

(No. 87 CC 4.—Respondent reprimanded.)

In re CIRCUIT JUDGE ROBERT L. SKLODOWSKI
of the Circuit Court of Cook County, Respondent.

Order entered April 15, 1988.

SYLLABUS

On November 24, 1987, the Judicial Inquiry Board filed with the Courts Commission a two-count complaint, charging the respondent with willful misconduct in office and with conduct that is prejudicial to the administration of justice and that brings the judicial office into disrepute. The complaint, in summary form, alleged that the respondent, for the purpose of obtaining a mortgage in Florida, executed and caused to be delivered to a bank certain documents which falsely claimed the existence of a \$15,000 down payment, and that the respondent pleaded guilty to criminal charges in Florida concerning the false documents, and was convicted and fined.

Count I stated that, during the period February-August 1983, the respondent knowingly and intentionally, for the purpose of obtaining a mortgage, made and caused to be delivered to Harbor Federal Savings and Loan Association of Ft. Pierce, Florida, a purchase agreement, loan application, and closing statement which falsely claimed the existence of a \$15,000 down payment toward the purchase of a condominium. The complaint alleged that the respondent's conduct described in Count I violated Supreme Court Rules 61, 62(A) and 62(B). Ill. Rev. Stat. 1986 Supp., ch. 110A, pars. 61, 62(A) and (B).

Count II alleged that, as a result of the transaction described in Count I, the respondent, on November 5, 1987, pleaded guilty in a Florida court to a criminal information based on the making and delivery of the documents, and that he was convicted, fined, and assessed the costs of the investigation that led to the information and conviction. The complaint alleged that the respondent's conduct described in Count II violated Supreme Court Rules 61 and 62(A). Ill. Rev. Stat. 1986 Supp., ch. 110A, pars. 61, 62(A).

Held: Respondent reprimanded.

Winston & Strawn, of Chicago, for Judicial Inquiry Board.

Leonard M. Ring & Associates, of Chicago, for respondent.

Before the COURTS COMMISSION: MILLER, J., chairman, and LORENZ, STOUDEER, MURRAY and SCOTT, JJ., commissioners. ALL CONCUR.

ORDER

The Illinois Judicial Inquiry Board (Board) filed a Complaint with the Illinois Courts Commission (Commission), charging the respondent, Judge Robert L. Sklodowski, of the circuit court of Cook County, with willful misconduct in office and conduct that is prejudicial to the administration of justice and that brings the judicial office into disrepute.

The hearing before the Commission was based on the following stipulation of facts. The respondent acknowledged that from on or about February 23, 1983, to on or about August 19, 1983, and for the purpose of obtaining a mortgage, he knowingly and intentionally signed and caused to be delivered to Harbor Federal Savings and Loan Association of Ft. Pierce, Florida, a purchase agreement, loan application, and closing statement which falsely claimed the existence of a \$15,000 down payment toward the purchase of a condominium. The respondent further acknowledged that, as a result of this transaction, he pleaded guilty to a criminal information, filed in the State of Florida, based on the making and delivery of those documents. Florida Statutes 817.03 (F.S. 817.03) makes it an offense to execute false statements with the intent to obtain credit. The Federal Bureau of Investigation made its inquiry and ascertained the facts of the condominium sales. Based on the respondent's willingness to assist the FBI, and with its concurrence, the United States Attorney's office decided to pursue misdemeanor charges and filed the State misdemeanor information in this case. The respondent was convicted on his plea of guilty to this criminal informa-

tion and was fined and assessed the costs of the Federal investigation that led to the information and conviction.

This matter came to the Board's attention when the respondent was being considered for a Federal district judgeship. When asked about his participation in any lawsuits, the respondent related the incident regarding the condominium purchase and the foreclosure which resulted in the legal action.

The Board's Complaint alleges that this conduct violates Illinois Supreme Court Rule 61 (107 Ill.2d R.61) which provides in pertinent part that "[a] judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved." The Board also alleges that this conduct violates Illinois Supreme Court Rule 62(A) (107 Ill.2d R. 62(A)) which provides that "[a] judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Finally, the Board alleges that the conduct violates Illinois Supreme Court Rule 62(B) (107 Ill.2d R.62(B)) which states that "[a judge] should not lend the prestige of his office to advance the private interests of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him." The respondent also admitted, in his stipulation, that his actions constituted violations of these judicial canons.

The respondent acknowledged that the charges to which he admits guilt carry with them the potential penalties of removal from office, suspension without pay, censure, or reprimand, pursuant to article VI, section 15, of the Illinois Constitution of 1970. A hearing was held March 4, 1988, to determine the nature and extent of any sanction, if imposed.

In support of a severe sanction, the Board, while presenting no witnesses of its own, cross-examined the respondent's witnesses and argued that the misconduct was substantial and considerable, and required a significant sanction. In mitigation, the respondent testified on his own behalf as well as presenting other witnesses who testified as to his reputation and standing in the community.

At the hearing, the respondent testified on his own behalf. He stated that he was asked by two attorneys, his former partners, one of them his brother-in-law, to purchase a condominium in Florida which was part of a hotel conversion in which they were engaged. The respondent declined stating he was not financially able to, nor did he have an interest in a condominium. He was then informed that he would not have to make the \$15,000 down payment since it would go to the real estate group and not the bank, and that the payments would be made from the rental income. The respondent was also informed that the bank was aware that he would not be making the down payment. At the urging of his wife and the real estate people, the respondent agreed to purchase the remaining unit which permitted the real estate group to clear their default on the loan with the bank. All aspects of the respondent's loan transaction took place in Chicago.

As was revealed at the hearing, 10 other condominium purchasers made similar deals in which no down payment was required. Hence, as the prosecutor admitted at the trial on the information, the failure to make the down payment was irrelevant. Rather, according to the prosecutor, the respondent and two other purchasers were prosecuted because no attempt was made to make payments or sell the units in order to satisfy their loans with the bank.

Contrary to the representations made by the vendors, no monthly payments were made from the rental income. Consequently, six to eight months later, foreclosure proceedings were initiated by the bank. No personal judgment was entered against the respondent in the foreclosure proceedings, and it does not appear that the bank sustained any loss on the loan involved. The respondent also stated that he could not have personally gained from this transaction, and evidence was tendered that was used to demonstrate the bank's complicity with the real estate group. The respondent also attempted to show that his conduct did not rise to a violation of the Illinois statutory counterpart of the Florida statute under which he was prosecuted.

The other witnesses were members of the legal and judicial community who testified as to the respondent's standing and reputation. They all stated that they held the respondent in the highest esteem and rated his performance as excellent. They further stated that their opinions had not changed after they were aware of the facts which brought this matter before the Commission. At the close of the evidence, the Commission asked for recommendations concerning the sanction to be imposed. Counsel for the Board represented to the Commission that the Board had determined to make no recommendation in the case and that he, therefore, had no authority to make any recommendation. The respondent's attorney did recommend reprimand as the appropriate sanction.

The Commission has stated before that "the phrases 'conduct that is prejudicial to the administration of justice' and 'conduct ° ° ° that brings the judicial office into disrepute' are inherently vague. The Courts Commission, therefore, must proceed carefully on a case-by-case basis in determining whether these vague guidelines have been violated in a particular case." (*In re Karns*

(1982), 2 Ill. Cts. Com. 28, 33.) The Commission must consider the nature and circumstance of the judicial misconduct, and the need for maintaining public confidence in the judiciary. *Karns*, 2 Ill. Cts. Com. 28, 37.

We have examined the evidence in this case. The respondent has incurred substantial attorney fees, embarrassment, and inconvenience in extricating himself from his Florida problems. Additionally, he was, of course, no longer considered for the Federal judicial appointment. Both factors have already constituted a substantial penalty. Considering the nature and circumstances of the improper conduct, taken in context with the respondent's distinguished career as a jurist, and realizing the misconduct's degree of remoteness to the respondent's official duties, the appropriate sanction in this case is a reprimand.

It is hereby ordered that the respondent, Robert L. Sklodowski, is reprimanded for his conduct otherwise described in this order.

Respondent reprimanded.
