

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

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JUDICIAL DISCIPLINE
OF PENNSYLVANIA

2018 JUN 13 A 10:40

IN RE:

William I. Maruszczak :
Magisterial District Judge :
Magisterial District 38-1-09 : 1 JD 2018
38th Judicial District :
Montgomery County :

JUDICIAL CONDUCT BOARD PRE-TRIAL MEMORANDUM

AND NOW, this 13th day of June, 2018, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (the Board), by and through undersigned counsel, and files this pre-trial memorandum, as follows:

A. TRIAL WITNESSES:

1. Marcene Rogovin
220 West Rittenhouse Square
Apartment 8E
Philadelphia, PA 19103

Ms. Rogovin may testify regarding paragraphs 8-25 of Part A of the Board's Complaint.

2. Robert DeFelice
405 Maiden Lane
King of Prussia, PA 19406

Mr. DeFelice may testify regarding paragraphs 26-65 of Part A of the Board Complaint.

3. Carole Kenney
114 Cinnamon Hill Road
King of Prussia, PA 19406

Ms. Kenney may testify regarding paragraphs 66-77 of Part A of the Board Complaint.

4. Patricia Walton
1843 Shallcross Avenue
Folcroft, PA 19032

Ms. Walton may testify regarding Part B of the Board Complaint.

5. Walter Timby, III, Esquire
Gibson and Perkins, PC
100 West Sixth Street
Media, PA 19063

Attorney Timby may testify regarding Part B of the Board Complaint.

6. Garen Meguerian, Esquire
21 Industrial Blvd., Ste. 201
Paoli, PA 19301

Attorney Meguerian may testify regarding Part B of the Board Complaint.

B. EXHIBITS:

1. Board Confidential Request for Investigation, executed on November 23, 2015, by Marcene Rogovin.
2. Board Confidential Request for Investigation, executed on November 22, 2015, by Robert DeFelice, with attachments.
3. Board Confidential Request for Investigation, executed on November 21, 2015, by Carole Kenney.
4. Handwritten civil complaint "**Bob DeFelice v. Infiniti of Ardmore**," bearing MDJ Maruszczak's court address, crossed out.
5. Case file, **DeFelice v. Infiniti of Ardmore**, MJ-381107-CV-22-2015.
6. Copies of letters and envelopes from Judge Maruszczak to Robert DeFelice.
7. Redacted Board Notice of Full Investigation (NOFI), dated August 15, 2017.
8. Redacted NOFI response from Attorney Stretton on behalf of Judge Maruszczak, dated September 14, 2017.
9. Redacted Deposition of Judge Maruszczak, dated November 29, 2017.
10. MDJS Public Dockets for **Commonwealth v. Milanj Diamonds:**

- a. MJ-38109-NT-808-2015
- b. MJ-38109-NT-809-2015
- c. MJ-38109-NT-810-2015
- d. MJ-38109-NT-811-2015
- e. MJ-38109-NT-812-2015
- f. MJ-38109-NT-926-2015
- g. MJ-38109-NT-927-2015
- h. MJ-38109-NT-928-2015
- i. MJ-38109-NT-929-2015
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- t. MJ-38109-NT-615-2016
- u. MJ-38109-NT-676-2016
- v. MJ-38109-NT-677-2016
- w. MJ-38109-NT-678-2016
- x. MJ-38109-NT-766-2016

- y. MJ-38109-NT-767-2016
 - z. MJ-38109-NT-768-2016
11. MDJ Case file for ***Jalil Bami v. Patricia Walton***, MJ-38109-CV-178-2016.
 12. Letter from Walter Timby, III, Esquire, to Jalil Bami, dated September 15, 2016.
 13. Letter from Patricia Walton to Mayor Nutter.
 14. Letter from Patricia Walton to President Judge William Furber.
 15. MDJS printout listing of civil cases involving Milanj Diamonds in MDJ Court 38-1-09.
 16. Certificate of Incorporation of Marketing International Group, Incorporated, executed July 31, 2002.
 17. The Board reserves the right to promptly supplement its exhibits, as necessary.

C. PROPOSED STIPULATIONS:

1. The parties stipulate to the admissibility and authenticity of all exhibits set forth herein at Part B.
2. This action is taken by the Board pursuant to the authority granted to it under Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania to file formal charges alleging violations of the Rules Governing Standards of Conduct of Magisterial District Judges (RGSCMDJ) and the Constitution of the Commonwealth of Pennsylvania on the part of magisterial district judges, and to present the case in support of such charges before this Court.
3. From June 26, 1997, and continuing to the present, Judge Maruszczak has served as a duly elected Magisterial District Judge for Magisterial District Court No. 38-1-09 in Montgomery County, Pennsylvania.
4. As a duly elected Magisterial District Judge, Judge Maruszczak 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 RGSCMDJ adopted by the Supreme Court of Pennsylvania.

5. Based on information received by the Judicial Conduct Board throughout 2015 and 2016, the Board investigated Judge Maruszczak's conduct.
6. As a result of its investigation, and pursuant to Article V, § 18(a)(7) of the Constitution of the Commonwealth of Pennsylvania, the Board determined that there is probable cause to file formal charges against Judge Maruszczak in this Court.
7. During 2015, Judge Maruszczak was seeking reelection to his judicial seat.
8. Judge Maruszczak was challenged in the 2015 primary and general elections by Ian Kingsley, Esquire.
9. Marcene Rogovin (Mrs. Rogovin) is the widow of Charles Rogovin, one of Judge Maruszczak's former professors at Temple University Beasley School of Law.
10. Judge Maruszczak was acquainted with Mrs. Rogovin primarily by virtue of his friendship with her now-deceased husband.
11. At some point prior to or on May 19, 2015, the date of the primary election, Judge Maruszczak was told that Mrs. Rogovin was working for Ian Kingsley, Esquire, at the Saint Gertrude's Church polling place in Conshohocken, which was Mrs. Rogovin's home polling place.
12. Based upon this information, Judge Maruszczak travelled to the Saint Gertrude's polling place to speak with Mrs. Rogovin about her alleged support of his opponent.
13. When Judge Maruszczak arrived at the Saint Gertrude's polling place, he saw Mrs. Rogovin working there as a volunteer for the Democratic Party.
14. Judge Maruszczak approached Mrs. Rogovin and a group of other volunteers who were outside the polling place.
15. Judge Maruszczak accused Mrs. Rogovin of supporting his opponent.
16. Judge Maruszczak yelled at Mrs. Rogovin.
17. While yelling at Mrs. Rogovin, Judge Maruszczak stated that "This [meaning his office] is my livelihood!"

18. Judge Maruszczak told Mrs. Rogovin that he was going to call Mrs. Rogovin's husband, then living, and complain about her act of supporting Judge Maruszczak's opponent.
19. At that moment, Judge Maruszczak attempted to call Charles Rogovin with his cell phone, but did not reach him.
20. Judge Maruszczak left a voicemail message for Charles Rogovin, wherein he stated that Mrs. Rogovin was working against him and that she needed to stop doing so because Charles Rogovin was Judge Maruszczak's friend.
21. After the general election, Judge Maruszczak was informed that, on the day of the general election in Montgomery County, Mrs. Rogovin worked for his opponent.
22. On November 4, 2015, the day after election day in Montgomery County, Judge Maruszczak left a voicemail on the Rogovins' home telephone.
23. Mrs. Rogovin transcribed the voicemail after playing it.
24. The voicemail stated the following:

Charlie, this is Bill Maruszczak. It is Wednesday, November 4th, a little after nine. Marcy worked against me yesterday, and I still won the election. Next week, after I return from vacation, I will hold a press conference and charge that Marcy covered up an accident when [former Philadelphia Municipal Court Judge] Joe Waters visited your house earlier this year. She started this, and I am going to finish it!
25. Mrs. Rogovin was not involved in any "cover up" of former Judge Waters' vehicle accident.
26. Judge Maruszczak did not actually intend to hold any press conference regarding the event.
27. Robert DeFelice is a former member of the Montgomery County Republican Committee.
28. Judge Maruszczak and Mr. DeFelice were acquainted as casual friends for approximately 20 years.
29. Until approximately May 2015, Judge Maruszczak and Mr. DeFelice would see each other in public around the Montgomery County area and speak to each other.

30. In approximately February 2015, Mr. DeFelice saw Judge Maruszczak at a restaurant and told him about a dispute in which he was involved with Infiniti of Ardmore regarding an automobile warranty issue.
31. Although not a licensed attorney, Judge Maruszczak is a law school graduate; he offered to assist Mr. DeFelice with the legal problem he had with Infiniti of Ardmore.
32. Judge Maruszczak told Mr. DeFelice to come to his court office and that he would draft a sample civil complaint against Infiniti of Ardmore for Mr. DeFelice to copy and file in the appropriate district court in Ardmore.
33. Mr. DeFelice accepted Judge Maruszczak's offer of assistance.
34. Mr. DeFelice stopped by Judge Maruszczak's court office at some point in February 2015.
35. Using a civil complaint form that had been printed earlier from his Unified Judicial System computer as a sample, Judge Maruszczak filled out a sample complaint in his own hand, including the sections for the name and address for the plaintiff and defendant; the amount requested in judgment; and the factual narrative.
36. Judge Maruszczak crossed out his preprinted name, title, and court office address that appeared on the sample complaint.
37. Judge Maruszczak marked with an "x" the part of the sample complaint where Mr. DeFelice was to sign the complaint that he intended to file, which was to be copied from the sample complaint.
38. Mr. DeFelice asked Judge Maruszczak if he should hire an attorney to handle the matter.
39. In response to Mr. DeFelice's question about hiring an attorney, Judge Maruszczak assured Mr. DeFelice that his copying of the complaint would be enough for the presiding judge to rule in Mr. DeFelice's favor
40. Judge Maruszczak told Mr. DeFelice that he would go to court with him and that he would provide "moral support" for Mr. DeFelice.
41. Mr. DeFelice felt that, based on Judge Maruszczak's assurances, he would win his case.

42. Mr. DeFelice drafted a civil complaint against Infiniti of Ardmore that copied, with slight changes, the content of the sample complaint drafted by Judge Maruszczak.
43. Mr. DeFelice then filed the complaint at Magisterial District Court 38-1-07 on March 3, 2015, which was docketed at MJ-38107-CV-22-2015.
44. On April 16, 2015, the date of trial, Mr. DeFelice picked up Judge Maruszczak and took him to Magisterial District Court 38-1-07.
45. When the two arrived at Magisterial District Court 38-1-07, Judge Maruszczak saw several individuals whom he recognized.
46. After seeing these individuals, Judge Maruszczak left Mr. DeFelice's immediate company and spoke to those individuals, without Mr. DeFelice.
47. Upon returning to Mr. DeFelice, Judge Maruszczak told him that he changed his mind about going into the courtroom with him.
48. Judge Maruszczak said that he did not think it would "look good" if he went into court with Mr. DeFelice as they had discussed previously.
49. Mr. DeFelice then represented himself at trial.
50. Mr. DeFelice did not prevail in his suit against Infiniti of Ardmore.
51. Shortly after the trial, Mr. DeFelice spoke with Judge Maruszczak on the telephone.
52. Mr. DeFelice was greatly upset, and he told Judge Maruszczak that he was considering appealing the matter.
53. Judge Maruszczak offered to refer Mr. DeFelice to a friend who was an attorney to assist him in the appeal process.
54. Mr. DeFelice declined the offer of assistance.
55. Because Mr. DeFelice was politically connected in the area, Judge Maruszczak made a number of attempts to secure his assistance in the 2015 primary election.
56. In the months preceding the 2015 primary election, Judge Maruszczak left two notes in Mr. DeFelice's mailbox seeking assistance; one of these notes offered to help Mr. DeFelice with his "situation," meaning his appeal.

57. Mr. DeFelice did not respond to any of Judge Maruszczak's notes.
58. During the week before the primary election, Judge Maruszczak made numerous attempts by phone and in person to contact Mr. DeFelice.
59. Mr. DeFelice did not respond to Judge Maruszczak's contacts.
60. At some point during the run up to the primary election, Judge Maruszczak was informed that Mr. DeFelice was supporting his opponent by putting up yard signs and other activity.
61. On May 19, 2015, the date of the primary election, Judge Maruszczak travelled to the Upper Merion High School polling station to speak with Mr. DeFelice, who he suspected would be there.
62. Judge Maruszczak saw Mr. DeFelice at the polling station and approached him.
63. Judge Maruszczak yelled at Mr. DeFelice.
64. Judge Maruszczak called Mr. DeFelice a "Judas Iscariot."
65. Judge Maruszczak called Mr. DeFelice a "liar."
66. Judge Maruszczak claimed that Mr. DeFelice did the following things:
 - a. worked for his opponent; and
 - b. stole Judge Maruszczak's yard signs.
67. Carole Kenney is an Upper Merion Township Supervisor.
68. Judge Maruszczak and Mrs. Kenney first became acquainted after Judge Maruszczak had contacted her in her official capacity seeking assistance regarding a friend's troubles with the Federal Emergency Management Agency (FEMA) over a flood insurance claim involving a flood plain.
69. Judge Maruszczak and Mrs. Kenney then saw each other around the area of Upper Merion Township at community gatherings; they were not personal friends, however.
70. On or about October 31, 2015, in the run up to the 2015 general election, Judge Maruszczak observed Mrs. Kenney canvassing

neighborhoods in King of Prussia on behalf Judge Maruszczak's opponent, Ian Kingsley.

71. Judge Maruszczak confronted Mrs. Kenney and told her that he was surprised and disappointed that she was supporting Mr. Kingsley.
72. Mrs. Kenney told Judge Maruszczak words to the effect that her activity was not meant to be a personal affront, but, instead, she was taking part in her right to participate in the democratic process.
73. Judge Maruszczak responded with words to the effect that, if something bad happened to Mrs. Kenney in the future, she would know why.
74. Mrs. Kenney then asked Judge Maruszczak if he was threatening her, which he denied.
75. Judge Maruszczak also stated that he thought that he and Mrs. Kenney were friends because she had helped Judge Maruszczak with his friend's issue with FEMA.
76. Mrs. Kenney repeated that her support of Mr. Kingsley was not personal.
77. Mrs. Kenney then tried to end the conversation and walk away.
78. As Mrs. Kenney left, Judge Maruszczak expressed disbelief that she was supporting Judge Maruszczak's opponent and told her that there would be "payback" for her actions.
79. Jalil Bami is the proprietor of Milanj Diamonds, located in the King of Prussia Mall.
80. Judge Maruszczak considers Mr. Bami a friend.
81. Judge Maruszczak attended at least two social gatherings in Mr. Bami's home.
82. Mr. Bami contributed \$400.00 to Judge Maruszczak's re-election campaign in 2015.
83. In the summer of 2016, Judge Maruszczak was a guest in Mr. Bami's beach condominium in New Jersey.

84. On August 26, 2016, Mr. Bami filed suit against Patricia Walton, his former fiancée, in Judge Maruszczak's court at **Jalil Bami v. Patricia Walton**, MJ-38109-CV-178-2016.
85. Despite their relationship, Judge Maruszczak did not recuse himself in the **Bami v. Walton** matter.
86. The **Bami v. Walton** matter settled on October 25, 2016.
87. From 2015 through 2017, the following false alarm non-traffic citation cases were pending in Judge Maruszczak's court against Milanj Diamonds:
 - a. MJ-38109-NT-808-2015
 - b. MJ-38109-NT-809-2015
 - c. MJ-38109-NT-810-2015
 - d. MJ-38109-NT-811-2015
 - e. MJ-38109-NT-812-2015
 - f. MJ-38109-NT-926-2015
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- w. MJ-38109-NT-678-2016
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- y. MJ-38109-NT-767-2016
- z. MJ-38109-NT-768-2016

88. Despite their relationship, Judge Maruszczak did not recuse himself from presiding over the non-traffic cases set forth above at Paragraph 87 (a-z) until after having received the Board's August 15, 2017 Notice of Full Investigation.

D. DISCOVERY CERTIFICATION

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

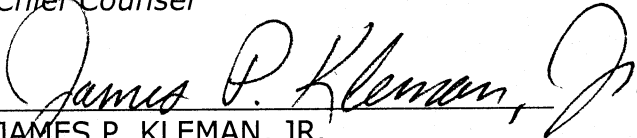
E. EXCULPATORY EVIDENCE CERTIFICATION

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

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

DATE: June 13, 2018 By:



JAMES P. KLEMAN, JR.

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(717) 234-7911

By:



MELISSA L. NORTON

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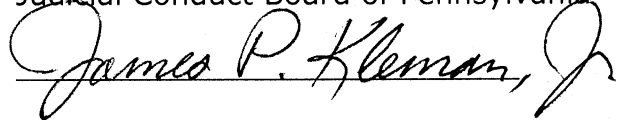
William I. Maruszczak :
Magisterial District Judge :
Magisterial District 38-1-09 : 1 JD 2018
38th Judicial District :
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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Judicial Conduct Board of Pennsylvania

Signature:



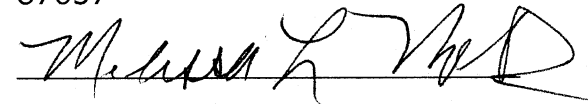
Name:

James P. Kleman, Jr.
Deputy Counsel

Attorney No.:

87637

Signature:



Name:

Melissa L. Norton
Deputy Counsel

Attorney No.:

46684

**COMMONWEALTH OF PENNSYLVANIA
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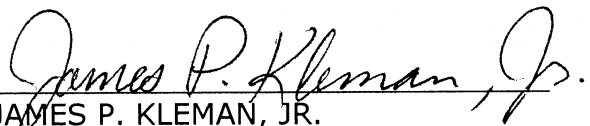
PROOF OF SERVICE

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on June 13, 2018, a copy of the Board's Pre-Trial Memorandum was sent by first class mail to Samuel C. Stretton, Esquire, counsel for Judge Maruszczak, at the following address:


Samuel C. Stretton
103 South High Street
P.O. Box 3231
West Chester, PA 19381-3231

Respectfully submitted,

DATE: June 13, 2018 By:


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