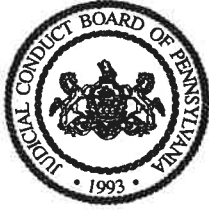


Judicial Conduct Board

Commonwealth of Pennsylvania

Joseph A. Massa, Jr., Chief Counsel

717-234-7911



Press Release

April 11, 2011

TO: Media/Press

FROM: Judicial Conduct Board

**SUBJECT: Issac H. Stoltzfus
Magisterial District Judge;
Magisterial District 02-3-05;
Lancaster County
4 JD 2011**

Harrisburg. The Judicial Conduct Board announced today that it has instituted formal proceedings against Magisterial District Judge Issac H. Stoltzfus of Lancaster County. A Board Complaint has been filed with the Court of Judicial Discipline.

In accordance with the rules which govern proceedings before the Court of Judicial Discipline, Magisterial District Judge Stoltzfus has an opportunity to respond to the charges, obtain and inspect the evidence which forms the basis of the allegations and the right to a public trial before the Court of Judicial Discipline.

Upon completion of the trial, if the Court determines that the charges have been proven by clear and convincing evidence, it will schedule a Sanctions Hearing to determine what sanctions should be imposed upon the magisterial district judge for violating the Rules Governing Standards of Conduct of Magisterial District Judges and the Pennsylvania Constitution. Possible sanctions include reprimand, suspension, or removal from office.

Counsel

Board: Joseph A. Massa, Jr., Chief Counsel

Respondent: Heidi F. Eakin, Esquire

Contact

Joseph A. Massa, Jr., Chief Counsel

Board Complaint is attached.

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

END

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

In re:

Issac H. Stoltzfus :
Magisterial District Judge :
Magisterial District 02-3-05 : 4 JD 2011
Lancaster County :

RECEIVED AND FILED
COURT OF
JUDICIAL DISCIPLINE
OF PENNSYLVANIA

2011 APR 11 P 4: 05

NOTICE OF FORMAL CHARGES

TO: ISSAC H. STOLTZFUS, MAGISTERIAL DISTRICT JUDGE:

The Pennsylvania Judicial Conduct Board has determined that there is probable cause to file formal charges against you for conduct proscribed by Article V, §§ 17(b) and 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania and Rule 2A of the Rules Governing the Standards of Conduct of Magisterial District Judges. The Board's counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within fifteen (15) days of service of this Board Complaint in accordance with Court of Judicial Discipline Rules of Procedure C.J.D.R.P. No. 110.

You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than thirty (30) days after the service of this complaint in accordance with C.J.D.R.P. No. 411.

You are further hereby notified that within thirty (30) days after the service of this Complaint, if no omnibus motion is filed, or within twenty (20) days after the dismissal of all or part of the omnibus motion, you may file an Answer admitting or denying the allegations contained in this Complaint in accordance with C.J.D.R.P. 413. Failure to file an answer shall be deemed a denial of all factual allegations in the Complaint.

FORMAL COMPLAINT

AND NOW, this 11th day of, April, 2011, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (hereinafter "Board") and files this Board Complaint against Magisterial District Judge Issac H. Stoltzfus, (hereinafter "Respondent"), a Magisterial District Judge for Magisterial District 02-3-05 of the Second Judicial District, Lancaster County, Pennsylvania, alleging that the Respondent has violated Rule 2A of the Rules Governing Standards of Conduct of Magisterial District Judges, and Article V, §§ 17(b), 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, as more specifically delineated herein.

1. This action is taken pursuant to the authority of the Board under Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania by which the Board is granted authority to determine whether there is probable cause to file formal charges, and, when it concludes that probable cause exists, to file formal charges, against a justice, judge, or magisterial district judge, for proscribed conduct and to present the case in support of such charges before the Court of Judicial Discipline.
2. Since on or about April 30, 1991, and at all times relevant hereto, the Respondent has served continuously to the present as Magisterial District Judge of Magisterial District 02-3-05, Lancaster County, Pennsylvania, encompassing the Townships of Bart, Caemarvon, Leacock, Paradise, Sadsbury, and Salisbury; and the Borough of Christiana, Pennsylvania, with an office located at 14 Center Street, Intercourse, Pennsylvania 17534. As a Magisterial District Judge, he is, and at all times relevant hereto, subject to all the duties and responsibilities imposed on him by the Rules Governing Standards of Conduct of Magisterial District Judges and the Constitution of Pennsylvania. The Respondent is charged with violating his judicial duties as set forth in the following paragraphs.

FORMAL CHARGES

3. During the week of Monday, September 20 – Friday, September 24, 2010, Respondent attended the annual Magisterial District Judge Continuing Education program conducted at the Pennsylvania Judicial Center (PJC), 601 Commonwealth Avenue, Harrisburg, Pennsylvania.
4. On Tuesday, September 21, 2010, at approximately 12:40 p.m., Commonwealth of Pennsylvania Department of Health and Welfare Employees Susan Wilkinson and Wendy Barkus observed Respondent picking up acorns in Soldiers Grove Park, near the PJC.
5. While watching Respondent's activities in Soldiers Grove, Ms. Wilkinson observed an identification badge hanging from Respondent's side.
6. Ms. Wilkinson inquired of Respondent, "Are you a Commonwealth employee?" Respondent replied to this question affirmatively. Thereafter, Ms. Wilkinson stated jokingly, "Maybe you want to contract with [Department of General Services] to pick up all the acorns!" At some point in this exchange, either Ms. Wilkinson or Ms. Barkus read Respondent's identification badge and learned that he was a judge from the identification badge, but they did not learn his name.
7. While interacting with Ms. Wilkinson and Ms. Barkus, Respondent walked to his handbag, which bore the Seal of the Commonwealth of Pennsylvania, opened it, and produced from it a plastic sandwich bag containing acorns. From this bag, Respondent removed what appeared to be four acorns from the sandwich bag and gave two each to Ms. Wilkinson and Ms. Barkus. Thereafter, Respondent stated to the women, "They [the acorns] make a nice afternoon snack, try them. I'll be here tomorrow, let me know what you think."

8. Ms. Barkus looked at the acorns given to her and observed that they looked “shiny” and asked Respondent, “What do you do, roast them?” Respondent replied to Ms. Barkus, “Just take them and let me know what you think.”
9. Immediately after the exchange, Ms. Wilkinson and Ms. Barkus left Respondent’s presence, and they sat at a picnic table on the north side of the Health and Welfare Building. Curious, Ms. Wilkinson opened an acorn given to her by Respondent. Ms. Wilkinson was horrified to find that the inside of the acorn was hollowed out and that an unwrapped condom was placed inside the acorn. Ms. Barkus opened one of the acorns given to her by Respondent and also found an unwrapped condom inside the hollowed-out acorn.
10. Ms. Wilkinson and Ms. Barkus entered the Labor and Industry Building and had the security guards contact the Capitol Police Department (CPD). At the same time, Officer Richard L. Smith of the CPD was present in the Labor and Industry Building for a routine matter.
11. Ms. Wilkinson and Ms. Barkus saw Officer Smith, and they asked him if he was there to respond to their complaint about Respondent, which he was not. Thereafter, Officer Smith interviewed Ms. Wilkinson and Ms. Barkus because he did not know what matter they were talking about. They told Officer Smith about their interaction with Respondent, the details of his act of giving them the condom-filled acorns, and his physical description. They also indicated to Officer Smith that Respondent was wearing an identification badge that identified him as a judge.
12. Officer Smith learned that a group of Magisterial District Judges were present at the PJC for the Continuing Education program, and he, another officer, and Ms.

Wilkinson and Ms. Barkus went to the CPD office in the PJC. At the PJC, Ms. Wilkinson and Ms. Barkus identified Respondent as the person who gave them the condom-filled acorns as they saw him walk out of the restroom on the first floor of the PJC.

13. Officer Smith followed Respondent to the Continuing Education room and asked Respondent to accompany him. Officer Smith seized Respondent's handbag and escorted him to a secluded hallway, whereupon Officer Smith placed the handbag on the floor and observed therein a white plastic bag filled with acorns.
14. Officer Smith seized Respondent's identification badge and handbag and escorted him to the office of CPD Sergeant Randy I. Bistline. The CPD informed Respondent that he was not under arrest and that he was being interviewed for a summary offense of Disorderly Conduct. Present at the interview were Respondent, CPD Sergeant Jones, Officer Hall, and Officer Smith.
15. The CPD Officers obtained Respondent's driver's license and identified him as Issac H. Stoltzfus, the Magisterial District Judge of District 02-3-05.
16. Initially, Respondent denied giving Ms. Wilkinson and Ms. Barkus any acorns, but then Respondent stated that he did it as a joke and did not intend to offend anyone. Thereafter, the CPD advised Respondent that they were going to file a citation for Disorderly Conduct (graded as a summary offense) against him and that Ms. Wilkinson and Ms. Barkus would file ethical misconduct complaints against him with the Board.
17. When advised of the impending citation and forthcoming ethical misconduct conduct complaints, Respondent asked if he could just plead guilty to the citation

and not have the Board involved; the CPD responded negatively to Respondent's question.

18. The CPD searched Respondent's handbag, but the search did not uncover any other acorns or plastic sandwich bags.
19. The CPD asked Respondent the location of the other acorns and whether he had given any other acorns to other women. Respondent replied that he did not give any other acorns out to anyone else and that he had only a few of them.
20. Respondent asked the CPD if he could apologize to Ms. Wilkinson and Ms. Barkus, and they replied that he could not. Respondent asked Officer Smith if he could relay his apology to Ms. Wilkinson and Ms. Barkus; Officer Smith relayed Respondent's apology later that day.
21. Upon leaving Sergeant Bistline's office, Respondent handed his handbag to the receptionist at the PJC.
22. After Respondent left their presence, Officer Smith and another CPD officer went to the men's room adjacent to the Continuing Education area and checked the trash canister. Therein, they found an empty plastic bag. Underneath the plastic bag, the officers found four (4) acorns that appeared to have been tampered with in the same manner as the acorns Respondent gave to Ms. Wilkinson and Ms. Barkus.
23. On September 21, 2010, the CPD cited Respondent with Disorderly Conduct, in violation of 18 Pa.C.S.A. § 5503(a)(4); the citation resulted from Respondent's giving of the condom-filled acorns to Ms. Wilkinson and Ms. Barkus. Ultimately, the CPD withdrew the citation on October 29, 2010. As a result of the withdrawal, the criminal case was never finally adjudicated.

24. On Wednesday, January 5, 2011, at a deposition conducted at the Board's offices before Chief Counsel Joseph A. Massa, Jr., Respondent, while represented by counsel, admitted under oath that he gave one acorn each to Ms. Wilkinson and Ms. Barkus. Respondent explained that he did so as "a joke." Respondent also admitted that he has collected, hollowed out, and placed unwrapped condoms inside thousands of acorns during his tenure as a Magisterial District Judge; and that he gave the condom-filled acorns to individuals appearing before him in his Court in order to raise awareness for the efficacy of condom use against unplanned pregnancy and disease.

By virtue of some, or all of the facts, alleged in paragraphs one (1) through twenty-four (24) of this Board Complaint, the Respondent is subject to discipline pursuant to Article V, §18(d)(1) of the Pennsylvania Constitution for the following reasons:

COUNT 1: The Respondent has violated Article V, §18(d)(1) of the Pennsylvania Constitution by engaging in activity which brings the judicial office into disrepute.

COUNT 2: The Respondent has violated Rule 2A of the Rules Governing Standards of Conduct of Magisterial District Judges which provides, in pertinent part, the following:

Magisterial District Judges shall respect and comply with the law and shall conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary.

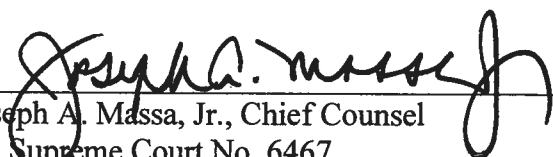
COUNT 3: Respondent has violated Article V, §17(b)(1) of the Pennsylvania Constitution by failing to adhere to Rule 2A of the Rules

Governing Standards of Conduct of Magisterial District Judges, which requires Magisterial District Judges to conduct themselves at all times in a manner that promotes public confidence in the integrity of the Judiciary.

WHEREFORE, Issac H. Stoltzfus, the Magisterial District Judge named in these charges, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

Date: April 11, 2011



Joseph A. Massa, Jr., Chief Counsel
Pa. Supreme Court No. 6467

Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17120
(717) 234-7911

COMMONWEALTH OF PENNSYLVANIA

COURT OF JUDICIAL DISCIPLINE

In re:

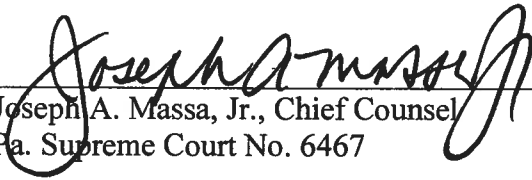
Issac H. Stoltzfus :
Magisterial District Judge :
Magisterial District 02-3-05 : 4 JD 2011
Lancaster County :

VERIFICATION

I am the Chief Counsel for the Judicial Conduct Board and I am authorized to make this verification and file the foregoing *BOARD COMPLAINT*. I verify that the Judicial Conduct Board found probable cause to file the formal charges contained in the Board Complaint. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: April 11, 2011



Joseph A. Massa, Jr., Chief Counsel
Pa. Supreme Court No. 6467

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COMMONWEALTH OF PENNSYLVANIA

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PROOF OF SERVICE

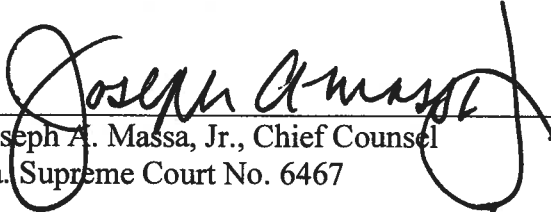
In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on or about April 11, 2011, a copy of this *BOARD COMPLAINT* was sent by Certified Mail to counsel for the Respondent, who agreed to accept service of the Board Complaint on behalf of Respondent.

Heidi F. Eakin, Esquire
Costopolous, Foster & Fields
Attorneys and Counselors at Law
831 Market Street
Lemoyne, PA 17043

Certified Mail No. 7161 7145 5370 3333 6306
Return Receipt Requested

Respectfully submitted,

Date: April 11, 2011



Joseph A. Massa, Jr., Chief Counsel
Pa. Supreme Court No. 6467

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