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**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

RECEIVED AND FILED
COURT OF
JUDICIAL DISCIPLINE
OF PENNSYLVANIA

IN RE:

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

**JOINT STIPULATIONS OF FACT IN LIEU OF TRIAL AND WAIVER OF TRIAL
PURSUANT TO COURT OF JUDICIAL DISCIPLINE RULE OF PROCEDURE 502**

AND NOW, this 15 day of August, 2018, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (the Board), and Magisterial District Judge William I. Maruszczak, by and through their undersigned counsel, and files these joint stipulations of fact in lieu of trial pursuant to C.J.D.R.P. No. 502, as follows:

JOINT STIPULATIONS OF FACT IN LIEU OF TRIAL

1. 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.
2. 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.
3. Based on information received by the Judicial Conduct Board throughout 2015 and 2016, the Board investigated Judge Maruszczak's conduct.
4. 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.
5. During 2015, Judge Maruszczak was seeking reelection to his judicial seat.
6. Judge Maruszczak was challenged in the 2015 primary and general elections by Ian Kingsley, Esquire.

7. Marcene Rogovin (Mrs. Rogovin) is the widow of Charles Rogovin, one of Judge Maruszczak's former professors at Temple University Beasley School of Law.
8. Judge Maruszczak was acquainted with Mrs. Rogovin primarily by virtue of his friendship with her now-deceased husband.
9. 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.
10. 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.
11. When Judge Maruszczak arrived at the Saint Gertrude's polling place, he saw Mrs. Rogovin working there as a volunteer for the Democratic Party.
12. Judge Maruszczak approached Mrs. Rogovin and a group of other volunteers who were outside the polling place.
13. Judge Maruszczak accused Mrs. Rogovin of supporting his opponent.
14. When accusing Mrs. Rogovin of supporting his opponent, Judge Maruszczak used a raised voice and tone.
15. While accusing Mrs. Rogovin of supporting his opponent, Judge Maruszczak stated, in a raised voice and tone, that "This [meaning his office] is my livelihood!"
16. 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.
17. At that moment, Judge Maruszczak attempted to call Charles Rogovin with his cell phone, but did not reach him.
18. 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.
19. 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.
20. On November 4, 2015, the day after election day, Judge Maruszczak left a voicemail on the Rogovins' home telephone.

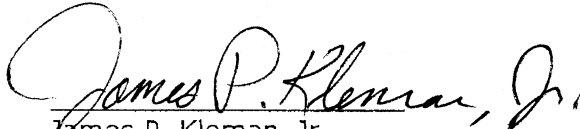
21. Mrs. Rogovin transcribed the voicemail after playing it.
22. The voicemail stated the following:

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!
23. Robert DeFelice is a former member of the Montgomery County Republican Committee.
24. Judge Maruszczak and Mr. DeFelice were acquainted as casual friends for approximately 20 years.
25. 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.
26. 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.
27. 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.
28. Mr. DeFelice accepted Judge Maruszczak's offer of assistance at some point in February 2015.
29. Based upon MDJ Maruszczak's drafting suggestions, Mr. DeFelice filled out and filed a civil complaint form at Magisterial District Court 38-1-07 on March 3, 2015, which was docketed at MJ-38107-CV-22-2015.
30. Mr. DeFelice then represented himself at trial, but did not prevail.
31. Judge Maruszczak went to Magisterial District Court 38-1-07 with Mr. DeFelice, but he did not enter the courtroom during the trial.
32. Shortly after the trial, Mr. DeFelice spoke with Judge Maruszczak on the telephone.

33. Mr. DeFelice was greatly upset, and he told Judge Maruszczak that he was considering appealing the matter.
34. Judge Maruszczak offered to refer Mr. DeFelice to a friend who was an attorney to assist him in the appeal process.
35. Mr. DeFelice declined the offer of assistance.
36. 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.
37. 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.
38. Mr. DeFelice did not respond to any of Judge Maruszczak's notes.
39. During the week before the primary election, Judge Maruszczak made numerous attempts by phone and in person to contact Mr. DeFelice.
40. Mr. DeFelice did not respond to Judge Maruszczak's contacts.
41. 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.
42. 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.
43. Judge Maruszczak saw Mr. DeFelice at the polling station and approached him in public with others present in the general vicinity.
44. Judge Maruszczak addressed Mr. DeFelice with a raised voice and tone.
45. Judge Maruszczak called Mr. DeFelice a "Judas Iscariot."
46. Judge Maruszczak called Mr. DeFelice a "liar."
47. Judge Maruszczak claimed that Mr. DeFelice did the following things:
 - a. worked for his opponent; and

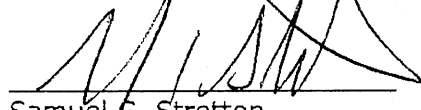
- b. stole Judge Maruszczak's yard signs.
48. Carole Kenney is an Upper Merion Township Supervisor.
 49. Judge Maruszczak and Mrs. Kenney first became acquainted after Judge Maruszczak had contacted her in her official capacity seeking assistance regarding a friend's troubles with the Federal Emergency Management Agency (FEMA) over a flood insurance claim involving a flood plain.
 50. Judge Maruszczak and Mrs. Kenney then saw each other around the area of Upper Merion Township at community gatherings; however, they were not personal friends.
 51. 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, including in front of Judge Maruszczak's home, on behalf Judge Maruszczak's opponent, Ian Kingsley.
 52. Judge Maruszczak confronted Mrs. Kenney and told her that he was surprised and disappointed that she was supporting Mr. Kingsley.
 53. 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.
 54. Judge Maruszczak responded with words to the effect that, if something bad happened to Mrs. Kenney in the future, she would know why.
 55. Mrs. Kenney then asked Judge Maruszczak if he was threatening her, which he denied.
 56. 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.
 57. Mrs. Kenney repeated that her support of Mr. Kingsley was not personal.
 58. Mrs. Kenney then tried to end the conversation and walk away.

59. 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.¹

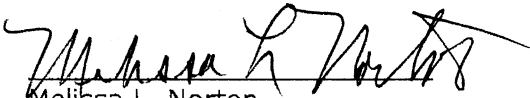


James P. Kleman, Jr.
Deputy Counsel
Pa. Supreme Court ID No. 87637

Respectfully submitted,



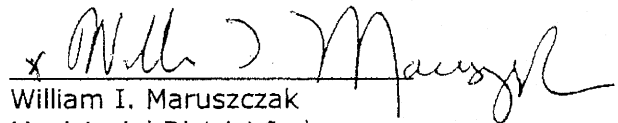
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Counsel for the Board



William I. Maruszczak
Magisterial District Judge
Magisterial District Court 38-1-09
Montgomery County

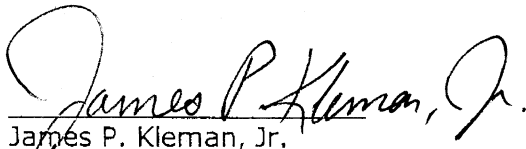
Respondent

DATE: August 16, 2018

¹ If these stipulations and waiver are accepted by this honorable Court, the Board will forego presenting evidence or proceeding further regarding the factual matters presented at Part B of the Board Complaint (failure to recuse from matters involving Jalil Bami) and their corresponding charges, and it will forego presenting evidence or proceeding further regarding the charges at Count 4, paragraph 107 of the Board Complaint (regarding the unauthorized practice of law).

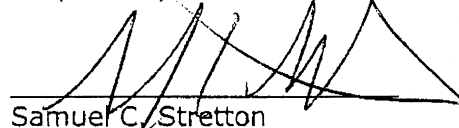
WAIVER OF TRIAL

The parties hereby agree that the aforementioned joint stipulations of fact constitute the binding factual record necessary for this Court to reach a decision on the issues presented in this case by the Board's Complaint. Based upon these stipulations, the parties hereby waive their right to trial on the factual issues of this case and hereby submit this case to the Court for its legal conclusions on the issues.



James P. Kleman, Jr.
Deputy Counsel
Pa. Supreme Court ID No. 87637

Respectfully submitted,



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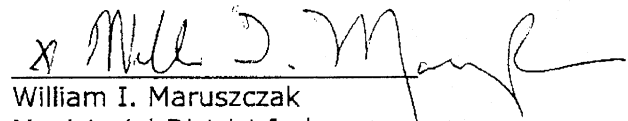


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DATE: August 16, 2018



William I. Maruszczak
Magisterial District Judge
Magisterial District Court 38-1-09
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Respondent

**COMMONWEALTH OF PENNSYLVANIA
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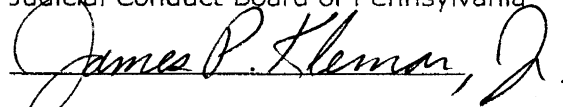
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Magisterial District Judge :
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CERTIFICATE OF COMPLIANCE

We 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.

Submitted by: Judicial Conduct Board of Pennsylvania

Signature:



Name:

James P. Kleman, Jr.
Deputy Counsel

Attorney No.:

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Signature:



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Attorney No.:

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