

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

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COURT OF
JUDICIAL DISCIPLINE
BEAVER COUNTY

2017 OCT 10 P 4: 03

IN RE:

Andrew M. Hladio :
Magisterial District Judge :
Magisterial District 36-1-01 : 3 JD 2017
36th Judicial District :
Beaver County :

TO: ANDREW M. HLADIO

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

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

You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than thirty (30) days after the service of this Complaint in accordance with C.J.D.R.P. No. 411.

You are further hereby notified that within thirty (30) days after the service of this Complaint, if no omnibus motion is filed, or within twenty (20)

days after the dismissal of all or part of the omnibus motion, you may file an Answer admitting or denying the allegations contained in this Complaint in accordance with C.J.D.R.P. No. 413. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.

COMPLAINT

AND NOW, this 10th day of October, 2017 comes the Judicial Conduct Board of the Commonwealth of Pennsylvania and files this Board Complaint against the Honorable Andrew M. Hladio, Magisterial District Judge for Magisterial District Court 36-1-01 of Beaver County Pennsylvania, alleging that Judge Hladio has violated the Rules Governing Standards of Conduct of Magisterial District Judges and Article V, § 17(b) and 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, as more specifically delineated herein.

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

2. From January 2010 through February 17, 2017, Judge Hladio served as the magisterial district judge of District Court 36-1-01.

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

4. Following a hearing, on February 17, 2017, this Court entered an Order, suspending Judge Hladio with pay for a period of 90 days and without any effect on his health benefits.

5. On May 4, 2017, this Court issued an Order extending the period of Judge Hladio's suspension with pay until June 20, 2017.

6. 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.

7. From June 21, 2017 through the present time, Judge Hladio has served as magisterial district judge of District Court 36-1-01.

8. 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.

9. 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 Board Complaint pending at 6 JD 2016, the Board investigated the instant matters.

10. 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.

11. The alleged judicial misconduct occurred after November 30, 2014 and therefore, the New Rules Governing Standards of Conduct of Magisterial District Judges (R.G.S.C.M.D.J.) are applicable.

A. RETALIATION AGAINST BOARD WITNESSES

JCB File No. 2017-348

12. On March 22, 2017, during the period of his interim suspension with pay pursuant to *In re Hladio*, 6 JD 2016, 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.

13. In the March 22, 2017 letter, Judge Hladio complained about the work performance of his district court Office Manager Nancy Borkowski and court clerks Joanne Tisak and Linda David, all of whom are referred to in the 6 JD 2016 Board

Complaint, and that of Beaver County Deputy District Court Administrator Aileen Bowers, who appeared as a witness for the Board at the February 17, 2017 Suspension Hearing.

14. All of the individuals named in the preceding paragraph, with the exception of Linda David, who is now deceased, will be witnesses for the Board at trial in 6 JD 2016, and information related to each of them was provided to Judge Hladio's counsel, pursuant to the rules of discovery.

15. Judge Hladio admitted that sometime in February 2017, the same month that this Court issued an Order suspending him with pay, he contacted federal authorities and began the process of filing a complaint against the Administrative Office of Pennsylvania Courts (AOPC) under the Americans with Disabilities Act.

16. 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).

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

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

19. 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.

20. In his EEOC Complaint, Judge Hladio claimed that former 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.

21. All of the individuals whom Judge Hladio named or referred to in the EEOC Complaint will be witnesses for the Board at trial in 6 JD 2016, and information related to each of them was provided to his counsel pursuant to the rules of discovery.

22. 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 false, intemperate, irrelevant 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.

23. In his September 5, 2017 email to Deputy District Court Administrator Hare and President Judge Mancini, Judge Hladio reported, without factual basis, 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.

24. 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.

25. In his September 5, 2017 email to Deputy District Court Administrator Hare and President Judge Mancini, Judge Hladio reported, without factual basis, 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.

B. IMPROPER CONDUCT AT DISTRICT COURT

JCB File Nos. 2017-338 & 2017-339

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

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

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

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

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

31. 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.

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

33. 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.

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

35. 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.

36. 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.

37. 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.

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

C. IMPROPER CONDUCT AT CENTRAL COURT

JCB File No. 2017-407

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

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

41. 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.

42. 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.

43. 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.

44. 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.

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

46. 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.

47. 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.

48. 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.

49. 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.

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

51. Attorney Kenneth Fawcett represented the defendant in the *Bradley* matter. Attorney Fawcett is the law partner of Attorney Chad Bowers, III and 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.

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

53. 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.

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

55. 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.

56. 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.

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

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

59. 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.

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

61. 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.

62. 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.

63. 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."

64. 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.

65. 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."

66. 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."

67. 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.

68. 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.

69. 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.

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

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

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

73. 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.

74. The audio recording system remained turned on for the duration of August 8th 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.

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

76. 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.

77. 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."

78. 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."

79. Former President Judge McBride will be a Board witness at trial in 6 JD 2016. Information pertaining to his involvement in the underlying case was set forth in the Board Complaint, 6 JD 2016, at Paragraph Nos. 26 to 33, and provided to Judge Hladio's counsel pursuant to the rules of discovery.

80. 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."

81. 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.

82. 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.

83. 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.

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

85. 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.

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

87. 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.

88. 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.

89. 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.

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

91. 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 appearing before him in Central Court.

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

93. On August 11, 2017, Judge Hladio lectured individuals appearing before him at Central Court about Rule 3.8 of the Rules of Professional Conduct, entitled Special Duties of a Prosecutor.

Rule 3.8 provides, in pertinent part:

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)

94. 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.

95. Judge Hladio read aloud Pennsylvania Rule of Professional Conduct (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.

96. 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.

97. Later that same day 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.

98. 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.

99. 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.

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

101. 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.

102. 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.

103. 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.

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

105. 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.

106. 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.

107. 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.

108. 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.

109. 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.

D. CHARGES

Count One

Retaliation

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

111. Rule 2.16 is titled "Cooperation with Disciplinary Authorities" and provides, in pertinent part:

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

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

112. By his March 22, 2017 letter to the Inspector General of the Commonwealth of Pennsylvania, with a copy to the Auditor General, sent during the period of his suspension with pay from his judicial duties by this Court, Judge Hladio

retaliated against District Court Office Manager Borkowski, District Court Clerk Tisak and District Court Clerk David (who is now deceased), all of whom are referenced in the Board Complaint at 6 JD 2016, and are persons known or suspected to have assisted or cooperated with the Board's investigation of Judge Hladio's alleged misconduct.

113. By his March 22, 2017 letter to the Inspector General of the Commonwealth of Pennsylvania, with a copy to the Auditor General, sent during the period of his suspension with pay from his judicial duties by this Court, Judge Hladio retaliated against Deputy District Court Administrator Bowers, who appeared as a Board witness at the February 17, 2017 CJD Suspension Hearing and is a person known or suspected to have assisted or cooperated with the Board's investigation of Judge Hladio's alleged misconduct.

114. By his EEOC Complaint, which he initiated in or about February 2017, during the period of his suspension with pay from his judicial duties by this Court, and executed on June 28, 2017, immediately after this Court terminated his suspension and permitted him to return to the bench, Judge Hladio retaliated against Office Manager Borkowski and Central Court staff generally, all of whom are referenced in the Board Complaint at 6 JD 2016, and are persons known or suspected to have assisted or cooperated with the Board's investigation of Judge Hladio's alleged misconduct.

115. By his EEOC Complaint, which he initiated in February 2017, during the period of his suspension with pay from his judicial duties by this Court, and executed on June 28, 2017, immediately after this Court terminated his suspension, Judge Hladio retaliated against former Beaver County President Judge McBride and Deputy

District Court Administrator Bowers, both of whom are persons known or suspected to have assisted or cooperated with the Board's investigation of his alleged misconduct.

116. By his conduct of investigating whether Constable Korol 2017 conduct of displaying political signs in his yard was permissible under the rules governing constables, Judge Hladio retaliated against Constable Korol, a person known or suspected to have assisted or cooperated with the Board's investigation of his alleged misconduct.

117. By his conduct of threatening to take away Constable Korol's work assignments and to stop using his constable services, Judge Hladio retaliated against a person known or suspected to have assisted or cooperated with the Board's investigation of his alleged misconduct.

118. By his conduct of encouraging Constable Kolakowski to file a complaint with Beaver County President Judge Mancini against Office Manager Borkowski and Constable Korol, Judge Hladio retaliated against persons known or suspected to have assisted or cooperated with the Board's investigation of his alleged misconduct.

119. By his conduct of sending the July 25, 2017 and September 5, 2017 emails to Deputy District Court Administrator Hare and President Judge Mancini, which contained false, intemperate, irrelevant statements against witnesses for the Board in 6 JD 2017, Judge Hladio retaliated against persons known or suspected to have assisted or cooperated with the Board's investigation of his alleged misconduct.

120. By his September 5, 2017 conduct of reporting by email to Deputy District Court Administrator Hare and President Judge Mancini, without factual basis, that on August 8, 2017, ADA Reed Strathman violated Pa.R.P.C. No. 3.8 and

retaliated against him in Central Court, Judge Hladio retaliated against a person known or suspected to have assisted or cooperated with the Board's investigation of his alleged misconduct.

121. By his conduct of sending an email to the EEOC, supplementing his disability discrimination claim and alleging that on August 8, 2017, ADA Reed Strathman retaliated against him Central Court, Judge Hladio retaliated against a person known or suspected to have assisted or cooperated with the Board's investigation of his alleged misconduct.

122. By his conduct of reporting, without factual basis, that Deputy District Court Administrator Bowers retaliated against him in Central Court during the week of August 7-11, 2017, through her husband's law partner, Attorney Fawcett, as set forth in his September 5, 2017 email to Ms. Bower's supervisor, President Judge Mancini, and Deputy District Court Administrator Hare, Judge Hladio retaliated against a person known or suspected to have assisted or cooperated with the Board's investigation of his alleged misconduct.

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

Count Two

Decorum, Demeanor and Communication

124. By virtue of all of the conduct set forth in Parts B & C, Judge Hladio violated Canon 2, Rule 2.8(B) of the Rules Governing Standards of Conduct of Magisterial District Judges.

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

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

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

126. By his June 29, 2017 conduct of yelling at Constable Korol at district court about the sum total of the money paid to him for constable services rendered over a period of twelve years, and demanding to see his Form 1099, Judge Hladio failed to be patient, dignified and courteous to an individual with whom he deals in an official capacity.

127. By his July 6, 2017 conduct of yelling at Constable Korol at district court about whether he discussed the placement of political signs in Constable Korol's yard with President Judge Mancini, Judge Hladio failed to be patient, dignified and courteous to an individual with whom he deals in an official capacity.

128. By his conduct of yelling at, and demonstrating an angry demeanor toward ADA Reed Strathman in Central Court during the week of August 7-11, 2017, Judge Hladio failed to be patient, dignified and courteous to a lawyer with whom he deals in an official capacity.

129. By his August 7-11, 2017 conduct in Central Court of criticizing ADA Reed Strathman's ability to represent the Commonwealth in criminal proceedings, commenting on her youth, questioning her truthfulness, repeatedly asking if she was an attorney and speaking to her in an argumentative, condescending manner, Judge Hladio failed to be patient, dignified and courteous to a lawyer with whom he deals in an official capacity.

130. By his August 8, 2017 conduct in Central Court of telling ADA Reed Strathman that he did not need any "guff," accusing her of having no respect for the court, declaring that she was inexperienced and had no idea how a subpoena worked, Judge Hladio failed to be patient, dignified and courteous to a lawyer with whom he deals in an official capacity.

131. By his April 8, 2017 conduct of speaking in a raised voice during the entire meeting with District Attorney Lozier and ADA Reed Strathman, Judge Hladio failed to be patient, dignified and courteous to lawyers with whom he deals in an official capacity.

132. By all of the conduct set forth above, Judge Hladio violated Canon 2, Rule 2.8(B) of the Rules Governing Standards of Conduct of Magisterial District Judges.

Count Three

Public Confidence in the Judiciary; Impropriety

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

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

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

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

135. By his conduct of submitting the March 22, 2017 letter to the Office of the Inspector General, with a copy to the Inspector General, in which he complained about the conduct of persons known to be witnesses for the Board in 6 JD 2016, Judge Hladio failed to act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and failed to avoid impropriety and the appearance of impropriety..

136. By his conduct of filing an EEOC complaint against the AOPC, alleging that persons known to be witnesses for the Board in 6 JD 2016 had discriminated against him because of his disability, Judge Hladio failed to act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and failed to avoid impropriety and the appearance of impropriety..

137. By his June 2017 conduct of investigating the propriety of Constable Korol's placement of political signs in his yard during the 2017 Primary Election, Judge Hladio failed to act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and failed to avoid impropriety and the appearance of impropriety.

138. By his conduct of encouraging Constable Kolakowski to file a complaint with President Judge Mancini against Office Manager Borkowski and Constable Korol, pertaining to the processing and service of levy actions, Judge Hladio failed to act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and failed to avoid impropriety and the appearance of impropriety.

139. By his conduct of threatening to take away Constable Korol's work assignments and to stop using his constable services at district court, Judge Hladio failed to act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and failed to avoid impropriety and the appearance of impropriety.

140. By his conduct of sending the July 25, 2017 and September 5, 2017 emails to President Judge Mancini and Deputy District Court Administrator Hare, which contained false, intemperate and irrelevant statements about persons known to be witnesses for the Board in 6 JD 2016, Judge Hladio failed to act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and failed to avoid impropriety and the appearance of impropriety.

141. By his September 5, 2017 conduct of reporting by email to Deputy District Court Administrator Hare and President Judge Mancini, without factual basis, that on August 8, 2017, ADA Reed Strathman violated Pa.R.P.C. No. 3.8 and retaliated against him in Central Court, Judge Hladio failed to act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and failed to avoid impropriety and the appearance of impropriety.

142. By his conduct of sending an email to the EEOC, supplementing his disability discrimination claim and alleging that on August 8, 2017, ADA Reed Strathman retaliated against him Central Court, Judge Hladio failed to act at all times in a manner that promotes public confidence in the independence, integrity and

impartiality of the judiciary and failed to avoid impropriety and the appearance of impropriety.

143. By his conduct of reporting, without factual basis, that Deputy District Court Administrator Bowers retaliated against him in Central Court during the week of August 7-11, 2017, through her husband's law partner, Attorney Fawcett, as set forth in his September 5, 2017 email to Ms. Bower's supervisor, President Judge Mancini, and Deputy District Court Administrator Hare, Judge Hladio failed to act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and failed to avoid impropriety and the appearance of impropriety.

144. By his August 7-11, 2017 repetitive conduct of yelling at and demonstrating an angry demeanor toward ADA Reed Strathman, criticizing her ability to represent the Commonwealth in criminal proceedings, commenting on her youth, questioning her truthfulness, asking if she was an attorney, accusing her of having no respect for the court, telling her that he did not need any "guff," declaring that she was inexperienced and had no idea how a subpoena worked, and speaking to her in an argumentative, condescending manner in Central Court, Judge Hladio failed to act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and failed to avoid impropriety and the appearance of impropriety.

145. By his August 11, 2017 conduct at Central Court of reading aloud Pa.R.P.C. No. 3.8(b), and discussing potential violations of the Rule by prosecutors, in the absence of any issues arising under the Rule in criminal proceedings before him, Judge Hladio failed to act at all times in a manner that promotes public

confidence in the independence, integrity and impartiality of the judiciary and failed to avoid impropriety and the appearance of impropriety.

146. By all of the conduct set forth above, Judge Hladio violated Canon 1, Rule 1.2 of the Rules Governing Standards of Conduct of Magisterial District Judges.

Count Four

Bias, Prejudice and Harassment

147. By virtue of some or all of the conduct set forth in Part C, Judge Hladio violated Canon 2, Rule 2.3(B) of the Rules Governing Standards of Conduct of Magisterial District Judges.

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

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

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

149. By his August 7-11, 2017 conduct at Central Court of yelling at, criticizing and demonstrating an improper demeanor toward ADA Reed Strathman, commenting on her youth and inexperience and asking repeatedly if she was an attorney, but refraining from such conduct toward older female attorneys appearing before him, Judge Hladio manifested bias or prejudice against ADA Reed Strathman based on her age.

150. By his August 7-11, 2017 conduct at Central Court of yelling at, criticizing and demonstrating an improper demeanor toward ADA Reed Strathman, commenting on her youth and inexperience and asking repeatedly if she was an

attorney, but refraining from such conduct toward young male attorneys appearing before him, Judge Hladio manifested bias or prejudice against Reed Strathman based on her gender.

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

Count Five

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

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

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

PA CONST., art. V, § 17(b).

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

155. Judge Hladio violated Rules 1.2; 2.3(B); 2.8(B) and 2.16(B) of the Rules Governing Standards of Conduct of Magisterial District Judges.

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

Count Six

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

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

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

PA CONST. art. V, § 18(d)(1).

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

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

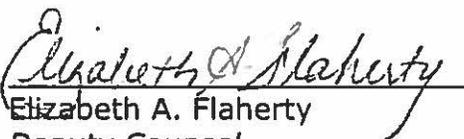
WHEREFORE, Andrew M. Hladio, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

October 10, 2017

By:


Elizabeth A. Flaherty
Deputy Counsel

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Judicial Conduct Board
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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	:	3 JD 2017
36th Judicial District	:	
Beaver County	:	

VERIFICATION

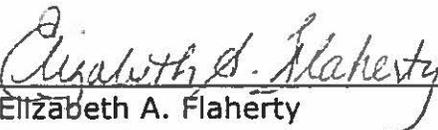
I, Elizabeth A. Flaherty, Deputy Counsel to the Judicial Conduct Board, verify that the Judicial Conduct Board found probable cause to file the formal charges contained in the Board Complaint. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904,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

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

October 10, 2017

BY:



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

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**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Andrew M. Hladio	:	
Magisterial District Judge	:	
Magisterial District 36-1-01	:	3 JD 2017
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 10, 2017, a copy of this *Board Complaint* was sent by UPS Overnight Delivery to Heidi F. Eakin, Esquire, counsel to Magisterial District Judge Hladio at the following address:

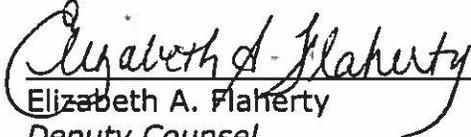
Heidi F. Eakin, Esquire
Costopoulos, Foster & Fields
831 Market Street
Lemoyne, PA 17404-1518

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

October 10, 2017

BY:


Elizabeth A. Flaherty
Deputy Counsel

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