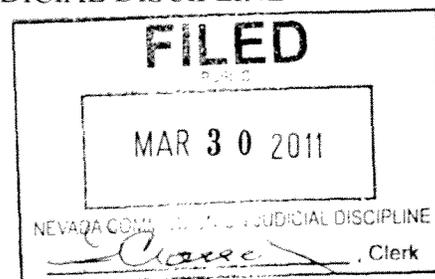


BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

STATE OF NEVADA



CASE NO. 1101-219

In the Matter of the)
)
HONORABLE ANTHONY ABBATANGELO,)
Former Justice of the Peace,)
Las Vegas Township Justice Court,)
County of Clark, State of Nevada,)
)
Respondent.)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND
CONSENT ORDER IMPOSING DISCIPLINE

Pursuant to prior written notice, the above-entitled matter came on for public (formal) hearing in Las Vegas, pursuant to NRS 1.467(3) and Commission Rule 18 on March 9, 2011, before the Nevada Commission on Judicial Discipline. Kathleen Paustian, Esq., appeared in the place of Mary Boetsch, Esq., and both served as Special Counsel to the Commission. The Respondent, the Honorable Anthony Abbatangelo (hereinafter referred to as the "Respondent") appeared personally and was represented by counsel, Anthony Sgro, Esq.

At the hearing, the Special Counsel and the Respondent's counsel presented a Stipulation regarding disposition of a complaint against the Respondent signed by Ms. Boetsch and Mr. Sgro. The stipulation eliminates the need for a Formal Statement of Charges and a contested hearing. The Respondent stipulated to the following substantive provisions:

- 1. He agreed not to seek or accept judicial office for a period of four (4) years from the date of the Commission's acceptance of the settlement.
2. He agreed to the acceptance of a public censure by the Commission, a form of discipline authorized by Article 6, Section 21(5)(a) of the Nevada Constitution and NRS 1.4677.
3. He agreed that the evidence available to the Commission could establish by clear and convincing proof that he violated any individual canon or combination of canons, including former Canons 1(A) and 2(A) of the Nevada Code of Judicial Conduct in effect on November 12, 2008 and February 25, 2009, respectively, at which times, respectively, he committed and was

1 convicted of committing a misdemeanor domestic battery offense against his now ex-wife, Susan
2 Abbatangelo.

3 4. He agreed to waive the filing of a formal Statement of Charges, his right to file an
4 answer to the charges, and a formal contested hearing.

5 The Commission has considered the Stipulation and respective statements proffered by
6 the Special Counsel and counsel for the Respondent at the public hearing. After being fully
7 advised of its obligations and duties, the Commission specifically finds that the hearing was
8 conducted according to the statutes, rules and procedures required by law. The Commission
9 hereby issues the following Findings of Fact, Conclusions of Law and Consent Order Imposing
10 Discipline pursuant to Commission Rules 27 and 28; and NRS 1.4673 and 1.4677.

11 Following private deliberations, the Commission announced its decision as the
12 appropriate sanctions to be imposed, which are consistent with the terms of the agreement.

13 **A. Findings of Fact.**

14 The Commission finds that the Stipulation establishes by clear and convincing proof each
15 of the following facts.

16 1. The Respondent was, at all times applicable to the events in this case, a Justice of the
17 Peace in the Las Vegas Township Justice Court, located in Clark County, Nevada. Therefore, the
18 Respondent was a judicial officer whose conduct was subject to the provisions of the Nevada
19 Code of Judicial Conduct (hereinafter the "Code").

20 2. The Respondent committed a domestic battery offense against his now ex-wife on
21 November 12, 2008, in Clark County, Nevada. The Commission expressly finds that the
22 Respondent's conduct was willful.

23 3. The Respondent was convicted on February 25, 2009, in a justice court of a
24 misdemeanor domestic battery offense for the conduct specified in paragraph 2, immediately
25 above.

26 **B. Conclusions of Law.**

27 The Commission has both personal jurisdiction over the Respondent and subject matter
28 jurisdiction over the violations of Code at issue in this case.

1 The Commission unanimously concludes that the Stipulation suffices as proof of
2 violations of former Canons 1(A) and 2(A), in effect on November 12, 2008 and February 25,
3 2009, respectively. Respondent's criminal conviction tends to implicate the integrity of the
4 judiciary. *Matter of Davis*, 113 Nev. 1204, 946 P.2d 1033 (1997).

5 **C. Imposition of Discipline.**

6 The Commission concludes that the appropriate discipline under Commission Rule 28 as
7 to said violations shall be as follows:

8 By unanimous vote of the Commission, pursuant to Subsections 5(a) and (b) of Article 6,
9 Section 21 of the Constitution of the State of Nevada, the version of NRS 1.4653(2) in effect on
10 the dates in question, and Commission Rule 28, the Respondent shall be: (1) publicly censured
11 for having committed the act of domestic battery and for having been convicted in a criminal
12 case of the charge arising from the incident; and (2) prohibited for a period of four (4) years from
13 the date of acceptance of the stipulation, to wit, March 9, 2011, from seeking and accepting
14 judicial office in Nevada.

15 **D. Order.**

16 IT IS HEREBY ORDERED by the unanimous vote of Commissioners Doug Jones, Mary
17 Lau, Rodney Burr, Patricia Lynch, James Beasley and Karl Armstrong that the Respondent
18 should be and hereby is publicly censured for a willful violation of former Canons 1(A) and
19 2(A). Furthermore, the Respondent should be and hereby is prohibited from seeking and
20 accepting judicial office for a period of four (4) years, starting on March 9, 2011.

21 IT IS HEREBY ORDERED by unanimous vote that the chairman is authorized to sign
22 this document on behalf of all voting commissioners.

23 IT IS HEREBY ORDERED, pursuant to the consent of the Respondent, that the
24 Executive Director of the Judicial Discipline Commission take the necessary steps to file this
25 document in the appropriate records of the Commission and with the clerk of the Nevada
26 Supreme Court.

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IT IS HEREBY ORDERED that the Clerk's Certificate of Mailing, found below, shall constitute the notice of entry of this document pursuant to Commission Rule 34; and the clerk shall promptly serve it on the Respondent's counsel and the Special Counsel.

E. Notice.

NOTICE is hereby tendered to the Special Counsel and the Respondent pursuant to NRAP 3D, an appeal may be taken by the filing of a notice of appeal with the clerk of the Commission, and serving such notice on the Special Counsel within fifteen (15) days of service of this document by the clerk of the Commission.

IT IS SO ORDERED.

DATED this 30th day of March, 2011.

NEVADA COMMISSION ON
JUDICIAL DISCIPLINE
P. O. Box 48
Carson City, NV 89702
(775) 687-4017



DOUGLAS W. JONES, Commission Chairman

