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	:	

JOINT STIPULATIONS OF FACT IN LIEU OF TRIAL AND WAIVER OF TRIAL PURSUANT TO C.J.D.R.P. No. 502(D)(1)

AND NOW, this 25th day of October, 2018, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) and Magisterial District Judge Andrew M. Hladio, by and through the undersigned counsel, and submits these Joint Stipulations of Fact in Lieu of Trial and Waiver, pursuant to Court of Judicial Discipline Rule of Procedure (C.J.D.R.P.) No. 502(D)(1), as follows:

JOINT STIPULATIONS OF FACT

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 4, 2010 through February 17, 2017, and from June 21, 2017 through November 17, 2017, Judge Hladio served as the magisterial district judge of District Court 36-1-01.

3. Judge Hladio is an attorney, licensed to practice law in the Commonwealth of Pennsylvania. He maintained a small private practice, specializing

in personal injury, wills and estate matters, while he served as a magisterial district judge.

4. As a magisterial district judge, Judge Hladio was, at all times relevant hereto, subject to all the duties and responsibilities imposed on him by the Constitution of the Commonwealth of Pennsylvania and the Rules Governing Standards of Conduct of Magisterial District Judges.

5. 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 (UJS Policy), effective January 1, 2008 (revised Nov. 2013; revised July 2016).

6. As a result of its investigation of the allegations set forth at a Confidential Request for Investigation, JCB File No. 2014-684, and pursuant to Article V, § 18(a)(7) of the Constitution of the Commonwealth of Pennsylvania, the Board determined that there was probable cause to file formal charges against Judge Hladio in this Court.

7. On December 7, 2016, Board counsel filed a Board Complaint, *In re Hladio*, 6 JD 2016, alleging eight counts of judicial misconduct, and a Petition for Relief for Interim Suspension against Judge Hladio in this Court.

8. Following a hearing, on February 17, 2017, this Court entered an Order, suspending Judge Hladio with pay for a period of 90 days, followed by its May 4, 2017 Order, extending the period of Judge Hladio's suspension with pay until June 20, 2017. Judge Hladio's health benefits remained intact during the suspension period.

9. By Order dated June 19, 2017, this Court terminated the suspension with pay and permitted Judge Hladio to resume his judicial duties on June 21, 2017.

10. Based on four Confidential Requests for Investigation at JCB File Nos. 2017-348, 2017-338; 2017-339; and 2017-407, received or initiated after the filing of the first Board Complaint pending at 6 JD 2016, the Board investigated allegations regarding new matters.

11. As a result of its investigation of the allegations set forth at four Confidential Requests for Investigation, JCB File Nos. 2017-348, 2017-338; 2017-339; and 2017-407, and pursuant to Article V, § 18(a)(7) of the Constitution of the Commonwealth of Pennsylvania, the Board determined that there was probable cause to file additional formal charges against Judge Hladio in this Court.

12. On October 10, 2017, Board counsel filed a second Board Complaint, *In re Hladio*, 3 JD 2017, alleging six counts of judicial misconduct, and a Renewed Petition for Relief for Interim Suspension With or Without Pay.

13. On October 27, 2017, this Court issued an Order suspending Judge Hladio with pay and medical benefits until further Order of the Court.

14. By its October 27, 2017 Order, this Court consolidated both matters at 6 JD 2016 and continued the time limit for any response by Judge Hladio to the second Board Complaint until further Order of this Court.

15. By letter to Pennsylvania Governor Tom Wolf, dated November 14, 2017, Judge Hladio resigned his position as Magisterial District Judge, effective November 17, 2017.

16. Some of the alleged 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.

17. 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.

STIPULATED FACTS FROM FIRST BOARD COMPLAINT: 6 JD 2016

A. Conduct toward District Court Clerks:

The parties stipulate that if this case were to proceed to trial, the Board's witnesses would testify to the facts set forth below:

18. In April 2008, Nancy Borkowski began working as a court clerk at District Court 36-1-01.

19. On January 4, 2010, Judge Hladio began his new position as magisterial district judge of District Court 36-1-01.

20. In 2010, Judge Hladio first asked Nancy Borkowski to go out on a date with him, but she refused his invitation.

21. Judge Hladio continued to ask Nancy Borkowski to go out on dates with him.

22. During this same period of time, Judge Hladio frequently asked Nancy Borkowski questions about her private life.

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

24. Judge Hladio continued to pursue Nancy Borkowski and ignored the boundaries between her professional and personal life.

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

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

27. The District Court Administrator specifically instructed Judge Hladio that his pursuit of a personal relationship with Nancy Borkowski was inappropriate and must stop.

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

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

30. In 2012, Judge Hladio continued to approach Nancy Borkowski to comment on and ask questions about her personal life.

31. Nancy Borkowski reported Judge Hladio's continued, unwelcome advances toward her to the District Court Administrator.

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

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

34. In 2012, Judge Hladio went to Nancy Borkowski's home, uninvited and unannounced.

35. In November 2012, then-President Judge John D. McBride[1] of the Court of Common Pleas of Beaver County, the District Court Administrator and the Deputy Court Administrator met with Judge Hladio to discuss his inappropriate behavior toward Nancy Borkowski and the other clerks at his district court.

36. President Judge McBride told Judge Hladio to stop his unwelcome advances toward Nancy Borkowski.

37. President Judge McBride told Judge Hladio to stop his sulking and vindictive behavior toward Nancy Borkowski and other clerks at his district court.

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

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

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

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

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[1] Judge McBride served as President Judge of the Court of Common Pleas of Beaver County from January 2008 through January 2017 when Judge Richard Mancini assumed the role of President Judge.

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

43. In a later meeting with the District Court Administrator, Judge Hladio admitted that he asked Nancy Borkowski to go out on a date with him.

44. In December 2013, Judge Hladio approached Nancy Borkowski and asked her to go out on a date with him.

45. In April 2014, Judge Hladio again approached Nancy Borkowski and asked her to go out on a date with him.

46. In March or April 2014, Judge Hladio learned that Nancy Borkowski was dating another man.

47. After learning of Nancy Borkowski's relationship with another man, Judge Hladio acted in an angry, punitive manner toward her.

48. Judge Hladio continued to demonstrate inappropriate conduct toward Nancy Borkowski.

49. At times, Judge Hladio refused to speak with Nancy Borkowski.

50. At other times, Judge Hladio spoke to Nancy Borkowski in a sarcastic manner, if at all.

51. At times, Judge Hladio ignored Nancy Borkowski's questions about work-related matters.

52. Judge Hladio spoke negatively about Nancy Borkowski and her ability to perform her job duties to the other clerks at his district court.

53. Judge Hladio reassigned some of Nancy Borkowski's Office Manager job duties to other clerks at his district court.

54. The reassignment of Nancy Borkowski's job duties created an added burden on the workloads of the other clerks at Judge Hladio's district court.

55. Judge Hladio continued to demonstrate punitive conduct toward Nancy Borkowski.

56. As the Office Manager, Nancy Borkowski was responsible for submitting the bills, received by the district court, to Judge Hladio for his review and approval. It was also her responsibility to pay the approved bills.

57. Between December 1, 2014 and 2016, Judge Hladio held back bills from Nancy Borkowski that required his approval.

58. When Judge Hladio failed to timely approve the payment of bills, it reflected poorly on Nancy Borkowski because it interfered with her ability to timely pay amounts due and owing by the district court.

59. Judge Hladio yelled and behaved in an angry manner toward his court clerks when they failed to comply with his directives about clerical matters.

60. Prior to February 2017, Judge Hladio did not provide written directions to his court clerks to memorialize his orally communicated directives about clerical procedures.

61. On February 24, 2016, Judge Hladio told Joanne Tisak, a clerk at his district court, that Nancy Borkowski is not doing her job and cannot follow directions.

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

63. On May 6, 2015, Judge Hladio told Linda David that he was not satisfied with her job performance because she did not make him "number one."

64. Judge Hladio repeatedly told Linda David that her first priority is to make him and his needs "number one," and that she is not complying with that directive.

65. On May 6, 2015, Judge Hladio continued to speak with Linda David, criticizing the job performance of Office Manager Nancy Borkowski while a disruptive criminal defendant waited in the reception area with police officers in attendance.

66. On May 6, 2015, Judge Hladio told Linda David that he was displeased with the work performance of Joanne Tisak, while a disruptive criminal defendant waited in the reception area with police officers in attendance.

67. The disruptive criminal defendant, referenced in the immediately preceding paragraphs, waited a total of 40 minutes, with police officers in attendance, while Judge Hladio spoke with his court clerks about job expectations and job performance.

68. On May 6, 2015, Judge Hladio advised Linda David about administrative matters at the district court as follows:

a. When court clerks are busy, they should not answer phones;

b. When court clerks are busy, they should tell customers to come back another day to pay their fines; and

c. Court clerks should always make him their "number one priority."

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

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

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

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

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

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

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

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

B. Demeanor in Central Court and District Court

The parties stipulate that if this case were to proceed to trial, the Board's witnesses would testify to the facts set forth below:

Demeanor toward Central Court Clerk

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

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

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

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

81. Other individuals who were present at Central Court heard Judge Hladio yell at Shannon Preininger.

82. Judge Hladio routinely yelled at Shannon Preininger when he was assigned to hear cases at Central Court.

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

84. When presiding at Central Court, Judge Hladio yelled at other individuals who appeared before him.

85. Approximately two months before the March 21, 2016 conduct set forth above, the Assistant District Attorney (ADA) and defense counsel were present at

Central Court. Prior to the start of the proceeding, the attorneys agreed upon a disposition and a fine for a particular defendant.

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

87. While yelling at Shannon Preininger about the fine agreement between the ADA and defense counsel, Judge Hladio crossed out the agreed upon fine of $275 and wrote $25 instead.

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

89. On May 16, 2016, when Judge Hladio assumed the bench at Central Court, Shannon Preininger asked if he was ready to begin proceedings.

90. Judge Hladio yelled, "For What?" in response to Shannon Preininger's question.

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

a. The name of the defendant in each case;

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

c. The names of the parties in each case.

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

Demeanor toward Lawyers in Central Court

93. When Judge Hladio presided over cases in Central Court, he demonstrated an agitated and angry demeanor.

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

95. ADA Ashley Elias was regularly assigned to represent the Commonwealth in Central Court.

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

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

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

99. 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.

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

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

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

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

104. Judge Hladio openly exhibited anger and dislike for ADA Elias when she appeared before him in Central Court.

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

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

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

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

109. When Shannon Preininger asked Judge Hladio to consider ADA Elias's request, he yelled at Shannon Preininger and refused the request.

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

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

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

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

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

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

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

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

Demeanor toward Litigants and Police Officers in District Court

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

118. On May 6, 2015 at 1:06 p.m., a criminal defendant, R.F., approached the counter of the reception area of Judge Hladio's district court and spoke with Court Clerk Linda David.

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

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

121. According to the clerks at Judge Hladio's district court, on May 6, 2015, R.F. appeared to be highly intoxicated.

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

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

124. District Court Office Manager Nancy Borkowski contacted Judge Hladio by telephone and told him that he was needed at district court for an arraignment.

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

126. The court clerks contacted the Ambridge Police Department for assistance.

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

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

129. Linda David provided detailed information to Judge Hladio about R.F.'s conduct and statements.

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

131. A few minutes after Judge Hladio entered the courtroom, Linda David asked Judge Hladio if he was ready to arraign R.F.

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

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

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

135. While he sat at the judge's bench in the courtroom, Judge Hladio spoke with Linda David and criticized her job performance, as well as the job performance of Office Manager Nancy Borkowski and Court Clerk Joanne Tisak.

136. Court Clerk Joanne Tisak entered the courtroom to tell Judge Hladio that the police officers had to block the door to prevent R.F. from fleeing the district court building.

137. When Joanne Tisak entered the courtroom, Linda David could hear the defendant, R.F., behaving in a loud and agitated manner.

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

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

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

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

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

143. While waiting in the reception area of the district court for a total time of one hour and 10 minutes, R.F. urinated in her clothing. The urine soaked through her clothing and onto the chairs that she had occupied in the reception area.

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

144. 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.

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

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

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

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

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

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

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

152. 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.

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

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

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

156. Judge Hladio denied that he degraded Officer Depenhart.

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

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

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

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

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

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

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

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

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

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

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

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

C. Duty to Uphold and Apply the Law

The parties stipulate that if this case were to proceed to trial, the Board's witnesses would testify to the facts set forth below:

Landlord-Tenant Case

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

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

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

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

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

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

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

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

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

177. 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.

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

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

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

181. Based on Judge Hladio's decision to grant a 60-day continuance without a judgment in the Landlord-Tenant case against S.S., HACB could not evict S.S. from Ambridge Towers.

182. Based on Judge Hladio's decision to grant a 60-day continuance without a judgment in the Landlord-Tenant against S.S., HACB could not file an appeal.

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

184. 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.

185. During the January 28, 2016 meeting, Judge Hladio told Deputy Court Administrator Bowers that he was familiar with Pa.R.C.P.M.D.J. No. 514(c)(1), but that he opted not to follow the Rule because he thought something could be worked out between the parties.

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

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

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

STIPULATED FACTS FROM SECOND BOARD COMPLAINT: 3 JD 2017[2]

D. Conduct toward Board Witnesses

The parties stipulate that if this case were to proceed to trial, the Board's witnesses would testify to the facts set forth below:

JCB File No. 2017-348

189. On March 22, 2017, while he was suspended with pay pursuant to this Court's February 17, 2017 Order, Judge Hladio wrote a letter on his private law office stationary to the Inspector General of the Commonwealth of Pennsylvania, with a copy to the Auditor General.

190. In the March 22, 2017 letter, Judge Hladio complained about the work performance of Office Manager Nancy Borkowski and Court Clerks Joanne Tisak and Linda David, all of whom are referred to in the first Board Complaint at 6 JD 2016.

191. In the March 22, 2017 letter, Judge Hladio complained about the work performance of Beaver County Deputy District Court Administrator Aileen Bowers, who appeared as a witness for the Board at the February 17, 2017 Suspension Hearing.

192. Information pertaining to the identity and anticipated testimony of all of the individuals named in the immediately preceding two paragraphs was provided to Judge Hladio's counsel, pursuant to C.J.D.R.P. Nos. 401 and 404 (rules of discovery).

193. Judge Hladio admitted that sometime in February 2017, the same month that this Court issued an Order suspending him with pay, he contacted federal

[2] By this Court's October 27, 2017 Order, the second Board Complaint at 3 JD 2017 was consolidated with the first Board Complaint at 6 JD 2016.

authorities and began the process of filing a complaint against the Administrative Office of Pennsylvania Courts (AOPC) under the Americans with Disabilities Act.

194. On June 28, 2017, one week after he returned to the bench following his suspension with pay, Judge Hladio signed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission (EEOC), under the Americans with Disabilities Act, against the AOPC.

195. In his EEOC Complaint, Judge Hladio asserted, "I have been subjected to harassment from my staff as well as other staff of the Courts."

196. In his EEOC Complaint, Judge Hladio alleged that Office Manager Nancy Borkowski harassed him in the workplace at district court.

197. In his EEOC Complaint, Judge Hladio alleged that the court staff at the Court of Common Pleas of Beaver County, where he presides over Central Court, made false allegations against him to the Board.

198. In his EEOC Complaint, Judge Hladio claimed that Beaver County President Judge John McBride and Deputy District Court Administrator Bowers failed to take corrective measures when he complained about the conduct of the clerks at his district court and the staff of the Court of Common Pleas, with whom he interacted at Central Court.

199. All of the individuals whom Judge Hladio named or referred to in the EEOC Complaint will be witnesses for the Board in 6 JD 2016, if the case proceeds to trial. Information pertaining to the identity and testimony of each potential witness was provided to Judge Hladio's counsel, pursuant to C.J.D.R.P. Nos. 401 and 404 (rules of discovery).

200. On July 25, 2017 and September 5, 2017, Judge Hladio sent complaints via email to Deputy District Court Administrator William Hare and President Judge Richard Mancini, which contained negative statements about individuals who were referenced in the Board Complaint at 6 JD 2016, or were known to have cooperated with the Board's investigation.

201. In his September 5, 2017 email to Deputy District Court Administrator Hare and President Judge Mancini, Judge Hladio reported that on August 8, 2017, Assistant District Attorney (ADA) Angela Reed Strathman violated Pa.R.P.C. No. 3.8 and retaliated against him in Central Court because of his EEOC disability discrimination claim.

202. In his September 5, 2017 email to Deputy District Court Administrator Hare and President Judge Mancini, Judge Hladio disclosed that he sent an email to the EEOC, claiming that by her August 8, 2017 conduct in Central Court, ADA Reed Strathman retaliated against him because of his EEOC disability discrimination claim.

203. In his September 5, 2017 email to Deputy District Court Administrator Hare and President Judge Mancini, Judge Hladio reported that on August 7, 2017, Deputy District Court Administrator Aileen Bowers retaliated against him through her husband's law partner, Attorney Kenneth Fawcett, in Central Court, because of his EEOC disability discrimination claim.

E. Conduct at District Court

The parties stipulate that if this case were to proceed to trial, the Board's witnesses would testify to the facts set forth below:

JCB File Nos. 2017-338 & 2017-339

204. Constables Mark Kolakowski and Alex Korol performed work assignments for Judge Hladio's district court.

205. In or about June 2017, Judge Hladio investigated whether the rules governing constables permitted Constable Korol to display political signs in his yard.

206. In or about June 2017, Judge Hladio questioned Constable Korol about his alleged refusal to handle the service of levies for his district court.

207. Judge Hladio threatened to take away all of Constable Korol's civil work for his district court if he refused to handle levies.

208. Constable Korol assured Judge Hladio that he has never refused any assignment from his district court.

209. In or about June 2017, Judge Hladio encouraged Constable Kolakowski to file a complaint with Beaver County President Judge Mancini against Constable Korol and District Court Office Manager Borkowski, alleging that Constable Korol refused to handle levy actions and that Office Manager Borkowski did not know how to manage related levy action paperwork at district court.

210. On June 29, 2017, Judge Hladio yelled at Constable Korol, quoting his earnings at "$250,000" for work performed at his district court.

211. When Constable Korol responded that he earned approximately $250,000 over a twelve-year period for assignments that pay a specific fixed amount of money, Judge Hladio continued to yell at him and demanded to see his Form 1099.

212. On June 29, 2017, Judge Hladio said to Constable Korol, "I'm swinging for everyone. My lawyer said to swing for everyone."

213. On July 6, 2017, when Judge Hladio again questioned Constable Korol about handling levy matters, Constable Korol told him that he never refused to handle them.

214. On July 6, 2017, Constable Korol asked Judge Hladio if he had spoken with President Judge Mancini about political signs displayed in Constable Korol's yard.

215. On July 6, 2017, Judge Hladio became angry and yelled at Constable Korol, demanding to know the names of the people who told him that he spoke with President Judge Mancini about political signs displayed in Constable Korol's yard.

216. Judge Hladio repeatedly threatened to take away Constable Korol's work assignments and to stop using his services.

F. Conduct at Central Court

The parties stipulate that if this case were to proceed to trial, the Board's witnesses would testify to the facts set forth below:

JCB File No. 2017-407

217. During the week of August 7-11, 2017, Judge Hladio presided over Central Court at the Court of Common Pleas of Beaver County, a rotating duty among the magisterial district judges in Beaver County.

218. On August 7, 2017, ADA Reed Strathman introduced herself to Judge Hladio and appeared before him in five cases that same day.

219. On August 7, 2011, ADA Angela Reed Strathman appeared before Judge Hladio in a preliminary hearing in *Commonwealth v. Solden Moreland* at Central

Court. Docket No. MJ-36304-CR-0000218-2017. ADA Reed Strathman requested a first continuance on the basis that the charging officer was unable to appear.

220. Judge Hladio denied ADA Reed Strathman's request for a first continuance in the *Moreland* case and argued with her, stating that the absence of the officer was not a valid reason to grant a continuance and that she should have been better prepared to proceed with her case.

221. On August 7, 2017, ADA Reed Strathman appeared before Judge Hladio at a preliminary hearing in *Commonwealth v. John Ours* at Central Court. Docket No. MJ-36202-CR-0000127-2017. A bench warrant had been issued for the defendant who had failed to appear for the prior first listing of the case.

222. On August 7, 2017, ADA Reed Strathman requested a one-week continuance in the *Ours* case because the victim did not appear for the scheduled preliminary hearing.

223. Judge Hladio responded to ADA Reed Strathman's request by stating that the Commonwealth had already received a continuance in the *Ours* matter.

224. When ADA Reed Strathman stated that the issuance of a bench warrant is not the same as a continuance, Judge Hladio argued with her for approximately five minutes and said that her "youth" was the reason why she did not understand what he was saying to her.

225. After Central Court staff explained to Judge Hladio that a bench warrant was issued in the *Ours* matter, but no continuance had been granted, Judge Hladio granted ADA Reed Strathman's request for a continuance.

226. On August 7, 2017, ADA Reed Strathman appeared before Judge Hladio in a preliminary hearing in *Commonwealth v. Marvin Bradley* in Central Court. Docket No. MJ-36201-CR-0000281-2017.

227. The Central Court clerical staff had sent an erroneous notice to Beaver Police Officer Robert Turyon, the officer assigned to the *Bradley* case, telling him that the case had been continued to September 29, 2017.

228. ADA Reed Strathman called Officer Turyon, explained the mistake on the notice provided to him and requested that he come to court.

229. Attorney Kenneth Fawcett represented the defendant in the *Bradley* matter. Attorney Fawcett is the law partner of Attorney Chad Bowers, III, who is the husband of Deputy District Court Administrator Bowers. Judge Hladio named Deputy District Court Administrator Bowers in his EEOC complaint as an individual who had violated his rights under the Americans with Disabilities Act.

230. Attorney Fawcett met with ADA Reed Strathman outside of the courtroom.

231. Attorney Fawcett requested a defense continuance in the *Bradley* case because of a conflict of interest. ADA Reed Strathman did not object to the request for a continuance.

232. Prior to the arrival of Officer Turyon, Judge Hladio granted the defense continuance in the *Bradley* case.

233. On August 7, 2017, as ADA Reed Strathman and Officer Turyon were leaving the courtroom, a tipstaff approached them with the message that Judge Hladio requested a copy of the erroneous continuance notice in the *Bradley* case.

234. Judge Hladio said he needed to see proof of the error on the *Bradley* continuance notice in order to verify that ADA Reed Strathman was telling him the truth.

235. Prior to August 7, 2017, Judge Hladio had never met ADA Reed Strathman nor presided over any court proceedings in which she had appeared.

236. On August 7, 2017, Judge Hladio spoke to ADA Reed Strathman in an argumentative manner and in a condescending tone of voice.

237. On August 7, 2017, Judge Hladio did not challenge the truthfulness of other attorneys appearing before him or speak to them in an argumentative manner or in a condescending tone of voice.

238. On August 7, 2017, Judge Hladio did not comment on the "youth" of other attorneys.

239. On August 8, 2017, ADA Reed Strathman appeared before Judge Hladio at Central Court in a domestic case, *Commonwealth v. David Reno*. Docket No. MJ-36102-CR-0000333-2017. The *pro se* defendant requested a continuance in order to obtain counsel.

240. On August 8, 2017, ADA Reed Strathman objected to the *pro se* defendant's request for a continuance, stating that he made no effort to obtain counsel. ADA Reed Strathman argued that the victim was inconvenienced, having to miss work and arrange for childcare that day.

241. On August 8, 2017, following her objection to the *pro se* defendant's request for a continuance, Judge Hladio asked ADA Reed Strathman, "Are you even an attorney? If you were, you should know how important it is to have an attorney present."

242. On August 8, 2017, Judge Hladio lectured ADA Reed Strathman, stating that she must have "no experience," and that her "youth" was the problem, because he had never seen anyone object to a request for a continuance from a defendant who wanted to obtain counsel.

243. On August 8, 2017, Judge Hladio continued to lecture ADA Reed Strathman and said, "You should know that I always grant a continuance on the first listing of a case."

244. On August 8, 2017, after the defendant in the *Reno* matter had left the courtroom, ADA Reed Strathman stated, "For the record your honor, the Commonwealth was denied a continuance request on a first listing yesterday."

245. After ADA Reed Strathman challenged Judge Hladio's statement about granting a request for a first continuance, Judge Hladio began yelling at her, distinguishing the facts in the *Moreland* case from those in the *Reno* case. Judge Hladio told ADA Reed Strathman that he has the authority to do whatever he wants in cases.

246. Judge Hladio told ADA Reed Strathman that he did not need any "guff" from her and yelled at her, accusing her of having no respect for the court.

247. On August 8, 2017, Judge Hladio asked ADA Reed Strathman if she was even an attorney, made condescending remarks that her age was the problem, and yelled at her for approximately five minutes.

248. On August 8, 2017, after confronting ADA Reed Strathman, Judge Hladio requested that District Attorney David Lozier come to the courtroom.

249. When DA Lozier arrived at the courtroom, Judge Hladio told him that he would like to speak with him alone.

250. DA Lozier insisted that the requested meeting take place on the record in the Central Court courtroom and that ADA Reed Strathman be present.

251. The audio recording system at Central Court was turned on and recorded Judge Hladio's August 8, 2017 conversation with DA Lozier and ADA Reed Strathman.

252. The audio recording system remained turned on for the duration of August 8, 2017, and throughout the day on August 10-11, 2017. Proper notice pertaining to the audio recording was provided to all persons appearing before Judge Hladio.

253. On August 8, 2017, Judge Hladio spoke in a raised voice during the entire meeting with DA Lozier and ADA Reed Strathman.

254. During the August 8, 2017 meeting with DA Lozier and ADA Reed Strathman, Judge Hladio accused ADA Reed Strathman of having no respect for the court and asked if she was even an attorney.

255. During the August 8, 2017 meeting with DA Lozier and ADA Reed Strathman, Judge Hladio continued to speak in a raised voice, declared that ADA Reed Strathman was inexperienced and stated that she had no idea how a subpoena works. He also made a derogatory remark about her "youth."

256. During the August 8, 2017 meeting, DA Lozier formally introduced ADA Reed Strathman to Judge Hladio and informed him of her professional background, including her experience as a law clerk to Judge John McBride. Judge Hladio responded, "Very good."

257. Judge McBride will be a Board witness in 6 JD 2016, if the case proceeds to trial. Information pertaining to Judge McBride's involvement in the underlying case is set forth in the first Board Complaint, 6 JD 2016, at Paragraph Nos. 26 to 33.

Information pertaining to Judge McBride's identity and testimony was provided to Judge Hladio's counsel, pursuant to C.J.D.R.P. Nos. 401 and 404 (rules of discovery).

258. At the conclusion of the August 8, 2017 meeting, Judge Hladio said, "Wait, you were a clerk for Judge McBride?" He then added, "Oh, okay. Now I understand."

259. Later on August 8, 2017, ADA Reed Strathman again appeared before Judge Hladio at Central Court for a preliminary hearing in *Commonwealth v. Jada Marie Strayhorn*. Docket No. MJ-36101-CR-0001448-2017. The defendant had been arraigned previously, but was in jail in another county. When ADA Reed Strathman asked Judge Hladio how he wanted to proceed, he again asked, "Are you an attorney?" Judge Hladio spoke to ADA Reed Strathman in a condescending manner, asking her if she needed to look at his files to see what she should be doing.

260. When ADA Reed Strathman explained to Judge Hladio that she asked him how he would like to proceed in the *Strayhorn* case because magisterial district judges, before whom she has appeared, have handled similar issues in different ways, Judge Hladio denied that the defendant had been arraigned.

261. Court Clerk Shannon Preininger showed Judge Hladio the file, which indicated that the defendant had been arraigned and that Judge Hladio was the judge who presided at the preliminary arraignment. Judge Hladio then conducted the hearing in *absentia* and held the case for court.

262. Central Court was not conducted on August 9, 2017.

263. On Thursday, August 10, 2017, Judge Hladio again presided over Central Court. He refused to turn on the audio recording device before ADA Reed Strathman entered the Central Court courtroom.

264. Upon request from ADA Strathman, Deputy District Court Administrator Hare intervened and asked Judge Hladio to turn on the digital audio recording device, which Judge Hladio agreed to do.

265. On August 10, 2017, Judge Hladio continued to question ADA Reed Strathman's requests in court proceedings and to speak to her in a condescending manner.

266. On August 10, 2017, Judge Hladio raised his voice when speaking to ADA Reed Strathman and attempted to hand her files so that she could "understand" things.

267. During the week of August 7-11, 2017, Judge Hladio did not yell at, raise his voice, criticize or demonstrate an improper demeanor toward older female attorneys who appeared before him in Central Court.

268. During the week of August 7-11, 2017, Judge Hladio did not comment on the age or level of experience of older female attorneys who appeared before him at Central Court, question their truthfulness or query, "Are you an attorney?"

269. During the week of August 7-11, 2017, Judge Hladio did not yell at or raise his voice, criticize or demonstrate an improper demeanor toward young male attorneys who appeared before him in Central Court.

270. During the week of August 7-11, 2017, Judge Hladio did not comment on the age or level of experience of young male attorneys who appeared before him at Central Court, question their truthfulness or query, "Are you an attorney?"

271. On August 11, 2017, Judge Hladio lectured individuals appearing before him at Central Court about Rule 3.8(b) of the Pennsylvania Rules of Professional Conduct (Pa.R.P.C.).

272. Pa.R.P.C. No. 3.8 provides, in pertinent part:

> Rule 3.8 Special Responsibilities of a Prosecutor
>
> The prosecutor in a criminal case shall:
> . . .
>
> (b) make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for, obtaining counsel and has been given reasonable opportunity to obtain counsel.
> . . .
>
> Pa.R.P.C. No. 3.8(b)

273. On August 11, 2017, a criminal defendant appeared before Judge Hladio for a preliminary hearing. *Commonwealth v. Branden Xavier Thomas*, Docket No. MJ-36304-CR-0000259-2017. The Commonwealth requested a continuance because a witness was not available. The defendant was not represented by counsel.

274. Judge Hladio read aloud Pa.R.P.C. No. 3.8(b) to the defendant and then advised him that if a prosecutor violates the Rule, it is a violation of the Rules of Professional Conduct.

275. Pa.R.P.C. No. 3.8(b) was inapplicable under the circumstances because the Commonwealth, the prosecutor, had requested the continuance in the *Thomas* case.

276. Later on August 11, 2017, Judge Hladio discussed the *Thomas* matter and the defendant's need for representation with Assistant Public Defender (APD) William Braslawsce. Judge Hladio then read aloud Pa.R.P.C. No. 3.8(b) to APD Braslawsce.

277. Pa.R.P.C. No. 3.8(b) was inapplicable under the circumstances because the Commonwealth, the prosecutor, had requested the continuance in the *Thomas* case.

278. Later on August 11, 2011, ADA Chad Parks appeared in Central Court before Judge Hladio in two cases:

a. In the first case, *Commonwealth v. Yokel*, APD Braslawsce requested a defense continuance. Docket No. MJ-36303-CR-0000328-2017. ADA Parks did not object to the request for a defense continuance.

b. In the second case, *Commonwealth v. Arbes*, the *pro se* defendant requested a continuance to obtain counsel. Docket No. MJ-36303-CR-0000331-2017. ADA Parks did not object to the defendant's request for a continuance.

279. Judge Hladio stated on the record that ADA Parks was complying with Rule 3.8 and then read the Rule aloud in open court.

280. ADA Parks responded that he was not objecting and the following exchange took place:

ADA Parks:	I wasn't objecting to it.
Judge Hladio:	Pardon me?
ADA Parks:	I was not objecting to it.
Judge Hladio:	Are you saying that an objection would be a violation of that rule?
ADA Parks:	No.
Judge Hladio:	Oh, it would not?
ADA Parks:	I don't understand what's going on right now.
MDJ Hladio:	I'm just reading what the rule is. Sometimes I think that people do not understand that that is the rule.

ADA Parks: Okay.

MDJ Hladio: You might want to tell some of your DAs that or your boss.

ADA Parks: I'm not going to do that.

281. ADA Parks was aware of the August 8, 2017 incident involving ADA Reed Strathman and Judge Hladio and understood that Judge Hladio intended for him to relay the information about Pa.R.P.C. No. 3.8(b) to her.

282. Pa.R.P.C. No. 3.8(b) was inapplicable in the *Yokel* and *Arbes* matters because the prosecutor, ADA Parks, did not object to the request for a continuance in either criminal case.

283. On July 25, 2017 and September 5, 2017, Judge Hladio sent emails to Deputy Court Administrator Hare and President Judge Mancini which contained allegations about individuals who have complained about his misconduct and/or who are known to be witnesses for the Board in 6 JD 2017.

284. In the September 5, 2017 email to Deputy District Court Administrator Hare and President Judge Mancini, Judge Hladio claimed that ADA Reed Strathman violated Pa.R.P.C. No. 3.8 and retaliated against him on August 8, 2017 in Central Court because of his disability discrimination claim.

285. In the September 5, 2017 email and at his September 26, 2017 Board deposition, Judge Hladio stated that he sent an email to the EEOC containing supplemental information for his disability discrimination claim, alleging that by her August 8, 2017 conduct in Central Court, ADA Reed Strathman retaliated against him.

286. In his September 5, 2017 email, Judge Hladio claimed that Deputy District Court Administrator Bowers retaliated against him through her husband's law

partner, Attorney Fawcett, in Central Court during the week of August 7-11, 2017. Judge Hladio sent the email to Ms. Bower's direct supervisor, President Judge Mancini, and her colleague, Deputy District Court Administrator Hare.

287. At his September 26, 2017 Board deposition, Judge Hladio stated that he is fearful of political connections in Beaver County and thinks that those individuals, who have complained about his conduct, are conspiring against him.

288. At his September 26, 2017 Board deposition, Judge Hladio admitted that he had no factual basis to support his allegation that individuals who had complained about his misconduct, or were witnesses for the Board, had conspired with one another or with ADA Reed Strathman to retaliate against him on August 7-11, 2017 in Central Court.

EXHIBITS

The parties stipulate to the authenticity and admissibility of the following exhibits:

A. JCB File No. 2014-684; CJD Docket No. 6 JD 2016

1. Confidential Request for Investigation verified by President Judge John D. McBride on October 24, 2014. (JCB File No. 2014-684)

2. Log of notes typewritten by Nancy Borkowski from March 2010 through October 2014, regarding Judge Hladio, titled "Packet #3: Notes Provided to Judge McBride by Nancy Borkowski," received by the Board November 3, 2014.

3. Typewritten statement of Linda David dated May 6, 2015, regarding Judge Hladio.

4. Typewritten statement of Linda David dated May 28, 2015, regarding Judge Hladio.

5. Typewritten notes by Nancy Borkowski from November 24, 2014 through July 22, 2015, regarding Judge Hladio.

6. Note from Judge Hladio with daily assignments to his staff, received from Joanne Tisak on January 7, 2015.

7. Emails and documents provided by District Court Administrator Aileen Bowers on January 6, 2017 to Investigator Douglas K. Miller.

8. Notice of Full Investigation issued to Hladio on January 30, 2015.

9. Preliminary response to the Notice of Full Investigation by Judge Hladio, dated February 8, 2015.

10. Response to the Notice of Full Investigation by Judge Hladio, dated February 20, 2015.

11. May 11, 2015 Memorandum to Elizabeth A. Flaherty, Deputy Counsel, from Investigator Douglas K. Miller, regarding call from Deputy Court Administrator Aileen Bowers regarding an incident between MDJ Hladio and clerk Linda David.

12. Redacted MDJ Secure Docket, *Commonwealth v. Rose Marie Friend,* MJ-36101-CR-0000331-2008.

13. MDJ docket and case file, *Housing Authority of the County of Beaver v. Shawn M. Sweeney,* MJ-36101-LT-0000006-2016.

14. MDJ docket, *Commonwealth v. Josephine Hernandez,* MJ-36101-NT-0000390-2015.

15. MDJ docket and case file, *Commonwealth v. Kenneth Wayne Moore,* MJ-36201-CR-0000183-2015.

16. MDJ docket, *Commonwealth v. Ruben Alberto Carrazan,* MJ-36101-TR-0000144-2014.

17. March 21, 2016 letter to Board Investigator Douglas K. Miller from President Judge John D. McBride with information regarding additional complaints against MJD Hladio.

18. Supplemental Notice of Full Investigation issued to Judge Hladio on June 24, 2016.

19. Response to Supplemental Notice of Full Investigation by Judge Hladio, received on August 9, 2016.

20. October 5, 2016 letter to Mr. Thomas B. Darr and the Honorable Robert A. Graci from President Judge John D. McBride, regarding MDJ Hladio.

21. October 7, 2016 email from Nancy Borkowski to Douglas K. Miller regarding email address, with attached September 28, 2016 work notes.

22. Letter to Francis J. Puskas, Esquire with supplementals and addendums regarding JCB File No. 2014-684.

23. 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."

B. <u>February 17, 2017 CJD Suspension Hearing 6 JD 2017</u>

24. Redacted October 18, 2016 email from Andrew Hladio to Aileen Bowers, cc: John McBride; Richard Mancini; Richard Defilippi, regarding Night Duty new employee Pam.

25. October 19, 2016 Confidential Memorandum to File from Aileen Bowers, Deputy Court Administrator, regarding Investigation of Complaint by MDJ.

26. Redacted December 7, 2016 email from Andrew Hladio to Aileen Bowers; John McBride; Richard Mancini, Richard Defilippi; William Hare, regarding part time full time help.

27. January 5, 2017 email from Andrew Hladio to John McBride; Richard Mancini; Harry Knafelc; Dale Fouse; Deborah Kunselman; James Ross; John Dohanich; Kim Tesla; Magistrates; William Hare, regarding Policy on R[sic]raignments at central court.

28. Docket and case file, *Commonwealth v. Rachel Dzeskewicz*, MJ-36101-NT-0000665-2015.

29. Docket and case file, *Commonwealth v. Rachel Dzeskew*icz, MJ-36101-MD-0000013-2016.

30. May 9, 2016 email from Debra Landsbaugh to Charles Rossi, regarding *Dzeskewicz* truancy hearing.

31. May 10, 2016 email from Kris McCafferty to Charles Rossi, regarding *Dzeskewicz* contempt hearing.

C. <u>JCB File Nos. 2017-338, 2017-339, 2017-348 and 2017-407</u>
<u>CJD Docket No. 3 JD 2017, Consolidated at 6 JD 2016.</u>

32. Redacted Confidential Request for Investigation verified by Mark Kolakowski on July 5, 2017 (JCB File No. 2017-338).

33. Redacted Confidential Request for Investigation verified by Alex Korol on July 5, 2017 (JCB File No. 2017-339).

34. Confidential Request for Investigation verified by Robert A. Graci, Chief Counsel, on July 17, 2017 (JCB File No. 2017-348).

35. Confidential Request for Investigation verified by Angela M. Reed Strathman, Esquire on August 14, 2017 (JCB File No. 2017-407).

36. July 24, 2017 email from William Hare to Elizabeth Flaherty and Douglas K. Miller regarding "Beaver County MDJ Hladio," with attached July 10, 2017 email from Deputy Sheriff Tony Guy to Aileen Bowers.

37. Notice of Full Investigation issued to the Honorable Andrew M. Hladio by Robert A. Graci, dated September 5, 2017, regarding JCB File Nos. 2017-338, 2017-339, 2017-348 and 2017-407.

38. Response to Notice of Full Investigation by Heidi F. Eakin, Esquire, dated September 26, 2017, with attachments, regarding JCB File Nos. 2017-338, 2017-339, 2017-348 and 2017-407.

39. June 29, 2017 email, sent at 1:50 p.m., from Alex Korol to Douglas K. Miller, regarding "Judge Hladio."

40. July 3, 2017 email, sent at 9:01 a.m., from Alex Korol to Douglas K. Miller, regarding "Re: Judge Hladio."

41. July 3, 2017 email, sent at 7:24 p.m., from Alex Korol to Douglas K. Miller, regarding "Andrew Hladio."

42. July 10, 2017 email, sent at 12:42 a.m., from Alex Korol to Douglas K. Miller, regarding "RE: Judge Hladio."

43. Response to Subpoena No. 2017-020 by Gregory Dunlap, Chief Legal Counsel, AOPC, dated July 18, 2017 with attached Notice of Charge of Discrimination filed by MDJ Andrew M. Hladio with the U.S. Equal Employment Opportunity Commission (EEOC).

44. Letter to the Office of Inspector General, copied to the Auditor General, from Andrew M. Hladio, Esquire, dated March 22, 2017, with attachments.

45. August 24, 2017 letter from District Court Administrator William Hare, Esquire, with the audio recordings of August 8, 2017, August 10, 2017 and August 11, 2017.

46. Thumb drive containing the audio recordings of August 8, 2017, August 10, 2017 and August 11, 2017.

47. Transcript of audiotaped proceedings in Central Court before MDJ Andrew Hladio on August 8, 2017.

48. Transcript of audiotaped proceedings in Central Court before MDJ Andrew Hladio on August 10, 2017.

49. Transcript of audiotaped proceedings in Central Court before MDJ Andrew Hladio on August 11, 2017.

50. Incident Report dated August 8, 2017 by Shannon Preininger describing the treatment of ADA Angela M. Reed Strathman by MDJ Hladio on August 7-8, 2017.

51. Incident Report dated August 9, 2017 by Beaver County Deputy Sheriff Steven A. Montani regarding incident with MDJ Hladio and ADA Angela M. Reed Strathman on August 7-8, 2017.

52. Incident Report dated August 14, 2017 by ADA Angela M. Reed Strathman regarding MDJ Hladio.

53. August 14, 2017 email from Chad Parks to Aileen Bowers regarding August 11, 2017 incident with MDJ Hladio and ADA Angela M. Reed Strathman.

54. MDJ docket and case file, *Commonwealth v. Solden Moreland,* MJ-36304-CR-0000218-2017.

55. MDJ docket and case file, *Commonwealth v. John Robert Ours,* MJ-36302-CR-0000127-2017.

56. MDJ docket and case file, *Commonwealth v. Marvin Bradley,* MJ-36201-CR-0000281-2017.

57. MDJ docket and case file, *Commonwealth v. David Reno,* MJ-36102-CR-0000333-2017.

58. MDJ docket and case file, *Commonwealth v. Jada Marie Strayhorn,* MJ-36101-CR-0000130-2017.

59. MDJ docket, *Commonwealth v. Carly Marie Arbes,* MJ-36303-CR-0000331-2017.

60. MDJ docket, *Commonwealth v. Branden Xavier Thomas,* MJ-36304-CR-0000259-2017.

61. MDJ docket, *Commonwealth v. Christopher Marc Yoke.,* MJ-36303-CR-0000328-2017.

62. Redacted November 8, 2017 email from Dana Shettel, Administrative Officer, State Employees Retirement System, to Toni Schreffler, Legal Assistant, regarding MDJ Hladio approved for a disability pension.

63. November 14, 2017 resignation letter from MDJ Andrew M. Hladio to Governor Tom Wolf, effective Friday, November 17, 2017.

WAIVER OF TRIAL

Pursuant to Court of Judicial Discipline Rule of Procedure No. 502(D)(1), the Judicial Conduct Board (Board) and Magisterial District Judge Andrew M. Hladio, by and through his counsel, Heidi F. Eakin, Esquire, hereby submit Joint Stipulations of Fact, Board Exhibits and Waiver of Trial. The parties agree that the Joint Stipulations of Fact and Board Exhibits comprise all of the facts necessary for this Court to decide the issues presented in the Complaints and that they shall be binding. The parties acknowledge that this Court may decide this case based solely upon the Stipulations of Fact and Board Exhibits. The Board and Respondent expressly waive any right to trial under Article V, § 18(b)(5) of the Pennsylvania Constitution and the Rules of this Court, and hereby submit this case to the Court for its conclusions of law.

Respectfully submitted,

October 15, 2018 By: Elizabeth A. Flaherty

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

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

October 15, 2018 By: Heidi F Eakin

Heidi F. Eakin
Attorney for Respondent
Pa. Supreme Court ID No. 43893

Costopoulos, Foster, and Fields
831 Market Street
Lemoyne, PA 17043

October ___, 2018 By: _____

Andrew M. Hladio
Respondent

WAIVER OF TRIAL

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October 15, 2018 By: Elizabeth A. Flaherty

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October 15, 2018 By: Heidi F Eakin

Heidi F. Eakin
Attorney for Respondent
Pa. Supreme Court ID No. 43893

Costopoulos, Foster, and Fields
831 Market Street
Lemoyne, PA 17043

October 25, 2018 By: _____

Andrew M. Hladio
Respondent

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 October 25, 2018, a copy of this *Joint Stipulations of Fact in Lieu of Trial and Waiver of Trial Pursuant to C.J.D.R.P. No. 502(D)(1)* was sent by email and First Class Mail to Heidi F. Eakin, Esquire, counsel for Magisterial District Judge Hladio at the following address:

Heidi F. Eakin
Attorney for Respondent
Costopoulos, Foster, and Fields
831 Market Street
Lemoyne, PA 17043

Respectfully submitted,

October 25, 2018

BY: Elizabeth A. Flaherty
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