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## Judicial Tenure Commission

July 5, 2022

### PERSONAL AND CONFIDENTIAL

Hon. Alexis G. Krot  
c/o Kenneth M. Mogill, Esq.  
27 E. Flint St., Second Floor  
Lake Orion, MI 48362

#### **Re: Request for Investigation 2022-24657**

Dear Judge Krot:

The Judicial Tenure Commission has completed its review of the above request for investigation. For the reasons stated below, we dismiss it with a caution, pursuant to MCR 9.223(A)(2).

On January 10, 2022, you presided over the code enforcement docket. One of the matters before you involved Burhan Chowdhury, who had been issued a ticket in August 2021 for failing to keep his property free of weeds, trees or other nuisance vegetation. Mr. Chowdhury and his son, Shibir, appeared before you by Zoom.

The facts are not in dispute, and you have candidly acknowledged them to the Commission. During the hearing, Mr. Chowdhury informed you that he was a cancer patient, was very old and weak, and could not look after "these things." A

picture shown by screen share reflected overgrown vegetation around a garage in an alley.

You responded to Mr. Chowdhury's statement that he was sick and weak by telling him that he should be ashamed of himself and that if you could give him jail time, you would. After you fined him \$100, you told him to get the area cleaned up, as its appearance was "totally inappropriate."

When Mr. Chowdhury's son then asked if the fine was forgivable and stated that his father had been ill with cancer and that the area had been cleaned prior to the hearing, you only asked whether he had seen the photo of the area, then stated in a raised voice that it was shameful and that the neighbors should not have to view it, adding that "if you come back here -- with your yard looking like that, you're going to jail." That threat was particularly inappropriate, as a jail sentence is not an option for a civil infraction.

Though not required to do so, you self-reported your conduct, and that self-report candidly acknowledged that your tone and words with the Chowdhurys were neither dignified nor courteous and were completely inappropriate. We agree. You deprived Mr. Chowdhury of his right to provide his explanation for the overgrown vegetation; whether intended by you or not, your interaction caused him humiliation; and you reacted with excessive anger toward an individual appearing before you for the first time, and doing so for a minor infraction.

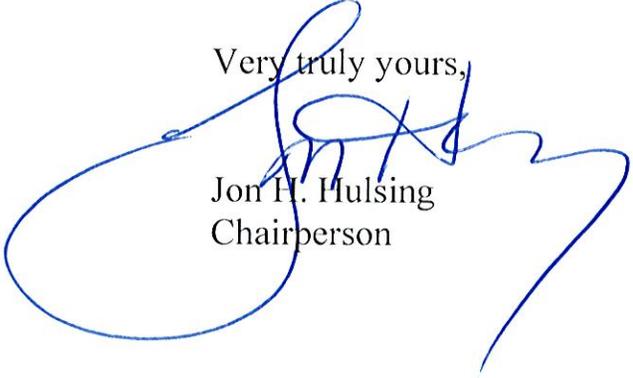
We commend you for acknowledging your error proactively, and for appropriately taking full responsibility for your conduct and not attempting to excuse it. You have publicly apologized for your actions. We accept that your treatment of the Chowdhurys was not racist or otherwise biased. We understand that your reaction to them may have been due in part to your unusually heavy docket that day, your disappointment that Mr. Chowdhury was one of too many homeowners in your jurisdiction who have neglected their property, and your frustration that the city's lag in using screen share was slowing the day's proceedings. We further acknowledge that you became aware of a significant health issue shortly before the hearing. We also appreciate that you have an unblemished discipline history.

All that said, Canon 3(A)(3) requires a judge at all times to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom they deal in an official capacity. Canon 3(A)(14) requires a judge to treat every person fairly, with courtesy and respect. Your conduct on this occasion violated Canons 3(A)(3) and 3(A)(14). A judge cannot allow circumstances, such as

those you faced when the Chowdhurys were before you, unduly to influence the way they treat litigants. We caution you to adhere to the letter and spirit of these canons in the future, and we are confident that you share this aspiration.

You have been a judge since 2016 and as noted above, you have an excellent discipline record. We are confident this hearing was an aberration and there is no risk of repetition. Nonetheless, we are obligated to inform you that, in the event of future misconduct, we may consider this incident in our resolution of that matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Jon H. Hulsing', is written over the typed name and title. The signature is stylized and fluid.

Jon H. Hulsing  
Chairperson

Cc: All Commissioners  
Lynn Helland, Esq.  
Executive Director