

Press Release

February 14, 2012

TO: Media/Press

FROM: Judicial Conduct Board

**SUBJECT: No. 1 JD 2012 Magisterial District Judge Kelly S. Ballentine
District Court 02-2-01, Lancaster County**

Harrisburg. On Monday, February 13, 2012, the Judicial Conduct Board filed a Petition for Relief with the Court of Judicial Discipline to request that Magisterial District Judge Kelly S. Ballentine be suspended with pay due to the pending felony charges against her. On February 13, 2012, the Pennsylvania Office of Attorney General charged Judge Ballentine by criminal complaint with 3 counts of Conflict of Interest, a felony, 6 counts of Tampering with Public Records or Information, a felony of the third degree and 3 counts of Obstructing Administration of Law or Governmental Function, a misdemeanor of the second degree. The criminal complaint alleges that Judge Ballentine failed to pay fines and costs owed on three summary traffic citations which were issued to her in November, 2010 by Lancaster police. Furthermore, the complaint alleges that on or between December, 2010 and January, 2011, Judge Ballentine used her position as judge to personally access the district justice computer system and dismiss her own traffic citations.

The Board reserves further comment on this matter until such time as the criminal charges against Judge Ballentine are resolved.

Contact

Hank Abate, Chairman, Judicial Conduct Board
James E. McErlane, Esquire, Vice-Chair, Judicial Conduct Board
Joseph A. Massa, Jr., Chief Counsel
717-234-7911

Judicial Conduct Board Petition for Relief attached.

For more information about the Judicial Conduct Board, please visit the Board's website at www.jcbpa.org.

END

**IN THE
COURT OF JUDICIAL DISCIPLINE OF
PENNSYLVANIA**

No. 1 JD 2012

IN RE: KELLY S. BALLENTINE, MAGISTERIAL DISTRICT JUDGE,
DISTRICT COURT 02-2-01, SECOND JUDICIAL DISTRICT,
LANCASTER COUNTY

RECEIVED AND FILED
COURT OF
JUDICIAL DISCIPLINE
OF PENNSYLVANIA

2012 FEB 13 P 4: 20

PETITION FOR RELIEF

JOSEPH A. MASSA, JR.
Chief Counsel

BY: ELIZABETH A. FLAHERTY
Assistant Counsel
Pa. Supreme Court ID No. 205575
Judicial Conduct Board
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

DATE: February 13, 2012

IN THE COURT OF JUDICIAL DISCIPLINE

Kelly S. Ballentine,	:	No. 1 JD 2012
Magisterial District Judge,	:	
District Court 02-2-01,	:	
Second Judicial District,	:	
Lancaster County	:	

PETITION FOR RELIEF

AND NOW, this 13th day of February, 2012, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania, by and through Joseph A. Massa, Jr., Chief Counsel, and Elizabeth A. Flaherty, Assistant Counsel, and files this Petition for Relief, under Rule 701 of the Rules of Procedure for the Court of Judicial Discipline and Rule 13(A) of the Judicial Conduct Board Rules of Procedure, Requesting Interim Suspension With Pay, and avers the following:

1. Petitioner is the Judicial Conduct Board (hereinafter referred to as "Board") of the Commonwealth of Pennsylvania. The Board is constituted pursuant to Article V, Section 18(a) of the Pennsylvania Constitution.
2. Since January, 2006, Kelly S. Ballentine (Respondent) has continually served as the duly elected Magisterial District Judge for District 02-2-01 in Lancaster County, Pennsylvania.

3. On February 13, 2012, the Pennsylvania Office of Attorney General charged Respondent with the following offenses: (1) Restricted Activities - Conflict of Interest, 65 Pa.C.S.A. § 1103(a), felony¹ (three counts); (2) Tampering with Public Records or Information, 18 Pa.C.S.A. § 4911(a)(1) (three counts), a felony of the third degree; (3) Tampering with Public Records or Information, 18 Pa.C.S.A. § 4911(a)(3) (three counts), a felony of the third degree; and (4) Obstructing Administration of Law or Other Governmental Function, 18 Pa.C.S.A. § 5101 (three counts), a misdemeanor of the second degree. **See Exhibit A.**

5. The Pennsylvania Constitution at Article V, § 18(d)(2) provides the following :

Prior to a hearing, the court may issue an interim order directing the suspension, with or without pay, of any justice, judge or justice of the peace against whom formal charges have been filed with the court by the board **or against whom has been filed an indictment or information charging a felony.** An interim order under this paragraph shall not be considered a final order from which an appeal may be taken.

(emphasis added).

¹ The criminal complaint charges this offense as a F3. However, 65 Pa.C.S.A. § 1109(a) defines the penalty for 65 Pa.C.S.A. § 1103(a) as follows: "Any person who violates provisions of section 1103(a), (b) and (c) (relating to restricted activities) commits a felony and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 or to

6. The Respondent has been charged with engaging in felonious criminal conduct in violation of the Constitution of this Commonwealth and the Rules Governing the Standards of Conduct of Magisterial District Judges which, *inter alia*, require judges to uphold the integrity of the judiciary and to observe high standards of conduct.
7. Public confidence in, and the reputation of, the judiciary has been undermined by the charges against Respondent and will continue to be undermined if the Respondent is permitted to remain on the bench after being charged with the aforementioned violations of the law.
8. Based upon the nature of the crimes charged; the relation of the charges to the duties of a judge; the impact on the administration of justice; the harm to the reputation of the system of justice; the harm to public confidence in the judiciary, and the totality of the circumstances, the Board seeks the immediate suspension of Respondent with pay pending final disposition of the criminal prosecution by the

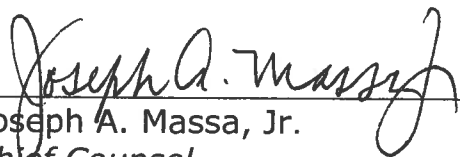
imprisonment for not more than five years, or both."

Pennsylvania Office of Attorney General.

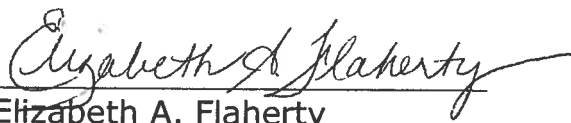
WHEREFORE, the Board, by and through Joseph A. Massa, Jr., Chief Counsel, and Elizabeth A. Flaherty, Assistant Counsel, respectfully requests that this Honorable Court enter an interim order directing the suspension of Respondent with pay and such other relief as may be deemed appropriate.

Respectfully submitted,

DATE: February 13, 2012



Joseph A. Massa, Jr.
Chief Counsel

By: 

Elizabeth A. Flaherty
Assistant Counsel
Pa. Supreme Court ID No. 205575
Judicial Conduct Board
601 Commonwealth Avenue,
Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

IN THE COURT OF JUDICIAL DISCIPLINE OF PENNSYLVANIA

In re:

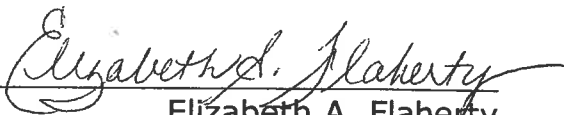
Kelly S. Ballentine, : No. 1 JD 2012
Magisterial District Judge, :
District Court 02-2-01, :
Second Judicial District, :
Lancaster County :

VERIFICATION

I, Elizabeth A. Flaherty, Assistant Counsel to the Judicial Conduct Board, verify that the statements made in the foregoing Petition for Relief are made subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904, relating to unsworn falsification to authorities.

Respectfully submitted,

DATE: February 13, 2012



Elizabeth A. Flaherty
Assistant Counsel
Pa. Supreme Court ID No. 205575
Judicial Conduct Board
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

COMMONWEALTH OF PENNSYLVANIA COUNTY OF LANCASTER



POLICE CRIMINAL COMPLAINT COMMONWEALTH OF PENNSYLVANIA VS.

Magisterial District Number: 02-3-03 MDJ: Hon. WILLIAM E. BENNER JR. Address: 324 BEAVER VALLEY PIKE WILLOW STREET, PA 17584 Telephone: (717)464-4141

DEFENDANT: (NAME and ADDRESS): KELLY S. BALLENTINE 557 NORTH STREET, LANCASTER, PA 17602

NCIC Extradition Code Type

- 1-Felony Full, 2-Felony Ltd., 3-Felony Surrounding States, 4-Felony No Ext., 5-Felony Pend., A-Misdemeanor Full, B-Misdemeanor Limited, C-Misdemeanor Surrounding States, D-Misdemeanor No Extradition, E-Misdemeanor Pending, Distance:

DEFENDANT IDENTIFICATION INFORMATION

Docket Number CR-21-12, Date Filed 2/13/12, OTN/LiveScan Number T 147080-3, Complaint/Incident Number 36-637, SID, Request Lab Services? YES NO, GENDER Male Female, DOB 08/11/1968, POB, Add'l DOB, Co-Defendant(s), First Name, Middle Name, Last Name, Gen.

RACE White, Asian, Black, Native American, Unknown, ETHNICITY Hispanic, Non-Hispanic, Unknown

HAIR COLOR GRY (Gray), RED (Red/Aubn.), SDY (Sandy), BLU (Blue), PLE (Purple), BRO (Brown), BLK (Black), ONG (Orange), WHI (White), XXX (Unk/Bald), GRN (Green), PNK (Pink), BLN (Blonde / Strawberry)

EYE COLOR BLK (Black), BLU (Blue), BRO (Brown), GRN (Green), GRY (Gray), HAZ (Hazel), MAR (Maroon), PNK (Pink), MUL (Multicolored), XXX (Unknown)

Driver License State PA, License Number 21617836, Expires: 08/12/2012, WEIGHT (lbs.)

DNA YES NO, DNA Location, MNU Number, FL HEIGHT In. 5 6

Defendant Fingerprinted YES NO, Fingerprint Classification

DEFENDANT VEHICLE INFORMATION

Plate #, State, Hazmat, Registration Sticker (MM/YY), Comm'l Veh. Ind., School Veh., Oth. NCIC Veh. Code, Reg. same as Def., VIN, Year, Make, Model, Style, Color

Office of the attorney for the Commonwealth Approved Disapproved because:

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

SDAG JONELLE H. ESHBACH

(Name of the attorney for the Commonwealth)

(Signature of the attorney for the Commonwealth)

(Date)

I, MICHAEL A. CARLSON

(Name of the Affiant)

#456

(PSP/MPOETC -Assigned Affiant ID Number & Badge #

of BNI, PA OFFICE OF ATTORNEY GENERAL

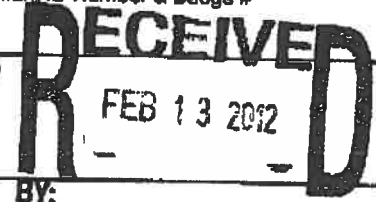
(Identify Department or Agency Represented and Political Subdivision)

PA0222400

(Police Agency ORI Number)

do hereby state: (check appropriate box)

- 1. I accuse the above named defendant who lives at the address set forth above I accuse the defendant whose name is unknown to me but who is described as



BY:

I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe

with violating the penal laws of the Commonwealth of Pennsylvania at (301) LANCASTER CITY (Subdivision Code) (Place-Political Subdivision)

in LANCASTER County (36) on or about DECEMBER 2010 TO JANUARY 2011 (County Code)

IN THE COURT OF JUDICIAL DISCIPLINE OF PENNSYLVANIA

In re:

Kelly S. Ballentine, : No. 1 JD 2012
Magisterial District Judge, :
District Court 02-2-01, :
Second Judicial District, :
Lancaster County :

PROOF OF SERVICE

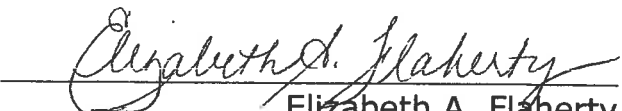
On February 13, 2012, a copy of this Petition for Relief was sent by
Certified Mail to:

Honorable Kelly S. Ballentine
557 North Street
Lancaster, PA 17602

Certified Mail No. 7161 7145 5373 0040 7302
Return Receipt Requested

Respectfully submitted,

DATE: February 13, 2012


Elizabeth A. Flaherty
Assistant Counsel
Pa. Supreme Court ID No. 205575
Judicial Conduct Board
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