

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

MAR 23 2021

RECEIVED AND FILED

IN RE:

Andrew T. LeFever, Esq. :
Magisterial District Judge :
Magisterial District 02-2-04 : 7 JD 2020
2nd Judicial District :
Lancaster County :

JOINT STIPULATIONS OF FACT PURSUANT TO C.J.D.R.P. NO. 502(D)(2)

AND NOW, this 23rd day of March, 2021, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board), and Magisterial District Judge Andrew T. LeFever (Respondent), by and through their undersigned counsel, and file these Joint Stipulations Of Fact Pursuant To C.J.D.R.P. No. 502(D)(2), as follows:

JOINT STIPULATIONS OF FACT

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court, and thereafter, to prosecute the case in support of such charges in this Court.
2. From January 2, 2020, to the present, Respondent has served continuously as a Magisterial District Judge in Magisterial District 02-2-04, Lancaster County, Pennsylvania.
3. Based on a Confidential Request for Investigation at Judicial Conduct Board File No. 2019-669, the Board investigated the instant matter.
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 was probable cause to file formal charges against Respondent in this Court.

5. On July 12, 2018, Lancaster County Democratic Committee Chairperson, JoAnn Hentz, appointed Respondent to fill the vacant position of Committee Person in the Lancaster City Democratic Committee (LCDC) to represent the City of Lancaster's 5th Precinct of the 6th Ward.
6. The website at www.lancastercitydemocrats.com is the official website of the LCDC.
7. The LCDC website at www.lancastercitydemocrats.com/about states:

Democratic Committee members are your friends, your colleagues, and your neighbors.

These elected officials promote our most sacred civic duties: voting and being involved in our government. They work to inform their neighbors about upcoming elections, provide information about candidates and issues, and represent the Democratic Party at their polling place on election days.

Committee People are elected by registered Democrats from the voting district (precinct) where they live for terms of four years. Vacancies may be filled by appointment by the Chair of the Lancaster County Democratic Committee.

8. The LCDC website at www.lancastercitydemocrats.com/about states that the LCDC's "mission is to build a strong Democratic community, to recruit and elect strong Democratic candidates, and to advance the principles of the Democratic Party within the City of Lancaster, Pennsylvania."
9. The "Terminology" section of the Rules defines "political organization" as being:

A political party or group sponsored by or affiliated with a political party or candidate, the principal purpose of which is to further the election or appointment of candidates for political office, excluding a judicial candidate's campaign committee created as authorized by these Conduct Rules.

Rules, Terminology (2014).

10. On January 27, 2019, Respondent posted a message on the public Facebook page titled "Andrew LeFever for Magisterial District Judge" stating:

Hello Facebook community! I'm honored to formally announce my candidacy for Magisterial District Judge. Why am I running? Because the people of Lancaster are owed a fair, impartial justice system. The role of the District Judge is to be an arbiter and protector of the citizens and their rights. Based upon my years of experience in the criminal justice system as a practicing attorney, I believe I am well-suited to serve in that role. Thank you for your support!

11. The "Application" section of the Rules Governing Standards of Conduct of Magisterial District Judges (Rules) (2014) states, "Canon 4 applies to all judicial candidates."

12. The "Terminology" section of the Rules defines "judicial candidate" as being:

Any person, including a sitting magisterial district judge, who is seeking appointment or election to judicial office. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the appointment or election authority, or where permitted, engages in solicitation or acceptance of contributions or support, or is nominated for appointment or election to office.

Rules, Terminology (2014)

13. Canon 4, Rule 4.1(A)(1) of the Rules (2014) states the following:

Canon 4, Rule 4.1. Political and Campaign Activities of Magisterial District Judges and Judicial Candidates in General

(A) Except as permitted by Rules 4.2, 4.3, and 4.4, a judicial candidate shall not:

(1) Act as a leader in, or hold an office in, a political organization.

14. In the process of deciding to seek the office of Magisterial District Judge during 2018 or early 2019, Respondent reviewed the definition of "judicial candidate" in the Rules.

15. In the process of deciding to seek the office of Magisterial District Judge during 2018 or early 2019, Respondent reviewed the definition of "political organization" in the Rules.
16. In the process of deciding to seek the office of Magisterial District Judge during 2018 or early 2019, Respondent reviewed Canon 4, Rule 4.1 (A)(1) of the Rules.
17. In the process of deciding to seek the office of Magisterial District Judge during 2018 or early 2019, Respondent reviewed the case of *In re Nomination Petition of Denick*, 729 A.2d 168 (Pa. Cmwlth. 1999), when deciding when he had to resign as Committee Person in the LCDC in order to comply with the Rules.
18. In the process of deciding to seek the office of Magisterial District Judge during 2018 or early 2019, Respondent reviewed the case of *McMenamin v. Tartaglione*, 590 A.2d 802 (Pa. Cmwlth. 1991), when deciding when he had to resign as Committee Person in the LCDC in order to comply with the Rules.
19. On January 27, 2019 and until March 11, 2019, Respondent served as a Committee Person in the LCDC for the City of Lancaster's 5th Precinct in the 6th Ward.
20. Respondent's public Facebook page "Andrew LeFever for Magisterial District Judge" was routinely updated with posts concerning his campaign activities from January 27, 2019 through March 12, 2019.
21. On February 11, 2019, Respondent participated in a public LCDC meeting as a Committee Person for the City of Lancaster's 5th Precinct in the 6th Ward, the purpose of which was to determine which judicial and non-judicial candidates the LCDC would officially endorse for the 2019 municipal election.

22. At the February 11, 2019 LCDC meeting, Committee Persons representing the 2nd and 6th Wards of the City of Lancaster met to vote on their endorsement for the office of Magisterial District Judge in Magisterial District 02-2-04.
23. At the February 11, 2019 LCDC meeting, Respondent, as a Committee Person, voted for the LCDC to endorse him for the office of Magisterial District Judge in Magisterial District 02-2-04.
24. Respondent voted for the LCDC to endorse him for the office of Magisterial District Judge in Magisterial District 02-2-04 in the presence of one of his opposing candidates for the office of Magisterial District Judge in Magisterial District 02-2-04, who was also seeking the endorsement of the LCDC.
25. On February 11, 2019, after a unanimous vote, Respondent received the endorsement of the LCDC for the office of Magisterial District Judge in Magisterial District 02-2-04.
26. On February 12, 2019, an article appeared in LNP (Lancaster Newspapers) reporting LCDC's February 11, 2019 endorsement of Respondent for the office of Magisterial District Judge.
27. On February 11, 2019, Respondent established his campaign committee, LANCASTER FOR LEFEVER.
28. On January 5, 2019, prior to the establishment of his campaign committee LANCASTER FOR LEFEVER, Respondent made an expenditure for a logo design for his campaign for the office of Magisterial District Judge.
29. On January 22, 2019, prior to the establishment of his campaign committee LANCASTER FOR LEFEVER, Respondent made an expenditure for photographs for his campaign for the office of Magisterial District Judge.

30. On February 21, 2019, LANCASTER FOR LEFEVER classified Respondent's January 22, 2019 expenditure for photographs as an in-kind contribution.
31. On February 13, 2019, Respondent made a \$100 contribution to his campaign committee.
32. On February 13, 2019, LANCASTER FOR LEFEVER deposited \$100 in its account at Fulton Bank.
33. On February 13, 2019, LANCASTER FOR LEFEVER made an expenditure at Fulton Bank for checks.
34. On February 17, 2019, Respondent made an expenditure for campaign buttons for his campaign for the office of Magisterial District Judge.
35. On February 21, 2019, LANCASTER FOR LEFEVER classified Respondent's February 17, 2019 expenditure for campaign buttons as an in-kind contribution.
36. On February 23, 2019, LANCASTER FOR LEFEVER received a monetary contribution.
37. On February 23, 2019, LANCASTER FOR LEFEVER received an in-kind contribution for campaign event invitations.
38. On February 28, 2019, LANCASTER FOR LEFEVER received a monetary contribution.
39. On March 1, 2019, after the establishment of his campaign committee LANCASTER FOR LEFEVER, Respondent made an expenditure for campaign literature on behalf of his campaign for the office of Magisterial District Judge.
40. On March 6, 2019, LANCASTER FOR LEFEVER made an expenditure at Molly's Pub for a campaign event.

41. On March 7, 2019, LANCASTER FOR LEFEVER received two monetary contributions.
42. On March 10, 2019, LANCASTER FOR LEFEVER received a monetary contribution.
43. On February 23, 2019, Respondent received the endorsement of the Lancaster County Democratic Committee for the office of Magisterial District Judge in Magisterial District 02-2-04.
44. From February 23, 2019 through March 11, 2019, Respondent and his circulators solicited electors in the City of Lancaster's 2nd and 6th Wards for placement of their signatures on his Democratic and Republican nominating petitions for the office of Magisterial District Judge in Magisterial District Court 02-2-04.
45. From February 23, 2019 through March 11, 2019, Respondent and his circulators accepted the signatures of electors in the City of Lancaster's 2nd and 6th Wards on his Democratic and Republican nominating petitions for the office of Magisterial District Judge in Magisterial District Court 02-2-04.
46. Among the individuals soliciting electors and accepting the signatures of electors on Respondent's Democratic nominating petitions between February 23, 2019 and March 11, 2019 were:
 - a. Phillip Cabassa, an LCDC Committee Person in the 6th Ward,
 - b. Theresa Flavin, an LCDC Committee Person in the 6th Ward,
 - c. David Parry, an LCDC Committee Person in the 2nd Ward,
 - d. Jaime Arroyo, an LCDC endorsed candidate for Lancaster City Council,

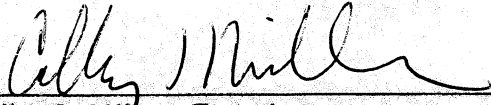
- e. Linda Esbenshade, an LCDC Committee Person in the 6th Ward,
 - f. Michael Gaines, an LCDC Committee Person in the 6th Ward,
 - g. Lillie West, an LCDC Committee Person in the 6th Ward,
 - h. Steven Garner, an LCDC Committee Person in the 6th Ward,
 - i. Lauren Edgell, an LCDC Committee Person in the 6th Ward and Respondent's campaign manager, and
 - j. Carl Feldman, an LCDC Committee Person in the 6th Ward.
47. On March 10, 2019, Respondent, under oath, signed and had notarized Candidate's Affidavits for the Democratic and Republican nominating petitions circulated in the City of Lancaster's 2nd and 6th Wards from February 23, 2019 through March 10, 2019 stating that he is eligible to hold the office of Magisterial District Judge in Magisterial District 02-2-04.
48. On March 6, 2019, Respondent participated in a campaign event at Molly's Pub and Carry Out.
49. Other persons seeking nomination for non-judicial office in the City of Lancaster participated in the campaign event at Molly's Pub and Carry Out on March 6, 2019.
50. On March 11, 2019, Respondent participated in a public LCDC meeting as a Committee Person for the City of Lancaster's 5th Precinct in the 6th Ward.
51. At the end of the March 11, 2019 LCDC meeting, Respondent resigned his position as a Committee Person on the LCDC via letter provided to LCDC Chair Diane Topakian.
52. Canon 4, Rule 4.2(B)(3) states: A judicial candidate may publicly speak on behalf of, or publicly oppose or speak in opposition to, candidates for the same

judicial office for which he or she is a judicial candidate, or publicly endorse or speak on behalf of candidates for any other elective judicial office appearing on the same ballot as the magisterial district judge candidate.

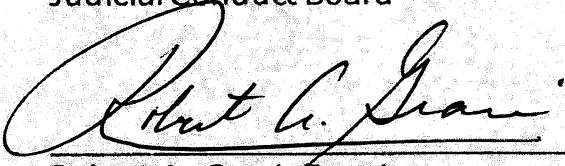
53. Canon 4, Rule 4.2(B)(4) states: A judicial candidate may attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for non-judicial public office.
54. Canon 4, Rule 4.2(B)(5) states: A judicial candidate may seek, accept, or use endorsements from any person or organization, including a political organization or political party.
55. Canon 4, Rule 4.2(B)(6) states: A judicial candidate may contribute to a political organization, including a political party or candidate for non-judicial public office.
56. Canon 4, Rule 4.2(B)(7) states: A judicial candidate may identify himself or herself as a member or candidate of a political organization or party.
57. On March 12, 2019, Respondent filed his Republican and Democratic nominating petitions with the Lancaster County Board of Elections.
58. On May 21, 2019, Respondent won the Democratic primary election for the position of Magisterial District Judge in Magisterial District 02-2-04.
59. On November 5, 2019, Respondent won the municipal election for the office of Magisterial District Judge in Magisterial District 02-2-04.
60. Respondent began his term as Magisterial District Judge in Magisterial District 02-2-04 on January 2, 2020.

By submitting these Joint Stipulations of Fact, the Board and Respondent agree they shall be bound by them as facts of the case upon which the Court of Judicial Discipline, in conjunction with any facts produced at trial, may render a decision.


DATE: 3/23/2021


Colby J. Miller, Esquire
Deputy Counsel
Judicial Conduct Board

DATE: 3/19/2021


Robert A. Graci, Esquire
Counsel for Respondent

DATE: March 19, 2021


Andrew T. LeFever, Esquire
Magisterial District Judge
02-2-04, Lancaster County
Respondent

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Andrew T. LeFever, Esq.	:	
Magisterial District Judge	:	
Magisterial District 02-2-04	:	7 JD 2020
2nd Judicial District	:	
Lancaster County	:	

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Judicial Conduct Board of Pennsylvania

Signature: 

Name: Colby J. Miller
Deputy Counsel

Attorney No.: 311599

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PROOF OF SERVICE


In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on the date below a copy of Joint Stipulations of Fact Pursuant to C.J.D.R.P. 502(D)(2) was sent by UPS overnight mail to Robert A. Graci, Esquire, counsel for Magisterial District Judge Andrew T. LeFever at the following address:

Robert A. Graci, Esquire
Saxton & Stump, LLC
4250 Crums Mill Road, Suite 201
Harrisburg, PA 17112

Respectfully submitted,

DATE: 3/23/2021

BY:



Colby J. Miller
Deputy Counsel
Pa. Supreme Court ID No. 311599

Judicial Conduct Board
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