

Compilation of Codes, Rules and Regulations of the State of New York
Title 10. Department of Health
Chapter I. State Sanitary Code
Part 2. Communicable Diseases (Refs & Annos)
Other Measures for Public Protection.

10 NYCRR 2.60

Section 2.60. Face Coverings for COVID-19 Prevention

Currentness

Emergency action effective Nov. 24, 2021.

(a) As determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread, any person who is over age two and able to medically tolerate a face-covering may be required to cover their nose and mouth with a mask or face-covering when: (1) in a public place and unable to maintain, or when not maintaining, social distance; or (2) in certain settings as determined by the Commissioner, which may include schools, public transit, homeless shelters, correctional facilities, nursing homes, and health care settings, and which may distinguish between individuals who are vaccinated against COVID-19 and those that are not vaccinated. The Commissioner shall issue findings regarding the necessity of face-covering requirements at the time such requirements are announced.

(b) Businesses must provide, at their expense, face-coverings for their employees required to wear a mask or face-covering pursuant to subdivision (a) of this section.

(c) large-scale indoor event venues with more than five thousand attendees shall require patrons to wear face coverings consistent with subdivision (a) of this section; may require all patrons to wear a face covering irrespective of vaccination status; and may deny admittance to any person who fails to comply. This regulation shall be applied in a manner consistent with the federal American with Disabilities Act, New York State or New York City Human Rights Law, and any other applicable provision of law.

(d) No business owner shall deny employment or services to or discriminate against any person on the basis that such person elects to wear a face-covering that is designed to inhibit the transmission of COVID-19, but that is not designed to otherwise obscure the identity of the individual.

(e) For purposes of this section face-coverings shall include, but are not limited to, cloth masks, surgical masks, and N-95 respirators that are worn to completely cover a person's nose and mouth.

(f) Penalties and enforcement.

(i) A violation of any provision of this Section is subject to all civil and criminal penalties as provided for by law. Individuals or entities that violate this Section are subject to a maximum fine of \$1,000 for each violation. For purposes of civil

penalties, each day that an entity operates in a manner inconsistent with the Section shall constitute a separate violation under this Section.

(ii) All local health officers shall take such steps as may be necessary to enforce the provisions of this Section accordance with the Public Health Law and this Title.

Credits

Emergency rulemaking eff. Oct. 7, 2020, expires Jan. 4, 2021; emergency rulemaking eff. Nov. 27, 2020, expires Feb. 24, 2021; emergency rulemaking eff. Feb. 25, 2021, expires May 25, 2021; emergency rulemaking eff. May 26, 2021, expires Aug. 23, 2021; emergency rulemaking eff. June 23, 2021, expires Sept. 20, 2021; rep. and new added by emergency rulemaking eff. Aug. 27, 2021, expires Nov. 24, 2021; rep. and new added by emergency rulemaking eff. Nov. 24, 2021, expires Feb. 21, 2022 (Register dated Dec. 15, 2021).

Current with amendments included in the New York State Register, Volume XLIV, Issue 4 dated January 26, 2022. Some sections may be more current, see credits for details.

N.Y. Comp. Codes R. & Regs. tit. 10, § 2.60, 10 NY ADC 2.60



KATHY HOCHUL

DECEMBER 10, 2021 Albany, NY

Governor Hochul Announces Major Action to Address Winter Surge and Prevent Business Disruption as COVID-19 Cases and Hospitalizations Rise Statewide

CORONAVIRUS (/KI COVID-19 VACCINE (/KI HEALTH (/KEYWORDS
/CORONAVIRUS) /COVID- /HEALTH)
19-
VACCINE)

Hochul Shares New Yorkers' Frustration with Winter Surge, Says We Do Not Have to Be Here But We Are

Hochul Thanks More Than 80% of Adult New Yorkers for Getting Fully Vaccinated and Doing the Right Thing

To Protect the Health of New Yorkers, Businesses and Venues Must Implement a Mask Requirement or Require Proof of Fully Vaccinated Status

Hochul Gives Options to Businesses with Mask or Vaccine Requirement

Read Frequently Asked Questions Regarding to New Requirements [here](#)

"I have warned for weeks that additional steps could be necessary, and now we are at that point based upon three metrics: Increasing cases, reduced hospital capacity, and insufficient vaccination rates in certain areas," **Governor Hochul added.**

Since Thanksgiving, the statewide seven-day average case rate has increased by 43% and hospitalizations have increased by 29%. While the percentage of New Yorkers fully vaccinated continues to increase—gaining 2% from Thanksgiving weekend to now—the uptick is not fast enough to completely curb the spread of the virus, particularly among communities with low vaccination coverage.

The State Department of Health has produced nation-leading studies, published in the CDC's MMWR (https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cdc.gov%2Fmmwr%2Fvolumes%2F70%2Fwr%2Fmm7037a7.htm%3F_cid%3Dmm70data=04%7C01%7CAshley.Struble%40digital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=yqPaUh2AfraOMvpQXSVIORgGpAU5%2FgafCI%2BfjLwEx2k%3D&reserved=0) and the New England Journal of Medicine (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nejm.org%2Fdoi%2Ffull%2F10.1056%2FNEJMoa2116063&data=04%7C01%7CAshley.Struble%40digital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=XjY1ocSmwtpb2lxc5B07Sf76axPMU25SG7IBFYExYU8%3D&reserved=0>), which demonstrate the COVID-19 vaccines' effectiveness - particularly in preventing severe disease. The Department continues to urge eligible New Yorkers of all ages to get fully vaccinated and boosted as soon as possible.

Acting Health Commissioner Dr. Mary T. Bassett said, "Community spread requires a community-minded solution, as the Omicron variant emerges and the overwhelmingly dominant Delta variant continues to circulate. We have the tools we need to protect against the virus - and now we must ensure we use them. There are tools each individual can use, and there are actions we can take as government. Getting vaccinated protects you, and wearing a mask is how we will better protect each other. Both vaccination and mask-wearing are needed to slow this COVID-19 winter surge."

A violation of any provision of this measure is subject to a maximum fine of \$1,000 for each violation. Local health departments are being asked to enforce these requirements.

Business/Venue Proof of Vaccination Requirement

Businesses and venues that implement a proof of vaccination requirement must ensure that anyone 12 years of age or older is fully vaccinated before entering indoors.

Businesses/venues can accept Excelsior Pass (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fepass.ny.gov%2Fhome&data=04%7C01%7CChristina.Levin%40digital.ny.gov%7C9b811a4406f54896961608d9bc239fd%3D%7C3000&sdata=QkWefhwKa9eCmHJRkS3%2BOhJhd8wJTfLmE3ar8RaWAnU%3D&reserved=0>), Excelsior Pass Plus (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fepass.ny.gov%2Fhome&>

[data=04%7C01%7CAshley.Struble%40digital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=GvuShtsoEUXqBlxshiKuyT0jiPtJt05Zur9qbOnf7kQ%3D&reserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdigital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=GvuShtsoEUXqBlxshiKuyT0jiPtJt05Zur9qbOnf7kQ%3D&reserved=0)), public transit, homeless shelters, correctional facilities, nursing homes, and health care settings per CDC guidelines.

New York State and the State's Department of Health continue to strongly recommend mask-wearing in all public indoor settings as an added layer of protection, even when not required. Children 2 - 5 who remain ineligible for vaccination must wear a proper-fitting mask.

COVID-19 vaccines and [boosterdoses](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fboosterdoses.health.ny.gov%2Fboosterdoses&data=04%7C01%7CAshley.Struble%40digital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=KBloPfOm502%2BMvvW9wM9ajx3RNTtTHpbd3%2BIY%2FrDQyQ%3D&reserved=0) (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fboosterdoses.health.ny.gov%2Fboosterdoses&data=04%7C01%7CAshley.Struble%40digital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=KBloPfOm502%2BMvvW9wM9ajx3RNTtTHpbd3%2BIY%2FrDQyQ%3D&reserved=0>) are free and widely available statewide. New Yorkers can visit vaccines.gov, text their ZIP code to 438829, or call 1-800-232-0233 to find nearby locations. To schedule an appointment at a state-run mass vaccination site, New Yorkers can visit the [Am-I-Eligible site](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fam-i-eligible.covid19vaccine.health.ny.gov%2F&data=04%7C01%7CAshley.Struble%40digital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=rMQy7mj%2BOf4E6VckY%2Bko7N7VW8acBkUKJR96rD8xTtI%3D&reserved=0) (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fam-i-eligible.covid19vaccine.health.ny.gov%2F&data=04%7C01%7CAshley.Struble%40digital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=rMQy7mj%2BOf4E6VckY%2Bko7N7VW8acBkUKJR96rD8xTtI%3D&reserved=0>). New Yorkers can also contact their health care provider, county health departments, Federally Qualified Health Centers (FQHCs), rural health centers, or pharmacies.

New Yorkers can retrieve their Excelsior Pass or Excelsior Pass Plus [here](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fexcelsiorpass.ny.gov%2Fhome&data=04%7C01%7CAshley.Struble%40digital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=IUUsObfH9aTt8AJv%2FVI46%2FRkdtcKU2r2QQBDazY7zcc%3D&reserved=0) (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fexcelsiorpass.ny.gov%2Fhome&data=04%7C01%7CAshley.Struble%40digital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=IUUsObfH9aTt8AJv%2FVI46%2FRkdtcKU2r2QQBDazY7zcc%3D&reserved=0>). Businesses and venues can download the [Excelsior Pass Scanner app](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fexcelsiorpass-scanner.figma.com%2Fexcelsiorpass-scanner%2Ffid1552709177&data=04%7C01%7CAshley.Struble%40digital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=yWDsOMLgpDmHkefCLG5lLwuUxtjOqHoYeMECzBchPrg%3D&reserved=0) (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fexcelsiorpass-scanner.figma.com%2Fexcelsiorpass-scanner%2Ffid1552709177&data=04%7C01%7CAshley.Struble%40digital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=yWDsOMLgpDmHkefCLG5lLwuUxtjOqHoYeMECzBchPrg%3D&reserved=0>)—free for any business nationwide and available in more than ten languages—[here](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fexcelsiorpass-scanner.figma.com%2Fexcelsiorpass-scanner%2Ffid1552709177&data=04%7C01%7CAshley.Struble%40digital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=yWDsOMLgpDmHkefCLG5lLwuUxtjOqHoYeMECzBchPrg%3D&reserved=0) (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fexcelsiorpass-scanner.figma.com%2Fexcelsiorpass-scanner%2Ffid1552709177&data=04%7C01%7CAshley.Struble%40digital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=yWDsOMLgpDmHkefCLG5lLwuUxtjOqHoYeMECzBchPrg%3D&reserved=0>).

[data=04%7C01%7CChristina.Levin%40digital.ny.gov%7C9b811a4406f54896961608d9bc239fd%3D%7C3000&sdata=DM5EsJYoPhjQryZDh9e85ZzBRekVSKjaI74c%2F%2FGI7Is%3D&reserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapps.apple.com%2Fus%2Fapp%2Fnyc-covid-safe%2Fid1565213506&data=04%7C01%7CChristina.Levin%40digital.ny.gov%7C9b811a4406f54896961608d9bc239fd%3D%7C3000&sdata=DM5EsJYoPhjQryZDh9e85ZzBRekVSKjaI74c%2F%2FGI7Is%3D&reserved=0)), SMART Health Cards issued outside of New York State, full-course vaccination through NYC COVID Safe app (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapps.apple.com%2Fus%2Fapp%2Fnyc-covid-safe%2Fid1565213506&data=04%7C01%7CChristina.Levin%40digital.ny.gov%7C9b811a4406f54896961608d9bc239fd%3D%7C3000&sdata=hmW7DSkSxEXYzh4GCjocaxklStsM%2FxxAVhHiVZH3WAA%3D&reserved=0>), a CDC Vaccination Card, or other official immunization record.

In accordance with CDC's definition, fully vaccinated is defined as 14 days past an individual's last vaccination dose in their initial vaccine series (14 days past the second shot of a two-dose Pfizer-BioNTech or Moderna vaccine; 14 days past the one-shot Janssen/Johnson & Johnson vaccine). The State also accepts WHO-approved vaccines for these purposes. Parents and guardians can retrieve and store an Excelsior Pass and/or Excelsior Pass Plus for children or minors under legal guardianship.

Vaccines for children ages 5 – 11 have only been available since November 2021. Therefore, in order to enter a business or venue that implements a proof of vaccination requirement, children ages 5 – 11 only have to show proof of having had at least one dose of the COVID-19 vaccination.

Vaccines have been available for 16–17-year-olds since April 2021 and for 12–15-year-olds since May 2021. At the time of the determination, 63% of the 12 – 17 age group has been fully vaccinated in New York State.

Business/Venue Mask-Wearing Requirement

Businesses and venues that implement a mask requirement must ensure all patrons past their second birthday and medically able to tolerate a face covering wear a mask at all times while indoors outside of physical eating or drinking.

Continued Masking Requirements

Unvaccinated individuals continue to be responsible for wearing masks, in accordance with federal CDC guidance (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fvaccines%2Ffully-vaccinated-guidance.html&data=04%7C01%7CAshley.Struble%40digital.ny.gov%7C97232375e94245c3c12b08d9bbec51C%3D%7C3000&sdata=7IzEkGzWYZ%2F0kdJkm1Ed9pPxrrpDLW2d4fVbaxyly4%3D&reserved=0>). Further, the State's masking requirements continue to be in effect for pre-K to grade 12 schools (https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcoronavirus.health.ny.gov%2Fsystem%2Ffiles%2Fdocuments%2F2021%2F09%2Fschool-guidance_0.pdf&



ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

**Interim Guidance on Executive Orders 202.17 and 202.18
Requiring Face Coverings in Public During the COVID-19 Outbreak**
April 17, 2020

Background:

In December 2019, a new respiratory disease called the novel coronavirus (COVID-19) was detected. COVID-19 is caused by a virus (SARS-CoV-2) that is part of a large family of viruses called coronaviruses. Recently, community-wide transmission of COVID-19 has occurred in the United States, including New York where the number of both confirmed and suspected cases is increasing. To reduce the community-wide transmission of COVID-19, Governor Andrew M. Cuomo has taken aggressive action through Executive Order 202, as amended, to combat the spread of this infectious disease, reducing the density of people in areas of common congregation by closing the in-person operations of non-essential businesses and prohibiting all non-essential gatherings of individuals of any size for any reason.

Executive Orders:

Executive Order 202.17, issued on April 15, 2020, provides the following directive:

Effective at 8 p.m. on Friday, April 17, 2020 any individual who is over age two and able to medically tolerate a face-covering shall be required to cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance.

Executive Order 202.18, issued on April 16, 2020, provides the following directive:

Any person utilizing public or private transportation carriers or other for-hire vehicles, who is over age two and able to medically tolerate a face covering, shall wear a mask or face covering over the nose and mouth during any such trip; any person who is operating such public or private transport, shall likewise wear a face covering or mask which covers the nose and mouth while there are any passengers in such vehicle. This directive shall take effect in the same manner as Executive Order 202.17, at 8 p.m. on Friday, April 17, 2020.

Guidance:

Individuals must procure, fashion, or otherwise obtain face coverings and wear such coverings when they are in a public and are:

- within six feet of distance from other individuals; or
- in a situation or setting where they are unable to maintain six feet of distance from other individuals; or
- in a public or private transportation carrier or for-hire vehicle.

Face coverings include, but are not limited to, cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, N-95 respirators, and face shields. Please visit the Centers for Disease Control and Prevention's "Coronavirus Disease 2019 (COVID-19)" [website for information](#) on cloth face covers and other types of personal protective equipment (PPE), as well as instructions on use, cleaning, and disposal. Please note that the most protective PPE (e.g. N-95 respirators) remains a critical need for health care workers and first responders and, therefore, should be prioritized for those settings.

Individuals are required to wear a face covering in the abovementioned situations and settings, provided that they are older than two (2) years of age and able to medically tolerate a covering. If a face covering would inhibit or otherwise impair an individual's health or if an individual is not older than two (2) years of age, an individual is not required to wear or use such a covering. Further, essential business operators and enforcement authorities are prohibited from requesting or requiring medical or other documentation from an individual who declines to wear a face covering due to a medical or other health condition that prevents such usage.

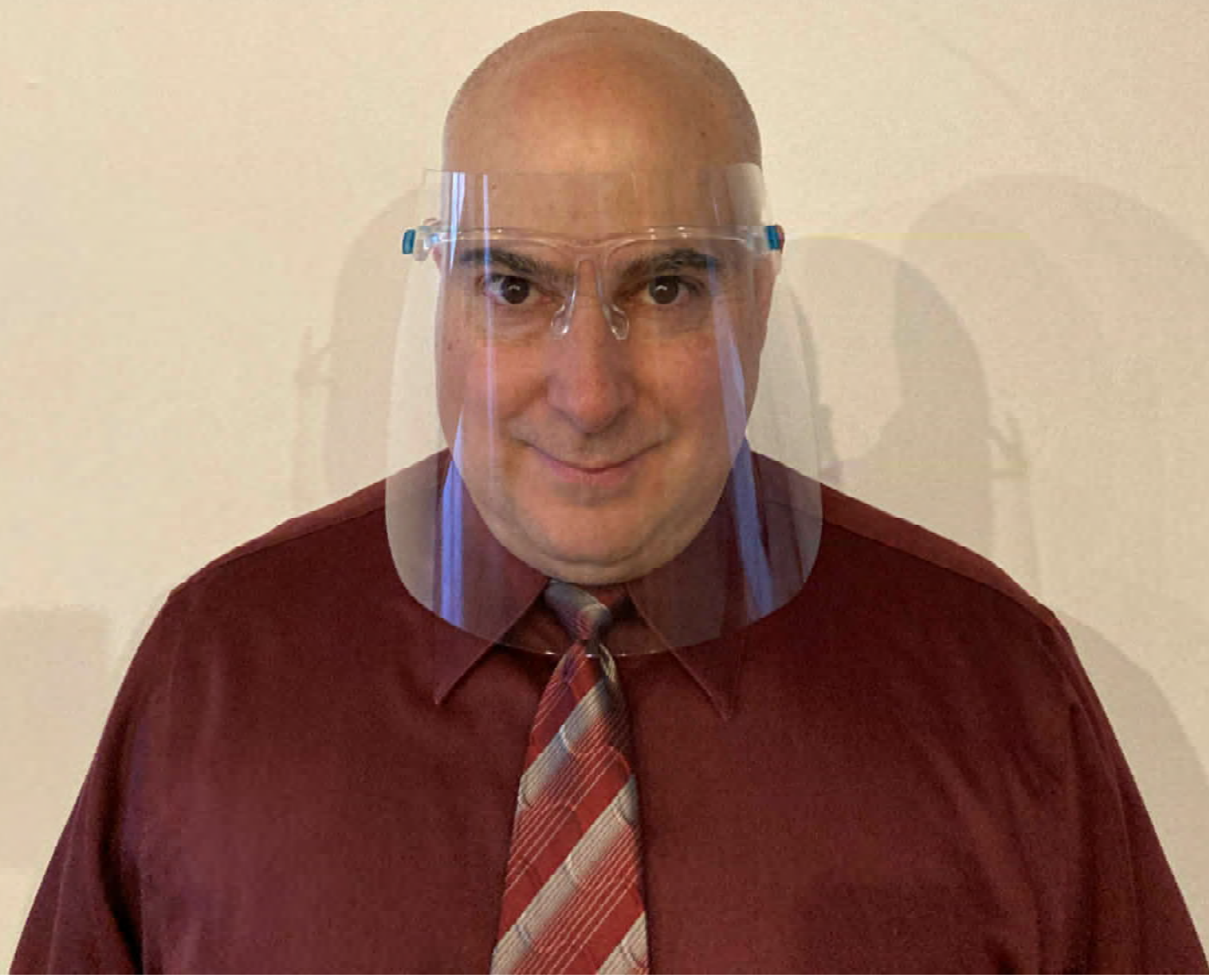
Nothing in Executive Order 202.17 or 202.18 shall remove the obligation of essential businesses, as well as state and local government agencies and authorities, to procure, fashion, or otherwise obtain face coverings and provide such coverings to employees who directly interact with the public during the course of their work at no-cost to the employee, pursuant to Executive Order 202.16.

Public and private transport operators required to wear a face covering while transporting passengers should consult the New York State Department of Health's "[Interim Guidance on Executive Order 202.16 Requiring Face Coverings for Public and Private Employees Interacting with the Public During the COVID-19 Outbreak](#)," issued on April 14, 2020, for further information.

Additional Information:

New York State Department of Health Coronavirus (COVID-19) Website
<https://coronavirus.health.ny.gov/>

United States Centers for Disease Control and Prevention Coronavirus (COVID-19) Website
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>





Violation of Americans with Disabilities Act

From: Frank Mora [REDACTED]@yahoo.com)

To: [REDACTED]@seetaeye.com

Date: Monday, March 7, 2022 at 04:09 PM EST

Stacey,

I apologize that our phone conversation was a little heated this past Thursday. However, I want you to understand where I am coming from. As you know, I brought my son [REDACTED] in for an eye exam on January 29, 2021. As I do not medically tolerate a mask, I wore a face shield. You came out in an abrupt manner, and attempted to belittle me in front of the entire waiting room, asking me to leave. As [REDACTED] was [REDACTED] then, I let him go in by himself, and I waited outside. The funny thing is, when it was time to pay, your office had me come in, still wearing just the face shield, with no problems or questions asked, so I could pay. Funny how that works!

I asked you on January 29, 2021, how you handle those with medical issues regarding not wearing face masks, and you said you only had one other person with this issue. I asked how you resolved it, and you said she chose to go somewhere else. I told you that is not acceptable, and to please have a procedure in place for when I come back the next time. Not only did you not have a procedure in place, when I came with my son [REDACTED] on December 28, 2021, you came out and went berserk. Although I was at least 10 feet away from you, and at least 15 feet away from anyone else, you again asked me to leave. This time I would not. You said I was making everyone upset. I pointed out that I was no where near anyone. An elderly lady then spoke up and said she was upset. She stated she was upset because she had been waiting for over a half hour, and had not been seen yet. I told her I would be more upset about that also, not someone who is 15 feet away from everyone in the room. Not one person made a comment that they were upset. You then called the police and they said they would send someone over. When I attempted to discuss this with you, you told me to stop talking, as you did not want to get my germs. You then called the police back and told them it was an emergency, as I did not have a mask on and would not stop talking and was spreading germs. Do you realize how illogical, nonsensical, and ridiculous that is? I then left, went home, and contacted my doctor.

As you wanted a doctor's note for my medical intolerance, I sent that over to you. Was that good enough? No, you had the audacity to call my doctor and question him as to my condition and why I couldn't wear a mask. What gives you the right to ask about my medical condition? I called you back after forwarding you the note, and you had [REDACTED] and I come back the same day on December 28, 2021, at 4:30pm. You had one of your assistants get us from the parking lot and bring us in a back entrance. [REDACTED] had his appointment with Dr. G [REDACTED], and everything went smoothly then.

[REDACTED] now needs an exam, and I called you directly to schedule so we can avoid any nonsense. You called me back on Thursday, March 3, 2022, telling me that we are not a good fit for your practice. Instead of dealing with someone who cannot wear a mask, you attempt to get rid of my family. This is blatant and outright discrimination, and I will not stand for it. This

is a direct violation of the Americans with Disabilities Act, and I advised you so. You said we should wait until July, and maybe the masks won't be around anymore. From what I can tell of your irrationality, you will require masks even when they are no longer required. You said you would have Dr. Modi call me, and he has not. I am not waiting for July, and I am not going to be intimidated.

Please have someone call me to schedule [REDACTED]'s exam with Dr. G [REDACTED]. If I do not hear from someone this week, I shall take further action.

Thank you.

Frank Mora
[REDACTED]

On Tuesday, December 28, 2021, 03:56:10 PM EST, Frank Mora <[REDACTED]@yahoo.com> wrote:

----- Forwarded Message -----

From: G [REDACTED] <[REDACTED]@optonline.net>
To: Frank Mora <[REDACTED]@yahoo.com>
Sent: Tuesday, December 28, 2021, 03:53:54 PM EST
Subject: Mask exemption



M [REDACTED] Chiropractic
[REDACTED]
[REDACTED]
[REDACTED]

December 28, 2021

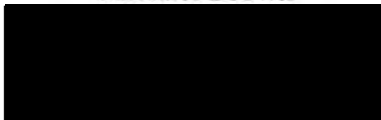
To Whom It May Concern:

Frank Mora is currently under my care. Due to his current health condition, he is medically unable to wear a mask.

Sincerely,

G [REDACTED] M [REDACTED], DC

Michael Brown



June 13, 2022

Dear Sir or Madam:

I am employee of Seeta Eye Center in Poughkeepsie. I have worked here for 1 year, as a technician. I found out that Stacey Koch, the manager of Seeta, who is my boss, filed a complaint against Judge Mora for an incident that happened on December 28, 2021. Prior to this date, I had never met Judge Mora. I found it hard to believe that she filed a complaint. After reading the complaint, I was even more dismayed. I am writing this letter because I feel Judge Mora did not do anything to warrant the police being called on him, or a complaint being filed against him.

I recall that day very vividly as I was asked to come out to the waiting area. Judge Mora was there with his son, who was scheduled for an eye exam. From the moment Stacey addressed Judge Mora, she was very hostile, demanding that he wear a mask. Judge Mora tried to explain that he did not medically tolerate a mask (he was wearing a face shield), but Stacey would not let him speak. She kept cutting him off. Unlike what Stacey wrote in her complaint, Judge Mora did not taunt her. He was calm and a complete gentleman during the entire ordeal. Judge Mora did not create a scene. It was actually Stacey who created a scene. She told Judge Mora that he was upsetting the other patients. An elderly lady actually stood up and said she was upset, but not with Judge Mora, but that she was waiting for over a half hour and had not been seen yet. That comment made me laugh.

What Stacey did not write in her complaint was that she actually called the police a second time. She did this after telling Judge Mora to stop talking, as he was spreading germs on her. I found her statement very bizarre. Judge Mora had a face shield on, and was about 10 feet away from her. After telling Judge Mora to stop talking, she called the police, and told them it was an emergency because Judge Mora was wearing a face shield, would not stop talking, and was spreading germs on her. While still on the phone with the police, Judge Mora said he would leave and try to get medical documentation for her, and she told the police they did not have to come. Judge Mora then left. About an hour later Judge Mora came back with his son and I escorted them into the exam room. There were no other issues the second time. I'm not sure why Stacey did not handle it this way the first time. Judge Mora has been back twice since December, and both times he wore his face shield, and there were no issues.

Thank you.

Sincerely,



Michael Brown

Opinion 12-96

June 14, 2012



Digest: A judge charged with violating the vehicle and traffic law may negotiate with the prosecutor for reduction or dismissal of the charged violation, either *pro se* or through an attorney but must not use or invoke his/her judicial title/status in the negotiations.

Rules: 22 NYCRR 100.2(A); 100.2(C); Opinions 12-41; 11-10; 10-197; 10-07; 09-12; 08-223; 08-19; 07-193; 07-104; 99-115 (Vol. XVIII); 93-05 (Vol. X); 90-11 (Vol. V); 88-155 (Vol. III).

Opinion:

A part-time judge who has been charged with a violation of the vehicle and traffic law asks whether he/she may, either personally or through an attorney, negotiate with the prosecutor for “a reduction or dismissal of [the] traffic ticket.”

A judge must always promote public confidence in the judiciary’s integrity and impartiality (see 22 NYCRR 100.2[A]) and must not lend the prestige of judicial office to advance his/her private interests (see 22 NYCRR 100.2[C]). However, the Rules Governing Judicial Conduct do not preclude a judge from exercising the same rights as any other citizen when appearing as a litigant. For example, the Committee has advised that a judge may commence an action in a court of competent jurisdiction, whether proceeding *pro se* or through counsel (see Opinions 12-41; 09-12; 93-05 [Vol. X]; 90-11 [Vol. V]). Similarly, the Committee has advised that, when a judge is called as a witness or has been the victim of a crime, the judge generally has the same rights, duties, and obligations as other witnesses or other crime victims (see Opinions 11-10; 10-07; 08-223; 08-19; 07-193; 07-104; 99-115 [Vol. XVIII]; 88-155 [Vol. III]).

Therefore, the inquiring judge may exercise the same rights as other defendants charged with violations of the vehicle and traffic law, which include negotiating with the prosecutor for reduction or dismissal of the charge. The judge may conduct such negotiations either *pro se* or through an attorney, but must not use or invoke his/her judicial title or status in the negotiations (see 22 NYCRR 100.2[C]; cf. Opinion 10-197 [a judge may speak as a private citizen about natural gas drilling as it affects him/her personally, but should not refer to his/her judicial status]).



Re: Affirmation for Judge Mora

From: Frank Mora [REDACTED]@yahoo.com)

To: [REDACTED]@cjllaw.org

Date: Thursday, May 9, 2024 at 03:50 PM EDT

Chad,

This I haven't received anything back, I used the undated affirmation with notary stamp.

Attached are both letters which need to be sent to the commission in PDF format, which I have signed. You just have to sign and send them.

Thank you.

Frank

On Thursday, May 9, 2024 at 03:00:13 PM EDT, Frank Mora <[REDACTED]@yahoo.com> wrote:

Chad,

Mr. Sussman needs to date the affirmation at the bottom. I'm not sure why he is having it notarized, as it is an affirmation.

I am not emailing him regarding this, as if the Commission is successful, they will get all emails relating to Koch.

Please do not forward this to him, but email him stating the above regarding the document itself. Also, we need to see those emails that he mentioned in his below email, because I could not find any prior to the December 8th email.

Thank you.

On Thursday, May 9, 2024 at 02:51:25 PM EDT, Michael Sussman <[REDACTED]@sussman.law> wrote:

I have edited and signed the Affirmation. There are a few earlier emails from Frank to me. I will send them to you. But none before September that I know of. Michael

Michael Sussman, Esq.

Sussman & Goldman

PO Box 1005

1 Railroad Avenue, Ste 3.

Goshen, NY 10924

[REDACTED]

[REDACTED] (fx)

[REDACTED]@sussman.law

From: Chad Laveglia <[REDACTED]@cjllaw.org>
Sent: Thursday, May 9, 2024 2:13 PM
To: Michael Sussman <[REDACTED]@sussman.law>
Cc: Frank Mora <[REDACTED]@yahoo.com>
Subject: Affirmation for Judge Mora

Good afternoon Mr. Sussman,

Please find the affirmation and accompanying exhibits attached. Please sign and email it back to me at your earliest convenience.

Best,

Chad

Law Office of Chad J. LaVeglia PLLC
Chad J. LaVeglia Esq.,
626 RXR Plaza, Suite #613
Uniondale, NY 11556
[REDACTED]
[REDACTED]@cjllaw.org



Judicial Commission supplemental testimony & errata sheet 5-9-24.pdf
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