

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of Judiciary Law in Relation to

**VERIFIED ANSWER TO
FORMAL WRITTEN
COMPLAINT**

SUSAN L. KESICK,

a Justice of the Ulster Town Court,
Ulster County.

Respondent Justice Susan L. Kesick (“Respondent” or “Justice Kesick”), by and through their attorneys, WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP, as and for their Verified Answer to the Verified Formal Written Complaint dated March 27, 2025 (the “Complaint”), herein answers as follows:

1. With respect to the allegations contained in Paragraph “1” of the Complaint, Respondent respectfully responds by stating that this paragraph contains statements of law which do not require a response and refers all questions of law to the Commission on Judicial Conduct (the “Commission”) and/or a Court of Law.
2. Denies knowledge or information sufficient to form a belief as to the truth or falsity regarding the allegations contained in Paragraph “2” of the Complaint.
3. Denies the allegations contained in Paragraph “3” of the Complaint.
4. Admits the allegations contained in Paragraph “4” of the Complaint.

CHARGE I

5. Denies the allegations contained in Paragraph “5” (and every subpart of said Paragraph) of the Complaint, and respectfully refers the Commission to pages 24 to 46 of the transcript of Justice Kesick’s Interview (the “Interview”) under oath before the Commission dated October 29,

2024 and generally to Respondent's "Second Affirmative Defense" below which set forth the true and accurate version of the events that are apparently being referred to in said Paragraph (a copy of the relevant portions of the transcript ["Tr. "] of said Interview is attached hereto and incorporated herein as **Exhibit "A"**).

6. With respect to the allegations contained in Paragraph "6" of the Complaint, Respondent admits the allegations to the extent it alleges that **Jane Doe** was a part-time court clerk in the Town of Ulster Justice Court (the "Court") and that she approved the hiring of Ms. **Doe**, denies the allegation that Justice Kelly Flood-Myers approved the hiring of Ms. **Doe** (as Justice Flood-Myers was not yet a Justice of the Town), and otherwise states that the remaining allegations contain a question of law that is respectfully referred to the Commission and/or a Court of Law.

7. Denies knowledge or information sufficient to form a belief as to the truth or falsity regarding the allegations contained in Paragraph "7" of the Complaint.

8. Denies the allegations contained in Paragraph "8" of the Complaint and respectfully refers the Commission to Tr. 24 – 26 of the Interview (**Exhibit "A"**) and generally to Respondent's "Second Affirmative Defense" below which set forth the true and accurate version of the events that are apparently being referred to in said Paragraph.

9. With respect to the allegations contained in Paragraph "9" of the Complaint, Respondent denies knowledge or information sufficient to form a belief as to the truth or falsity as to whether Justice Flood-Meyers "again asked Ms. **Doe** to assist her in the courtroom" on July 25, 2023 as well as what Ms. **Doe**'s state of mind was while she was in the Courtroom, admits that she "sat in the back of the courtroom to observe", and respectfully refers the Commission to the Tr. 25-26 of the Interview (**Exhibit "A"**) generally to Respondent's "Second Affirmative Defense"

below which set forth the true and accurate version of the events that are apparently being referred to in said Paragraph.

10. Denies the allegations contained in Paragraph “10” of the Complaint as presented and respectfully refers the Commission to Tr. 26 – 27 of the Interview (**Exhibit “A”**) and generally to Respondent’s “Second Affirmative Defense” below which set forth the true and accurate version of the events that are apparently being referred to in said Paragraph.

11. Denies knowledge or information sufficient to form a belief as to the truth or falsity regarding the allegations contained in Paragraph “11” of the Complaint.

12. Denies the allegations contained in Paragraph “12” of the Complaint and respectfully refers the Commission to Tr. 24 – 46 of the Interview (**Exhibit “A”**) and generally to Respondent’s “Second Affirmative Defense” below which set forth the true and accurate version of the events that are apparently being referred to in said Paragraph.

13. Denies knowledge or information sufficient to form a belief as to the truth or falsity regarding the allegations contained in Paragraph “13” of the Complaint.

14. With respect to the allegations contained in Paragraph “14” of the Complaint, Respondent denies knowledge or information sufficient to form a belief as to the truth or falsity as to whether Ms. **Doe** and Ms. King met in the Town Supervisor’s office and whether anyone else was present and why they closed the door, denies the remaining allegations contained in said Paragraph and respectfully refers the Commission to Tr. 27 – 28 of the Interview (**Exhibit “A”**) and generally to Respondent’s “Second Affirmative Defense” below which set forth the true and accurate version of the events that are apparently being referred to in said Paragraph.

15. Denies the allegations contained in Paragraph “15” of the Complaint and respectfully refers the Commission to Tr. 27 – 28 of the Interview (**Exhibit “A”**) and generally to Respondent’s

“Second Affirmative Defense” below which set forth the true and accurate version of events that are apparently being referred to in said Paragraph.

16. Denies the allegations contained in Paragraph “16” of the Complaint and respectfully refers the Commission to Tr. 24 – 46 of the Interview (**Exhibit “A”**) and generally to Respondent’s “Second Affirmative Defense” below which set forth the true and accurate version of events that are apparently being referred to in said Paragraph.

17. Denies the allegations contained in Paragraph “17” of the Complaint as presented and respectfully refers the Commission to Tr. 28 – 29 of the Interview (**Exhibit “A”**) and generally to Respondent’s “Second Affirmative Defense” below which set forth the true and accurate version of events that are apparently being referred to in said Paragraph.

18. Denies the allegations contained in Paragraph “18” of the Complaint (other than the fact that Ms. **Doe** had been disrespectful [to say the least] to Respondent on July 27, 2023), and respectfully refers the Commission to Tr. 29 – 31 of the Interview (**Exhibit “A”**) and generally to Respondent’s “Second Affirmative Defense” below which sets forth the true and accurate version of events that are apparently being referred to in said Paragraph.

19. Denies the allegations contained in Paragraph “19” of the Complaint and respectfully refers the Commission to Tr. 26 – 31 of the Interview (**Exhibit “A”**) and generally to Respondent’s “Second Affirmative Defense” below which sets forth the true and accurate version of events that are apparently being referred to in said Paragraph.

20. Denies knowledge or information sufficient to form a belief as to the truth or falsity regarding the allegations contained in Paragraph “20” of the Complaint.

21. With respect to the allegations contained in Paragraph “21” of the Complaint, Respondent denies that she went back into the clerk’s office with Lt. Seyfarth (he was standing in

the hallway outside the Clerk's office), admits that she "saw Ms. Doe still working at her computer", that Ms. Doe eventually packed up her belongings and screamed at Respondent to "stop harassing her" and then left the building, denies the remaining allegations contained in said Paragraph and respectfully refers the Commission to Tr. 26 – 41 of the Interview (Exhibit "A") and generally to Respondent's "Second Affirmative Defense" below which set forth the true and accurate version of events that are apparently being referred to in said Paragraph.

22. Admits the allegations contained in Paragraph "22" of the Complaint.

23. Admits the allegations contained in Paragraph "23" of the Complaint.

24. With respect to the allegations contained in Paragraph "24" of the Complaint, Respondent admits that she requested that her co-Judge support her request to terminate Ms. Doe due to her insubordinate acts the day prior, and that she stated she did not trust Ms. Doe (and that Ms. Doe had disrespectfully referred to Respondent as "Kesick" several times, which Justice Flood-Meyers agreed was disrespectful), and otherwise denies the remaining allegations contained in said Paragraph.

25. Denies the allegations contained in Paragraph "25" of the Complaint.

26. With respect to the allegations contained in Paragraph "26" of the Complaint, Respondent admits that, on October 18, 2023, she *replied* to an email sent by Justice Flood-Meyers to Respondent and others that contained false accusations against the Respondent and also suggested that Ms. Doe be allowed to handle materials relating to Respondent's case files after the Town Board had already adopted a resolution earlier that month to divide the Court Clerks up between the two Justices (including assigning Ms. Doe to Justice Flood-Myers), respectfully refers to the entire email chain for the best evidence of the contents of that email, and otherwise denies any remaining allegations contained in said Paragraph.

27. Denies the allegations contained in Paragraph “27” of the Complaint, and Respondent respectfully refers all questions of law to the Commission and/or a Court of Law.

CHARGE II

28. Denies the allegations contained in Paragraph “28” of the Complaint.

29. Admits the allegations contained in Paragraph “29” of the Complaint to the extent that it alleges that Respondent used the email address “[slkjudge@\[REDACTED\]](mailto:slkjudge@[REDACTED])” as her personal email address (the “Email Address”), and otherwise denies the remaining allegations contained in Paragraph.

30. Admits the allegations contained in Paragraph “30” of the Complaint.

31. Admits the allegations contained in Paragraph “31” of the Complaint in that she appeared at the Commission’s office on October 29, 2024 to respond to questions from the Commission’s attorneys concerning an investigation the Commission initiated in response to Complaints lodged against her by several employees of the Town.

32. With respect to the allegations contained in Paragraph “32” of the Complaint, Respondent admits that during her Interview that she was asked by the attorney for the Commission: “Do you think it’s proper to have the word ‘Judge’ in your personal email address?”, denies the remaining allegations in said Paragraph, and respectfully refers the Commission to Tr. 83 – 84 of the Interview, which sets forth the complete context of Respondent’s statements that are being referred to in said Paragraph (**Exhibit “A”**).

33. With respect to the allegations contained in Paragraph “33” of the Complaint, Respondent admits that she submitted, *through her attorneys*, a “Post-Investigation Closing Statement” on December 20, 2025 (the “Closing Statement”), as allowed by the Commission’s rules, and the Closing Statement did argue that Respondent’s use of the subject Email Address was

not improper, but otherwise refer to the Closing Statement for the best evidence of the contents contained therein. Respondent would further assert that it is improper for the Commission to partially base a charge against her based upon a written legal argument made by her attorneys following the Interview and would ask the Commission to strike Paragraph “33” of the Complaint, as well as **Exhibit “4”** to the Complaint.

34. Denies the allegations contained in Paragraph “34” of the Complaint, and Respondent respectfully refers all questions of law to the Commission and/or a Court of Law. Respondent affirmatively states, however, that, to cooperate with the Commission and per the Commission’s suggestion, and to avoid even a scintilla of impropriety (which she denies occurred), she has changed the Email Address to an email address that does not contain the word “judge” (with the new personal email address being: [susankesick@\[REDACTED\]](mailto:susankesick@[REDACTED])).

AS AND FOR A FIRST AFFIRMATIVE DEFENSE IN MITIGATION

35. Respondent has been a Justice of the Town of Ulster Justice Court for over 19 years.

36. Respondent has an unblemished record as Town Justice and has never been disciplined by the Commission or any other authority.

37. Respondent has spear-headed numerous grant applications over the years she has been Town Justice that has brought in significant funds that has helped modernize and improve the Town’s Justice Court.

38. Justice Kesick is a Justice with the Town of Ulster Justice Court (the “Justice Court”), which is in Ulster County (the “County”). Prior to becoming a Town Justice over 19 years ago, Justice Kesick worked in the New York State Court system for over 17 years. She worked as a court clerk in two different courts in the justice court system for those 17 years - 15 years with for the Town of Ulster (the “Town”) Justice Court and 2 years with the Town of Kingston Justice

Court. In these roles, she served as both court clerk and Chief Clerk to the Justice and performed all aspects of a court clerk's job.

39. In 2005, Justice Kesick decided to run for Town Justice in the Town. She won that election and was sworn into office on January 1, 2006. Since then, Justice Kesick has been re-elected by the people of the Town to the position four times. Therefore, when putting both her time as a court clerk and Town Justice together, Justice Kesick has worked in the New York State court system for over thirty-seven (37) years. As one of the two Town Justices, and Justice Kesick is a department head for the Town, being a co-supervisor of the Justice Court.

40. Besides serving in the roles of court clerk and Town Justice, Justice Kesick also served in a number of professional organizations. For example, Justice Kesick was a founding member and past president, treasurer, and secretary of the Ulster County Clerks Association, and she is an honorary life member. Justice Kesick is also a retired member of the New York State Magistrates Court Clerks Association. Further, Justice Kesick is a past president (4 terms), Past Treasurer and Past Secretary of the Ulster County Magistrates Association and continues to be a member in good standing. Finally, Justice Kesick is a member of the New York State Magistrates Association and am currently a member in good standing.

41. Further, Justice Kesick served on the committee that implemented the Ulster County Centralized Arraignment Parts Court (the "CAP Court"), which opened in June 2024, and she presently continues to serve on a stakeholders committee. The CAP Court is the product of collaborative efforts of the Ulster County Criminal Justice Task Force, the Ulster County Sheriff's Office, the Ulster County Legislature, the Ulster County District Attorney's Office, the Ulster County Magistrates Association, the State of New York Office of Court Administration, Ulster County Police Chief's Association and the Ulster County Public Defender's Office. The CAP

Court's goal is to implement a process that increases efficiency for cases involving the criminally accused.

42. Finally, Justice Kesick is a longtime member of the Ulster County Inter-Agency Council on Domestic Violence and Human Trafficking (the "Council"), whose mission is to foster organizational and institutional collaboration to strengthen our ability to prevent and respond to domestic violence and human trafficking crimes. The Council has a committee of approximately twenty (20) Ulster County Agencies which work together towards our mission. The Council hosts a yearly seminar in October, which is Domestic Violence Awareness month, with speakers on various topics. The Council hosts monthly meetings as well.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE IN MITIGATION

43. Because it is one of the busiest Town courts in the State, the Justice Court has generally had two Justices serving at the same time. The Town currently has another Town Justice, the Honorable Kelly Flood-Myers ("Justice Flood-Myers"). Following the retirement of Justice Marsha Weiss, in early 2023, Justice Flood-Myers was appointed to the vacant Justice position by the Town Board.

44. The Justice Court also has several court clerks that assist the Town Justices in performing their duties. More specifically, the two Justices each have a "Clerk to the Justice", an appointed position by each Town Justice (collectively, the "Justice Clerks") that is dedicated to them. The Justice Clerks act as the direct assistant for all of the cases the Town Justices handle and perform such duties as sitting in the courtroom (the "Courtroom") with the Justices when they are holding Court, performing research and processing the paperwork on cases.

45. In addition to the Justice Clerks, the Justice Court also employs another four (4) employees that work for both Justices. These 4 employees are essentially "pool clerks" (collectively, the "Court Clerks"). Two of the Court Clerks are full-time positions, and two are

part-time positions. The Court Clerks assist in running the Town Court by performing such tasks as processing paperwork on the Justice Court's cases, receiving fines from defendants in (such as traffic ticket fines) and providing information to the public about the Court's operations.

46. The Justice Court resides in the Town of Ulster's Office Complex (the "Building"). The Building houses several Town Departments, including the Justice Court, the Town Supervisor's office, the Town Clerk, the Water Department, and the Police Department. The Justice Court consists of the Courtroom, as well as several rooms off the back of the courtroom where attorneys can speak privately with clients, an adjacent office where the Court Clerks and the Justice Clerks have desks and work (the "Court Clerk's Office") and Judges' chambers that houses desks for both Town Justices to complete work when they are not on the bench.

47. Jane Doe was hired as one of the Court Clerks for the Justice Court in 2021. Until approximately January 2025, Ms. Doe worked as a part-time Court Clerk. In January 2025, Ms. Doe was promoted by Justice Flood-Myers to a full-time Court Clerk position. As one of the two Town Justices, Justice Kesick was one of Ms. Doe's direct Supervisors. The other Court Clerks are Judy Horvers, Valerie Craig, Karen Gorski, and Taylor Crespino.

48. After Justice Flood-Myers was appointed Town Justice, Justice Kesick and Justice Flood-Myers generally went about their business in a mutually professional manner. However, on several occasions, the Justices had disagreements about the manner and procedures as to how the Justice Court should operate.

49. In May of 2023, Justice Flood-Myers unexpectedly brought Ms. Doe into the Courtroom during a Court session without first informing the Court Clerks that she was doing so. It was unusual for a Justice to bring a Court Clerk into the Courtroom, as that role was normally filled by the Confidential Clerks. In addition, Ms. Doe's presence in the Courtroom left the

other Court Clerks short-handed and caused disruption to breaks/lunch schedules, and the other Court Clerks informed Justice Kesick of their displeasure at this happening. Accordingly, Justice Kesick had a conversation with Justice Flood-Myers about this. Justice Kesick informed Justice Flood-Myers that, by bringing Ms. Doe out into the Courtroom without first asking the other Court Clerks as to how this would affect their workflow, it caused disruption with the other Court Clerks and engendered several complaints that were conveyed to Justice Kesick. Justice Kesick requested that Justice Flood-Myers first check with the other Court Clerks before selecting and bringing any one Court Clerk into the Courtroom. This issue caused some tension amongst the Court Clerks.

50. On July 25, 2023, Justice Flood-Myers again pulled Ms. Doe in the Courtroom to assist her without informing or engaging with the other Court Clerks, which again left them in a work bind. Justice Kesick became aware of this when one of our other part-time Court Clerks (Judy Horvers) called Justice Kesick and requested to work overtime because the office was short-staffed. As she was close by, Justice Kesick stopped into the Court Clerk's office to see if the Court Clerks needed any help. Ms. Doe came into the Court Clerk's office from the Courtroom. Justice Kesick asked Ms. Doe about how long she expected to be away from her other responsibilities while assisting Justice Flood-Myers. Later, Justice Kesick spoke to Justice Flood-Myers about this and reiterated how she should go about asking for help from the Court Clerks.

51. Up to July 27, 2023, Justice Kesick believed that her relationship with Ms. Doe was sound and professional. She believed this, despite raising the concern about the two separate times in which Justice Flood-Myers pulled Ms. Doe into the Courtroom. It was obvious

after discussing this issue with both Ms. Doe and Justice Flood-Myers, however, that they disagreed and disregarded Justice Kesick's concerns about that issue.

52. On July 27, 2023, Justice Kesick was not scheduled to work that day to preside in the Justice Court. However, she was called into the Justice Court that day to handle an arraignment. On a rotating basis, the Justices are called into the Justice Court, even on scheduled days off, to sit for arraignments, regardless of which Justice issues the subject warrant.

53. Ms. Doe, who was part-time at that point, had regular work hours of each day from 10:00 a.m. to 3:00 p.m., four (4) days a week. Because Ms. Doe was part-time, she was not entitled to a lunch break. In addition, any of the Court Clerks who wanted to work overtime needed to request and get permission to work outside of their regular working hours. When Justice Kesick arrived at the Justice Court at around 1pm, Ms. Doe was not at her desk. Justice Kesick asked the other Court Clerks where Ms. Doe was. The Court Clerks indicated Ms. Doe was on a lunch break.

54. When Ms. Doe returned, Justice Kesick asked where she had been, and requested to see her timecard, to review it to see if there were any other unauthorized breaks or overtime. Ms. Doe gave Justice Kesick her timecard for her review. When Justice Kesick questioned Ms. Doe why she had taken a lunch, she stated that she came in early, at 8:30am, and that Justice Kesick had told her at some point in the past that she could work extra hours if work needed to be done. Justice Kesick responded that this was true, but Ms. Doe needed to ask permission before each request for overtime and get approval, and that she cannot make up her own hours. At no point did Ms. Doe state that she asked either Justice for permission to come in that day outside her normal working hours, nor if anyone authorized such a change.

Justice Kesick then went into her office to review Ms. Doe's timecard and address other matters.

55. When Justice Kesick went to return Ms. Doe's timecard, in the Court Clerk's Office, Ms. Doe was once again not at her desk. Justice Kesick walked down the hallway, knocked on the Town Supervisor's office door, and she found Ms. Doe in there with the Supervisor's secretary, Peggy King. Ms. Doe was crying. At this point, Justice Kesick handed Ms. Doe her timecard back.

56. Justice Kesick then asked Ms. Doe what was wrong. Ms. Doe responded by screaming at Justice Kesick: "[Y]OU KESICK [disrespectfully referring to Justice Kesick by her last name only], YOU ARE THE PROBLEM AND I'M NOT AFRAID OF YOU!!" Although Justice Kesick was shocked and very taken aback by Ms. Doe's response and tone, she calmly suggested to Ms. Doe that if she wanted to clock out and go home, that would be best, as she was clearly upset. Ms. Doe refused to clock out and go home and continued yelling. At this point, Justice Kesick left Ms. Doe in the Supervisor's office, went out to the Courtroom to handle her arraignment, and then left the Building.

57. Later that same day, at 3:30 p.m., Justice Kesick was called back to the Justice Court to handle another arraignment. When Justice Kesick arrived, Ms. Doe was still at her desk working, despite the fact her working hours ended at 3:00 p.m. When Justice Kesick questioned Ms. Doe as to why she was still at the Justice Court, Ms. Doe yelled back at Justice Kesick: "[Y]OU CAN'T TALK TO ME! I'M NOT GOING ANYWHERE. I WORK FOR THE TOWN, I DON'T WORK FOR YOU! I'M NOT GOING ANYWHERE! CLAYTON TOLD ME

I WORK FOR THE TOWN!”¹ Most of the other Court Clerks were right there in the Clerk’s Office when this was occurring.

58. At this point, Justice Kesick calmly told Ms. Doe that she should turn off her computer, clock out and go home, especially because she was at the Justice Court past her allotted working time, without permission. Ms. Doe again refused to abide by Justice Kesick’s directive. Following this refusal, Ms. Doe’s actions were not only disrespectful, but also insubordinate. As Justice Kesick has done several times in the past when she wanted someone behaving unruly removed from the Justice Court, she asked for the Police Department’s assistance to persuade Ms. Doe to leave the Building. At around 4:00 p.m., well past her allotted working hours, Ms. Doe did end up leaving, without the police having to escort her, but after prolonging the situation as long as she could.

59. As she walked out, Ms. Doe yelled at Justice Kesick once again, strategically in front of the other Court Clerks, yelling “STOP HARASSING ME!!”, laughed at Justice Kesick, and then mockingly said, “I won’t be in tomorrow, I got a full paid day off!”. On her way out, Ms. Doe did a disrespectful “shimmy”/“happy dance” with a big smile on her face.

60. Following Ms. Doe’s clear insubordination and disrespectful display, Justice Kesick lost all faith and trust in Ms. Doe to fulfill her responsibilities as a Court Clerk and her ability to constructively work with her.

61. Later that day, Justice Kesick received an email from Clayton Van Kleeck, a member of the Town Board who was also one of the two members of the Town’s “Personnel Committee” (the “PC”). Councilman Van Kleeck had been informed by Ms. King what had occurred between me and Ms. Doe and requested that Justice Flood-Myers and Justice Kesick meet with the PC

¹ “Clayton” is a reference to Clayton Van Kleeck, who is a Town Councilman and also was a member of the Town’s Personnel Committee.

the following day to discuss what had happened (the “Incident”) and how to deal with it. Justice Kesick agreed to attend the meeting (the “PC Meeting”).

62. Before the PC Meeting, Justice Kesick reached out to David Dellehunt, who at the time was Liaison to the Third Judicial District Town and Village Judges with the Office of Court Administration (“OCA”). Justice Kesick viewed Mr. Dellehunt as her “boss” and her direct superior, and she wanted to gain insight and advice on how to proceed with respect to Ms. Doe and her employment with the Justice Court. Mr. Dellehunt advised Justice Kesick, as a Justice of the Justice Court, that she had the right to request the termination of any working relationship with any Justice Court employee if she no longer trusts them or had any confidence in the employee refraining from doing something detrimental to the Court. Mr. Dellehunt advised Justice Kesick to put her request to terminate Ms. Doe in writing and submit it to the Supervisor and the Town Board. Mr. Dellehunt assisted Justice Kesick in drafting the termination letter. Therefore, as advised by Mr. Dellehunt and with his assistance, Justice Kesick issued a letter (by email) to the Supervisor and the Town Board members, and Justice Flood-Myers, requesting Ms. Doe’s termination and asked for her not to be allowed back into the Justice Court.

63. Further, that night (July 27, 2023), Justice Kesick spoke on the telephone with Ulster County Sheriff Juan Figueroa (“Sheriff Figueroa”). Justice Kesick has known Sheriff Figueroa for over thirty (30) years because of her work in the Court system. During her time working for the Justice Court, Ms. Doe had told the other Court Clerks, and within Justice Kesick’s earshot, that she had previously worked for a commissary company that had a contract with the Ulster County Jail, and that she had been terminated by the commissary company as a result of certain actions taken by the County. Ms. Doe told everyone that she had sued the County

over the commissary company terminating her and claimed in the suit that the County had discriminated against her.

64. Therefore, given Ms. Doe's erratic behavior that day, Justice Kesick thought speaking with Sheriff Figueroa would provide her with some insight on what Ms. Doe's issues were. Sheriff Figueroa did not remember Ms. Doe at first, but when Justice Kesick mentioned that Ms. Doe said she sued him and the County, it jogged his memory. Sheriff Figueroa informed Justice Kesick that, while Ms. Doe was working for the commissary company in August 2021, he received notice that Ms. Doe had been charged with several felony crimes. The Sheriff's department received notice of this because Ms. Doe was an employee of the commissary company and therefore would regularly access the County Jail. If any person who accesses the County Jail is charged with a felony, it would be reported in a database the County maintains so the County is made aware. It was the County's policy to bar access to the County Jail of anyone who had pending felony charges.

65. Sheriff Figueroa, therefore, had to inform the commissary company of Ms. Doe's felony charges, and this apparently resulted in the commissary company terminating Ms. Doe because she now could not access the County Jail. Ms. Doe then sued the County and Sheriff Figueroa because she had been terminated by the commissary company.

66. The Personnel Committee is a subcommittee of the Town Board whose function is to address human resources issues with Town employees and investigate complaints made by employees. The PC's functions are spelled out on the Town's website. The website states that the PC is "[r]esponsible for the oversight, staffing, and management of all Town departments and employees." www.townofulster.ny.gov. Essentially, one of the main functions of the PC is to

investigate and review employee complaints about other employees and make recommendations to the Town Board as to how to address those complaints.

67. As had been requested by Councilman Van Kleek the prior day, on July 28, 2023, a PC meeting was held (the “PC Meeting”). Besides Justice Kesick, in attendance were Justice Flood-Myers, Councilman Van Kleek, Rocco Secreto (another Town Board member and the then-Chairman of the PC) and Suzanne Reavy, the Town Clerk. Ms. Reavy was requested by the PC members to be present to take minutes (the “Minutes”) (A copy of the Minutes are attached to the Complaint as **Exhibit 2**).

68. At the PC Meeting, Justice Kesick read a prepared statement (attached as a part of **Exhibit 2** to the Complaint), which provided more background of events before the Incident, Justice Kesick’s perspective of the Incident and a post-Incident discussion with Mr. Dellehunt, and lastly, a formal request for Ms. **Doe** to be terminated because of her insubordination and consequential diminished trust in Ms. **Doe**’s ability to uphold her job responsibilities/obligations. Justice Flood-Myers spoke up at the PC Meeting in Ms. **Doe**’s defense and objected to terminating her. Justice Kesick strongly disagreed with Justice Flood-Myers and asked her and the members of the PC to support her request to terminate Ms. **Doe**. Justice Flood-Myers did not relent and stated she wanted to keep Ms. **Doe** as one of the Court Clerks.

69. A discussion then ensued at the PC Meeting over what steps to take next and the process of how the Town goes about hiring employees in the first place. Justice Kesick briefly mentioned that Ms. **Doe** had been previously charged with several felonies, as Justice Kesick had been informed. This was brought up in the context of questioning the hiring procedures of the Town and background checks conducted, was stated in the context of, “We need to come up with a better

hiring system”, as the Minutes state right after Justice Kesick raised that Ms. Doe had been previously charged with felonies.

70. The issue of Ms. Doe’s prior felony charges was raised only to highlight a shortfall in the Town’s hiring process, i.e., fingerprinting and background checks should be conducted prior to hiring, not the other way around, which is the current process. The entire purpose of this PC Meeting and the PC in general is to discuss personnel issues, complaints, whether to hire (or fire) a Town employee and the Town’s hiring process.

71. The discussion then turned to how to handle Ms. Doe’s employment going forward, since there was no consensus on terminating her. The PC did not want to terminate Ms. Doe’s employment as it would be seen as retaliation after she allegedly filed a verbal complaint with the PC the day before.

72. Ms. Doe ultimately returned to work at the Justice Court within a few weeks. After the Incident and the PC Meeting, not surprisingly, the Incident and its aftermath caused much consternation between Justice Kesick, Justice Flood-Myers, the Confidential Clerks and the Court Clerks, leading to a very unpleasant work environment. Given what had happened, including Ms. Doe’s allegations of a “hostile work environment” and the filing of a “verbal” complaint against Justice Kesick with the PC, the atmosphere amongst the employees and the Justices was “chilly”, at best.

73. Therefore, in the ensuing months, further discussions were held between Justice Kesick, Justice Flood-Myers and the members of the PC over how to address the situation and the divisions between the Justices and the Court staff. Proposals were made to divide the Court Clerks up between the two Justices, although there was not agreement as to how this would work. Ultimately, in early October 2023, the Town Board adopted a resolution to split the Court Clerks

between Justice Kesick and Justice Flood-Myers (with Ms. Doe obviously being put under Justice Flood-Myers control).

74. Despite the Town Board resolution, on October 17, 2023, Justice Flood-Myers sent to Justice Kesick, the Court Clerks (including Ms. Doe), the members of the PC and the Town Supervisor an email. The email was not in response to any email that Justice Kesick sent – Justice Flood-Myers initiated it. In that email, Justice Flood-Meyers accusatorily stated, “[d]ue to the complete abandonment of professionalism I am proposing the following to be codified.” (Attached as **Exhibit “3”** to the Complaint). The remainder of the email made a false accusation about Justice Kesick not handling arraignments and addressed the clerks’ schedules and their responsibilities. In her email, Justice Flood-Myers proposed having the Court Clerks split up work during certain days, including having Ms. Doe handle tickets and mail on certain days, even if they were addressed to Justice Kesick.

75. Justice Kesick replied to Justice Flood-Myers’ email the next day, copying everyone on the original email, including Ms. Doe (who Justice Flood-Myers included)²(the “10/18/23 Reply Email”) (Attached as **Exhibit “4”** to the Complaint).

76. Justice Kesick stated in this email, amongst other things, that she did want Ms. Doe to touch anything in the Court that belonged to Justice Kesick, referring to Justice Kesick’s mail and materials on the case files she handled. Justice Kesick reiterated things she had already said previously to the PC – that she did not trust Ms. Doe and requested her termination (something Ms. Doe already knew). The statements Justice Kesick made were discussing the consequences of the Incident and communicating about other employment topics or issues to people with a shared interest in the personnel issues being raised and discussed. The 10/18/23

² Justice Kesick also copied her attorney and Mr. Dellehunt on the 10/18/23 Reply email.

Reply Email was Justice Kesick's response to Justice Flood-Myers' email in which she had made accusations against Justice Kesick (and her Confidential Clerk) for being unprofessional and her proposal to split up the Justice Court work amongst the Court Clerks, including having Ms. Doe work on Justice Kesick's case files – something Justice Kesick would have never agreed to, given what had transpired. This email chain was a continuation of the workplace dispute that was occurring in the Town Justice Court.

AND AS FOR A THIRD AFFIRMATIVE DEFENSE IN MITIGATION

77. To cooperate with the Commission and per the Commission's suggestion, and to avoid even a scintilla of impropriety in using the Email Address (which did not occur), Justice Kesick has changed the Email Address to an email address that does not contain the word "judge" (with the new personal email address being: [susankesick@\[REDACTED\]](mailto:susankesick@[REDACTED])).

WHEREFORE, the Commission's Formal Complaint should be dismissed, and for such further and different relief as the Commission deems just and proper.

Dated: September 16, 2025
Albany, New York

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**



By: _____

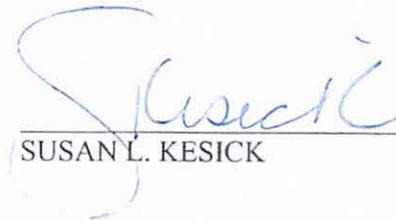
Peter A. Lauricella, Esq.
Daniel J. Lange, Esq.
*Attorneys for Respondent the
Honorable Susan L. Kesick*
200 Great Oaks Boulevard- Suite 228
Albany, New York 12203
Telephone: [REDACTED] (direct)
[peter.lauricella@\[REDACTED\]](mailto:peter.lauricella@[REDACTED])
[daniel.lange@\[REDACTED\]](mailto:daniel.lange@[REDACTED])

VERIFICATION

SUSAN L. KESICK, under the penalties of perjury, hereby affirms:

Respondent in the within action has read the foregoing Answer and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be states upon information and belief, and that as to those matters deponent believes it to be true.

Dated: September 16, 2025



SUSAN L. KESICK

**STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT**

-----X
In the Matter of an Investigation :
Pursuant to Section 44, subdivision 3, :
of the Judiciary Law in Relation to :

SUSAN L. KESICK, :

a Justice of the Ulster Town Court, :
Ulster County. :

-----X
Commission Offices
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223

October 29, 2024
10:32 AM

Before:

THOMAS F. GLEASON, ESQ.
Referee

Present:

SHRUTI JOSHI, ESQ.
Staff Attorney

HON. SUSAN L. KESICK
Witness

Also Present:

PETER LAURICELLA, ESQ.
DANIEL LANGE, ESQ.
Attorneys for Witness
Wilson Elser Moskowitz Edelman & Dicker LLP
200 Great Oaks Boulevard, Suite 228
Albany, New York 12203

LAURA MISJAK
Senior Investigator

LETITIA WALSH
FTR Operator



(Hon. Susan L. Kesick)

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MR. GLEASON: Great. Thank you.

My name is Thomas Gleason. I've been designated by the Commission as Referee to hear the testimony of Judge Susan Kesick. Today is Tuesday, October 29, 2024, and it is approximately 10:32 a.m.

I note that Judge Kesick is represented today by Counsel. Will Counsel and Commission Counsel please give your appearances for the record?

MR. LAURICELLA: Peter Lauricella with Wilson Elser on behalf of Justice Kesick.

MR. LANGE: Daniel Lange, Wilson Elser, on behalf of Justice Kesick.

MS. JOSHI: Shruti Joshi for the Commission.

MS. MISJAK: Laura Misjak, Investigator with the Commission.

MS. WALSH: Letitia Walsh, FTR Operator.

MR. GLEASON: Thank you.

These proceedings are being digitally recorded. The recording will be transcribed. In order to facilitate a clear and accurate record, please speak slowly, clearly, and directly into the microphone. Please refrain from moving away from the microphone and talking over other speakers. Please refrain from responding until a question is completed, and answer each question with words, not a nod or a gesture. Please refrain from creating excessive

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(Hon. Susan L. Kesick)

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background noise, as it becomes amplified in the recording. Basically, that's shuffling of papers.

During the course of these proceedings, the Judge may consult her Counsel, and I will entertain requests for private conferences as you need them. Counsel may make objections to questions posed to the Judge. However, when making objections, Counsel should take into account that this is an investigation and not a trial, and the rules of evidence do not apply. Counsel will have the opportunity to question the Judge at the conclusion of questioning by the Commission's Attorney. This is subject to further questioning by the Attorney for the Commission.

The Judge and the Judge's Attorney may make initial and closing oral statements today and, within seven days of receipt of the transcript, may submit a statement in writing. Any other written materials may also be submitted at this appearance or within seven days of receipt of the transcript.

You and your Attorney may not make any photographic images or electronic recordings of any portion of this proceeding, such as tape recordings; video recordings; or digital, audio, or visual recordings.

Please turn off your cell phone and other electronic devices now.

Now, I'm going to administer the oath, Your

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Honor.

HON. KESICK: Yes.

MR. GLEASON: Please raise your right hand.

Do you swear or affirm under penalties of perjury that you are not making and will not make any photographic images or electronic recordings of any portion of these proceedings?

HON. KESICK: I swear.

MR. GLEASON: Do you swear or affirm under the penalty of perjury that your testimony you're about to give is the truth, the whole truth, and nothing but the truth?

HON. KESICK: I swear.

H O N . S U S A N L . K E S I C K

having been duly sworn, was examined and testified as follows:

MR. GLEASON: Okay, Counsel. You may proceed.

MS. JOSHI: Thank you.

EXAMINATION

BY MS. JOSHI:

Q. Good morning, Judge.

A. Good morning.

Q. Thank you for being here. We're going to start with showing you what's been pre-marked as Exhibit 1. This is a copy of a letter dated September

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1 signed, so they took it off the deposit. Judy brought it back and gave it
2 back to Rosanne and said, "Hey, there's an issue with the money order.
3 It's not signed." And Rosanne went to Judge Flood-Myers and called
4 Judy into chambers and accused Judy of purposely giving Rosanne an
5 unsigned money order to put into the bank because, I guess, Judy had
6 opened the mail and didn't notice it, gave it to her. So she accused -- so
7 there started to be bad feelings between the Court Clerks and the Judge.
8 In our office -- and I have to tell you, I was always very proud of my
9 court staff. They work very hard. The office runs like a -- used to run
10 like a well-oiled machine. Four full-timers, two part-timers. Everybody
11 helped each other. Everybody got along. It was awesome.
12 In May, or maybe even before, at some point, Judge Flood-Myers asked
13 Jane Doe, who is a part-time Clerk, to go into the Criminal
14 Courtroom with her for a day because she was down a Court Officer.
15 Okay. So Jane went into the courtroom and spent the afternoon in the
16 courtroom with Judge Flood-Myers. The other Clerks in the office, the
17 next day, when I went in, they were very upset because it kind of throws
18 off the workings of the office. The other Clerks have to pick up the slack
19 when the part-timer who's supposed to answer phones and take walk-ins
20 is not there, so they can't do their job. They're doing her job also, so there
21 was some bad feelings.
22 So I had a conversation with Judge Flood-Myers and said, "Listen. This
23 is how the office works." You know, she's new. "This is how the office
24 works, and you taking the part-time Clerk out into the courtroom with
25 you was not a great idea. It made bad feelings with the other Clerks." So

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1 Jane had made a few comments about the Clerks were mad at her and
2 talking about her and so forth, so I suggested to Judge Flood-Myers that
3 we go have a staff meeting, explain, and try and smooth things over,
4 which we did. And we said, you know, to Jane specifically -- Jane
5 felt that they were talking badly about her, and I remember saying to her,
6 "This is not about you personally. It's about how the office works. When
7 you're not here as a part-time Clerk, the other Clerks have to do your job,
8 so they weren't mad at you, per se. They were just mad at the whole big
9 picture, so let's everybody calm down. Hit a reset button. Everybody get
10 along," which is what we thought happened for a while.
11 And then, again, after that, in May of sometime, Judge Flood-Myers,
12 again -- and I had said to her back then, "Listen. You can take anybody
13 you want out to the courtroom. You're the Judge. You can do what you
14 want, but I would suggest going into the Clerks' Office and saying, "Hey,
15 does anybody have a little bit of time they can give me to come help in
16 the courtroom instead of just going in and picking Jane and taking her
17 out and throwing the office in an upheaval."
18 So again, in May, Judge Flood-Myers chose to take Jane out into the
19 courtroom with her again, and there were bad feelings.
20 I got a phone call at two o'clock that afternoon. Judy Horvers, who is the
21 other part-time Clerk, called me to ask if she could work overtime, and I
22 asked her why. And she said that Judge Flood-Myers had taken Jane
23 back out into the courtroom with her again. They were short staffed.
24 Someone was on vacation. Judy was supposed to go home. It was
25 extremely busy. There were suspensions out. The phones were ringing

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1 crazy, and, "Could Judy stay and help?" And I said, "Absolutely. Thank
2 you for asking." So I happened to be close by. I was out on the road, so I
3 stopped into the courtroom. I went and sat in the back for a little bit just
4 to see what was going on. They were extremely busy in Criminal Court,
5 so I went into the Court Clerks' Office to ask, "What can I do to help?
6 What's going on? What do you need?" Long story short, there were bad
7 feelings again in the office because Judge Flood-Myers had done that
8 again, taken Jane out, so now the Clerks are bickering with each other,
9 "You shouldn't be in court. You should be here." Whatever. That was in
10 May.

11 So I'm going to fast-forward to July 27th. It was a Thursday. I did not
12 have court scheduled that day. I got called in for an arraignment at 12:30,
13 1:00 in the afternoon, so I went in as I always do. Chambers are separate
14 from the Court Clerks' Office. I went into the Court Clerks' Office,
15 where the warrants are kept to grab the case file, and I'm talking to
16 everybody. "How are you doing?" And I notice that Jane wasn't there,
17 so I asked, "Where's Jane?" And they said, "Oh, she went to lunch,"
18 and I said, "What do you mean, 'She went to lunch'? She works 10:30 to
19 3:00. Why would she take a lunch?" "Well, she came in at 8:30." I said,
20 "She came in at 8:30?" And they said, "Yeah." I was like, "Okay."
21 Whatever.

22 So I grab a case file. I walk out of the office, going to go into chambers
23 and into the courtroom. We're on separate sides of the hallway, and as I
24 walked out, Jane was walking in the side door. And I said, "Hey, Jane,
25 how are you doing?" She said, "Good," and I said, "Where were you?"

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1 And she said, "To lunch," and I said, "Why did you take a lunch?" And
2 she said, "Because I came in at 8:30," and I said, "Why'd you come in at
3 8:30?" She said, "Because you told me that I could come in and work
4 overtime occasionally," and I said, "That's true." I said, "But you have to
5 ask. You can't just show up and work the hours that you want to work.
6 You have to ask if you want to do overtime. At least let me know that
7 you're going to." So I said to her, "Can I see your time card?" And she
8 said, "Yes", gave me her time card. I wanted to check and see if she had
9 done any other overtime that I didn't know about.
10 I turned around to walk away to go into my chambers, and she very
11 rudely said, "Are you going to check everybody's time card, and can I
12 have my time card back?" And I just said, "I'll give it to you when I'm
13 done."
14 I went into my office, looked at her time card. She hadn't worked any
15 other overtime. So before I went to do the arraignment, I went back to
16 the Court Clerks' Office to give her back her time card, and she wasn't
17 there. So I went, "Where did Jane go?" And they said, "She went
18 down the hall." That's very strange. She just got back, so I walked down
19 the hall with her time card to see where she went. I found her in our
20 Supervisor's Office with the Supervisor's Secretary, and she was crying.
21 I was like, "What is the matter? Why are you crying? What's going on?"
22 She started yelling at me that, "I'm not afraid of you, Kesick, like
23 everybody else." I was like, "What are you talking" -- I had absolutely
24 no idea what she was talking about. I was like, "What are you talking
25 about? I don't understand what's going on." I was going to give -- I

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1 handed her back her time card. I said, "Why are you upset? Why are you
2 crying?" "Well, I'm not afraid of you," and she's yelling at me. And so I
3 said, "Wow." I said, "I can see that you're really upset. I don't know
4 why, so why don't you just go clock out and go home?" "I'm not going
5 anywhere." Screaming at the top of her lungs. "You can't make me," and
6 I went, "Okay." So I left because I wasn't going to get into a screaming
7 match with her. I didn't know why she was upset. I didn't know she was
8 yelling at me. I didn't know why she was crying. I gave her her time
9 card. I left.

10 I went, and I did my arraignment, left to go home. I was very upset. I
11 never had a problem with Jane before. She was never rude to me,
12 never screamed at me, was never disrespectful, so I was quite upset. So I
13 did the arraignment, and I left. The Supervisor was on vacation, so the
14 Deputy Supervisor Van Kleeck called me and said, "Hey, I'm at Town
15 Hall. Can you come back?" And I said, "No. I'm very upset. I want to
16 go and calm down a little bit. We'll talk about this later." He said,
17 "Okay."

18 I got an email saying, "Hey, we're going to have a personnel meeting
19 tomorrow. Pick a time", so I did. I said, "Great idea. Let's talk about
20 this. I don't know what happened." So around three o'clock, I got
21 another phone call for another arraignment. So I went back into Town
22 Hall and into the Clerks' Office to grab a case file, and Jane was sitting
23 at her desk. And I'm like, "She's supposed to leave at two o'clock," so I
24 quietly walked over and said, "Jane, why are you still here?" In the
25 middle of the Court Clerks' Office, she starts screaming at me. "Why are

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1 you talking to me?" And I said, "Because I am your boss and you're
2 supposed to leave at two o'clock. Why are you still here?" Very loudly,
3 "I don't work for you. I work for the Town of Ulster. Clayton Van
4 Kleeck told me." I said, "Well, Clayton Van Kleeck is sadly mistaken. I
5 am your Department Head. You're supposed to leave at two o'clock, so I
6 would suggest you go clock out and leave." "I'm not going anywhere.
7 Stop harassing me." She's screaming at me in the middle of the Court
8 Clerks' Office.

9 Q. Judge, is anybody else there when she's doing this?

10 A. A couple of the other Clerks were there. Judy Horvers was there. I
11 believe Karen was there. Rosanne, I believe, went to lunch. Valerie was
12 on vacation. Taylor Crespino might've been there. I was just so taken
13 aback that she's screaming at me.

14 Q. And you said this was 3:00 p.m.?

15 A. This was approximately three o'clock. "Stop harassing me. I don't work
16 for you. You can't" -- she's calling me "Kesick" and not "Judge Kesick,"
17 which put me off a little bit. I'm like, "I have no idea." I said, "Jane",
18 you leave at two o'clock. You need to go clock out and leave." "I'm not
19 going anywhere." Screaming. I never raised my voice. I got quite upset.
20 I walked out of the Court Clerks' Office and went downstairs to my
21 Police Department. Town of Ulster Police is in the same building as the
22 Town of Ulster Court, and I went down to the Police Department. As I
23 do with anyone who's unruly, I asked them to remove her from chambers.
24 I went down to the -- Chief was there, Chief Kyle Berardi. Lt. Andy
25 Seyfarth was there. I asked them both to step into the Chief's Office. I

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1 said, "I have an issue. I have a Court Clerk that is refusing to leave the
2 Court Clerks' Office. Her shift is up, and she's not going anywhere. I'm
3 asking for you to go up and ask her to leave." The Chief decided that he
4 had to call one of the Council people, Van Kleeck, to ask what he should
5 do, which kind of shocked me because they've removed people from my
6 courtroom before, so I said, "Fine."
7 So we got two of the Personnel Committee Members on the phone -- on
8 speaker phone. I explained to them what was going on. I said, "She
9 needs to leave right now. She needs to be removed from the offices. She
10 can't talk to me like that, scream at me, be insubordinate and
11 disrespectful, and she needs to leave right now." The Deputy Supervisor
12 Van Kleeck agreed, said, "We have a meeting scheduled tomorrow. We
13 can talk about this," which I said, "Great idea, but she needs to leave the
14 office right now."
15 So Deputy Supervisor Van Kleeck said, "I'm going to call Peggy King",
16 who is the Supervisor's Secretary, "ask her to go tell Jane [REDACTED] to leave the
17 office. We'll pay her for the rest of the day and just ask her to leave." I
18 said, "Great idea."
19 So I stayed downstairs with the Chief and with the Lieutenant to give
20 them time to get her out of the building. I stayed downstairs. I had a
21 conversation with them. I was very upset. We had a conversation
22 about -- in my eyes, I am a woman, and had this happened to any other
23 Department Head, who are all male, none of this would be going on.
24 That person would've been out of the office instantly if someone else was
25 screaming at their Department Head and so forth.

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1 So I went back upstairs. After about ten minutes, Lt. Seyfarth walked me
2 back upstairs, and Jane was still sitting at her desk working. I went
3 back into the back of the Court Clerks' Office and stood there for a few
4 minutes, and she kept on working. I could see what she was doing
5 because I was behind her quite a few desks back. She was still answering
6 emails and working, so I said quietly, "Jane, turn off your computer
7 and leave." Screaming again, "Stop harassing me." I just stood there,
8 waited a little bit. She finally turned off her computer; picked up her
9 belongings; walked back towards me -- I was off to the side -- stopped at
10 Rosanne's desk, who is right by the door. Big smile, "Won't see you
11 tomorrow. I got a paid day off." Big shimmy. I'm like, "Great," and out
12 the door she went. So that's what happened and where things went
13 sideways as far as I was concerned.

14 Q. Okay. I'm just going to back up a --

15 A. I know.

16 Q. -- little bit for --

17 A. I got out of control because --

18 Q. -- some follow-up questions.

19 A. -- I kept telling my -- I'm sorry. I kept telling my story, and go ahead.

20 Q. So you said that, in May, you had -- actually, let me back up a little bit
21 more. When was Jane Doe hired to this position of a part-time
22 Clerk?

23 A. 2021? I wrote it down. 11/2 of '21.

24 Q. Okay. And were you involved in her hiring process?

25 A. Yes.

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1 Q. Okay. So you were in support of hiring her as a Clerk?

2 A. Yes.

3 Q. Okay. Did you have an issue with the number of hours that she was
4 working -- Ms. Doe had been working?

5 A. No. It's an extremely busy court. It's one of the busiest courts in New
6 York State. And anyhow, she was always told, "Any extra hours that you
7 can give us would be perfectly fine", as far as I was concerned.

8 Q. Okay.

9 A. She helped a great deal.

10 Q. Okay. You mentioned that you had an issue with Judge Flood-Myers
11 keeping her as a Clerk in the courtroom. Did you ever keep Clerks in the
12 courtroom with you?

13 A. No, only my personal Clerk. My Criminal Court Clerk sat with me for
14 Criminal Court days.

15 Q. Okay.

16 A. My Vehicle and Traffic Clerk sits with me for Vehicle and Traffic days.
17 I've never brought an extra Clerk into the courtroom that I can recall ever.

18 Q. Okay. And you also talked about an office meeting that happened
19 sometime in May; is that correct?

20 A. Yes, we've had --

21 Q. Okay.

22 A. -- quite a few office meetings.

23 Q. Okay. But there's one that you mentioned that you talked about Ms.

24 Doe working in the courtroom with Judge Flood-Myers. That
25 happened in May?

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1 A. Yes.

2 Q. Okay. Between May and July, did Judge Flood-Myers frequently keep
3 Ms. Doe in court with her?

4 A. No, not that --

5 Q. No?

6 A. -- I'm aware of.

7 Q. Okay. And would you tell your staff to inform you each time Ms. Doe
8 was in the courtroom with the Judge?

9 A. No.

10 Q. How would you find out?

11 A. How would I find out if she was in the courtroom? I don't believe that
12 Judge Flood-Myers, after this second time, that she took her into the
13 Criminal Court again. I don't believe she took her out into a Criminal
14 Court again after that --

15 Q. Okay.

16 A. -- between May and July, when things went south.

17 Q. Okay. So there was one incident in May, which led to the meeting, and
18 then there was another incident in July?

19 A. I believe there was an incident before May --

20 Q. Okay.

21 A. -- that we had a staff meeting about and tried to explain to Jane and the
22 other Clerks that, "Nothing was personal. It was how the office was run.
23 It was a bad idea to just take Ms. Doe out into the courtroom
24 because it threw everything off in the office. And that we were going to
25 hit a reset button and back up and everybody calm down", kind of thing.

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1 "Let's get back to working." And then after the May -- I believe it was
2 May 10th; don't quote me -- after the May time, when she took Jane
3 out again into the courtroom -- I think it was May. After the second time
4 that she took her out, I believe we had a staff meeting again. I'm not
5 positive, but we frequently had staff meetings.

6 Q. Okay. Did you also tell Ms. Doe and your other Court Staff that
7 they needed to clock out if they left the court premises for lunch?

8 A. No. They left --

9 Q. No?

10 A. -- for lunch? No.

11 Q. Okay.

12 A. They don't have to clock out for lunch.

13 Q. Okay. So you didn't tell Ms. Doe to do that?

14 A. No.

15 Q. Okay. Did you tell Ms. Doe -- I think this is when she had a
16 heated discussion with your Clerk, Judy -- that she was "stirring the pot"?

17 A. I don't ever believe that I said the words "stirring the pot." I disagree
18 with that statement 100 percent. I would never go in front of everyone
19 and say, "Hey, you're stirring the pot." I was trying to calm the office,
20 not antagonize anyone or get anyone upset, so no, I would never say that.

21 Q. Okay.

22 A. I thought about that after when I read that in the paperwork. I might've
23 said, "We don't need anyone stirring the pot in here. Everybody needs to
24 calm down." I did not say that to her directly.

25 Q. Okay. You also talked about a day when you were not in court but then

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(Hon. Susan L. Kesick)

1 came back to court and sat at the back of the court to watch the
2 proceeding. Talk about that again, please.

3 A. That was the second time that Judge Flood-Myers had taken Jane into
4 Criminal Court with her.

5 Q. Okay. And how did you find out about that?

6 A. I got a phone call at two o'clock from Judy Horvers --

7 Q. Okay.

8 A. -- who is a part-time Clerk. She called me to ask me if she could stay
9 after her two o'clock clock-out time, and I said, "Why?" And she said,
10 "We're really busy. The suspensions are out," which means that the
11 phone rings crazy. "Valerie's on vacation. Judy Flood-Myers has
12 Rosanne and Jane out in the courtroom, and we're just crazy. Do you
13 mind if I stay?" And I said, "No, not at all. Thank you for asking."

14 Q. Okay. Did you come back to court in plain clothes and just sit --

15 A. Yeah. So I happened --

16 Q. -- in the back of the court?

17 A. -- to be out. I was at the shopping areas like a mile away, so I decided to
18 stop at the court to see what was going on and actually to ask the Clerks
19 that were left in the office if they needed help. I was a Court Clerk for 16
20 years before I was Judge, so I kind of know how busy the Clerks are. I
21 stopped. I went in the front door. I sat quietly in the back of the
22 courtroom just to gage what was going on out there, and does Judge
23 Flood-Myers really need two Clerks in the courtroom? And just in my
24 brain and to see what was going on. They were extremely busy in the
25 courtroom, which I understood. Okay, they're busy.

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(Hon. Susan L. Kesick)

1 So I went from -- I sat there maybe a minute. I went into the Court
2 Clerks' Office and spoke with Judy, and I believe it was Karen and
3 Taylor. They were upset that, again, Judge Flood-Myers had taken
4 Jane out into the courtroom, and I said, "Well, neither here nor there.
5 Here we are. What can I do to help you? What do you need? Judy,
6 thank you for staying."

7 And as we were talking, Jane came into the Court Clerks' Office to do
8 whatever. I said, "Hey, Jane, how are you doing?" She said, "Good." I
9 asked her -- I said, "Do you know how long Judge Flood-Myers is going
10 to keep you out in the courtroom?" And she said, "No." Actually, I don't
11 know what she said. She mumbled something, and I said, "Listen, when
12 you go back out, will you just let her know that the office is really busy
13 and, if she doesn't need you out there much longer, then you need to
14 come back into the office." She mumbled something else and left.

15 Q. Okay. And that happened in July?

16 A. I think that that happened in May to tell you the God's honest truth, or I
17 don't have an exact date. My bad. I didn't write everything down. I
18 should've started writing things down years ago, and I didn't. It was just
19 a blip.

20 Q. Okay. And you also talked about an incident where you had an
21 interaction with her around 1:00 p.m. where you saw her leaving the
22 courthouse -- walking into the courthouse and asked her where she had
23 been, and she said she was out on lunch?

24 A. Yes.

25 Q. Did you ask her if she had sought your permission to leave work early?

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(Hon. Susan L. Kesick)

- 1 A. As I said, she came in the side door as I was going over to do the
2 arraignment. I had a case file in my hand. I said, "Hey, Jane, how are you
3 doing?" I said, "Where were you?" And she said, "Lunch," and I said,
4 "Why?" And she said, "Because I came in at 8:30," and I said, "Why?"
5 And she said, "Because you told me that I could work overtime," and I
6 said, "Absolutely true." I said, "But you need to ask. You can't just make
7 up your own hours. You have to let me know that you're going to come
8 in or stay late or something. You have to ask."
- 9 Q. Okay. But she had -- and it's Judge Flood-Myers that had allowed her to
10 come at 8:30?
- 11 A. I had no idea. Jane did not tell me that --
- 12 Q. Okay.
- 13 A. -- that day. She just, I assume, took it upon herself to come in early that
14 day at 8:30.
- 15 Q. Okay. And then she walked into the Town Supervisor's Office with the
16 Secretary, Peggy King?
- 17 A. Correct.
- 18 Q. Correct. Okay. And did you barge into the Town Supervisor's Office
19 to --
- 20 A. No.
- 21 Q. -- talk to them?
- 22 A. No. I knocked on the door. It was quite obvious to me. Peggy was not
23 at her desk. The door was shut to the Supervisor's Office. I knew he was
24 on vacation, so I tapped on the door, pushed it open a little bit, and said,
25 "Hey." And I noticed that Jane was standing there with Ms. King.

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(Hon. Susan L. Kesick)

1 Q. Did Ms. King tell you that she was upset? That Ms. Doe was
2 upset?

3 A. I think that Ms. King said to me, "She's just a little bit upset. We're just
4 having" -- "I'm having her calm down." And I was completely shocked
5 that Jane was down there crying and upset. I gave her no reason to be
6 upset.

7 Q. And that's when you told Ms. Doe to go home early?

8 A. I actually handed her back her time card, and I said to her, "What's the
9 matter? Why are you crying?" I was shocked, and she's yelling, "I'm not
10 afraid of you, Kesick, just like everybody else." And I said, "I have no
11 idea what you're talking about. What happened? Why are you crying?"
12 I was upset. Why is she crying? And she was just disrespectful, rude,
13 and I said, "Listen, I can see you're really upset. I don't know why. Why
14 don't you go clock out and go home to calm down?" And then she's
15 screaming, "I'm not leaving. I'm not going anywhere. You can't make
16 me." And I went, "Okay," and I backed off and left.

17 Q. Okay. Describe your tone of voice and demeanor during this interaction,
18 Judge.

19 A. Exactly how I'm talking to you. I was shocked that she was upset and
20 crying and said, "What is the matter? Why are you crying? Why are you
21 upset?" Exactly how I'm talking to you.

22 Q. Okay. Did you talk to Judge Flood-Myers after this incident happened?
23 After this interaction with Ms. Doe and before you went to the
24 Police Department?

25 A. No.

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(Hon. Susan L. Kesick)

1 Q. Why not?

2 A. I didn't think it was necessary. I was upset. I left. I went home to calm
3 down. It was a very short period of time between that interaction with
4 Ms. Doe where she was upset and crying and the time when I got
5 called back again around three o'clock to go back for an arraignment. I
6 just went home and went, "Phew," taking a chill. I was upset. I was
7 like -- I think I got more upset after I left, but who does she think she's
8 talking to, calling me "Kesick," being rude, being -- I was like, to myself,
9 "What is going on?" So no. I did not speak to Judge Flood-Myers.

10 Q. And then you came back to court at 3:00 for the arraignment --

11 A. Correct.

12 Q. -- and saw Ms. Doe was still there?

13 A. Yes.

14 Q. Why did you think you had the authority to go to the Police Department
15 and demand the Officers to escort her out of --

16 A. I think it --

17 Q. -- the Clerks' Office?

18 A. -- wasn't so much a demand. It was a request. It wasn't a demand. As
19 she was, the second time, screaming at me in the office and the other
20 Clerks were just sitting there watching this whole scene unfold, she
21 wouldn't leave, so --

22 Q. Sorry.

23 A. She wouldn't leave. So in my brain, I have been there for 37 years, and
24 whenever there's an issue with someone who is unruly or refusing to
25 leave, we've always asked the Police to escort them out.

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(Hon. Susan L. Kesick)

1 So my next step -- she's not going to leave -- I'm going to ask the Police
2 to ask her to leave, so that's why I went down to the Police Station.

3 Q. So when you talk about other incidents, has that happened with a Town
4 employee? Because we're talking --

5 A. No.

6 Q. -- about a Town employee here.

7 A. No, no.

8 Q. Okay. Judge, who did you speak to at the Police Department? You said
9 Kyle Berardi?

10 A. Chief Kyle Berardi --

11 Q. Um-hum.

12 A. -- was in his office.

13 Q. Okay. What was your interaction with him?

14 A. And it was Lt. Andy Seyfarth was in an office next. I walked in, and I
15 said to -- and I've known them for years. And I said to Lieutenant, "You
16 might want to come in for this one," so Kyle was at his desk. Andy came
17 in, and he was standing there. I said, "Listen," and I told them what
18 Jane did; that she was upstairs screaming at me, refusing to leave the
19 office; and that I was requesting them to go up and escort her out of the
20 building. It wasn't a demand. It was a request. I didn't know what else
21 to do. She's sitting at her desk screaming at me for the second time in a
22 day, being disrespectful/insubordinate, and refusing to leave, so I asked,
23 "Would you please go up and ask her to leave?"

24 Q. Did Chief Kyle Berardi tell you that he did not work for you?

25 A. No. No.

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(Hon. Susan L. Kesick)

1 Q. Okay.

2 A. He immediately picked up his phone to call Deputy Supervisor Van
3 Kleeck to get his marching orders. I guess he was going to ask him what
4 he should do.

5 Q. Okay. Judge, what was so wrong about Ms. Doe being in court
6 after 2:00 p.m.? Why did you think that she needed to be escorted out for
7 this situation to diffuse?

8 A. Because her hours were 10:30 to 2:00.

9 Q. Okay.

10 A. She had already came in early that morning at 8:30. She had already
11 screamed at me that day. Her clock-out time was two o'clock. If you're
12 going to come in early -- any Clerk, if you're going to come in early or
13 stay late, you need to get permission. You need to say, "Hey, I have extra
14 work to do. Do you mind if I come in?" The answer is always,
15 "Absolutely," so when I went in at three o'clock and she was still at her
16 desk at 2:00, I was surprised. What are you still doing here? You're
17 supposed to clock -- you're supposed to leave at 2:00. That's what time
18 she works.

19 Q. Okay. At this point, did you talk to Judge Flood-Myers about this
20 situation?

21 A. No, I did not. She was screaming at me again, yelling at me to stop
22 harassing her, so I went to the Police Department. After the fact, after
23 everything stopped and calmed down, I called Dave Dellehunt. He's my
24 liaison for the 3rd Judicial District. I looked at him as my boss, so I told
25 him what was going on and asked him what I should do. "What do I do?"

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(Hon. Susan L. Kesick)

1 This Clerk has twice now screaming at me, being insubordinate, calling
2 me "Kesick," telling me she doesn't work for me. And what do I do?" So
3 Dave said, "Well, Susie (phonetic), you have to have 100 percent trust
4 and faith in your Clerk, and if you're not trusting her or have no more
5 faith in her, you can ask for her to be terminated. If I were you, I would
6 write a letter to your Town Board and ask for her termination for being
7 disrespectful, being insubordinate, and so forth." So Dave helped me. I
8 drew up a letter. I sent it to Dave. He helped me write the letter. He
9 tweaked it a little bit. I sent it back. At that point, I believe that I called
10 Judge Flood-Myers at that point.

11 Q. I'm just going to -- sorry to interrupt you, Judge.

12 A. Um-hum.

13 Q. I'm just going to back up a little bit. During your interaction when you
14 say that Ms. Doe was yelling, calling you "Kesick", and was
15 disrespectful, did you yell at her or raise your voice?

16 A. Not once.

17 Q. Okay. And when was this communication with Judge Dellehunt?

18 A. July 27th.

19 Q. Okay. And how did you approach him?

20 A. I called him.

21 Q. Okay. From the court?

22 A. Yes.

23 Q. Okay. And sorry. You were talking about a letter that he helped you
24 draft?

25 A. As I said, I called Dave Dellehunt, who I considered my boss at the

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(Hon. Susan L. Kesick)

1 time --

2 Q. Um-hum.

3 A. -- to get some guidance about what had happened, and he said, "If I were
4 you, I'd ask for her to be terminated." So I said, "Okay." He said, "You
5 know, Susie, draw up a letter. Tell them that she was insubordinate." So
6 I wrote a letter. He said, "Send it to me," so we stayed in contact for the
7 next hour or so writing a letter. I sent it to him. He tweaked it a little bit.
8 He sent it back to me. We came up with a letter to submit to the Town
9 Board to ask for her termination.

10 Q. And this exchange was over email?

11 A. Over the phone and mostly over email.

12 Q. Okay. And this would be through your judicial email?

13 A. Correct.

14 Q. Okay. And also, Judge, you mentioned that, at this point, you did talk to
15 Judge Flood-Myers?

16 A. I called her and said, "I assume by now you know what happened, that
17 you've spoken to Jane," and she said, "Yes." And I said, "Well, what
18 did you say to Jane?" And she said, "I said, 'Oh, God. You should've
19 never done that. I don't know if there's any coming back from this.'"
20 And I was like, "What are you talking about 'any coming back from
21 this'?" "Something that she shouldn't have done. I was very surprised.
22 Told her that she shouldn't have done it." I told Judge Flood-Myers what
23 Jane had did. I told her that I spoke to Dave Dellehunt and that I was
24 going to ask for her termination.

25 Q. And what did Judge Flood-Myers say to that?

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(Hon. Susan L. Kesick)

1 A. I don't think she really said too much on the phone. I told her that we had
2 a meeting scheduled for the next day, the 28th -- that happened on July
3 27th, a Thursday -- that there was -- and she was aware of the meeting
4 because she was included in the emails about setting a time for the
5 Personnel Committee meeting on the 28th. So she was aware that there
6 was going to be a meeting, and it was a very brief conversation with her.

7 Q. Okay. Judge, that day when you asked the officers to make Ms. Doe
8 [REDACTED] leave, did she ultimately leave the court premises? Was she escorted
9 out?

10 A. She was not escorted out. Lt. Seyfarth stayed outside in the hall. He did
11 not come into the Clerks' Office. The door was open, so he stood to my
12 left where I could see him. I went into the Clerks' Office and stood off to
13 the side. It's quite a large office, probably this size, and she was up at the
14 front of the office. I was in the back, and it took her, as I said, quite a few
15 minutes. I stood in the back, watching. She's answering emails and
16 going about her merry little business, and then I finally said to her
17 quietly, "Jane [REDACTED], turn off your computer and leave." And she's screaming
18 again, "Stop harassing me." I didn't say anything. I'm just looking at Lt.
19 Seyfarth. He's looking at me. I let it go a few more minutes, and she
20 finally turned off her computer. She wrote down some notes; gathered
21 her belongings; walked to the back of the office to leave; stopped at
22 Rosanne's desk; said, "Well, I won't be seeing you tomorrow." She was
23 all happy and bubbly and did a big shimmy. "I got a paid day off." I was
24 just like, "Wow," so out the door she went.

25 I stepped into the hallway with Lt. Seyfarth. She went down the hallway,

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1 opposite the timeclock, where she should've clocked out and left. She
2 went down the hallway towards the Supervisor's Office and the
3 bathrooms; stopped at the end of the hallway; turned around; and yelled
4 back at me, "Stop harassing me." So everyone in the Town Hall is
5 involved in this at this point. Screaming at me, "Stop harassing me," and
6 I just looked at Lieutenant. He looked at me and said, "Just go do the
7 arraignment." He goes, "She's trying to goad you," and I said, "I agree."
8 So I just went into the courtroom and did the arraignment.

9 Q. Okay. Judge, did you then ask a Clerk to change Ms. Doe's
10 password and door code so she could not return to work?

11 A. No, I asked Dave Dellehunt if we could -- oh, I asked a Clerk to -- I asked
12 if anyone knew how to change the passcode on the door, and no one
13 knew how to do it. So I did ask. We have a passcode to get in. Nobody
14 knew how to change it. My Chief Clerk and Office Manager had retired
15 probably a year before, so I figured, at some point, we could call Annie
16 and ask her how to change it. We'd figure it out, but I did ask if someone
17 could change the code so she could not come in -- she had keys and could
18 get into the office -- until after the Personnel Committee meeting. And in
19 my eyes, she was going to be terminated for her insubordination and how
20 she acted. That's how I felt.

21 So yes, I asked if they knew how to change the code. I asked Dave
22 Dellehunt to remove her password from the New York State computer
23 system, so she could not get into the computers -- into any of our
24 computers.

25 Q. And why did you think you had the authority to do that?

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1 A. The authority? Because she worked for me and, at this point, after
2 speaking with Dave Dellehunt, I didn't trust her not to go in and I didn't
3 trust her. So I didn't want her to have access to any of my files, her files.
4 It --

5 Q. But you understood that she was a Town employee?

6 A. She was a Town employee that worked for me, yes.

7 Q. She was appointed by the Town but with consent from both Judges, but
8 she wasn't hired by you. She was hired by the Town.

9 A. I believe local law, whatever the local law is -- that all Clerks are hired
10 and fired with the consent and approval of the Town Justices. Yes.

11 Q. Yes --

12 A. Um-hum.

13 Q. -- with the consent, but not by their own --

14 A. Yes.

15 Q. -- decision.

16 A. I understand --

17 MR. LAURICELLA: Object to --

18 THE WITNESS: Go --

19 MR. LAURICELLA: -- the form.

20 THE WITNESS: Thank you.

21 MR. LAURICELLA: Just --

22 BY MS. JOSHI:

23 Q. Okay. They are appointed by the Town with consent of the Judges,
24 correct?

25 A. Correct.

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(Hon. Susan L. Kesick)

- 1 in those boxes are tickets that are mine.
- 2 Q. Okay. Judge, what is your personal email address?
- 3 A. My personal email address is SLKjudge@[REDACTED].
- 4 Q. Okay. Did you create that email address?
- 5 A. No.
- 6 Q. Who did?
- 7 A. My ex-husband.
- 8 Q. Okay. And what do you use that email address for?
- 9 A. To email --
- 10 Q. Okay.
- 11 A. -- people.
- 12 Q. To shop, to buy things?
- 13 A. Sure.
- 14 Q. To contact --
- 15 A. What everybody else uses their email for, yes.
- 16 Q. Okay. Do you think it's proper to have the word "Judge" in your personal
- 17 email address?
- 18 A. Never really thought about it. I did not give myself the email. I had just
- 19 always used it. Never thought about that.
- 20 Q. Okay. But do you see how a use of an email address with the word
- 21 "Judge" on it could have some -- could be viewed as sort of, you know,
- 22 lending prestige to --
- 23 A. As I --
- 24 Q. -- your Judicial Office?
- 25 A. As I said, I've never thought about it before. Now that you're bringing it

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1 up, possibly. I don't really -- you know, when I'm shopping, they don't
2 care what I do or who I am. I see a lot of off-the-wall email addresses. I
3 never gave it a thought.

4 Q. Okay. Do you use your email address to pay any bills?

5 A. Yes.

6 Q. Okay. Do you now see how that could be viewed as --

7 A. Well, now that you're --

8 Q. -- lending prestige to -- let me finish -- to the Judicial Office for your
9 private --

10 A. I guess --

11 Q. -- business?

12 A. -- if someone was paying attention to my email. I don't know who cares,
13 if I'm paying a bill, whether or not I'm a Judge, but I understand what
14 you're saying.

15 Q. Okay. After today, would you continue to use that personal email
16 address?

17 A. I think it might be a good idea to change it.

18 Q. Okay. Judge, is Susan Caseg your Facebook account? It's C-A-S-E-G.

19 A. Yes.

20 Q. Okay. What are your profile settings, if you know?

21 A. I --

22 MR. LAURICELLA: Object to the form.

23 You can answer if you can.

24 BY MS. JOSHI:

25 Q. Are they open to public to see, or are they private?

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1 proceedings are orderly, as far as I understand my function.

2 MR. LAURICELLA: Yes. Okay.

3 MR. GLEASON: So I don't create a report and
4 have no adjudicatory role.

5 MR. LAURICELLA: Then we're not going to
6 do a closing then. We'll save our closing for our written
7 statement.

8 MS. JOSHI: Okay.

9 MR. GLEASON: Okay. All right.

10 MS. JOSHI: We're all done.

11 MR. GLEASON: We're going to close the
12 record.

13 THE WITNESS: Okay.

14 MR. GLEASON: It is now 1:47 [sic] p.m.

15 (Proceedings concluded at 1:49 p.m.)

16 (Recess from 12:03 p.m. until 12:15 p.m.)

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COMMISSION EXHIBITS

	Description	Ident.
1	Letter from Cathleen Cenci to Judge Kesick, dated September 10, 2024, with enclosures (104 pages)	4

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CERTIFICATION

I, Dani Lewter, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: November 6, 2024

Dani Lewter

Dani Lewter

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