

# JUDICIAL CONDUCT BOARD

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Steven A. Adler, Esq.  
Chair

June 19, 2015

## Closure Report of the Vermont Judicial Conduct Board

Re: Docket No. 14.025

The Judicial Conduct Board received a complaint alleging that Washington County Assistant Judge K. Barney Bloom had been engaged in shoplifting from Montpelier area merchants. The matter was investigated by the Board with the assistance of Special Counsel to the Board. Special Counsel's investigation led to the filing of a Formal Complaint, a written Public Reprimand and ultimately, the resignation of former Judge Bloom.

Attached to this Closure Report is the Formal Complaint, Public Reprimand and Stipulation and Consent Order which sets forth the details of and the outcome of the Complaint. In light of his retirement from the Bench, the JCB determined that no further compliance was either necessary or appropriate and the above matter is deemed closed.

JUDICIAL CONDUCT BOARD

A handwritten signature in cursive script, appearing to read "Steven A. Adler".

By: Steven A. Adler, Chair

SAA/clh

Attachment: Public Reprimand  
Stipulation and Consent Order  
Formal Complaint

**State of Vermont  
Judicial Conduct Board**

**In Re:**  
**Assistant Judge Karl Barney Bloom**

**JCB Docket No. 14.025**

**FORMAL COMPLAINT**

The Vermont Judicial Conduct Board (“Board”), in accordance with the RULES OF SUPREME COURT FOR DISCIPLINARY CONTROL OF JUDGES Rule 7(4), hereby asserts this Formal Complaint against former Judge Karl Barney Bloom (“Respondent”).

**Board Authority**

1. At all times relevant to this Formal Complaint Respondent served as Assistant Judge in Washington County, Vermont.
2. On Monday, July 21, 2014, Respondent resigned his position as Assistant Judge.
3. Notwithstanding Respondent’s resignation, the Board maintains continuing jurisdiction in this matter pursuant to Board Rule 3(1) because a portion of the misconduct alleged took place less than three years before the discovery of the grounds for this Formal Complaint.

**Facts Supporting Misconduct Charge**

4. Over a period of several years respondent took merchandise, including newspapers and soup, from the Uncommon Market in Montpelier, Vermont without paying for it.
5. When confronted by one of the owners of Uncommon Market, Respondent admitted to the conduct alleged in the preceding Paragraph and agreed to compensate the market for the merchandise he had taken.

6. Respondent paid \$500 to the Uncommon Market to compensate for the merchandise he had stolen, and also agreed to make a \$500 anonymous donation to the Montpelier Public Library on behalf of the market.
7. Respondent never again returned to the Uncommon Market after this confrontation.
8. Over a period of several years Respondent also took merchandise, including books and/or magazines, from Bear Pond Books in Montpelier, Vermont without paying for it.
9. On December 14, 2012, the owner of Bear Pond Books confronted Respondent as he was attempting to leave the store premises with a book he had placed in his coat pocket without paying for it.
10. Based on this incident, on December 20, 2012 a No Trespass Order was served on Respondent preventing him from returning to Bear Pond Books in the future.
11. Respondent has also taken merchandise from Capitol Grounds in Montpelier, Vermont, including coffee, on multiple occasions without paying for it within the past three years.
12. Respondent's conduct described above, specifically in Paragraphs 4, 8 and 11, constitutes retail theft under 13 V.S.A. § 2575(a).

#### **Canons Violated**

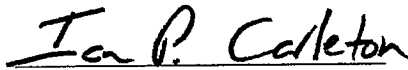
13. **Canon 1** states in relevant part that “[a] judge should participate in establishing, maintaining and enforcing high standards of conduct and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved.” *Id.* By committing the criminal offense of retail theft, Respondent failed to personally observe the aforementioned standards, and therefore violated Canon 1.
14. **Canon 2** states in relevant part that: “[A] judge should respect and comply with the law and shall act all times in a manner that promotes public confidence in the integrity and

impartiality of the judiciary.” *Id.* By committing the criminal offense of retail theft, Respondent neither “respected” nor “complied with” the law, but rather violated it repeatedly over a period of years. Respondent’s conduct also likely eroded public confidence in the integrity and impartiality of the judiciary. For these reasons, Respondent violated Canon 2.

15. **Canon 4** provides that “A judge shall conduct all of the judge’s extra-judicial activities so that they do not demean the judicial office.” *Id.* at subsection (A)(2). By repeatedly committing the offense of retail theft, Respondent undermined the dignity and respectability of, and thus demeaned, the judiciary, thereby violating Canon 4.

**Respondent has a right to file a written answer within twenty-one days of service, to be represented by counsel, to cross examine witnesses, and to produce evidence on his own behalf.**

DATED AT Burlington, Vermont this 14<sup>th</sup> day of October, 2014.



Ian P. Carleton, Esq.  
Special Counsel to the Judicial Conduct Board  
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State of Vermont  
Judicial Conduct Board

\_\_\_\_\_  
In Re: )  
Assistant Judge Karl Barney Bloom )  
\_\_\_\_\_ )

JCB Docket No. 14.025

ACCEPTANCE OF SERVICE BY MAIL

I, Karl Barney Bloom, hereby accept service pursuant to V.R.C.P. 5(b)(2) of the Formal Complaint in the above-captioned matter, and waive all other forms of service of the Formal Complaint.

Dated at Montpelier, Vermont this 20<sup>th</sup> day of October, 2014.

K. B. Bloom  
Karl Barney Bloom

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Steven A. Adler, Esq.  
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## STATE OF VERMONT BEFORE THE JUDICIAL CONDUCT BOARD

**IN RE:**

**Assistant Judge Karl Barney Bloom**

**Docket No. 14.025**

### PUBLIC REPRIMAND

This matter has come before the Judicial Conduct Board as a result of a Formal Complaint dated October 14, 2014.

After being served with the Formal Complaint, on October 24, 2014, Assistant Judge Karl Barney Bloom entered in a Stipulation and Consent Order. The Board accepts as proven the factual allegations in the Formal Complaint and Stipulation and finds by clear and convincing evidence that Karl Barney Bloom violated Canons 1, 2 and 4 of the Vermont Code of Judicial Conduct.

In the face of the allegations against him, Mr. Bloom resigned his position as Assistant Judge in Washington County on July 21, 2014. Removal from office would be an appropriate sanction given the seriousness of the violations - a lengthy pattern of criminal behavior involving shoplifting - but for the fact that Mr. Bloom has already resigned his judgeship.

WHEREFORE, the Judicial Conduct Board hereby **publically reprimands** former Assistant Judge Karl Barney Bloom for violations of Canons 1, 2 and 4 of the Vermont

December 1, 2014

Code of Judicial Conduct and further **ORDERS** that Mr. Bloom is prohibited from seeking judicial office in the State of Vermont at any point in the future.

IT IS SO ORDERED this 1<sup>st</sup> day of December, 2014.

VERMONT JUDICIAL CONDUCT BOARD

By:   
Steven A. Adler, Chair

STATE OF VERMONT  
JUDICIAL CONDUCT BOARD

In Re:  
Assistant Judge Karl Barney Bloom

JCB Docket No. 14.025

STIPULATION AND CONSENT ORDER

NOW COME Ian P. Carleton, Esq., Special Counsel to the Vermont Judicial Conduct Board ("Board") and former Judge Karl Barney Bloom ("Respondent"), and hereby submit this Stipulation And Consent Order.

WHEREAS, on Friday, July 11 the Board received an anonymous complaint alleging that Montpelier business owners had made repeated complaints to the police about Respondent shoplifting from them; and

WHEREAS, on Monday, July 14, 2014, the Board initiated an investigation into these allegations; and

WHEREAS, on Monday, July 21, 2014 Respondent voluntarily resigned from his position as Assistant Judge in Washington County after being interviewed in connection with the investigation; and

WHEREAS, on Tuesday, October 21, 2014 a Formal Complaint was filed in this matter; and

WHEREAS, the parties to this Stipulation and Consent Order desire to resolve this matter upon mutually agreeable terms and avoid the unnecessary cost of a contested hearing;

NOW, THEREFORE BE IT RESOLVED that the parties to this agreement hereby stipulate and agree as follows:



### Board Authority

1. The Board has jurisdiction over this matter pursuant to Board Rule 3(1). *Id.* ("The Board has continuing jurisdiction over former judges regarding allegations that misconduct occurred during their judicial service if a complaint is made within three years of the discovery of the grounds for the complaint.")

### Stipulation of Facts

2. Respondent admits to all of the allegations set forth in the Formal Complaint.<sup>1</sup>

### Understandings

3. Respondent stipulates and agrees that the conditions set forth in the Consent Order below are appropriate.

4. Respondent understands that the Board must review and accept the terms of the Stipulation and Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.

5. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's right to a fair and impartial hearing if this agreement is not accepted by the Board and proceeds to a contested hearing.

6. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

7. Respondent acknowledges that he is not under the influence of any drugs or alcohol at the time Respondent reviews and signs this Stipulation and Consent Order.

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<sup>1</sup> The one exception to this relates to Paragraph 9 which alleges, *inter alia*, that the owner of Bear Pond Books confronted Respondent as he was "attempting to leave the store premises" with a book he hadn't paid for. Respondent has a different recollection as to whether he was attempting to leave the store when the confrontation occurred. Respondent does not deny that the interaction took place, or that he had a book in his pocket at the time, but does not believe he was attempting to leave the store. Respondent further notes that after the interaction he paid for the book. He does not, however, deny the allegations relating to Bear Pond Books set forth in Paragraph 8.

8. Respondent voluntarily enters into this agreement after the opportunity to consult with counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
9. Respondent voluntarily waives his right to a contested hearing before the Judicial Conduct Board and waives any right to appeal from this Stipulation and Consent Order.
10. *Respondent hereby stipulates and agrees that he will not seek judicial office in the State of Vermont at any point in the future.*

#### Acceptance of Responsibility

11. Respondent accepts full responsibility for his actions and wishes to convey his sincere remorse to the Board, to his colleagues, and to the community at large. He further wishes to explain that the conduct at issue has long been of serious concern to him; more than a year before this action commenced Respondent sought professional counseling to address this behavior. That counseling is ongoing.

#### Order

12. Based on the Stipulation above, it is ORDERED AND ADJUDGED as follows:
  - a. *Public Reprimand.* The Board hereby publicly reprimands Respondent for violating Canons 1, 2, and 4 of the Vermont Code of Judicial Conduct. A copy of the Public Reprimand is attached hereto as **Exhibit A**.
  - b. *Agreement Not To Pursue, and Preclusion From Holding, Future Judicial Office.*  
The Board hereby acknowledges Mr. Bloom's agreement not to pursue judicial office again in the State of Vermont, and notwithstanding said agreement, hereby precludes him from holding judicial office in the State of Vermont at any point in the future.

**AGREED TO:**

DATED at Montpelier, Vermont, this 24<sup>th</sup> day of October, 2014. )

K. B. Bloom  
Karl Barney Bloom  
Respondent )

DATED at Burlington, Vermont this 27<sup>th</sup> day of October, 2014. )

Ian P. Carleton  
Ian P. Carleton, Esq.  
Special Counsel to the Vermont Judicial Conduct Board )

**APPROVED and SO ORDERED:**

DATED at \_\_\_\_\_, Vermont this \_\_\_ day of \_\_\_\_\_, 2014.)

VERMONT JUDICIAL CONDUCT BOARD )

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Steven A. Adler, Chair )