I had a part-timer at his office who told me
3 she -- he interviewed her four times. And she
4 was -- she could have stepped in and started
5 right after Linda David retired. And he didn't
6 hire her, and that's fine, but we had gaps --
7 we had a two-month gap of not having three
8 full-timers in that office.

9 I even kept the part-timer going
10 there after he hired Ms. Spencer, because
11 you've got this -- you've got this learning
12 curve for new employees. They just don't step
13 in and hit the ground running.

14 So when Linda David retired, that
15 left Joanne Tisak as the only person to do
16 night duty, because Ms. Borkowski in 2012
17 requested that she no longer have to do night
18 duty, because she didn't want to be alone --
19 left alone with him.

20 Q Any other evidence of the
21 administration of justice impacted from December
22 7th through the present time?

23 A Not that I'm aware of, Your Honor.

24 JUDGE BARTON: Thank you.

25 PRESIDENT JUDGE PANELLA: Anybody

1 else? Thank you. You may proceed.

2 MS. FLAHERTY: Okay. Thank you.

3 BY MS. FLAHERTY:

4 Q Ms. Bowers, based on your experience
5 with these complaints from various people,
6 including Judge Hladio, do you question his
7 ability to properly supervise his court clerks and
8 manage his court as a healthy work environment?

9 A I do. I do. And I base that on
10 an interview I did with the most recent hire,
11 Pam Spencer. MDJ Hladio had made an allegation
12 that Ms. Borkowski was not helping train her,
13 that she snapped at her, that she wasn't
14 helping her get up to speed.

15 And so I brought Ms. Spencer in
16 and interviewed her. I wanted to find out
17 whether that was accurate, because I was
18 concerned that it might be that maybe Nancy had
19 reached the end of her rope, that maybe MDJ was
20 retaliating against MDJ Hladio, or maybe there
21 was a personality conflict.

22 So I brought Ms. Spencer down to
23 the courthouse and interviewed her. And I
24 asked her -- I addressed all those things. Are
25 you being snapped at? Are you -- is she

1 helping you? Is she being difficult with you?

2 Is she rude to you?

3 And she answered no. And she
4 finally said, where is this coming from? Nancy
5 has been nothing but helpful. And she said, I
6 know the judge doesn't like her.

7 And the other thing that Ms.
8 Spencer said to me that leads me to believe
9 that he cannot manage his staff in a healthy
10 way is her statement about that the four of
11 them, meaning the judge and the three clerks,
12 were talking about how Pam would get ready --
13 learn how to do night duty. And she said, the
14 four of us were talking today about this; that
15 doesn't happen very often, because sometimes
16 the judge doesn't let Nancy and Joanne talk.

17 And that -- that statement came --
18 that was on October 19th. Ms. Spencer had been
19 an employee since middle of July. And those
20 were the observations she made.

21 Q Did Ms. Spencer say if Judge Hladio
22 had criticized her coworkers?

23 A She did. And she said it made her
24 feel very uncomfortable.

25 Q Do you believe it's possible for

1 Beaver County court administration, including the
2 president judge and the court administrators, to
3 effectively handle this matter with Judge Hladio?

4 A At this point, I do not. I -- we
5 met with Judge Mc -- Judge McBride addressed
6 him in 2012, 2014, and 2016. It does not
7 appear to have had any impact on him.

8 And in October of 2016, Judge
9 McBride and I had a conversation about whether
10 Rule 704 could possibly be applied in this
11 situation, and he even went to the extent of
12 calling -- of contacting Tom Darr, the court
13 administrator, the state court administrator,
14 to see if it was possible that if a president
15 judge who believes that a judge cannot
16 effectively carry out their duties because of a
17 mental or physical impairment, that you can
18 take some action.

19 We had that discussion. Judge
20 McBride contacted Tom Darr. Tom Darr was
21 having AOPC legal look into it.

22 I'm not sure where that ended up,
23 because then the complaint was filed on
24 December 7th. But I can tell you, that's the
25 point we had reached in October of 2016.

1 Q Finally, if you could please let the
2 Court know about any accommodations you have made
3 for Judge Hladio, based on his needs due to his
4 disability.

5 A Well, early on, we added a ramp so
6 that he could -- a ramp to courtroom number 3
7 here at the courthouse, so he could access the
8 bench at Central Court. We added automatic
9 door openers to the exterior door at his court
10 in Ambridge.

11 We have since made -- he asked for
12 different microphones at Central Court, which
13 we provided. And we're in the process of
14 installing equipment that MDJ Hladio will be
15 able to open -- use an automatic door opener to
16 open interior doors at his court. So those are
17 things that the county and the courts have
18 procured to help him.

19 We also have a second tipstaff
20 here when he is on Central Court duty to help
21 him, because there are doors we can -- such as
22 security doors, secured corridors that go to
23 chambers, that we cannot put an automatic door
24 opener, because it would defeat the security
25 risk -- the security for those doors.

1 Q Thank you, Ms. Bowers.

2 MS. FLAHERTY: Now, I have just been
3 informed by my assistant that it is 11:45. Do you
4 know if Chief Mann has knocked at the door there
5 yet or not?

6 PRESIDENT JUDGE PANELLA: May we have
7 some input on that? The Court just consulted with
8 itself, and we don't have a necessity to hear from
9 Chief Mann. So if you're --

10 MS. FLAHERTY: Okay.

11 PRESIDENT JUDGE PANELLA: If you are
12 finished with your presentation, Attorney Eakin
13 could cross-examine the witness, if she would
14 like, but we don't really need to hear from Chief
15 Mann.

16 THE WITNESS: May I have a moment to
17 tell --

18 PRESIDENT JUDGE PANELLA: The answer,
19 anticipating what your question is, yes, you may
20 tell him. Is that what your question was going to
21 be? So he can leave?

22 MS. FLAHERTY: Was that your
23 question?

24 THE WITNESS: Oh, I'm sorry. I
25 didn't --

1 PRESIDENT JUDGE PANELLA: Yes, I'm
2 talking to you, Ms. Bowers.

3 THE WITNESS: I'm sorry. I would
4 just like to be able to tell him, because he's a
5 witness in a homicide trial, and the trial judge
6 is having a nervous breakdown about him leaving
7 the --

8 PRESIDENT JUDGE PANELLA: Let's get
9 him back there. Why don't you tell him he can
10 leave, if that's okay with you, Attorney Flaherty.
11 We don't really have a need to hear from him.

12 MS. FLAHERTY: Okay. We do --
13 actually, we do -- we were prepared for this in
14 case this might arise. We do have a sworn letter
15 from Chief Mann that we can submit as an exhibit.

16 PRESIDENT JUDGE PANELLA: If there's
17 no objection to that.

18 MS. EAKIN: There's not.

19 PRESIDENT JUDGE PANELLA: We will
20 gladly take that in lieu of his testimony.

21 MS. FLAHERTY: Do you want me to hand
22 that up to the Court at this point, or after she
23 does her cross-examination of Ms. Bowers?

24 PRESIDENT JUDGE PANELLA: Why don't
25 we finish with Ms. Bowers first, and then that way

1 we will keep things in order on the transcript.

2 MS. FLAHERTY: Certainly.

3 THE WITNESS: I'm sorry, Your Honor.

4 PRESIDENT JUDGE PANELLA: That's
5 okay. Please.

6 THE WITNESS: Okay.

7

8 CROSS-EXAMINATION

9

10 BY MS. EAKIN:

11 Q Good afternoon, almost. I just have
12 a few follow-up questions for you, Ms. Bowers.

13 Am I correct that the Central Court
14 takes place right in the courthouse, right?

15 A That's correct. It's here at the
16 Beaver County Courthouse.

17 Q Is it done in a courtroom?

18 A Yes, it is.

19 Q And how many people generally are in
20 that courtroom during Central Court?

21 A Oh, it can be a lot. You have the
22 gallery. You have public defenders and DAs.
23 So sometimes you may have 30 people in that
24 courtroom at the same time.

25 Q And everybody's negotiating their

1 cases?

2 A Yes.

3 Q Trying to get things worked out?

4 A Yes.

5 Q And there's stuff going on up at the
6 bench?

7 A Correct.

8 Q And it gets loud?

9 A Yes.

10 Q Have you been in Central Court during
11 one of these, for lack of a better term, like
12 cattle calls?

13 A Yes, I have.

14 Q And sometimes do the judges have to
15 raise their voices to, I guess, be heard over the
16 din in the courtroom?

17 A Yes. And sometimes some of them
18 clear the courtroom when it gets to that
19 extreme.

20 Q And have you seen this done by
21 multiple judges, not just Judge Hladio?

22 A Yes.

23 Q Do any of the other judges ever raise
24 their voices during Central Court to gain people's
25 attention?

1 A Yes.

2 Q Have you personally witnessed any of
3 this erratic behavior that you've described for
4 us, aside from the meeting? I'm not talking about
5 the May 17, 2016 meeting with the judge.

6 What I'm talking about is personally,
7 when you were in Central Court, have you ever seen
8 erratic behavior yourself?

9 A You mean like the demeaning
10 addressing of the assistant district attorney,
11 or the way he refused to acknowledge ADA Elias?

12 Q That's what I'm asking you, did you
13 observe this?

14 A I have not observed that. That
15 has -- that has been told to me by other
16 lawyers, staff, sheriff's deputies, the
17 district attorney.

18 Q So even though you have been in
19 Central Court when Judge Hladio was there, right?

20 A Yes.

21 Q But you never observed any behavior.

22 A When I say I'm in Central Court,
23 I'm -- I may stop in and then pick up, you
24 know, or ask the clerk a question and leave. I
25 don't -- Central Court is something that

1 sometimes normally goes on for three hours. I
2 don't stay in there.

3 Q Sure.

4 A And that's with any -- any judge.

5 Q All right. Now, with regard to --
6 you said that you sat through three meetings with
7 Judge McBride. You said one was in 2012. Do you
8 recall that date?

9 A Yes, I do. If you give me one
10 moment. It was December 1st, 2012.

11 Q And then you mentioned that we have
12 the May 17, 2016 date.

13 A I'm sorry.

14 Q Go ahead.

15 A I'm sorry. That's -- the date of
16 my memo is December 12 -- 1st, 2012. The
17 meeting was held Thursday, November 29th.

18 Q Thank you. And how about the 2014
19 meeting?

20 A That was October 16th, 2014.

21 Q So during that -- the time period
22 between November 29, 2012 and May 17, 2016, you
23 say that the judge's demeanor changed drastically.

24 A In those meetings, yes.

25 Q Can you just make us understand what

1 you mean by that?

2 A I would say that during the first
3 -- when I'm looking back here at my memos, the
4 November 29th meeting, he listened to Judge
5 McBride and then said he disagreed with some of
6 the allegations, saying they were inaccurate,
7 and went on to place blame on former employees
8 and current employees in his office.

9 That's the only thing I have. And
10 I don't recall him being rude or disrespectful
11 or anything to Judge McBride.

12 The 2014 meeting, when I go
13 through this, the only statement I have in here
14 from Judge Hladio is that he claims his office
15 manager was using his previous complaint,
16 quote, as a crutch, and that she had been
17 insubordinate. Judge McBride advised MDJ
18 Hladio that it would be in his best interest to
19 say as little as possible and obtain legal
20 counsel.

21 So I don't remember -- I don't
22 think MDJ Hladio agreed with Judge McBride and
23 some of the allegations, but I would consider
24 it something that was civil.

25 And that was remarkably different

1 than the meeting we had on Tuesday, May 17th,
2 where Judge -- I would describe Judge Hladio as
3 very irritable, combative, raising his voice,
4 talking over Judge McBride. And that's -- I
5 think it was a remarkably different demeanor
6 than what I had seen in the first two meetings.

7 Q All right. Now, you mentioned that
8 you made accommodations for Judge Hladio's
9 physical disability, right?

10 A Correct.

11 Q Are you aware of what his exact
12 medical condition is?

13 A My understanding is that he has
14 muscular dystrophy.

15 Q And have you seen him struggle in the
16 courtroom with regard to trying to gain access to
17 files?

18 A I have not seen that. He has made
19 that complaint to me. And I have asked the
20 clerks to ask him what his preference is,
21 whether he wants them to place the file on the
22 bench itself, where he wants it placed.

23 And we actually have a tipstaff in
24 the courtroom with him now whose job is to
25 solely be with him during the course of the

1 day, to open doors and to do those things.

2 Q They actually have to hand the files
3 up to the bench, right?

4 A Absolutely. They have to place
5 them on the bench.

6 Q Because he can't reach.

7 A That's correct. I have noticed
8 that his range of motion has deteriorated.

9 Q And when you say that, you believe
10 that based upon those three meetings you had with
11 Judge McBride, or just in interacting with him in
12 the courthouse?

13 A I would just say my observations.
14 If I stop in to pick up paper to get it to the
15 clerk of courts, and I see him trying to -- I
16 know that it's hard for him. I've seen over
17 the years. It is difficult for him to put on
18 his robe; it takes him longer to do that.

19 So those are observations I've
20 made. I've noticed it is difficult for him to
21 sign his name when he's got to put his name on
22 a warrant, that it's impacted his ability to
23 sign his name legibly.

24 Q Now, I want to direct your attention
25 to August 2016. Did you receive a complaint from

1 the judge with regard to a comment that had been
2 made to him by court personnel when he was using
3 his cart down a back hallway?

4 A That complaint went to Judge
5 McBride, who turned it over to me to
6 investigate. So that complaint was made in
7 August?

8 Q Correct.

9 A And -- but the incident was in
10 May.

11 Q Right. And what --

12 A And it occurred -- I'm sorry. I
13 just wanted to say, we figure -- that that
14 incident happened right after MDJ Hladio left
15 Judge McBride's chambers after the meeting we
16 had.

17 Q Oh, the meeting where you say he was
18 more erratic?

19 A Belligerent and hostile towards
20 Judge McBride, yes.

21 Q And what was the complaint?

22 A May I -- if I can just --

23 Q Anything you need to look at, with
24 regard to the scooter and the horn.

25 A Um-hmm.

1 Q Does the name Dee Wicz mean anything
2 to you?

3 A Oh, absolutely. Her proper name
4 is Dolores Wicz, W-i-c-z. And she worked for
5 the courts for almost 60 years. She started at
6 age 18. She's one of those grande dame people
7 that are in every courthouse in the
8 Commonwealth who has been there forever.

9 Q Right.

10 A Is highly respected.

11 Q Does this help you? Did Judge Hladio
12 make a complaint to you that she had made a
13 comment to him about slowing down, that he should
14 have a horn for his cart?

15 A He did not make that complaint to
16 me. He sent an e-mail to Judge McBride on
17 August 8th, and he -- Judge McBride forwarded
18 the e-mail to me and to Mr. DeFilippi.

19 So in the course of my
20 investigation, because this complaint wasn't
21 made until August 8th, we determined, in
22 talking -- when I talked to Shannon Preininger
23 and asked her if she had any recollection of
24 this event, she said, yes, but this happened,
25 she said, two or three months ago.

1 And she said that Mrs. Wicz was
2 walking up the hallway -- because she was a
3 retired employee, she typically worked half a
4 day -- and was leaving. It was around,
5 somewhere around the lunch hour.

6 Q Sure.

7 A And she was with a juror headed
8 out to go home. And she said MDJ Hladio came,
9 as she said, flying up the hallway on his
10 scooter. And she said, hey, buddy, you better
11 put a horn on that thing. And she said she was
12 joking.

13 And MDJ Hladio, as he was going
14 by, said, stop, you know, you're making fun of
15 me. And, of course, she was mortified. She
16 said, I am not making fun of you; I would never
17 do that.

18 Q Have you noticed at all, in your
19 interactions with the judge, have you noticed his
20 sensitivity to his disability?

21 A Based -- he's not made those
22 statements to me, but I -- he has made those
23 statements to other people, yes.

24 Q Thank you. Thank you. Now, I just
25 have one other area I really just want to touch on

1 with you.

2 You said that during your last
3 meeting with Judge McBride and Judge Hladio, the
4 one that you said was very, very tense, that there
5 was a suggestion made that with regard to Judges
6 for Judges and some intervention possibly as far
7 as counseling?

8 A Yes.

9 Q And did he make any comments about
10 that recommendation?

11 A I don't believe so. I don't
12 believe so. I just have in my notes that the
13 judge offered to place a call to Judges
14 Concerned for Judges in order for MDJ Hladio to
15 start with a professional counselor in order to
16 work through these issue. Judge McBride said
17 he didn't want the judge to place the call, he
18 wouldn't do it.

19 That's the one thing, Judge
20 McBride in 2012 told him to go for counseling.
21 And in 2014, he observed that he didn't believe
22 he had gone for counseling. And in 2016, he
23 made the suggestion that he seek employee
24 assistance or would make a referral to Judges
25 Concerned for Judges.

1 Q To the best of your knowledge, and
2 I'm simply asking you whether or not you know, did
3 Judge McBride ever rescind his recommendation that
4 Judge Hladio should go into some sort of
5 counseling?

6 A To my knowledge, no, because it's
7 in the 2012 memo, it's in the 2014 memo, and
8 it's in the 2016 most recent meeting memo.

9 MS. EAKIN: If I can have just a
10 minute, Judge.

11 PRESIDENT JUDGE PANELLA: Yes.

12 (Pause.)

13 BY MS. EAKIN:

14 Q Ms. Bowers, what is the policy as far
15 as arraignments in Central Court?

16 A I'm confused by his -- by the
17 judge's e-mail. When we have arraignments,
18 that could be -- they could arraign people who
19 are on cases preceded by a summons who are
20 there.

21 And if the case has either been
22 waived or held for court, then an arraignment
23 is done on cases that proceed by summons.
24 Usually, it's doing nothing more than setting
25 ROR bond. So they do that type of arraignments

1 routinely.

2 But while judges are in Central
3 Court, they have a backup. There's always --
4 they have -- judges have someone covering their
5 office while they're in Central Court.

6 Q Sure.

7 A So if there is a warrant out of
8 their office or if officers from their district
9 pick up somebody who needs to be arraigned,
10 they take them to the adjacent jurisdiction.

11 Q Right.

12 A Or whoever, whichever MDJ is
13 covering.

14 So I'm not sure -- I've seen the
15 e-mail and the question about arraignments and,
16 frankly, I'm not sure I understand it.

17 Q Okay. That's what I suspected.

18 Since this complaint has been filed
19 with the Board, has Judge Hladio been sitting in
20 Central Court?

21 A Not yet. He's scheduled next
22 week. His -- the last time he was here was the
23 last week of December, the week between
24 Christmas and New Year's. And I was -- I was
25 not -- I was on vacation those three days, so I

1 was not in the courthouse those three days.
2 But he has not been here for Central Court
3 since that last week of December.

4 Q And that's because you rotate one
5 judge one week, and there are eight judges, right?

6 A That's correct.

7 Q That's why he would be coming up
8 shortly in the -- I guess next in order? He sat
9 Christmas week.

10 A Yes. Yes. Yes. So for Christmas
11 week, eight weeks later, he will be here next
12 week.

13 MS. EAKIN: Thank you, ma'am.
14 Thank you very much.

15 A Thank you.

16 PRESIDENT JUDGE PANELLA: Any
17 redirect?

18 MS. FLAHERTY: No, Your Honor.

19 PRESIDENT JUDGE PANELLA: May we
20 dismiss Ms. Bowers then?

21 MS. EAKIN: Absolutely.

22 PRESIDENT JUDGE PANELLA: Ms.
23 Bowers, you can return to your regular duties.
24 And we are going to shut the video off. We
25 thank you very much.

1 A Thank you so much.

2 PRESIDENT JUDGE PANELLA: You're
3 welcome.

4 MS. FLAHERTY: Thank you.

5 PRESIDENT JUDGE PANELLA: Attorney
6 Flaherty.

7 MS. FLAHERTY: Yes. As I
8 mentioned previously, because of Chief Mann's
9 busy schedule up there with the homicide trial,
10 he did draft a letter, and it is to the Court
11 and it is a sworn statement. And we would now
12 like to present that to the Court as Board's
13 Exhibit 8.

14 I don't believe -- I have already
15 provided that to Ms. Eakin.

16 MS. EAKIN: I have no objection.

17 PRESIDENT JUDGE PANELLA: And that
18 is admitted.

19 (Sworn statement by Chief James
20 Mann marked as Board Exhibit Number 8.)

21 MS. FLAHERTY: I believe, and in
22 respect to the Court, I believe that the letter
23 speaks for itself, and I don't feel compelled
24 to do a proffer as to its contents, for the
25 sake of time.

1 PRESIDENT JUDGE PANELLA: Okay.

2 MS. FLAHERTY: So I would, as long
3 as -- oh, and I do have two other exhibits that
4 I'd like to provide to the Court, and those are
5 the transcripts of the depositions of Judge
6 Hladio and -- let me check the dates on those.
7 Excuse me one moment. (Pause.)

8 The first one is dated March 10,
9 2015; and the second one is dated October 26,
10 2016. So that -- the first one, the March 2015
11 is Board's Exhibit 9.

12 The October 26, 2016, is Board's
13 Exhibit 10. And the thumb drive is being
14 submitted as part of Board's Exhibit 10.
15 That's the audio-video recording of that
16 deposition.

17 (3/10/15 deposition of Judge
18 Hladio marked as Board Exhibit Number 9.)

19 (10/26/16 deposition of Judge
20 Hladio and thumb drive marked as Board Exhibit
21 Number 10.)

22 PRESIDENT JUDGE PANELLA: So we
23 have both the transcript as well as the
24 audio-video.

25 MS. FLAHERTY: Yes, and it's

1 printed. I do apologize to the Court. In
2 preparing for this hearing, we did not have an
3 opportunity to edit that recording. So there's
4 some downtime at the beginning, and Toni
5 clearly marked on the bag where it starts so
6 you could move right into that portion.

7 And there may be some other
8 downtimes where we're taking a break.
9 Certainly, we would have that in polished
10 condition for trial, as needed.

11 Thank you. I have nothing more on
12 direct.

13 PRESIDENT JUDGE PANELLA: So you
14 rest?

15 MS. FLAHERTY: Yes.

16 PRESIDENT JUDGE PANELLA: Okay.

17 May I make a suggestion? We would like a
18 five-minute recess. The Court will be in
19 recess for about five minutes.

20 The Court is now in recess.

21 (Brief recess.)

22 PRESIDENT JUDGE PANELLA: We are
23 ready to hear Judge Hladio's side.

24 MS. EAKIN: We are going to try to
25 streamline this a bit, Judge. Does he need to

1 be sworn in?

2 PRESIDENT JUDGE PANELLA: You
3 know, that is a policy now. I'm sorry about
4 that.

5
6 ANDREW M. HLADIO, called as a
7 witness, being sworn, testified as follows:

8
9 PRESIDENT JUDGE PANELLA: We accept
10 that. You may proceed.

11
12 DIRECT EXAMINATION

13
14 BY MS. EAKIN:

15 Q Just for the record, state your name,
16 and spell your last name, for the record.

17 A Andrew M. Hladio, H-l-a-d-i-o.

18 Q You are the respondent in this case?

19 A That is correct.

20 Q Judge, when were you elected to your
21 magisterial district?

22 A I believe 2009.

23 Q Now, could you explain for the
24 Court's purposes what exactly your medical
25 situation is at this point?

1 A What my medical -- my
2 circumstances are, how some people get, you
3 know, cancer or heart disease whenever you're
4 born and that shows up later in life. I
5 ultimately was walking, running, just like any
6 other person. I was playing basketball,
7 baseball, was on my baseball team in 9th grade.

8 And then in, like, 10th, 11th,
9 12th grade, my shoulder muscles and hip muscles
10 started to weaken. And it ended up being a
11 form -- I went down to see doctors, and I ended
12 up having a type of muscular dystrophy. The
13 type I had is called limb-girdle muscular
14 dystrophy.

15 And whenever I was diagnosed, what
16 they told me what would happen is, the muscles
17 in the hip and the shoulders would weaken, and
18 generally from about 18 to 35, 36; and
19 eventually there probably would come a point
20 where I would probably have to use a
21 wheelchair, either through the muscles
22 weakening or other circumstances.

23 In my circumstances, what happened
24 was I would stand and walk. I went to law
25 school in Widener University, Delaware Law

1 School of Widener University. I graduated in
2 '88, and I was still walking then.

3 I graduated. I went back to my
4 hometown area, the Pittsburgh area. I was
5 still walking then. I -- as an attorney, when
6 I started practicing there, I would actually
7 walk into the courtroom.

8 And I had to figure out what would
9 work for me, because eventually what would
10 happen, it was difficult for me to get into a
11 standing position from a chair.

12 JUDGE BARTON: Judge, we have a
13 great court reporter, but you are going really
14 fast.

15 A I'm sorry. You're right.

16 JUDGE BARTON: If we could ask you
17 to slow down. We have all the time in the
18 world.

19 A I apologize for that. Thank you.

20 But what happened was, when I
21 graduated in '88 and went back to western PA,
22 started practicing as an attorney with Rob
23 Taylor, and they -- I had a difficult time,
24 because at that time I still could walk, but
25 whenever I sat, I walked into the courtroom and

1 I sat down, it was difficult for me to elevate,
2 stand up to a standing position and then stand
3 upright.

4 So what I ended up doing was I
5 designed a small, lightweight podium that I
6 carried with me. I carried my briefcase and
7 this podium with me and walked in and out of
8 the courtrooms.

9 During my jury trials, I would put
10 the collapsible podium on the table there. I
11 would stand. And I was still able to stand and
12 walk, even though there was weakness.

13 And, sorry, the question is
14 supposed to deal with the medical matter,
15 but -- and so I would stand through jury
16 trials.

17 It eventually came to the point
18 where in about 1999-2000, I was getting up one
19 morning and I had a -- I took a spill, got a
20 hairline fracture on my left leg above the
21 knee. And it was casted. I tried to get back
22 to standing. And essentially, I have been
23 using this cart since that time.

24 Q All right. And as far as do you have
25 any other health issues that changed most

1 recently?

2 A Yes. Within the last about
3 year-and-a-half, two years, I was diagnosed --
4 I was in a bad auto accident about four or five
5 years ago, and where I had a couple fractured
6 femurs, fractured jaw.

7 And I was actually still driving
8 then. I had modifications to my van. I
9 trained at Harmar, it's a wheelchair for people
10 with quadriplegia, people of that nature. They
11 trained me there. I did that.

12 I had an accident. At the time I
13 had the accident, they mentioned to me that I
14 had like a diabetes reaction to stress or
15 whatever else, and they told me I might have to
16 watch out for diabetes down the road.

17 About a year-and-a-half to two
18 years ago, they did a blood test on me, and the
19 blood sugar level was elevated. Whatever it
20 was, they said, well, we're going to have to
21 start prescribing this Metformin for you. You
22 can try and do it with diet, but it's a
23 diabetes issue now that you are going to have
24 to deal with.

25 So I tried doing it with diet when

1 I started. And one of the things,
2 surprisingly, I started doing this broccoli
3 diet. And it wasn't too bad, it worked, but
4 obviously from the standpoint of foods.

5 So then they started prescribing
6 Metformin with regard to that. And I've been
7 taking that, and I have been taking some
8 supplements and vitamin-type things over about
9 the last year or so.

10 Q Does that medication in any way
11 affect your disposition or your performing your
12 job?

13 A I don't think it does. I think
14 the diagnosis of diabetes does. With regard
15 to -- and I looked this up. I never asked what
16 are all the different things with diabetes.

17 One of the things with it,
18 sometimes if you have blood sugar issues, it
19 can be irritability or things of that nature.
20 Sometimes dry mouth. A bunch of different
21 small things, you know, that I've noticed.

22 And I try and make sure I regulate
23 a little bit better with regard to food, a
24 little bit better with regard to, you know,
25 taking and adjusting to the Metformin, and also

1 with regard to the supplements. And I'm slowly
2 starting to get things with these supplements.

3 There's a supplement called
4 shilajit. This may be a little pointer for
5 anybody you know who has diabetes. I've been
6 -- I ordered that, and it seems to be very good
7 with regard to regulating the diabetes, blood
8 sugar/glucose levels.

9 Other things I do too is I'll take
10 a little lunch bag now. And I take it
11 sometimes to Central Court, and I'll put the
12 little lunch bag up on the bench. I'll have a
13 drink there just in case for me. Sometimes
14 I'll have a cheese stick or something like
15 that.

16 Also when I'm in my Ambridge
17 office, I'll take that and have some things,
18 like nuts, you know, things of that nature.

19 Q You have been -- you have obviously
20 been served with a copy of the NOFI?

21 A Yes.

22 Q You sat through this proceeding today
23 and --

24 A Yes.

25 Q -- listened to the court

1 administrator. You are aware the allegations are
2 essentially that your disposition has become
3 increasingly erratic over the last approximately
4 two years. What do you have to say about that?

5 A I disagree with that. I mean, as
6 an attorney, I have dealt with a lot of
7 different things, issues and things of that
8 sort on the job.

9 I am doing my best at doing the
10 job and dealing with odd and strange situations
11 that, you know -- by and large, I -- from my
12 standpoint, I disagree with her assessment, if
13 that's what you're referencing, Aileen Bowers.

14 Q Correct. So these allegations by
15 either -- well, we will get into it a little bit
16 more specifically.

17 A Sure.

18 Q But with regard, there were police,
19 staff, district attorneys, the public, that -- and
20 the police officers who supposedly cited your
21 behavior, nuances with regard to your
22 irritability, you disagree with that?

23 A Well, I mean, any time you're in
24 -- that's what everybody says. Whenever you're
25 at the bottom level of the court system, you

1 get to see the ground level of everything.

2 And any time you're there, any
3 district judge will tell you, there's some
4 crazy days. I mean, I worked as a public
5 defender for about 18 years. And you got to
6 see, you know, a lot of different interesting
7 issues there too.

8 And so you do your best to get
9 through it. And you are dealing with people,
10 everyday people. And there are some days that
11 can get a little more difficult to get through
12 than most, and you do your best to get through
13 it.

14 Q Do you ever raise your voice in
15 Central Court?

16 A I have. I mean, like Aileen said,
17 it is like a cattle call. So there are some
18 days it can go smooth as possible.

19 I was an attorney practicing there
20 for -- I had about 50 jury trials. I probably
21 had about 1,000 or 2,000 preliminary hearings
22 there. And by and large, in Beaver County for
23 Central Court, I did preliminary hearings. In
24 Allegheny County, they do it in their own
25 offices. That worked out fantastic.

1 There's advantages and
2 disadvantages to both, I guess, because
3 sometimes you'll be transporting prisoners and
4 things. There could be issues there.

5 And there are days in Central
6 Court where it can get crazy, where sometimes
7 you have to raise your voice. And, you know, a
8 lot of times, talking to other judges about it,
9 like, it's your courtroom. You're supposed to
10 control your courtroom, if you think you need
11 to do something.

12 And this is one thing I've
13 explained, I mentioned to you, Attorney Eakin,
14 and I also mentioned in the response to the
15 Judicial Conduct Board, is I was in Central
16 Court when one of our senior judges, one of the
17 magistrate judges at Central Court, it was a
18 crazy day, he said, stop. You know, everybody
19 stopped.

20 And like here, this Court of
21 Judicial Discipline, you got a nice clear
22 court. The Court of Common Pleas judges in
23 Beaver County, it's a nice clear courtroom, you
24 know?

25 There, you got people all over

1 talking about their cases. Sometimes if you're
2 sitting up on the bench, you don't know if
3 they're talking to you. You don't know if
4 they're talking to Shannon or the court clerk.
5 You don't know if they're talking to the
6 sheriff to bring somebody up.

7 And it's like you're supposed to
8 be the one in charge, like you said. But Judge
9 DiBenedetto raised his voice to the point of
10 saying, clear the courtroom. He stopped
11 everything. He said, we're doing one case at a
12 time.

13 He had everybody go out in the
14 hallway. And they went out. Then one case at
15 a time. One. One defense attorney, one DA,
16 one defendant, one police officer, sheriff, you
17 know, kind of narrowed it down. They bring the
18 case in; the judge gets the file.

19 I mean, I am the other way. The
20 halls will get crowded, and -- but at the same
21 time, it's a lot more orderly and a lot more
22 settled for the judge to have more control
23 there.

24 Q But you haven't been doing it that
25 way?

1 A I have not. That's one thing I
2 was asking -- I mentioned to you about, that I
3 did put in one of the responses to the Court of
4 Judicial Discipline that that is done, and I
5 may want to do that.

6 And I was going to mention to you
7 that if I could, if I could request one thing,
8 if the Court permits me to continue, obviously.
9 And that's why we have all these proceedings
10 going on. I would like to continue. But if
11 that could -- how Judge DiBenedetto, he
12 basically did it, it was basically like a
13 one-case-at-a-time situation.

14 In other words, if this was
15 Central Court here today, you would have maybe,
16 like, anywhere from 5, 10, 15, 25 police
17 officers, depending, in this courtroom. You
18 might have 5, 10, 15, 25 different defendants
19 or gallery people, you know, family members in
20 this courtroom.

21 You might have 5, 10 different
22 DAs, police off -- and defense attorneys.
23 There may be other peripheral people. And
24 they're wandering around right in this area
25 here, talking to each other. They're wandering

1 around. Sometimes they're coming up to the
2 bench. The attorney wants to ask the judge
3 something. And all this is going on, and they
4 expect you just to know everything, or who's
5 next or who, you know -- or, okay, this.

6 And essentially, how I would
7 request, if it's possible, and I mentioned this
8 to Attorney Eakin before, and I said, if it's
9 okay for me to do this. And if the Court of
10 Judicial Discipline could tell our now
11 president judge, Judge Mancini, to say, hey, if
12 Judge Hladio has it, he would like to prefer to
13 do it that way, and he thinks that would solve
14 a lot of problems and issues. And I think it
15 would.

16 And if that could be done, if the
17 Court permits me, I would appreciate that. And
18 some of the people there might not like that
19 though because sometimes it's a social time for
20 the people. Like the DAs like sitting in the
21 courtroom and talking in the back.

22 And there are going to be positive
23 things from that too. Like sometimes I see
24 police officers talking in the back. And they
25 start talking about a defendant that might have

1 charges in neighboring jurisdictions. They
2 could exchange information that helps them
3 solve a case or things like that when they're
4 there too.

5 But the problem with that though
6 is if everybody is at Central Court, sometimes
7 that detracts from the judge in Central -- you
8 know, doing the one case at a time, different
9 errors happening in Central Court. They could
10 do that in the hallway.

11 Q Okay, Judge.

12 A Sorry.

13 Q Since you brought it up, there was an
14 indication that at some point you had actually
15 reduced Ms. Elias from the DA's Office to tears.

16 A Yeah. And I did not understand
17 that.

18 Q Do you have any recollection of that?

19 A Well, see, and I believe it was
20 the day that Judge McBride did call me back one
21 time to talk about stuff, and he said something
22 in chambers. He said, oh, you almost brought
23 her to tears. And I kind of was taken aback,
24 because I didn't know what was happening. It
25 was one of those busy days. Sometimes people

1 come up to the counter, and everybody is
2 talking.

3 And my recollection, I think I
4 was -- it was in the NOFI and some of the
5 information was, she came up -- or there was
6 people to the left of me. There was Attorney
7 Goodwald, I believe. She was there. Ms.
8 Preininger is right below. And then -- and
9 there's obviously other people through the
10 whole courtroom.

11 And Mr. Goodwald, to my
12 recollection, was he came up with like one, two
13 or three, four different cases. He started,
14 oh, we have this, we have this, we have this.

15 And I think she might have said
16 something. And my recollection was I really
17 didn't recall the specific instance of whatever
18 happened where she was reduced to tears or have
19 a hearing or something, because, to be honest,
20 like, next week -- how our schedule goes is,
21 I'm on Central Court next week. I was on
22 Christmas week.

23 How we do it in Beaver County with
24 the Central Court system is, if you're the
25 judge, you have night duty the weekend before

1 you go into Central Court. So, in other words,
2 technically, I actually had switched with Judge
3 Swihart for tonight and Judge Loughner for
4 tomorrow.

5 Technically, what would happen is,
6 I would be on night duty. I would have my
7 phone at 4:30 Friday until 8:30 Friday morning,
8 so I could get a call at any time.

9 And I was on last week. I had
10 last Friday cover for Judge Swihart. It really
11 wasn't fun. It was a really busy one. But,
12 like, a 3 a.m. PFA, but --

13 Q Judge, I want to redirect you.

14 A Sorry. I'm sorry. I'm sorry.

15 Q Just try to focus on the question.

16 A I'm sorry.

17 Q Do you ever recall --

18 A Oh, yeah, sorry. Okay, but you're
19 right.

20 Q -- reducing her to tears?

21 A I do not recall any specifics with
22 that. I recall it being busy. I recall Judge
23 -- or Attorney Goodwald to my left mentioned,
24 oh, we have this case. I got this, this, this,
25 this. I recall her being there. And then

1 apparently there's something about Attorney
2 Lozier coming in.

3 I don't recall specifics,
4 because -- and the reason I bring up the night
5 duty stuff is, when you're in Central Court as
6 district judge, you want to get cases out of
7 there. If somebody comes up to the podium and
8 says, I got a case, I got such and such here, I
9 have this, you're, like, let's do it, you know.
10 I want to do it. Let's get this done. Let's
11 get Central Court done.

12 Because you're so tired from
13 Friday, Saturday, Sunday, Monday, you want to
14 slowly get to the end -- from the middle of the
15 week to the end of the week and slowly readjust
16 to a, you know, non-night duty schedule.

17 Q Now, Judge, Aileen Bowers testified
18 about three meetings that you had with Judge
19 McBride where she was present, essentially, to
20 take notes. Correct?

21 A Yes.

22 Q Do you remember the three meetings?

23 A Generally, I did. I actually -- I
24 think I actually sent them some letters in
25 response to some of those meetings.

1 And from the standpoint of the
2 investigation items too, I don't know if you or
3 Elizabeth or the Court of Judicial Discipline,
4 those letters I sent to Aileen in response to
5 those meetings or to Judge -- I gave one to
6 Judge McBride. I think I gave Rich one. I
7 think I gave Aileen one.

8 And I don't know whenever, like
9 Attorney Flaherty mentions about, you know,
10 investigating, I don't know if that means that
11 you guys have those letters too that I sent to
12 them. Because I sent letters in response to
13 all those different meetings, you know,
14 regarding some of the things she's indicated.

15 Q Now, the 2012 meeting was the first
16 meeting with Judge McBride, right?

17 A I didn't realize that it was all
18 that. I would have brought those letters if I
19 knew that.

20 Q That's all right.

21 A I remember more.

22 Q Do you generally remember the three
23 meetings?

24 A I know we met, yeah.

25 Q And the first was November 29, 2012.

1 And during that meeting, according to the court
2 administrator, Judge McBride suggested that your
3 behavior toward Nancy --

4 A Borkowski.

5 Q -- Borkowski --

6 A Yes.

7 Q -- had to cease. What was he talking
8 about?

9 A Well --

10 Q Just a very short version of what was
11 going on.

12 A Well, I asked her out. That's
13 what I mentioned in our -- in my response. I
14 did. And there are circumstances where I was
15 feeling bad for her. I knew -- and I have all
16 this in my responses too. So I can reiterate,
17 I guess, everything on that.

18 I ended up where I came into the
19 office. I knew Donna Platz, who was the office
20 manager. I kind of knew Nancy. Her kids had
21 played soccer off and on with my sister,
22 Annie --

23 Q Now, Nancy said no.

24 A Well, yeah. I went out. And so
25 basically, one time Donna told me, oh, yeah,

1 she'd be in here crying because her oldest son,
2 he's hooked on drugs, her husband just died and
3 all this, and she's crying to the senior judges
4 and -- that why does always everything happen
5 to her.

6 And as I was leaving the office
7 one day with her, as I was going to our parking
8 lot right nearby there, I went out. And I felt
9 bad once I heard, you know, Donna say that
10 about her.

11 And I said, Nance, I said, I don't
12 know if you would be interested, but if you
13 are, maybe you would like to go to dinner or
14 something. And she kind of hesitated a bit,
15 and she said no. I said, okay, well, I would
16 have never known if I would have never asked.

17 And so after that, I went, okay, I
18 mean, that's okay. You know, I appreciated
19 knowing somebody. I mean, she knew my sister
20 in the office -- or from, you know, high school
21 stuff. I actually was at -- when her husband
22 died, I was probably coming in. I was
23 actually -- they did a collection for her and
24 stuff there. And so she did. Yeah, she did.

25 Q Now, did you ever retaliate against

1 her because of her refusal to go out with you?

2 A Yeah, I -- my -- I never would. I
3 mean, I appreciate her. She's been through so
4 much bad. And I know now that -- I mean, I
5 don't know where she's getting that. I don't
6 understand.

7 I just want to make sure I get --
8 it's a difficult job, to get stuff done. I do
9 request stuff to be done. But, I mean, the
10 circumstances she has gone through, I mean, you
11 know, nobody should have to go through that.

12 Q Do you speak badly about her to other
13 staff members?

14 A Well, I -- I do correct different
15 staff members on different things they've done.
16 For instance, one of these work policies, I
17 started doing some different work policies, I
18 talked to you about different things like that.

19 I also called our solicitor,
20 Dennis Joyce, about different things. He said,
21 oh, when you have new policies or something,
22 you have to let people know. I said, okay.
23 Because what I did when I first started was I
24 told them what to do for different things. I
25 said, okay, I want this done. This is how I

1 want it done. This is what I want.

2 Like one thing dealt with if
3 people have three or more cases or they owe
4 \$500 or more, they got to see the judge. Now I
5 have them see the judge all the time. But --
6 because they weren't scheduling any hearings
7 for -- they were making payment plans
8 themselves. I said no.

9 So I mentioned a policy like that.
10 And I said, okay, if you need to know what it
11 is and want to know what it is, write it down,
12 you know. And they wouldn't write it down.

13 And so things of that nature,
14 they'd come in with different things and not
15 follow different things I requested.

16 And so in that context, I would
17 say, hey -- like whenever I first hired Pam.
18 Pam was the most recent hire. I said, Pam,
19 this is a situation that happened. I explained
20 to them that I wanted this done. I said, you
21 know, are you able to do that? Okay. You
22 know, that isn't being done. That is something
23 that has to be done. Can you do it? Yes.

24 So I would bring things up about
25 the different employees. I would -- and like

1 with Joanne too. One of the things, I was out
2 in Harrisburg about a year or two or three ago.
3 And one of the judges I was talking to over
4 lunch, they said, oh, it would be nice to have
5 my files for different things. I said, hey,
6 you're the judge; if you want to get this
7 stuff, get the stuff and be prepared so you can
8 do a good job.

9 Q Okay, but back to my original
10 question.

11 A Sorry. I'm sorry.

12 Q Back to my original question. Did
13 you talk about Nancy's work behavior to your other
14 employees or police officers or anybody else?

15 A Well --

16 Q If she doesn't follow your
17 directions.

18 A Well, it's basically trying to
19 figure out if there's anything going wrong, to
20 correct it or do different things. Like one of
21 the policies I mentioned was, there was a time
22 within the last three months, six months, I
23 forget what the policy is, but where I wrote on
24 a summary trial notice dealing -- or a notice
25 for recovery of property dealt with

1 landlord-tenant.

2 And I wrote on there, continue the
3 case for 30 days at landlord's request because,
4 obviously, there could be an issue where the
5 landlord objects to the time period and certain
6 things, because they wanted to present
7 evidence.

8 There was an issue with regard to
9 a tenant filing a cross-complaint, which I did
10 not permit them to do, because it was untimely,
11 but I did permit the tenant to testify
12 regarding their defense.

13 But I wanted to be clear in the
14 continuance that the landlord agreed to it, and
15 also that they're the ones that were going to
16 present evidence. So I said to put in the
17 comment. So I wrote it on the hearing notice,
18 which is what I normally do if I want
19 something. I put stars on it.

20 So the next day, I was thinking,
21 you know what, I hope it was done, but I don't
22 know, you know. So I saw Pam. I said, Pam,
23 did you do that landlord-tenant, you know, a
24 day or two ago. In fact, I think in the work
25 policy, I might have mentioned the case.

1 Q Well, we're going to get to that.

2 A You know, but -- but from the
3 standpoint of criticizing, I'm on -- I'm trying
4 to correct. And she said, oh, the incident. I
5 said, okay. I said, bring the file in.

6 Nancy brought the file in. She
7 did not put the comment that I requested on
8 there, that it was continued at the landlord's
9 request and to present evidence. And so I did
10 this work policy because of that.

11 Q You started these work policies after
12 the inception of this complaint, right?

13 A Right. Technically, what I did
14 before with policies, I told them what I wanted
15 done and then I told the staff. I'd go up to
16 them, hey, write it down. If you don't think
17 you can remember this, write this down. And
18 rarely did they ever write it down.

19 Q And that's what's contained and
20 what's been marked Respondent's 2, the work --

21 A If that's what you marked it, yes.

22 Q Okay. You gave this to me, right?

23 A Yes. Well, I faxed it, I think,
24 yesterday.

25 (Letter from Judge Hladio to

1 Attorney Robert Mielnicki marked as Respondent
2 Exhibit Number 1.)

3 (Work policies marked as
4 Respondent Exhibit Number 2.)

5 BY MS. EAKIN:

6 Q And then also, we're going to be
7 referring very, very briefly to Respondent's 1, a
8 letter that you wrote to an Attorney Robert
9 Mielnicki with regard to an arraignment in Central
10 Court. Is that right?

11 A Yep. Yes. That dealt with the
12 case that Aileen was talking about. And I kind
13 of -- one of the allegations of misconduct in a
14 NOFI -- am I going too quick? I'm sorry.

15 One of the cases in the NOFI that
16 was filed that Attorney Flaherty questioned me
17 on dealt with -- what's the name on that NOFI,
18 or the -- I'm forgetting already. But she
19 dealt with the arraignment.

20 At Central Court, the -- at
21 Central Court, you're there, you're doing a lot
22 of cases for waivers. They're before you. And
23 so then all of a sudden, the case that Aileen
24 Bowers was talking about was -- no, the NOFI
25 allegation. There should be a separate -- the

1 NOFI page.

2 Q It's not on this.

3 A It might be separate.

4 But you're there, okay? All of a
5 sudden, the case she's talking about, Shannon
6 Preininger is sitting to my left right in front
7 of the bench, and she says to me, we have an
8 arraignment. Okay.

9 And that was a bit strange and
10 odd, because the -- or excuse me. There was a
11 case that Tim Carland, an attorney, was waiving
12 for an ARD on a case. So I had to set bond on
13 the ARD, because it was by summons. So that is
14 no problem; we always do that there. So I set
15 bond.

16 Shannon looks up at me and she
17 says, oh, he has a warrant. I'm like, okay.
18 And usually whenever there's warrants, if it's
19 from another office, the sheriffs are already
20 cuffing the defendant at the podium to take
21 them away is what's normally supposed to
22 happen, always happened prior to that day that
23 I knew of.

24 They'd cuff the defendant, they'd
25 take them to jail, and then they'd do a video

1 bond at jail at -- out of a warrant -- out of
2 the office where the warrant's from.

3 Like, for instance, in this case,
4 the warrant was out of Judge Nicholson's, okay.
5 He's in New Brighton. So normally what would
6 happen is they'd cuff the defendant.

7 In fact, as an attorney and also
8 as a judge, I'd see where you've got a
9 defendant up there, you're doing a waiver on
10 him on a case, and they're cuffing him away
11 before he's even able to sign his waiver for
12 ARD on that one.

13 And so she's looking up at me and
14 she says, oh, he has a warrant out at Judge
15 Nicholson's on a drug case. I'm, like, okay.
16 The defendant is still at the podium.

17 I don't know what's going on,
18 because I also recall whenever I first started
19 my first two years and I was up at Central
20 Court, I tried to do arraignments like that.

21 Shannon complained about me.
22 Aileen came to me and lectured me after Central
23 Court and said, you can't be doing arraignments
24 like that, you know, it's too busy in Central
25 Court. If the warrant is out of somebody

1 else's office, they should take them away and
2 have them arraigned by video or whatever else.

3 So she complained to me about that
4 my first two years; and Shannon complained
5 about me -- about me trying to do an
6 arraignment like that.

7 So the funny thing -- did you find
8 it?

9 Q Are you talking about this?

10 A No, I just want the NOFI. It
11 mentions the name, and the name will probably
12 come to me in a minute.

13 But -- so the case that she is
14 talking about that Attorney Flaherty questioned
15 me on and said, why didn't you do this
16 arraignment. What happened was, on the day, I
17 didn't know why they're not taking this guy
18 away.

19 Shannon is not passing up a
20 warrant to me. Shannon is not passing up the
21 corruption complaint to me, obviously because
22 she doesn't have it. It's at Judge
23 Nicholson's. Shannon is not passing any
24 documentation up to me to do this arraignment
25 for this person.

1 So I ended up putting a bond -- a
2 bond condition on his ARD case saying, okay,
3 you've got to go to Judge Nicholson's within a
4 time period and be arraigned there. I mean,
5 technically, he didn't even have to do that.
6 There's a warrant, you know. But I had no idea
7 why they were not taking this guy away.

8 And interestingly, they arraigned
9 him, obviously, and Attorney Tim Carland, he
10 knew. He said, okay, I'll get him out there.
11 I said, I know, because if he walks out this
12 door, he could be picked up by the sheriffs at
13 the front door as he's leaving, you know.

14 So what ended up happening was the
15 next thing I know, Central Court's done, Aileen
16 is coming up to me saying, why didn't you
17 arraign that guy. I'm like -- and I said,
18 normally -- I was -- no idea what she was
19 talking about.

20 Next thing I know, there's an
21 allegation that Attorney Flaherty is
22 questioning me on that you should have done
23 that arraignment, which is totally not the
24 procedure. Okay?

25 So they filed this complaint

1 against me to the Judicial Conduct Board, which
2 is not what's supposed to be done.

3 And the funny thing about it, and
4 I told Attorney Eakin about this, in December,
5 I had a case where Attorney General Hurst, I
6 worked with -- his dad worked at the sheriff's
7 office. He was a great guy, helped me out when
8 I was a public defender, doing my trials and
9 stuff. His son is now with the Attorney
10 General's. He had a drug case.

11 He came to my office in Ambridge,
12 and he says, Judge, we got a warrant for this
13 guy, Maurice Harvey. I said, okay. I signed
14 the warrant.

15 He said -- I said, well, what do
16 you want for bond. I started asking him about
17 bonds and everything. And he said, ah, don't
18 worry, he's at Central Court tomorrow, whatever
19 it was. We'll take care of him there. I'm
20 like, okay.

21 And with this complaint and stuff,
22 I'm thinking, okay, I have no idea what's going
23 on, and I didn't want to, like, say something
24 to make -- blow things up even worse. Next
25 thing I know, he said the next day -- and I

1 have a letter that I sent.

2 Q That's Respondent's 1.

3 A Okay. I end up finding out
4 Attorney Mielnicki, he has this guy, because I
5 saw -- I forget how it came up, if he called
6 about setting a date for him for a preliminary
7 or not. They had this Maurice Harvey. He had
8 a prior case at Central Court, a warrant out of
9 my office, okay?

10 So they take him to the podium.
11 And I have been getting ahold of Attorney
12 Mielnicki and memorialized this in the letter
13 to Attorney Mielnicki. Asked Attorney
14 Mielnicki's client -- Maurice Harvey is at the
15 podium at Central Court. The Central Court
16 staff in that case, no, we can't do it here,
17 there's a warrant, we can't do the arraignment
18 here. Okay.

19 They take him out of Central
20 Court. I end up arraigning him, like, that day
21 or whatever else. And I think there was a
22 question about -- Attorney Mielnicki had. They
23 set him for a hearing on another date.

24 Oh, Attorney Mielnicki had to
25 continue his case, because they took Maurice

1 Harvey away in cuffs to be arraigned by me.
2 Whereas, in the case where I had in Central
3 Court, they tell me to do the arraignment, they
4 don't take him away in cuffs, and they file a
5 complaint with the Judicial Conduct Board.

6 Q That's what's essentially contained
7 in this --

8 A Exactly right.

9 Q And Respondent's 2 is your work
10 policies that you initiated to try to solve some
11 of the problems that have come up since the NOFI?

12 A Yes. If that's what you have
13 marked, yes.

14 MS. EAKIN: Do you have any
15 objection to this?

16 MS. FLAHERTY: I have no
17 objection.

18 MS. EAKIN: I have copies of
19 Respondent's 1 and 2 for the Court.

20 BY MS. EAKIN:

21 Q Now, let's just --

22 MS. FLAHERTY: I have no objections.

23 PRESIDENT JUDGE PANELLA: Okay.

24 Thank you very much.

25 BY MS. EAKIN:

1 Q Let's just --

2 PRESIDENT JUDGE PANELLA: So

3 Respondent's -- right before you do that then, are
4 you going to ask for the admission of Respondent's
5 1 and 2?

6 MS. EAKIN: Yes, sir.

7 PRESIDENT JUDGE PANELLA: There being
8 no objection, they are both admitted.

9 BY MS. EAKIN:

10 Q Let's just get back to this November
11 29, 2012. During that meeting, did Judge McBride
12 suggest to you that counseling was in order
13 because of the whole Borkowski situation?

14 A Well, I believe he mentioned
15 counseling. He also mentioned AOPC, meeting
16 with AOPC. And I -- on one hand, after he said
17 the counseling, I didn't understand that a bit.
18 I'm like, well, I'm a single guy, she's a
19 single woman. I did ask her. I'm not doing
20 anything else.

21 And I didn't understand what he
22 meant by the counseling. And I'm like, okay, I
23 guess I'll follow this up with whatever, if I
24 have to go talk to AOPC counsel and see, you
25 know, what's going on.

1 And I ended up talking to Caroline
2 Liebenguth. I met her at my private law
3 office. I talked with her. I explained
4 everything.

5 I mean, technically, I mean, prior
6 to this, the thing I didn't understand from
7 Nancy was, she ended up making an improper
8 innuendo to me in the office in front of
9 another staff member, implying I don't like
10 women. And --

11 Q Explain to the Court what happened.

12 A Well, what happened is one day,
13 it's like I'm -- and on top of this, this is
14 the time period, this is the fall after my bad
15 auto accident. And I'm slowly coming back from
16 that.

17 And so one day at the end of an
18 office day, we had some part-timers come there
19 now and then. And at this time, we had a
20 Daunte D'Antonio come there. He's the son of
21 an attorney that I work with, good guy. And
22 I've had cases with him. Dan D'Antonio.

23 And so he's working there. He
24 worked at another office. He came in and did
25 subbing for us. So he's there, Nancy's there,

1 I'm there.

2 And I'm thinking everything's fine
3 at the office, whatever else. I have been out
4 socially. I have been out different places.
5 You know, she's been there, different things
6 socially.

7 And out of the blue -- it's the
8 end of the day and it's raining a bit. And so
9 Daunte's there. And I said, well, Daunte --
10 and I forget if he had to leave early. I
11 memorialized this in some letters and -- to
12 either the president judge and/or -- I did send
13 -- I sent a packet to Aileen and I think Judge
14 McBride. I remember responding at some of
15 these meetings too.

16 And I'm, like, I didn't appreciate
17 what she did here. I'm there at the end of the
18 day, and it's raining. It was raining. And I
19 said, well, Daunte, I said -- I think I had a
20 black umbrella with me. I said, Daunte, I
21 said, if it's raining a bit, you might want an
22 umbrella. And there was this pink umbrella
23 there.

24 And so I said, well, I said, I
25 have an umbrella and you're not getting mine.

1 I said, so if you want one, this will be the
2 only other one left. It's a pink one, I said,
3 I don't think you want that.

4 And so, you know, he kind of just
5 nods or whatever. And Nancy goes, oh, well, he
6 can't have it because it's yours, ha ha. And
7 she's, like, laughing at my face, you know.

8 Q And why were you upset by that?

9 A Well, I mean, obviously, I mean, I
10 didn't appreciate. I didn't understand too.
11 It's like, you know, I'm like, Nance, we were
12 out socially. I was at a graduation party with
13 her. It's like -- and on top of that, doing it
14 in front of a son of an attorney that, you
15 know, I work with.

16 Q What did you think that she was
17 innuendoing?

18 A Well, I think it's pretty obvious.

19 Q What did you think?

20 A Well, I think, and -- well, she
21 laughed at it. So, obviously, she's laughing.
22 And I guess the key question, if anybody is
23 investigating it, they should ask Nancy, but my
24 perception, and I think a general overall
25 perception of anybody, would say, okay, you

1 don't like women or, you know -- I mean,
2 whatever -- whenever you talk, you see
3 different things that, say a sportsman,
4 sometimes different sports teams paint
5 different locker rooms all pink, you know, to
6 -- for that.

7 So -- and I think it's obvious.
8 And I think Nancy thought it was obvious,
9 because she was laughing at my face. And I
10 didn't appreciate it, because I didn't work
11 with Dan -- Daunte that much as it was.

12 But that's what happened. I
13 didn't appreciate it. I memorialized it to
14 Judge McBride and Aileen.

15 Q Do you think you're sensitive about
16 the fact that you say you are in a cart?

17 A Well, it is difficult. And for
18 me, on my end, my parents have always
19 encouraged me to be involved.

20 And I get a lot -- I mean, I go up
21 and down the streets on this cart everywhere in
22 Ambridge. It's an old mill town. I grew up at
23 one end up on 22nd Street. Whenever I was in
24 kindergarten, we moved down to 10th and Maple.

25 And, you know, I've carted around

1 this town, my town, Ambridge. I've carted in
2 the neighboring community in Harmony Township.
3 It's like 24, 28 blocks away, up, down, all
4 over. And I think whenever I'm out and about,
5 people appreciate that.

6 And there are times when it's
7 difficult, and a lot of people don't
8 understand. They think sometimes, like when
9 Dee Wicz made that comment about me, it's a
10 joke.

11 Q Are we talking about the horn?

12 A Yeah. I mean, I was coming down
13 the hallway that time. And the comment she
14 makes, she laughs, but then there's two other
15 people there laughing at my face, you know?
16 And here I am, a judge coming off Central
17 Court.

18 And I mean, people don't
19 understand how difficult it is day-to-day just
20 to get through the different things I have to
21 deal with, I mean, you know.

22 And at times people -- and
23 sometimes people see me, like down in my office
24 at -- in my courtroom office, I have pictures
25 from when I stood.

1 And I hate to say, sometimes
2 people see me and they think I can stand and
3 walk, as there are people who use these carts
4 that can stand and walk. And, unfortunately,
5 sometimes that perception can be very bad and
6 negative on my end, because --

7 Q What do you mean by that?

8 A Well, I mean, people sometimes
9 could see me, and they say, oh, he can stand,
10 he can walk, you know. And it is different. I
11 walked until, you know, 2000 or so.

12 And I remember I was talking to my
13 constable, Mark Kolakowski, about this. He
14 stopped in a month ago. We were talking. He
15 said, hey, Andy, you're -- you know, whether
16 you're in a cart, standing, whatever. I said,
17 Mark, it's different. I said, I stood and
18 walked as an attorney, you know? I was walking
19 down the hallway. I would stand in a
20 courtroom. I said, I'd go to different events
21 where I would be standing, you know, whatever.

22 People treat you different. They
23 view you different. They perceive you
24 different whenever you're just in a cart.

25 And, you know -- and in addition,

1 due to my muscle weakness like with my shoulder
2 and hands and everything, sometimes, like, if I
3 have to go -- like in the courthouse, when I go
4 down the hallway, I kind of, like, go a little
5 bit, swing my hand up to grab the door handle.

6 There's tons of good people in the
7 world. I mean, maybe, you know, the good and
8 the bad in all this too. There are times that
9 I have seen people treat me so fantastic. You
10 know, they see my circumstance. They see --
11 they hold the door or do something else. And,
12 you know, to a certain -- I mean, that's life,
13 I guess. But it's difficult sometimes.

14 You don't realize sometimes how
15 people, sometimes they're trying to be nice,
16 and you just get slammed, you know, me, that
17 is. And it's difficult to handle, the
18 day-to-day stuff. It's like --

19 Q Let's try to refocus here, Judge.

20 A Sure. I'm sorry.

21 Q Did you follow Judge McBride's
22 recommendation that you seek some sort of
23 counseling?

24 A What I did is I met with Caroline
25 Liebenguth first, and I discussed everything

1 with her. And I explained everything. And she
2 said, well -- she said, well, that's how people
3 meet sometimes. You know, she said, just
4 watch. I said, okay, I understand.

5 I said, you know -- and, you know,
6 from my standpoint, Nancy knowing my sister,
7 knowing her kids. She had three kids. She's
8 got her oldest son, Amber, and then Ashley.
9 And, you know, Brian, he ended up having a drug
10 problem. I felt horrible for her.

11 And on that end, I basically
12 talked to Caroline Liebenguth and explained
13 everything. And I wrote a letter and explained
14 everything to Judge McBride. I said, okay,
15 look, this is what happened. I talked to her.
16 You know, I said, I hope this satisfies
17 whatever you're talking about for counseling.

18 I didn't understand if he meant
19 anything with regard to asking her. I don't
20 know if he meant anything with regard -- I
21 kind of didn't really understand that.

22 So I sent the letter. I gave it
23 to Aileen. I gave it to Judge McBride. And I
24 never heard anything.

25 Q All right.

1 A The next thing I heard was the
2 next time when Nancy got mad at me and called
3 me an idiot, and then also other stuff came up,
4 so...

5 Q That's what prompted the 2014 meeting
6 with Judge McBride?

7 A I forget the specifics, but there
8 was a day -- I think it was towards the end of
9 the day. Yeah, it was towards the -- I
10 memorialized this in some of the things I said
11 to them too.

12 Where Nancy came in, she said, oh,
13 I have some cases with regard to posting a bond
14 and whatever else. And I said, well, okay,
15 well, you know -- and she says, oh, I told him
16 it's going to be 50 percent.

17 I said, Nance, I said, you
18 shouldn't be telling people what the bond is
19 going to be. Technically, that's the judge's
20 decision. And with regard to that, you know,
21 if you start telling them, you can get yourself
22 in trouble.

23 I start telling her this stuff,
24 and she's in the courtroom. And I said, you
25 know, that would be like you setting a bond in

1 an arraignment case in a Federal case. She,
2 like, got mad. Oh, well, you're an idiot. And
3 I said, okay, you know. And I said, well, go
4 home early. You know, so we had a little
5 confrontation.

6 And I didn't appreciate her
7 calling me an idiot. That's when I called
8 Rich, the court administrator, Rich DeFilippi,
9 right away after that. I actually got home,
10 called him right away. I said, Rich, I said,
11 you know, I don't appreciate this, I don't like
12 it. I said, I'm just telling you about this.

13 And the next thing I know, they
14 called me down and had another meeting about
15 all these different things. And I said, you
16 know, I said, she called me an idiot. She --
17 you know, and I'm trying to get stuff done, I'm
18 trying to do what the State wants me to do, and
19 I'm getting this.

20 And that's whenever I found out --
21 I had said, and, you know, she did this
22 innuendo before. And I found out he didn't do
23 anything about that.

24 Q All right. Then we get to the May
25 17th, 2016, your last meeting with Judge McBride

1 and court administration.

2 You heard Aileen Bowers' opinion that
3 you had -- your demeanor had completely changed
4 from two years hence, back in 2012; and that you
5 were belligerent, and I think combative was her
6 word, that you referred to yourself as a single
7 white male in a wheelchair; and that at the
8 conclusion of that meeting that Judge McBride
9 again suggested counseling, that he would make the
10 call to Judges Concerned for Judges, or perhaps
11 you needed to seek some individual counseling.

12 Now, this is the second time this has
13 come up. Did you follow through?

14 A Well, what that reference was, he
15 mentioned, he said, oh, we have complaints and
16 all this. And I said to him, well, Judge, I
17 said, if you want to explain to me what the
18 complaints are, I'm more than willing to
19 respond. And he ended up -- during the course
20 of the meeting, he didn't tell me. He didn't
21 tell me anything.

22 And he was like, oh, well, there's
23 so many. I said, okay. I said, I find it
24 interesting, here I am talking to a judge, and
25 due process is essentially a right to be heard.

1 And I said, I'm being denied due process by the
2 judge, number one, being told what the
3 complaints are so that I can respond to them.

4 And one of the ones were -- was
5 that arraignment situation that I think Aileen
6 and Shannon filed improperly.

7 And the other thing he mentioned
8 too was, and you're going out to these clubs
9 now a little too much, you know. And Ambridge
10 is an old mill town. There are bars, clubs.
11 And I do go now and then to Eagles Club. Now
12 and then sometimes I do karaoke, just little
13 things like that. So he was saying about that.

14 And so he said, here's something.
15 And that one, my understanding, is whatever
16 reference to something with regard to, like,
17 Lawyers Concerned for Lawyers or Judges for
18 Judges. And so he gave me a pamphlet, put it
19 in an envelope. I took it.

20 And within that week, or maybe
21 even the next day, it was around the time I was
22 in Central Court. I was sitting on the bench
23 at Central Court. Judge McBride came up the
24 back entrance, and he comes up to me. And I,
25 like, look back, because I didn't know he was

1 there. He says, Andy, he says, you don't have
2 to do that. I said okay, you know. And --

3 Q So he told you you didn't have to
4 seek counseling?

5 A Well, yeah, he -- that flyer he
6 gave me, he said, you don't have to do that. I
7 said, okay.

8 Q Now, obviously, you looked at the
9 eight exhibits presented by the Board in this
10 case, right?

11 A Yes.

12 Q I really don't think that we need to
13 get into each and every one, but you dispute the
14 contents of these exhibits, is that correct?

15 A Well, I have an explanation.

16 Q The circumstances. The
17 circumstances.

18 A There's that NOFI right there
19 (indicating).

20 The case with regard to Aileen
21 referencing that she wanted -- Lampkin. She
22 and Aileen wanted me to do the arraignment for
23 a Mr. Lampkin in a warrant out of Judge
24 Nicholson's office in New Brighton.

25 I didn't do it, number one,

1 because Shannon didn't give me the paperwork;
2 and number two, because that normally is never
3 done. And that was the thing that Aileen had
4 told me my first two years, that we don't do
5 arraignments in Central Court out of warrants
6 out of another judge's office, because that
7 will slow down Central Court so much.

8 The next thing I know, they filed
9 this with Elizabeth Flaherty, saying, we're
10 filing this complaint against you because you
11 didn't do it.

12 Q And you understand -- I think the
13 Court understands the confusion with you with
14 arraignments right now. You're still unclear.

15 A Well, I'm not only concerned for
16 myself, but my other district judges. I don't
17 know if they're going to file a complaint
18 against them for doing or not doing an
19 arraignment.

20 And my understanding is the policy
21 is, we're not supposed to do arraignments at
22 Central Court, because it's going to bog down
23 all the craziness even more if I start doing
24 arraignments on Judge Nicholson's warrants at
25 Central Court or somebody else does one of mine

1 at Central Court, and -- sorry.

2 Q So the last exhibit presented by the
3 Board was the Ambridge Police Department letter
4 from James Mann.

5 A Yes.

6 Q As recently as last week, have you
7 had contact with the Ambridge police officers?

8 A Yes. And I filed a response with
9 the Board regarding my -- you know, my
10 interpretation of the law and these different
11 things related to statutes and all these issues
12 for trucking.

13 I had a case last week on a
14 trucking matter with Officer Bialik. He's one
15 of those certified inspectors. But he came in
16 on a trucking case. He came in and -- oh, an
17 interesting thing about this one was, the
18 defendant didn't show.

19 So I said, okay, I'm going to the
20 rules here. I said, normally we do the trial,
21 I go to the rules and find the provisions. I
22 say, okay, you conduct it just like any other
23 summary trial, okay.

24 And then their comment says,
25 whenever you do the hearing, there's a

1 provision. Okay, you, as a judge, can ask
2 questions for the prosecution or whatever.

3 And the issue I've had with these
4 trucking, and I mentioned a couple different
5 times, nobody has ever asked me to elaborate on
6 any of it, is it deals with the tolerance and
7 error sections of the different statutes.

8 One of the sections that's listed
9 mentions a tolerance. It says per axle, 3
10 percent per axle.

11 And I have discussed this with a
12 couple police, a couple other judges. And how
13 it's worded, dealing with, you know, it says
14 weight of vehicle, I haven't been able to
15 figure out -- and that's what I told this
16 officer last week from Ambridge.

17 I said, I haven't -- why don't
18 they put in here, why doesn't the legislature
19 put in here, this excludes -- this section does
20 not apply to 490.28, you know.

21 Q I guess without detail, what happened
22 with the officer at that last hearing?

23 A Oh, yeah, I went through all my
24 analysis with everything. I have the case, and
25 it was brief. The defendant didn't show.

1 Because -- I'm like, okay, I'm going to conduct
2 it like a normal trial. This is my analysis;
3 these are my questions.

4 So I ended up saying, okay, five
5 axles, five times 3 percent, 15 percent.
6 There's another section dealing with another 3
7 percent error. So I gave an 18 percent
8 reduction. And basically, I did the fine
9 according to my analysis and interpretation of
10 the statute, which worked out good.

11 And, I mean, technically, I guess
12 there can always be a little more -- I have
13 never been told about the axles warrant until
14 that case last week.

15 And so he was happy. I just saw
16 him yesterday on the thing. I said, hey, were
17 we okay in how I interpreted this; do you have
18 any other different position; do you have
19 anything, you know, contrary or something else
20 that might help me interpret this better.

21 He says, no. He says, I'm good
22 with that, you know. He said, I'm -- and he's
23 one of the guys that's before me. It's Officer
24 Bialik, Officer Seng, and I think Officer Owen
25 has one now and then. But they were before me.

1 He was fine. I talked to him yesterday about
2 it.

3 And so, I mean, it's a thing I
4 grapple with. I remember when I was an
5 attorney, one of the big issues with these
6 truckings, we used to have different cases in
7 Bridgewater. And Judge Hayes, he became a
8 federal magistrate judge. He had some
9 different cases dealing with these trucking
10 issues too, case law-wise.

11 Q All right. Let's -- again, we've got
12 to --

13 A Sorry. I'm sorry.

14 Q -- stay on track here. We have to
15 try to stay on track.

16 A Yes.

17 Q You said at the very outset that you
18 would like to remain doing your job.

19 A Yes, I would appreciate that.

20 Q What steps have you been taking to
21 try to clear up some of these problems that you
22 have become aware of?

23 A Well, I mean, some of the things
24 you mentioned. I've talked to Dennis Joyce,
25 our solicitor.

1 I prepared some different policies
2 from the Ambridge office area with regard to
3 their duties, what they should do and how to do
4 it. Some things I have, you know, like that
5 thing with Nancy where she didn't fill it out,
6 I prepared a policy on that.

7 I said, okay, any time I write a
8 comment that I want in a continuance or
9 anything like that, you do it, you bring it to
10 me immediately. I'll mark off in the work that
11 it was done. So then I know it was done, you
12 know? And that protects me if something I
13 wanted done, to be included. So I made that a
14 policy. I wrote it out and initialed it. I
15 hope I initialed it.

16 The issue, there's an allegation
17 in the NOFI with regard to Andy said I wasn't
18 signing the bills. I thought I was, all the
19 ones I had. I mean, I don't know.

20 There was -- and so I said, okay,
21 now I have a policy if there's a bill, bring it
22 to me immediately to sign. I'm on the bench
23 all the time, bring it right up for me to sign.

24 If there's a subpoena -- there was
25 an issue with a subpoena. I thought that was

1 an issue for one of the police. They
2 complained about it one time, where they didn't
3 get one in time or something, or they missed it
4 a day. And they did bring it down to me at
5 Central Court. I said, bring it to Central
6 Court for me to sign.

7 So I issued a policy like that.
8 If there's a bill, if there's a subpoena, bring
9 it to me immediately.

10 Q So, for clarity's sake, you are
11 reducing these policies to writing?

12 A I'm doing -- Dennis mentioned it.
13 You mentioned it. I'm e-mailing different
14 things now with different things, issues at
15 Central Court. I'm sending letters.

16 There was a situation where I told
17 Attorney Lozier. Last time I was in Central
18 Court, I had a case where there was a
19 circumstance with Attorney Lozier came out and
20 the DA's Office were before me. And Attorney
21 Lowe told me -- I'm before a case, and I'm
22 refereeing a matter. He said, I didn't get
23 notice from the DA's. They continue -- I want
24 it continued. And they're going back and
25 forth.

1 And so what I ended up doing was,
2 I explained everything. I talked to Attorney
3 Lozier. I told him, okay, I'm going to -- I'll
4 get you the information, I'll send it to you.
5 So basically, what I'm doing is I'm
6 memorializing these different things to make
7 sure that the DAs or the defense attorneys at
8 Central Court don't make things seem too out of
9 control. I'm doing the e-mails. I'm doing
10 these work policies.

11 Q You had the microphones put in?

12 A Oh, yeah. Sorry about that. Yes.
13 Yes.

14 One of the other things I did is
15 back in April or May, I believe, I mentioned
16 for the court administrator, I said, get me
17 somebody there for Central Court. And they
18 have -- instead of these microphones, they've
19 got those little, you know, black ones that --
20 like, little, small things they have out in
21 Federal Court for bankruptcy and other stuff
22 like that.

23 But -- so they have those there.
24 I said, bring it in. When I'm on Central
25 Court, it want that microphone turned up all

1 the way. They had a sound guy come in. And so
2 they have it there.

3 I make sure the microphone is
4 there. I'm going through that microphone even
5 more.

6 And although I do have to say,
7 even though that microphone is there, there
8 have been times -- Shannon is, like, right in
9 front of me. I said, Shannon, could I have --
10 she still didn't hear me. There's times she's
11 said stuff to me, she's right there, and I
12 didn't hear her.

13 Q Shannon is the young lady who will
14 hand you the files?

15 A Right.

16 Q And explain to the Court why that's
17 necessary for you.

18 A Well, what happened is, like how
19 you guys -- sorry, I apologize -- how Your
20 Honors are at the bench and you're up at that
21 chair. With me, with my muscle circumstance, I
22 have to, like, reach forward a bit. And it's
23 difficult sometimes.

24 I can. I eventually, like, move
25 my arm all the way up, and then I can, you

1 know, eventually grab it. But it's difficult.
2 I'm slow. Like I can't go left, right as well,
3 and I can't reach as far. If she would
4 actually put it up right in the right position
5 right directly there in my reach and pull it
6 back, it works.

7 So what I did is, I said, I want
8 the microphone there for the voice. I said, I
9 want to reserve the right to the tipstaff
10 that's in the courtroom, have them stand up by
11 the bench. And they would hand it to me and
12 hand -- and it's worked out great.

13 Mr. Bristol, he's an old teacher
14 at Quigley Catholic High School. And he stands
15 there and passes it right to my hands. I have
16 it. That works out fantastic.

17 I hope it continues. I haven't
18 gotten anything in writing that says, yes, he
19 is someone that will stand there all the time.
20 And that's the only other concern.

21 Well, I'm memorializing the other
22 stuff with these policies. I think what I'm
23 going to do is I probably will e-mail President
24 Judge Mancini and Aileen and Bill Hare, the
25 other court administrator, and say, look, this

1 has worked out, this is what I need.

2 Q And the County has been helping you,
3 has been accommodating?

4 A Right. And technically, how this
5 first started out, whenever I went on the
6 bench, they had that ramp there, some of the
7 workers there. I knew them, and they did good
8 to get me up on the bench.

9 What they did first when I first
10 started, they actually gave Shannon, the clerk
11 at Central Court, a little stepstool. So what
12 she used to do, she would have the file, she
13 would stand on the stepstool and actually pass
14 it to -- hand it to me appropriately.

15 But then after awhile, I kept on
16 telling them, and she didn't like that and she
17 stopped using that. And I -- you know, not
18 smart on my part, I didn't memorialize, look, I
19 need that to be done.

20 And so basically, as of May,
21 that's why I e-mailed again. And having that
22 tipstaff there has worked out great.

23 MS. EAKIN: I think I'm going to
24 stop there, if the Court has questions, or Ms.
25 Flaherty.

1 PRESIDENT JUDGE PANELLA: We will
2 see if Attorney Flaherty has questions.

3 MS. FLAHERTY: I do not have any
4 questions for cross with this witness.

5 MS. EAKIN: I'm sorry. He has one
6 more point he'd like to make with regard to
7 staffing.

8 PRESIDENT JUDGE PANELLA: No
9 problem.

10 A I'm sorry. One of the things I
11 told Attorney Eakin was that I have -- the
12 other thing I have been documenting is since I
13 started, our office is busy, Ambridge office.
14 We had nine. Now we're down to eight.

15 Ambridge office is busy. We have
16 a lot of walkup. We're right next to the
17 school. We're right next to the police
18 station. We're right next to downtown
19 Ambridge. It's an old mill town trying to hang
20 on. And we constantly, we make the rounds...

21 Q Just try to keep it brief.

22 A I apologize for going on. I'm so
23 sorry.

24 But I have requested by e-mail a
25 bunch of different times. I asked verbally a

1 lot of times of Aileen, saying, our office is
2 busy, please give us part-time help, we need
3 part-time help. So she is getting to the point
4 where -- and I said, we need a full-timer too.

5 The part-timers she sent, I talked
6 to my full-timers, Joanne, Nancy, and Pam. I
7 said, look, when do you want the part-timers
8 here. They said, well, if we have a
9 preference, we want them here on the days we
10 have hearings, because it's busy, you know.

11 On the day -- and Aileen -- and if
12 you go through my NOFI and the other
13 information, responses, I adjusted my
14 schedule -- about how our office wasn't getting
15 warrants out, different things.

16 I adjusted the schedule, where
17 every now and then, like one or two days a
18 week, I don't schedule hearings so they can
19 catch up on stuff.

20 And -- so in talking to them,
21 where Aileen said, oh, he only wants them there
22 when there's hearings. That's what our full --
23 my full-timers want. They want it when it's
24 busy. Because there were different times when
25 all of a sudden the part-timers are coming on a

1 day off or where there's no hearings. And then
2 there's hearings and it's really busy, and we
3 only have three part-timers. And they even
4 counted.

5 So that's where that reference is
6 from with regard to staffing. That's why I
7 requested that.

8 The other thing is, with the
9 full-timer, I've requested, I've requested,
10 I've requested, not -- have not gotten another
11 full-timer. Joanne complains about them, and I
12 try to tell them, because I end up getting
13 frustrated with them about not getting help for
14 them.

15 And Joanne just told me -- Joanne
16 is one of the part -- full-timers, I'm sorry.
17 She told me, she said, you know what, Aileen
18 should come down to the Ambridge office and
19 work here in the office for a week. She said,
20 not a day, because maybe she'd get, you know,
21 an easy day. Be here for two weeks and see how
22 crazy it is, where she thinks whether or not we
23 should get a fourth full-timer or not.

24 And Mark Kolakowski, Constable
25 Mark, he goes to these different magistrates'

1 offices. He said our office is busy, with a
2 lot of counter. And they recently hired
3 another full-timer, Judge Swihart, who is not
4 around ours. And my staff on that are now mad
5 at me because, oh, they got another one,
6 where's ours.

7 So from the standpoint of Aileen
8 talking about with the staffing, I'm doing my
9 best to work around different things so the
10 full-timers can get breaks and can, you know,
11 have a better work environment, but I do -- I
12 do have to say a fourth full-timer should be
13 there.

14 PRESIDENT JUDGE PANELLA: Okay.
15 Attorney Flaherty, no questions?

16 MS. FLAHERTY: No questions.

17 PRESIDENT JUDGE PANELLA: I think
18 Judge Barton has some questions.

19 BY JUDGE BARTON:

20 Q I do have a couple questions, if I
21 may.

22 A I'm sorry, sir.

23 Q Judge Hladio, can you estimate
24 approximately how many cases were in your court
25 last year?

1 A I don't know the different judges.
2 They check on the computer stuff. I don't go
3 on the computer --

4 Q Just tell me if it's 5,000, 4,000.

5 A 4,000, 5,000, I think we're in
6 that range.

7 Q And to be clear, when you
8 described -- after President Judge McBride's
9 request that you consult with legal counsel, you
10 described your interaction with Caroline
11 Liebenguth, and --

12 A That's correct, Judge.

13 Q Let me finish the question, if I may.

14 A I'm sorry.

15 Q I want to make clear that you met
16 with Ms. Liebenguth in her capacity as AOPC legal
17 staff, is that correct?

18 A I believe. Yes. I mean --

19 Q You didn't retain her privately?

20 A Oh, no, no, no, no.

21 Q Okay. Looking at Respondent's
22 Exhibit 2, I think it's page -- the fifth page
23 back in Respondent's Exhibit 2 is a letter from
24 you to the three chiefs of police, Ambridge,
25 Baden, and Harmony Township.

1 A Yes.

2 Q That letter is dated January 31st.

3 A Yes.

4 Q Can you tell me the circumstances
5 that led you to write this letter and why you
6 wrote it?

7 A Yes. What happened was, I had a
8 case with Officer Depenhardt in my courtroom on
9 a parking ticket. Usually I require, at the
10 very minimum -- I've even mentioned this to
11 different police. I said, put down there
12 property posted, you know, I mean, basically
13 trying to follow the language of the statute.

14 I had a hearing with this woman on
15 a parking ticket with Officer Depenhardt. She
16 was in the courtroom. Surprisingly, she asked
17 a question about the signage, because she said,
18 I don't know what they do; one day it's on this
19 side; one day it's on this side.

20 And to be honest, I'm not even
21 sure what the sign says, if, in fact somebody
22 can park on one side or the other. So she said
23 something, because she -- and she kind of,
24 like, asked him a question about that.

25 He started saying, well, you know,

1 sometimes the street sweeper's broken, so one
2 side they don't, they do. And then he said
3 something like -- and then he starts explaining
4 something, I don't know what the sign, if it
5 does say something about if it's broken or one
6 side or something like that.

7 There was some confusion, at
8 least. I mean, technically, the legal standard
9 is beyond a reasonable doubt even on that. And
10 so there was a question on it. I already had
11 his testimony, the question about the signage.
12 I made a finding of not guilty.

13 After the hearing is concluded,
14 she's leaving the courtroom. He's going to the
15 back door, which goes to our office staff area.

16 As he got close to the back door,
17 he said, oh, Your Honor, can I ask why you made
18 that finding.

19 And with all these different
20 allegations and things of that sort, I'm
21 thinking, okay, I don't know what's going on.
22 So I said, no comment. Okay?

23 And I'm like, well, technically,
24 you know, magisterial district courts are
25 courts of no record so, I mean, the case can be

1 the case. And so I felt legally, I did what I
2 was supposed to do. I heard the evidence, made
3 the decision I think was legally proper. So I
4 said that.

5 As he's opening the staff door --
6 oh, prior to the hearing too, there was an
7 Officer Zadok Dismuke from Ambridge. You
8 probably want the spelling on that.
9 D-i-s-m-u-k-e.

10 He -- they told me he needed to
11 come in to get an arrest warrant signed by me.
12 I said, okay, once I'm done with this hearing.
13 So he was waiting right outside the staff door
14 from my courtroom to the staff area.

15 So as he -- as Officer Depenhart
16 opens the door, he starts to go into the staff
17 area, I hear, what a jag-off. Okay? And
18 basically, I'm like, that's not right.

19 Officer Dismuke comes in. So he's
20 the first. He comes in. He has the complaint
21 and the affidavit, so I have to swear him in to
22 the affidavit. And then they'll print out the
23 arrest warrant for me to sign. So he comes in.
24 I said, did you hear that? I said, did you
25 hear him call me a jag-off? He said, it was

1 worse, he actually said F-ing jag-off. All
2 right.

3 So I'm like, that's not right.
4 And technically, as he --

5 Q I'm sorry. As a result of that
6 incident, you wrote the January 31st letter, is
7 that correct?

8 A Yes. What I did is I actually
9 also sent a letter to the Ambridge mayor. I
10 sent a letter to the solicitor of Ambridge.
11 And I said, I am filing a conduct unbecoming of
12 a police officer complaint.

13 And I believe I did get a letter.
14 I don't know if it's in the pack or not. Was
15 it in there? Okay. There was a letter, I
16 believe, yesterday I got at my Ambridge office.
17 They said they took some appropriate action
18 against him. I don't understand what that
19 means, but...

20 Q Thank you.

21 A And so I actually asked Pam, the
22 staff, I said, did you hear that. Yeah, I
23 heard that. I asked Nancy, did you hear him
24 say that. She said, oh. I said, what did you
25 hear him say. Nancy said, oh, I heard him

1 calling you an asshole. I said, well, I heard
2 jag-off. She said, well, okay, I think it was
3 that. And so...

4 JUDGE BARTON: Thank you.

5 PRESIDENT JUDGE PANELLA: Any
6 other questions?

7 JUDGE BARTON: No.

8 PRESIDENT JUDGE PANELLA: Any
9 questions, Judges? No. Judge Minehart.

10 BY JUDGE MINEHART:

11 Q Judge, did you say you only asked out
12 Nancy Borkowski once?

13 A That's my recollection. I don't
14 recall -- there were -- like, for instance, I
15 don't know -- there was one time I asked her
16 about the umbrella out in the office area -- or
17 out in the parking lot. I said, what is -- I
18 said, what was -- I don't understand what's
19 going on.

20 And she's standing there. She
21 looks over, she sees a police officer. She
22 stomps her foot. And I think I also wrote this
23 to Judge McBride. She stomps her foot, and she
24 says to me, as she's looking at the police
25 officer standing by, she says, why do you

1 always tie it to work.

2 And it was, like, totally out of
3 context about what we were talking about. And
4 I don't know if she's saying, like, I'm asking
5 her out then or something. But that one time I
6 did ask her, that's what I said.

7 Q Okay. All right.

8 A Any other specific circumstances,
9 I don't recall. In other words, there were
10 times that we were -- I was there with one of
11 her friends, Lori Johns, and her sister-in-law,
12 Becky Latomb (phonetic), down at a club, and we
13 were talking, socializing.

14 There was a time that she and a
15 couple other people came down to Rook's and I
16 talked to her and stuff like that. I don't
17 believe I ever -- yeah.

18 Q Very well. I have nothing --

19 A I apologize. There was one other
20 thing that Attorney Eakin, I mentioned, talked
21 about.

22 PRESIDENT JUDGE PANELLA: There's
23 no question in front of you.

24 JUDGE MINEHART: There's no
25 question.

1 PRESIDENT JUDGE PANELLA: We're
2 good.

3 A Oh, you're okay?

4 PRESIDENT JUDGE PANELLA: Yes.

5 With no other questions from the
6 Court, Attorney Eakin, anything else?

7 MS. EAKIN: No, sir.

8 PRESIDENT JUDGE PANELLA: May I
9 suggest again another five-minute recess, let the
10 Court confer, and then we will come back.

11 We might request counsel to join us
12 back there. We'll see.

13 (Brief recess.)

14 PRESIDENT JUDGE PANELLA: Let's go
15 back on the record.

16 Judge Hladio, we thank you very
17 much for being here today.

18 JUDGE HLADIO: Thank you, Your
19 Honor.

20 PRESIDENT JUDGE PANELLA: We
21 appreciate your conduct during this hearing.

22 We have made a decision, and the
23 following is the unanimous decision of the judges
24 presiding over the petition for interim
25 suspension.

1 So we will need a caption and then
2 Order of Court.

3 And now, this 17th day of February,
4 2017, after hearing, the Court orders and directs
5 that the Respondent, the Honorable Andrew M.
6 Hladio is suspended for a period of 90 days, with
7 pay and without any effect on his health
8 benefits.

9 The main justification or reason
10 for this order is what the Court considers to be
11 a breakdown in the functioning and administration
12 in Magisterial District 36-1-01.

13 By the Court.

14 Okay? We thank you all. We're in
15 adjournment.

16 (The hearing was concluded at 2:06
17 p.m.)

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings and that this copy is a correct transcript of same.

Karen Blouch
Karen Blouch, RMR
Notary Public



The foregoing record of the proceedings of the above cause is hereby approved and directed to be filed.

JACK PANELLA, JUDGE

DATE

**WORD
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