

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE: : 1 JD 2018
:
WILLIAM I. MARUSZCZAK :
MAGISTERIAL DISTRICT JUDGE :
MAGISTERIAL DISTRICT 38-1-09 :
38TH JUDICIAL DISTRICT :
MONTGOMERY COUNTY :

ANSWER OF THE RESPONDENT, JUDGE WILLIAM I. MARUSZCZAK, TO THE
COMPLAINT OF THE JUDICIAL CONDUCT BOARD

The Respondent, Judge William Maruszczak, by his counsel, Samuel C. Stretton, Esquire, hereby answers the Complaint as follows, and requests a hearing on all issues.

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied as stated. The Respondent has no information and does not know what information the Judicial Conduct Board had or received. The Respondent admits that the Judicial Conduct Board has conducted an investigation on him.
5. Admitted that the Board determined there was probable cause. The Respondent denies that there was probable cause to file formal charges.
6. Admitted Judge Maruszczak was seeking reelection for his fourth term at the time. He has served approximately twenty years as a District Judge.

7. Admitted there was a primary and general election opponent.

8. Admitted. The Respondent was an extremely close friend with Charles Rogovin and his wife, Marcen Rogovin. The Respondent attended and graduated from Temple School of Law and Charles Rogovin was one of his professors. He developed a very close relationship with Mr. Rogovin. He would see Mr. Rogovin many times each year for lunch and also had birthday parties with him, etc. He and Mr. Rogovin had a very close friendship.

9. Admitted. The Respondent got to know Marcen Rogovin through her husband. The Respondent used to sit in the Rogovin's kitchen over the years, talking to Mr. and Mrs. Rogovin. He would often eat lunches and dinners with Charles Rogovin. Charles Rogovin was like a father figure to the Respondent.

10. Admitted.

11. Admitted.

12. Admitted. The Respondent was shocked and hurt because he considered the Rogovin's very close friends, having been to their house many times over the years.

13. Admitted.

14. Denied as stated. The Respondent spoke to Mrs. Rogovin because he was such a good friend of her and her husband. He expressed his surprise and hurt to her for her

supporting his opponent. The Respondent asked Mrs. Rogovin what she was doing. She said she was working for his opponent. Her comment to the Respondent was, this is "just politics, Bill." The Respondent said back, I treat "Charlie" as well as my own father.

15. Denied. The Respondent did not yell at Mrs. Rogovin, but he did raise his voice at one point because he was so hurt and surprised that a person he considered a friend was working against his reelection.

16. Denied as stated. Again, the Respondent denies yelling at Ms. Rogovin. But, he did tell Ms. Rogovin, a person he considered a good friend, that this race involved his livelihood and he was surprised that she would be working against him because he thought she and her husband were his close friends. Some explanation is in order. The Respondent is a very loyal person. He is very outgoing and friendly. He wears his heart on his sleeve. He honestly felt very hurt and betrayed that Mrs. Rogovin would be working against him.

17. Admitted the Respondent mentioned he was going to call her husband, Mr. Rogovin, his close friend. He tried to call Mr. Rogovin, but was unable to reach him since Mr. Rogovin was not home at that moment.

18. Admitted the Respondent did attempt to call Mr. Rogovin, and left a message as Mr. Rogovin was not available.

19. Admitted that the Respondent left a voicemail message for his friend, Charles Rogovin. The voicemail message, in essence, noted that Mr. Rogovin's wife was working against the Respondent at the polling place and he was upset because he considered them friends. The Respondent asked Mr. Rogovin to speak to his wife about supporting his opponent.

20. Admitted. The Respondent found out that Mrs. Rogovin was again working for his opponent during the general election.

21. Admitted.

22. Apparently Mrs. Rogovin transcribed the message. The Respondent is assuming that is true, but he does not have a copy of the transcription.

23. Admitted the Respondent left a voicemail message about the fact that he was upset. Some explanation is needed. The Respondent was very hurt by Mr. Rogovin's wife working against him. He considered himself an extremely good and close friend of Mr. Rogovin. As noted, he held birthday parties for Mr. Rogovin for the last 15 years. What the Respondent was referring to involved former Municipal Court Judge Joseph Waters. The night before Joseph Waters was to turn himself in to start his federal sentence, Mr. Waters apparently had a motor vehicle crash while he was under the influence of alcohol. Police officers told the Respondent about this accident, which the Respondent was told was covered up apparently with the help

of Mr. Rogovin's wife. At least that is what the Respondent was told. The Respondent was referring to what he had been told by the police. All of this was transient anger due to a great deal of personal hurt felt by the Respondent by the betrayal of a person who he considered a close friend. The Respondent could just not reconcile that his close friend's wife was working against him. Unfortunately, Mr. Rogovin died approximately two months later. The Respondent had no intent to do anything wrong. Everything he said and did was because he had a close personal relationship with the Rogovin's for many years and he felt very much betrayed.

24. Denied as stated. The Respondent only relayed what a police officer told him. The Respondent was told that former Judge Joe Waters was intoxicated and in an accident and that Ms. Rogovin was involved in a cover up.

25. Admitted the Respondent did not say anything else and held no press conference. The telephone call on the day after the election was the result of a man who was very hurt and felt betrayed and in his moment of transient anger said something stupid. He believed his statements were confidential between he and his friends.

26. Admitted.

27. Admitted the Respondent has been acquainted with Mr. DeFelice for approximately twenty years. The Respondent

considered Mr. DeFelice a very good friend. Mr. DeFelice had assisted the Respondent in past election campaigns.

28. Admitted.

29. Admitted.

30. Denied. The Respondent is a very educated man. The Respondent has a law degree, although he is not a licensed attorney since he has not passed the bar examination. He also has several Master's Degrees. The Respondent never represented Mr. DeFelice. At the time, he considered Mr. DeFelice his friend and Mr. DeFelice asked him some legal questions. The Respondent gave Mr. DeFelice some suggestions of what to do since the Respondent had some general knowledge. The issue involved Mr. DeFelice's car and automobile warranty issue.

31. Admitted the Respondent told Mr. DeFelice to come to his judicial office and he would show him a sample civil complaint for Mr. DeFelice to consider using and filing. The issue Mr. DeFelice asked the Respondent a question about was a small claims civil matter. The Respondent had preprinted complaint forms at the judicial office. He told Mr. DeFelice to come down and he would give him the preprinted complaint and he would show Mr. DeFelice how to fill it out. Admitted that Mr. DeFelice came to the office. There was nothing sinister or illegal about what the Respondent was doing. The Respondent was

just talking to his friend and showing him a copy of the preprinted civil complaint form.

32. Denied as stated. Mr. DeFelice did come to the Respondent's office and he showed him a copy of the preprinted complaint form.

33. Admitted.

34. Admitted the Respondent showed Mr. DeFelice a preprinted civil complaint form. He showed Mr. DeFelice how to fill out the sample complaint form by writing in the name of the Plaintiff, name of the Defendant and things of that nature. Admitted the Respondent, as noted above, took the preprinted complaint and showed Mr. DeFelice how to fill in the blanks. He was doing this as a friend and showed Mr. DeFelice how to fill out the complaint. He had known Mr. DeFelice for twenty years and considered him a good friend.

35. Admitted.

36. Admitted.

37. Admitted.

38. Denied as stated. The Respondent never told Mr. DeFelice that the complaint would be enough. The Respondent only said he was confident that Mr. DeFelice should be able to prevail on the issue. He told Mr. DeFelice to be prepared to argue this case.

39. Admitted. Mr. DeFelice asked the Respondent if he would go with him. The Respondent said he would go and provide moral support for him. In other words, he was there as a friend.

40. Denied as stated. The Respondent never gave any assurances to Mr. DeFelice that he would win. The Respondent has no idea what Mr. DeFelice felt, but the Respondent never said anything that would cause Mr. DeFelice to believe that he would prevail in this case.

41. Admitted that Mr. DeFelice drafted the civil complaint. The Respondent does not have a copy of the civil complaint and does not know what was said or what changes were made. All the Respondent did was, as a friend, show Mr. DeFelice a sample complaint and tell him how to fill in the blanks.

42. Admitted.

43. Admitted.

44. Admitted when the Respondent arrived with Mr. DeFelice at District Court 38-1-07, he saw several individuals who he recognized (lawyers), but not court employees.

45. Admitted the Respondent spoke to several of the people at the District Judge's office that he knew.

46. Denied as stated. The Respondent arrived with Mr. DeFelice for moral support. The Respondent did not intend to go

into the Courtroom with Mr. DeFelice. The Respondent was there only for moral support because Mr. DeFelice was his friend and he had never been to civil court before, So he remained outside in the waiting room.

47. Denied as stated. The Respondent had come to be with his friend, Mr. DeFelice, at Mr. DeFelice's request. But the Respondent told Mr. DeFelice that there was nothing he could do for him in the Courtroom, so he thought it would be better if he stayed in the waiting room.

48. Admitted.

49. Admitted. The Respondent and Mr. DeFelice left the Courthouse together. The Respondent subsequently received a telephone call from Mr. DeFelice.

50. Admitted that Mr. DeFelice spoke to the Respondent by telephone at some point after his trial.

51. Admitted Mr. DeFelice was not happy that he had lost the case. Mr. DeFelice, when speaking to the Respondent, used profanities about losing the case. He mentioned to the Respondent that he was considering an appeal.

52. Admitted the Respondent said he would give Mr. DeFelice the name of an attorney who could assist him in the appellate process. Appeals from District Judge civil decisions are more than just filing a Notice of Appeal. One has to

actually file a civil Complaint. The Respondent suggested Mr. DeFelice get a lawyer for that purpose.

53. Admitted.

54. Admitted. Mr. DeFelice was a friend of the Respondent and a longtime friend in the Respondent's mind. The Respondent wanted Mr. DeFelice to assist him in his 2015 primary election.

55. Denied as stated. Admitted the Respondent had tried to speak to Mr. DeFelice and couldn't reach him, so he left two notes in his mailbox asking for his assistance in the election. The notes speak for themselves. The Respondent had no intent to offer any assistance on the appeal other than to suggest a good attorney.

56. Admitted.

57. Denied as stated. The Respondent did make several telephone calls to Mr. DeFelice right before the primary election, trying to get him to help in the Respondent's reelection. He did so as a friend asking another friend to assist him in his reelection bid. These calls were from the Respondent's cell phone.

58. Admitted.

59. Admitted. The Respondent was stunned to hear that a person who he had considered a good friend was working for the Respondent's opponent. The Respondent has a deep sense of loyalty and he felt betrayed.

60. Admitted the Respondent went to talk to Mr. DeFelice on the primary election day. He went to the polling place where Mr. DeFelice worked. This was not a polling place where the Respondent was a candidate for District Judge.

61. Admitted.

62. Denied. The polling place was a very noisy place since many people were back and forth. The Respondent did not yell at Mr. DeFelice, but may have raised his voice.

63. Admitted. The Respondent felt very betrayed by his long term friend.

64. Admitted the Respondent told Mr. DeFelice that he believed he was not telling him the truth. They had been very close friends and then suddenly without explanation, Mr. DeFelice turned on him and was working for the Respondent's opponent. The Respondent was very upset and told Mr. DeFelice the same.

65. Admitted the Respondent told Mr. DeFelice that he had heard Mr. DeFelice was working against the Respondent and for the Respondent's opponent. He told Mr. DeFelice that he had heard that Mr. DeFelice had taken down some of the Respondent's political signs. The Respondent was told that by a third party who made the observation.

66. Admitted.

67. Denied as stated. The Respondent had a friend whose house was on a land area that subsequently FEMA declared as a flood zone. That determination greatly reduced the value of the Respondent's friend's home. The Respondent, to help his friend, inquired with the Flood Plain Agency and then also spoke to Supervisor Kenney, who knew about the issue and problem.

68. Admitted. The Respondent did consider Mrs. Kenney an acquaintance or a friend of sorts.

69. Denied as stated. The Respondent saw several days before the primary election Mrs. Kenney campaigning for his opponent right in front of the Respondent's house and on his block. She actually came down the Respondent's street. The Respondent was surprised and a little bit offended.

70. Denied as state. The Respondent did not confront Mrs. Kenney. The Respondent was in front of his house and when she approached the house, the Respondent spoke with her. She was campaigning against him right on his block by his house and in front of him. The Respondent had known Mrs. Kenney for a number of years and had actually had coffee with her on two separate occasions. He thought they had a good relationship and he expressed his disappointment that she was supporting his opponent. He told her he was surprised she was campaigning against him and said he thought they had a good relationship.

He never threatened her, but expressed his disappointment. He actually said, "I don't understand."

71. Admitted. But, the Respondent was shocked that she would be campaigning right in front of his house and on his block.

72. Denied. The Respondent told Mrs. Kenney how disappointed he was that she would campaign against him in front of his house. But, the Respondent emphatically denies that he ever told Mrs. Kenney that something bad could happen to her in the future. That was never said. He said, "I don't understand it." (See answer to number 70).

73. Denied. The Respondent never threatened Mrs. Kenney and never said that he would threaten Mrs. Kenney.

74. Admitted.

75. Admitted that is what Mrs. Kenney said, but it was difficult to accept her statement when she was campaigning in front of the Respondent's house on his very block.

76. Denied. The conversation ended normally. The Respondent thus stating, "I do not understand this."

77. Absolutely and emphatically denied. The Respondent never mentioned any "paybacks." That is just an incorrect statement. It must be kept in mind that Mrs. Kenney was the supporter of the Respondent's opponent and a very active member of the Democratic Party of Montgomery County. Many of these

complaints were made by people who were active in the 2015 election trying to defeat the Respondent's reelection. The Respondent, despite their efforts, won his reelection by a substantial margin. It appears that many of these complaints, some of which were made by active Democrats, are really sour grapes on their part.

78. Denied as stated. To the Respondent's knowledge, Jalil Bami did found Marketing International Group, but the Respondent only has second or third-hand knowledge, so he cannot admit or deny that accusation.

79. Admitted the Respondent considered Mr. Bami a friend and had known him for a number of years.

80. To the Respondent's recollection, he attended two social gatherings at Mr. Bami's house over the years.

81. Admitted.

82. Admitted, but here are the circumstances. Sometime in the late summer of 2016, Mr. Bami called the Respondent on a Thursday night. He asked the Respondent to visit him at his Cape May condominium and stay there. The Respondent did visit and stayed there only one night. That was the only time.

83. Denied as stated. To the Respondent's knowledge, the lawsuit against Mr. Bami's former fiancé was filed before August of 2016, but without the records, the Respondent can't say for sure.

84. Denied as stated, but some explanation is needed. The Respondent intended to recuse himself if the case had to go to trial. Since he knew everyone, when the parties came to the Courthouse, he had a settlement conference with them. The case was resolved pursuant to a settlement. The Respondent helped to facilitate the settlement. Therefore, the recusal issue was never reached and the Respondent would have recused himself if they could not have settled the case.

85. Admitted.

86. Apparently true. The Respondent doesn't have the records, but apparently there were false alarms claims because of a defective alarm system in Mr. Bami's business. The Respondent's recollection was every one of these cases resulted in an agreement. For some cases pending in September of 2015, the Respondent out of an abundance of caution, then having received the letter of inquiry from the Judicial Conduct Board, recused himself on all cases and they were assigned to another judge. There is a serious issue as to whether the Respondent had to recuse himself on the cases. Judges hear cases all the time where lawyers make political contributions, although it is understood \$250.00 is the limit in terms of rebuttable presumptions where there would be no disqualifications. Often times judges will hear cases where there is a \$400.00

contribution. The Respondent did recuse himself on all of the cases once the letter of inquiry was received.

87. Admitted. See answer to number 86.

88. Admitted the Respondent was charged with Rule 4.2(a)(a).

89. Admitted that is what the Rule says.

90. Denied. The Respondent denies public confrontations. He references his previous answers. All of these people were what the Respondent considered friends. He was stunned by his "friends" working against him and expressed his shock and dismay. That should not violate Rule 4.2.

91. Denied. See previous answers. The Respondent did not yell or insult or threaten people in public. Denied that this conduct fell short of the standard of personal integrity.

92. Denied that there was a violation of Canon 4, Rule 4.2 of the RGSCMDJ.

93. Denied that the Respondent violated Canon 1, Rule 1.2.

94. Admitted Canon 1, Rule 1.2 is quoted correctly.

95. Denied. Denied there were public confrontations. See all answers above, which state exactly what happened. The Respondent was personally hurt by people he considered friends and shocked at their working against him. It is denied that the conduct failed to promote the integrity of the judiciary and

denied there were improprieties or the appearance of improprieties.

96. Denied. It is emphatically denied the Respondent was yelling or insulting or threatening people. The Respondent's above answers are incorporated by reference.

97. Denied that the conduct violates Rule 4.2(a)(1).

98. Denied that the conduct created a perception that the conduct violated the Rules of Magisterial District Judges and denied it reflects adversely on the judge's temperament. It is further denied that it constitutes an appearance of impropriety.

99. Denied that the Respondent violated Rule 2.11(A)(1).

100. Admitted Rule 2.11(A)(1) is properly quoted.

101. Denied as stated. See answers above describing the relationship with the Respondent to Mr. Bami. Denied the Respondent used Mr. Bami's condominium. The Respondent went to Cape May one night to visit Mr. Bami, and stayed overnight with he and his wife. The Respondent also received a campaign contribution, but denied that the contribution influenced his thinking. The Respondent did recuse himself on many of the alarm cases. As to the case with Mr. Bami's fiancé, Ms. Walton, the Respondent facilitated a settlement. He made it clear he would recuse himself if a settlement could not be reached.

102. Denied as stated. Denied the Respondent violated Rule 2.11(A)(1). See above answers.

103. Denied that the Respondent violated Rule 1.1.

104. Admitted Rule 1.1 is correctly quoted.

105. Denied that the Respondent violated Rule 4.2(A) and
1.1.

106. Denied that the Respondent has committed a derivative
violation.

107. Denied that the Respondent engaged in the unauthorized
practice of law. See above answers, which explain what
happened. The Respondent was just talking to a person he
considered a longtime friend. The Respondent denies violating
the statutes. There is nothing wrong with helping a friend
informally and that conduct does not rise to the level of
practicing law.

108. Denied that the Respondent has violated Article V,
Section 17(b) of the Constitution.

109. Admitted that the constitutional provision is
correctly quoted.

110. Denied that there is a derivative violation.

111. Denied.

112. Denied.

113. Denied.

114. Denied.

115. Denied that the Respondent has violated the
Pennsylvania Constitution.

116. Denied that the Respondent violated Article V, Section 18(d)(1) of the Pennsylvania Constitution.

117. Admitted that the applicable section of the Pennsylvania Constitution, Article V, Section 18(d)(1) is properly quoted.

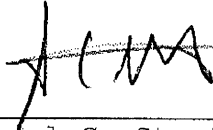
118. Absolutely and emphatically denied. It is emphatically denied that the Respondent engaged in conduct so extreme that it brought disrepute upon the judicial office. See all above answers, which are incorporated by reference. Further, there is no pleading of universal disrepute. Most of this involved the Respondent feeling betrayed by friends and sharing with them his shock and dismay at friends working against him. This conduct is not a judicial violation.

119. Absolutely and emphatically denied that the Respondent violated Article V, Section 18(d)(1) in the disrepute clause of the Pennsylvania Constitution. Further, Pennsylvania case law would not warrant such a finding.

WHEREFORE, the Respondent, Judge William Maruszczak, respectfully denies the allegations and requests a dismissal of

any and all charges. He respectfully requests a hearing be held before the Court of Judicial Discipline on all matters.

Respectfully submitted,



Samuel C. Stretton, Esquire
Attorney for the Respondent,
William I. Maruszczak
103 South High Street
P.O. Box 3231
West Chester, PA 19381-3231
(610) 696-4243
Attorney I.D. No. 18491

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE: : 1 JD 2018
:
WILLIAM I. MARUSZCZAK :
MAGISTERIAL DISTRICT JUDGE :
MAGISTERIAL DISTRICT 38-1-09 :
38TH JUDICIAL DISTRICT :
MONTGOMERY COUNTY :

VERIFICATION

I, William I. Maruszczak, verify that the foregoing Answers to the Complaint of the Judicial Conduct Board are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

Date:

3/19/18

W. I. Maruszczak
William I. Maruszczak

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE: : 1 JD 2018
:
WILLIAM I. MARUSZCZAK :
MAGISTERIAL DISTRICT JUDGE :
MAGISTERIAL DISTRICT 38-1-09 :
38TH JUDICIAL DISTRICT :
MONTGOMERY COUNTY :

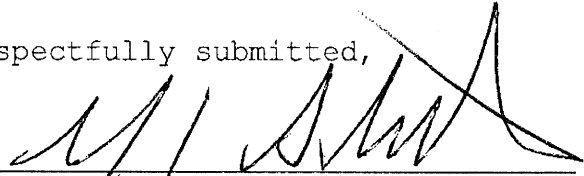
CERTIFICATE OF SERVICE

I hereby certify I am this date serving a copy of the foregoing Answer to the Complaint on behalf of William I. Maruszczak in the captioned matter upon the following persons in the manner indicated below.

Service by First Class Mail addressed as follows:

1. James P. Kleman, Jr.
Deputy Counsel
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Ave., Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
2. William I. Maruszczak
200 West Main Street
Norristown, PA 19401

Respectfully submitted,



Samuel C. Stretton, Esquire
Attorney for the Respondent,
William I. Maruszczak
103 South High Street
P.O. Box 3231
West Chester, PA 19381-3231
(610) 696-4243
Attorney I.D. No. 18491

3/19/18

Date

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE: : 1 JD 2018
:
WILLIAM I. MARUSZCZAK :
MAGISTERIAL DISTRICT JUDGE :
MAGISTERIAL DISTRICT 38-1-09 :
38TH JUDICIAL DISTRICT :
MONTGOMERY COUNTY :

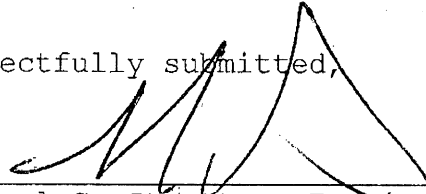
CERTIFICATE OF COMPLIANCE

I, Samuel C. Stretton, Esquire, certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Respectfully submitted,

3/19/18

Date



Samuel C. Stretton, Esquire
Attorney for the Respondent,
William I. Maruszczak
103 South High Street
P.O. Box 3231
West Chester, PA 19381-3231
(610) 696-4243
Attorney I.D. No. 18491