

**FILED**  
**JUL 21 2014**  
**A.C.J.C.**

SUPREME COURT OF NEW JERSEY  
ADVISORY COMMITTEE ON  
JUDICIAL CONDUCT

DOCKET NO: ACJC 2013-222

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IN THE MATTER OF :  
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:   
: STIPULATIONS  
ANTONIO INACIO, :  
JUDGE OF THE MUNICIPAL COURT :  
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Tracie H. Gelbstein, Disciplinary Counsel, Advisory Committee on Judicial Conduct ("Presenter"), and Municipal Court Judge Antonio Inacio ("Respondent"), through counsel, Edward J. Kologi, Esq., hereby enter into the following stipulations:

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1985.
2. Respondent has served as a municipal court judge in various municipalities for approximately 20 years.
3. At all times relevant to this matter, Respondent served as a part-time Judge in the Municipal Courts of the Borough of Garwood, Township of Clark, and Township of Scotch Plains, positions he continues to hold.
4. To date, Respondent has not been subject to public discipline.

Count I

5. At all times relevant to this matter, Mr. X was a councilman in the Borough of Garwood ("Councilman X")<sup>1</sup> at the same time Respondent served as Garwood's municipal court judge.
6. Respondent and Councilman X have been acquainted since 1993 when Councilman X retained Respondent to represent him in the purchase of his home.
7. At the end of 2012, Councilman X's minor daughter was taken into police custody in Clark, New Jersey, and charged with possession of alcohol.
8. The daughter and her mother appeared before the Juvenile Conference Committee ("JCC"), a confidential court-approved diversionary program located in the New Jersey Superior Court's juvenile court system, to discuss the circumstances of her specific offense.
9. On January 29, 2013, the JCC made a recommendation to the Superior Court to resolve the daughter's matter conditioned on fulfillment of certain obligations designed to aid in her rehabilitation.

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<sup>1</sup> The identity of the Garwood councilman shall remain anonymous to protect the identity of his minor daughter and the confidentiality of court proceedings in which she was involved.

10. On February 1, 2013, the Superior Court approved the JCC's recommendation and ordered the daughter to satisfy the conditions of the JCC's recommendation, which included her attendance at two meetings of Alcoholics Anonymous ("AA").
11. Upon receipt of the February 1, 2013 Order, Councilman X reached out to Respondent and asked whether his daughter's attendance at two AA meetings was considered standard punishment for juveniles.
12. Respondent told Councilman X that he would look into his concerns about his daughter's attendance at AA meetings.
13. Respondent volunteered to personally speak with Councilman X's daughter about the dangers of underage drinking and driving.
14. Respondent invited Councilman X's wife and daughter to the Clark Municipal Court to attend Respondent's court session scheduled for February 27, 2013.
15. On February 27, 2013, Respondent ran into Clark Police Detective William Buczynski ("Detective Buczynski"), the juvenile detective for Clark, in the hallway of the Clark Municipal Court building prior to meeting with the daughter.
16. Respondent asked Detective Buczynski his opinion as to whether juveniles charged with underage drinking could

observe a court proceeding in lieu of attending AA meetings as a condition of punishment.

17. Detective Buczynski advised Respondent that he had no problem with Respondent speaking with the daughter, but that the ultimate decision rested with the JCC.
18. Later that day on February 27, 2013, Councilman X's wife and daughter visited Respondent at the Clark Municipal Court.
19. Upon their arrival, Respondent brought the wife and daughter back to Respondent's chambers, and he spoke to the daughter about his experience with underage drinking and driving.
20. While in chambers with Respondent, Councilman X's wife and daughter never discussed the conditions of the February 1, 2013 Order, and never asked Respondent to take any action with respect to the February 1, 2013 Order.
21. On April 1, 2013, Respondent composed a letter on his judicial stationery for the Municipal Court of the Township of Clark and sent it to the Chairperson of the JCC regarding Councilman X's daughter.
22. In the body of the letter, Respondent referred to his judicial letterhead and wrote "[a]s you can determine by this letterhead, I am the Municipal Court Judge for the

Township of Clark, New Jersey. I am also the Municipal Court Judge for the Township of Scotch Plains, New Jersey and the Borough of Garwood, New Jersey."

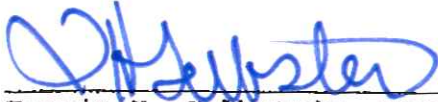
23. Respondent requested in his letter that the Chairperson consider "[i]n lieu of the JCC Committee Agreement item 2 to have [Councilman X's daughter] attend two (2) AA Meetings [sic] obtain proof of attendance, I would appreciate your consideration of the following account:".
24. Respondent went on to describe the steps he took to attempt to educate Councilman X's daughter on the consequences of underage drinking, driving while intoxicated, and the ultimate consequence of death.
25. Respondent concluded the letter by writing "[f]orgive me for being so bold, but I think my telling [Councilman X's daughter] of the tragedy that occurred in my life was infinitely more compelling to her than any attendance at an AA meeting would have."
26. Respondent signed the April 1, 2013 letter "Antonio Inacio, J.M.C." and copied Detective Buczynski on it.

#### Count II

27. Respondent was appointed to the Garwood municipal court effective January 1, 2011.

28. Councilman X abstained from voting on Respondent's appointment because Respondent was serving as private counsel to his company, Accent Electric Corporation ("Accent Electric"), at the time of his judicial nomination.
29. Seven months prior to his appointment, Respondent obtained a judgment on June 3, 2010 on behalf of Accent Electric against Kent Construction Company, LLC.
30. On January 27, 2011, Respondent prepared and served a Notice of Application for Wage Execution in an effort to collect on the judgment against Kent Construction.
31. On April 4, 2011, at the request of Councilman X, Respondent sent to Gary L. Maher, Esq. ("Maher") a letter and documents summarizing Respondent's attempts to collect on the judgment against Kent Construction, along with a Substitution of Attorney to effectuate the transfer of the file to Maher..
32. On April 19, 2011, Maher filed the Substitution of Attorney with the Union County Court as the substituted attorney of record for Accent Electric.
33. By acting as counsel for Councilman X in a private legal matter while Councilman X served on Garwood's Township Council and Respondent served as Garwood's municipal court

judge, Respondent violated Rule 1:15-1(b) of the New Jersey  
Rules of Court.



Tracie H. Gelbstein, Esq.  
Presenter

DATED: July 21, 2014



Edward J. Kologi, Esq.  
Counsel for Respondent

DATED: July 21, 2014