

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

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SEP 13 2017

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IN RE:

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

**JUDICIAL CONDUCT BOARD PRE-TRIAL MEMORANDUM**

AND NOW, this 5<sup>th</sup> day of September, 2017, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania, by and through the undersigned counsel, pursuant to this Court's July 13, 2017 Order and files this Pre-trial Memorandum:

**A. TRIAL WITNESS LIST**

The Board may call some or all of the following witnesses at trial:

1. The Honorable John D. McBride  
Former President Judge  
Court of Common Pleas of Beaver County  
810 Third Street  
Beaver, PA 15009

Judge McBride will testify regarding Parts A and B of the Board Complaint filed December 7, 2016.

2. The Honorable Eileen Conroy  
Senior Magisterial District Judge  
8884 Royal Manor Drive, #202  
Allison Park, PA 15101

Judge Conroy will testify regarding Part A of the Board Complaint filed December 7, 2016.

3. Aileen Bowers, Esquire  
Deputy Court Administrator  
Beaver County  
810 Third Street  
Beaver, PA 15009

Ms. Bowers will testify regarding Parts A, B and C of the Board Complaint filed December 7, 2016.

4. Nancy Borkowski  
Office Manager  
District Court 36-1-01  
650 11<sup>th</sup> Street  
Ambridge, PA 15003

Ms. Borkowski will testify regarding Parts A and B of the Board Complaint filed December 7, 2016.

5. Joanne Tisak  
District Court 36-1-01  
650 11<sup>th</sup> Street  
Ambridge, PA 15003

Ms. Tisak will testify regarding Parts A and B of the Board Complaint filed December 7, 2016.

6. Donna M. Platz  
2530 Manning Street  
Ambridge, PA 15003

Ms. Platz will testify regarding Part A of the Board Complaint filed December 7, 2016.

7. Dina A. Trello  
1308 Todd Avenue  
Aliquippa, PA 15001

Ms. Trello will testify regarding Part A of the Board Complaint filed December 7, 2016.

8. Shannon Preininger  
Beaver County Central Court  
810 Third Street  
Beaver, PA 15009

Ms. Preininger will testify regarding Part B of the Board Complaint filed December 7, 2016.

9. District Attorney David J. Lozier  
Beaver County  
810 Third Street  
Beaver, PA 15009

Mr. Lozier will testify regarding Part B of the Board Complaint filed December 7, 2016.

10. Attorney Ashley Elias  
Former Assistant District Attorney  
Beaver County  
810 Third Street  
Beaver, PA 15009

Ms. Elias will testify regarding Part B of the Board Complaint filed December 7, 2016.

11. Assistant District Attorney Justin D. Quinn  
Beaver County  
810 Third Street  
Beaver, PA 15009

Mr. Quinn will testify regarding Part B of the Board Complaint filed December 7, 2016.

12. Assistant District Attorney Brittany L. Smith  
Beaver County  
810 Third Street  
Beaver, PA 15009

Ms. Smith will testify regarding Part B of the Board Complaint filed December 7, 2016.

13. Chief of Police James A. Mann  
Ambridge Borough Police Department  
600 11<sup>th</sup> Street  
Ambridge, PA 15003

Chief Mann will testify regarding Parts B and C of the Board Complaint filed December 7, 2016.

14. Officer John Bialik  
Ambridge Borough Police Department  
600 11<sup>th</sup> Street  
Ambridge, PA 15003

Officer Bialik will testify regarding Parts B and C of the Board Complaint filed December 7, 2016.

15. Officer Timothy Depenhart  
Ambridge Borough Police Department  
600 11<sup>th</sup> Street  
Ambridge, PA 15003

Officer Depenhart will testify regarding Parts B and C of the Board Complaint filed December 7, 2016.

16. Officer Sean A. Owen  
Ambridge Borough Police Department  
600 11<sup>th</sup> Street  
Ambridge, PA 15003

Officer Owen will testify regarding Parts B and C of the Board Complaint filed December 7, 2016.

17. Officer James M. Cillo  
Aliquippa Police Department  
300 Franklin Avenue  
Aliquippa, PA 15001

Officer Cillo will testify regarding Part B of the Board Complaint filed December 7, 2016.

18. Officer Sokhen Seng  
Ambridge Borough Police Department  
600 11<sup>th</sup> Street  
Ambridge, PA 15003

Officer Seng will testify regarding Part C of the Board Complaint filed December 7, 2016.

19. Officer Patrick Lee  
Ambridge Borough Police Department  
600 11<sup>th</sup> Street  
Ambridge, PA 15003

Officer Lee will testify regarding Part B of the Board Complaint filed December 7, 2016.

20. Officer Ronald L. Lutton  
Midland Police Department  
936 Midland Avenue  
Midland, PA 15059

Officer Lutton will testify regarding Part B of the Board Complaint filed December 7, 2016.

21. Babette Robertson, Project Manager  
Housing Authority of County of Beaver  
480 Golf Course Road  
Aliquippa, PA 15003

Ms. Robinson will testify regarding Part C of the Board Complaint filed December 7, 2016.

22. George A. Verlihay, Esquire  
Solicitor, Housing Authority of County of Beaver  
2242 Darlington Road  
Beaver Falls, PA 15010

Mr. Verlihay will testify regarding Part C of the Board Complaint filed December 7, 2016.

23. Deputy Sheriff Jennifer L. Bredemeier  
Sheriff's Office  
Beaver County Courthouse  
810 Third Street  
Beaver, PA 15009

Deputy Sheriff Bredemeier will testify regarding Part B of the Board Complaint filed December 7, 2016.

24. Deputy Sheriff Aaron J. Ogrizovich  
Sheriff's Office  
Beaver County Courthouse  
810 Third Street  
Beaver, PA 15009

Deputy Sheriff Ogrizovich will testify regarding Part B of the Board Complaint filed December 7, 2016.

25. Constable Alexander John Koral  
740 Maplewood Avenue  
Ambridge, PA 15003

Constable Koral will testify regarding Part A of the Board Complaint filed December 7, 2016.

## **B. BOARD EXHIBITS**

It can reasonably be expected that opposing counsel will agree to stipulate to the authenticity and admissibility of the following exhibits:

1. Confidential Request for Investigation verified by President Judge John D. McBride on October 23, 2014.
2. Notes faxed by Nancy Borkowski on July 27, 2015, regarding incidents at District Court 36-1-01.

3. Ambridge Police Department overweight truck fines for the period 2014 – 2016.
4. Emails and attached documents received from Deputy Court Administrator Aileen Bowers on January 6, 2017.
5. Note from MDJ Andrew Hladio giving daily assignments to his staff, received from Joanne Tisak on January 7, 2015.
6. Notice of Full Investigation issued to MDJ Andrew M. Hladio on January 30, 2015.
7. February 8, 2015 preliminary response to the Notice of Full Investigation by MDJ Andrew M. Hladio.
8. February 20, 2015 response of MDJ Andrew M. Hladio to the Notice of Full Investigation.
9. Deposition of MDJ Andrew M. Hladio taken by Elizabeth A. Flaherty, Esquire, on Tuesday, March 10, 2015.
10. March 11, 2015 letter to Elizabeth A. Flaherty, Esquire from MDJ Andrew M. Hladio regarding availability to address supplemental documents from the deposition.
11. Typed statement of Linda David dated May 6, 2015 regarding incident with intoxicated defendant.
12. May 11, 2015 Memorandum to Deputy Counsel Elizabeth A. Flaherty, from Board Investigator Douglas K. Miller, regarding call from Deputy Court Administrator Aileen Bowers regarding incident between MDJ Hladio and clerk Linda David.
13. June 4, 2015 email from Deputy Court Administrator Aileen Bowers to Board Investigator Douglas K. Miller regarding Beaver County MDJ Hladio, with narrative by Linda David.
14. MDJ docket, *Commonwealth v. Rose Marie Friend*, MJ-36101-CR-0000331-2008.
15. Court of Common Pleas docket, *Commonwealth v. Rose M. Friend*, CP-04-CR-0001432-2015.
16. August 6, 2015 Memorandum to Deputy Counsel Elizabeth A. Flaherty from Board Investigator Douglas K. Miller, regarding Meeting with Chief James A. Mann, Ambridge Borough Police Department.

17. March 21, 2016 letter to Board Investigator Douglas K. Miller from President Judge John D. McBride with information regarding additional complaints against MDJ Hladio.
18. April 8, 2016 Memorandum to Deputy Counsel Elizabeth A. Flaherty from Board Investigator Douglas K. Miller, regarding meeting with Deputy Court Administrator Aileen Bowers.
19. April 12, 2016 Memorandum to Deputy Counsel Elizabeth A. Flaherty from Board Investigator Douglas K. Miller, regarding Follow-up with Deputy Court Administrator Aileen Bowers.
20. April 13, 2016 letter from Andrew M. Hladio, Esquire, with files requested by Toni I. Schreffler, Legal Assistant.
21. MDJ docket and case file, *Commonwealth v. Ryan Lampkin*, MJ-36301-CR-0000527-2015.
22. MDJ docket and case file, *Housing Authority of the County of Beaver v. Shawn M. Sweeney*, MJ-36101-LT-0000006-2016.
23. June 1, 2016 Order by Beaver County Court of Common Pleas Judge D. Kunselman, scheduling non-jury trial, *Housing Authority of the County of Beaver v. Shawn Sweeney*, 10172 of 2016.
24. MDJ docket, *Commonwealth v. Josephine Hernandez*, MJ-36101-NT-0000390-2015.
25. MDJ docket and case file, *Commonwealth v. Steve R. Everett, Jr.*, MJ-36101-TR-0000820-2015.
26. MDJ docket and case file, *Commonwealth v. Kenneth Wayne Moore*, MJ-36201-CR-0000183-2015.
27. MDJ docket, *Commonwealth v. Ruben Alberto Carrazan*, MJ-36101-TR-0000144-2014.
28. Supplemental Notice of Full Investigation issued to MDJ Andrew M. Hladio on June 24, 2016.
29. Response to Supplemental Notice of Full Investigation by MDJ Andrew M. Hladio, received on August 9, 2016.
30. October 5, 2016 letter to Mr. Thomas B. Darr and the Honorable Robert A. Graci from President Judge John D. McBride, regarding MDJ Andrew M. Hladio.

31. October 7, 2016 email from Nancy Borkowski to Board Investigator Douglas K. Miller, regarding email address, with attached September 28, 2016 work notes.
32. October 23, 2016 letter to Francis J. Puskas, Esquire with supplementals and addendums regarding 2014-684.
33. Deposition of MDJ Andrew M. Hladio taken by Elizabeth A. Flaherty, Esquire on Wednesday, October 26, 2016.
34. Thumb drive with video deposition of MDJ Andrew M. Hladio taken by Elizabeth A. Flaherty, Esquire on Wednesday, October 26, 2016.
35. MDJ docket and citation, *Commonwealth v. Jeremy M. Yox*, MJ-36101-TR-0000215-2014.
36. MDJ docket and citation, *Commonwealth v. Russell A. Whaley*, MJ-36101-TR-0000376-2014.
37. MDJ docket and citation, *Commonwealth v. Ronald N. Ballegeer*, MJ-36101-TR-0000812-2014.
38. MDJ docket and citation, *Commonwealth v. Mark Allen Anthony*, MJ-36101-TR-0000843-2014.
39. MDJ docket and citation, *Commonwealth v. Lee E. Hummel*, MJ-36101-TR-0001136-2014.
40. MDJ docket and citation, *Commonwealth v. Walter Lee Anthony*, MJ-36101-TR-0001215-2014.
41. MDJ docket and citation, *Commonwealth v. Gordon P. Smith*, MJ-36101-TR-0001229-2014.
42. MDJ docket and citation, *Commonwealth v. Ljupco Dimovski*, MJ-36101-TR-0001627-2014.
43. MDJ docket and citation, *Commonwealth v. David C. Shope*, MJ-36101-TR-0001913-2014.
44. MDJ docket and citation, *Commonwealth v. Edward E. Helsel, Sr.*, MJ-36101-TR-0001925-2014.
45. MDJ docket and citation, *Commonwealth v. Stoyan G. Babatchev*, MJ-36101-TR-0000025-2015.
46. MDJ docket and citation, *Commonwealth v. Kenneth William Bowser*, MJ-36101-TR-0000069-2015.



47. MDJ docket and citation, *Commonwealth v. Chip Phomphakdy*, MJ-36101-TR-0000201-2015.
48. MDJ docket and citation, *Commonwealth v. Trevor James Harrison*, MJ-36101-TR-0000728-2015.
49. MDJ docket and citation, *Commonwealth v. Bernard A. Messina*, MJ-36101-TR-0001407-2015.
50. MDJ docket and citation, *Commonwealth v. Grant George Herman*, MJ-36101-TR-0000104-2016.
51. MDJ docket and citation, *Commonwealth v. Ivan Ivanchuk*, MJ-36101-TR-0000433-2016.
52. MDJ docket and citation, *Commonwealth v. Darlene Kay Kersey*, MJ-36101-TR-0000588-2016.
53. MDJ docket and citation, *Commonwealth v. Lorenzo S. Young*, MJ-36101-TR-0001006-2016.
54. MDJ docket and citation, *Commonwealth v. Guillermo Pereda*, MJ-36101-TR-0000732-2015.
55. January 17, 2017 Memorandum to Deputy Counsel Elizabeth A. Flaherty from Board Investigator Douglas K. Miller, regarding Call from Chief of Police James A. Mann.
56. Docket and case file, *Commonwealth v. Rachel Dzeskewicz*, MJ-36101-NT-0000665-2015; and
57. Docket and case file, *Commonwealth v. Rachel Dzeskewicz*, MJ-36101-MD-0000013-2016.
58. January 31, 2017 letter to the Chiefs of Police of the Ambridge Police Department, Baden Police Department and Harmony Township Police Department.
59. February 25, 2011 Memorandum to MDJ Andrew Hladio and Officer Manager Donna Platz from Deputy Court Administrator Aileen Bowers, regarding Recommendations from AOPC.
60. May 9, 2016 email from Debra Landsbaugh to Charles Rossi, regarding *Dzeskewicz* truancy hearing.
61. May 10 2016 email from Kris McCafferty to Charles Rossi, regarding *Dzeskewicz* contempt hearing.

62. February 5, 2017 email from Deputy Court Administrator Aileen Bowers to Deputy Counsel Elizabeth Flaherty, regarding part-time, full-time help.
63. February 1, 2013 email From Caroline Liebenguth to Court Administrator Richard Defilippi regarding "Hladio"; forwarded to Deputy Counsel Elizabeth Flaherty on August 15, 2017 by Deputy Court Administrator Aileen Bowers, with subject "Transcribed Notes."
64. July 25, 2016 to July 26, 2016 email thread between Amy Kehner, Aileen Bowers, Mary Vilter and Colin Haviland regarding "Record Retention; ADA Questions"; forwarded to Deputy Counsel Elizabeth A. Flaherty on March 19, 2017 at 1:02 p.m.
65. Redacted December 7, 2016 email from MDJ Andrew Hladio to Aileen Bowers, John McBride, Richard Mancini, Richard Defilippi and William Hare regarding "part time and full time help"; forwarded to Elizabeth A. Flaherty by Aileen Bowers on February 5, 2017 at 2:11 p.m.
66. January 27, 2017 email from Nancy Borkowski to Deputy Court Administrator Aileen Bowers regarding "Linda"; forwarded to Deputy Counsel Elizabeth Flaherty by Aileen Bowers on February 14, 2017.
67. Redacted May 9, 2017 to May 11, 2017 email thread between Deputy Court Administrator Aileen Bowers and Board Investigator Douglas Miller, regarding the *Sean Michael Aiken* case and nine photographs of MDJ Hladio's bench in his courtroom.
68. May 19, 2017 email from Deputy Court Administrator Aileen Bowers to Board Investigator Douglas K. Miller with attached MDJS docket for *Commonwealth v. Aiken*, MJ-36101-CR-0000224-2015.
69. June 7, 2017 email from Sandra Re to Attorney Heidi Eakin, copied to Elizabeth Flaherty and Toni Schreffler with attached report from Dr. Robert Wettstein.
70. Redacted June 20, 2017 email from Aileen Bowers to Richard Mancini and Richard Defilippi regarding "MDJ Hladio," and meeting with court staff; forwarded to Elizabeth Flaherty on June 21, 2017, with message redacted.
71. Redacted June 21, 2017 email from Aileen Bowers to Elizabeth Flaherty regarding "MDJ Hladio."
72. Redacted August 4, 2017 to August 9, 2017 email thread between Board Investigator Douglas K. Miller and Police Officer Sean Owen

regarding "Traffic case Aug 4, 2017," with attached citations issued to Kipp Kasperoski.

73. Minor Judiciary Education Board Supplemental Practicum Program, January 10-14, 2011.
74. Minor Judiciary Education Board continuing Education Program 2011-2012.
75. PowerPoint slides of the UJS Policy on Non-Discrimination and Equal Employment Opportunity.
76. March 22, 2017 letter to the Office of Inspector General from Andrew M. Hladio, Esquire, regarding Magisterial District Court 36-1-01; Ambridge, 650 11<sup>th</sup> Street, Ambridge, PA 15003.
77. June 20, 2017 Memorandum to Deputy Court Administrator Aileen Bowers from Nancy Borkowski, Office Manager, Joanne Tisak, Judicial Clerk and Pam Spencer, Judicial Clerk, regarding Return of MDJ Hladio.
78. U.S. Equal Employment Opportunity Commission Complaint filed by Andrew M. Hladio on or about June 28, 2017.

### **C. STIPULATIONS OF FACT**

It can reasonably be expected that opposing counsel will agree to stipulate to all or some of the following stipulations:

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court, and thereafter, to prosecute the case in support of such charges in this Court.
2. From January 2010 until the present time, Judge Hladio has served as the magisterial district judge of District Court 36-1-01.
3. Judge Hladio is an attorney, licensed to practice in Pennsylvania, and continues to maintain a small private practice, specializing in personal injury, wills and estate matters.

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

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

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

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

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

Additionally, based on the admissions contained within Judge Hladio’s January 9, 2017 Answer to the Board Complaint, it can reasonably be expected that opposing counsel will agree to stipulate to all or some of the following averments set forth in the December 7, 2016 Board Complaint:

9. In January 2010, Judge Hladio began his new position as magisterial district judge of District Court 36-1-01. (Bd. Compl. ¶ 10)

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

11. In light of the pending retirement and part-time hours of one of Judge Hladio’s court clerks, N.B. and the other court clerks asked Judge Hladio to request

that Court Administration assign additional staff to his district court. (Bd. Compl. ¶ 59)

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

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

14. Assistant District Attorney Ashley Elias is regularly assigned to represent the Commonwealth in Central Court. (Bd. Compl. ¶ 85)

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

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

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

18. Judge Hladio put on his robe, went into the courtroom and sat at the bench. (Bd. Compl. ¶ 120)

19. On May 6, 2015, Judge Hladio conducted the Preliminary Arraignment in R.F.'s 2008 criminal matter. (Bd. Compl. ¶ 135)

20. On March 29, 2016, Judge Hladio presided over a summary trial at his district court in a criminal matter in which J.H. entered a guilty plea to one count of

Public Drunkenness and Similar Misconduct. Docket No. MJ-36101-NT-0000390-2015. (Bd. Compl. ¶ 139)

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

22. At the March 29, 2016 Summary Trial, Officer Depenhart requested that Judge Hladio sentence J.H. to a minimal fine. (Bd. Compl. ¶ 141)

23. Judge Hladio then asked Officer Depenhart, "Why does the Commonwealth wish to have a minimum fine?" (Bd. Compl. ¶ 146)

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

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

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

27. On January 27, 2016, Judge Hladio presided over the Housing Authority of County of Beaver (HACB) Landlord-Tenant Hearing. (Bd. Compl. ¶ 168)

28. Babette Robertson, the Project Manager for HACB, represented the plaintiff Landlord at the HACB Landlord-Tenant Hearing. (Bd. Compl. ¶ 169)

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

30. At the conclusion of the hearing, Judge Hladio entered an Order for a 60-day continuance in the HACB case against S.S. (Bd. Compl. ¶ 173)

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

32. On February 1, 2015, Judge Hladio entered a ruling in favor of S.S and against HACB. (Bd. Compl. ¶ 183)

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

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

75 Pa.C.S.A. § 4902(a)(1). (Bd. Compl. ¶ 184)

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

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

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

75 Pa.C.S.A. § 4902(g)(1). (Bd. Compl. ¶ 186)

36. The Eleventh Street Bridge connects Ambridge to communities on the other side of the Ohio River. (Bd. Compl. ¶ 189)

37. Truck drivers are prohibited from driving trucks over the Eleventh Street Bridge, which exceed the restricted weight limits. (Bd. Compl. ¶ 191)

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

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

"In overweight truck cases, the defendant and counsel are always very upset about how high the fines and costs are if found guilty and defense and counsel hate the court for being part of such high fines and costs where a lot of times the driver says my gps took me there or some other innocent excuses."

(Bd. Compl. ¶ 208)

#### **D. DISCOVERY CERTIFICATION**

The Board, by and through undersigned counsel, hereby certifies that Judge Hladio has been furnished with all non-privileged evidence within the Board's possession relevant to the charges contained in the Board Complaint as required by C.J.D.R.P. 401(D)(1).



**E. EXCULPATORY CERTIFICATION**

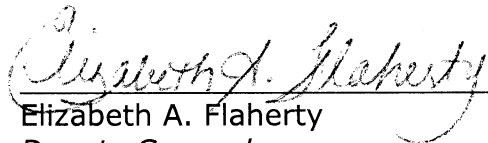
The Board, by and through undersigned counsel, hereby certifies that Judge Hladio has been provided with any and all exculpatory evidence relevant to the charges contained in the Board Complaint as required by C.J.D.R.P. 401(E).

Respectfully submitted,

ROBERT A. GRACI  
*Chief Counsel*

BY:

September 5, 2017



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

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

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

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

**PROOF OF SERVICE**

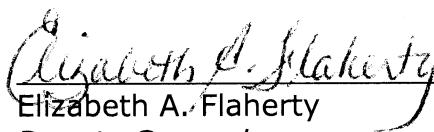
In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on or about September 5, 2017, a copy of this *Judicial Conduct Board Pre-Trial Memorandum* was sent by U.S. First-class mail to Heidi F. Eakin, Esquire, counsel to Magisterial District Judge Hladio at the following address:

Heidi F. Eakin, Esquire  
Costopoulos, Foster & Fields  
831 Market Street  
Lemoyne, PA 17403-0222

Respectfully submitted,

September 5, 2017

BY:

  
Elizabeth A. Flaherty  
*Deputy Counsel*

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