

STATE OF NEW YORK

COMMISSION ON JUDICIAL CONDUCT

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

FRANK M. MORA

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a Judge of the Poughkeepsie City Court,
Dutchess County

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REPORT OF THE REFEREE

Before: Peter Bienstock, Attorney at Law
Referee

By Order dated June 30, 2025 of the Clerk of the New York State Commission on Judicial Conduct ("Commission"), the undersigned was designated as Referee to hear and report to the Commission with respect to the above-entitled proceeding, in accordance with the provisions of Section 44, subdivision 4, of the Judiciary Law of the State of New York ("Judiciary Law") and Section 7000.6 of the Operating Procedures and Rules of the Commission (22 NYCRR 7000.6).

Due notice thereof having been given, a hearing in this matter was held on October 15, 16 and 17, 2025 at the offices of the Commission, 61 Broadway, Suite 1200 New York, NY 10006. The Commission was represented by Melissa DiPalo, Esq., Principal Attorney, Alan W. Friedberg, Esq., Special Counsel, Denise Buckley, Esq., Senior Litigation Counsel and Mark Levine, Esq., Deputy Administrator. Respondent was represented by Stephen R. Coffey, Esq., O'Connell & Aronowitz PC, 6 Airport Park Boulevard, Latham, NY 12210. Honorable Frank M. Mora, Respondent, was present throughout at the hearing. The parties were afforded a full and fair opportunity to present evidence and argument in

support of their respective positions. The hearings were transcribed and witnesses sworn. Counsel for the Commission and Respondent submitted briefs on January 12, 2026 and reply briefs on February 9, 2026. Thereupon, the record was closed.

The Commission's Complaint

On January 14, 2025, the Commission served a Formal Written Complaint ("Complaint"), dated January 14, 2025, on Respondent. (Referee's Ex. A) The Complaint states that Respondent was admitted to the practice of law in New York in 1997. He has been a judge of the Poughkeepsie City Court, Dutchess County, since 2011. Respondent's current term expires on December 31, 2030.

The factual allegations set forth in Charges I, II and III state alleged acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct ("Rules").

Charge I alleges that, on or about December 28, 2021, Respondent "engaged in a discourteous confrontation with Stacey Koch, an office manager at Seeta Eye Center ("Seeta"), an ophthalmology practice in Poughkeepsie, over Respondent's failure to wear a mask in the office; refused to comply with Ms. Koch's repeated directives to leave the office if he did not don a mask; was additionally discourteous when Ms. Koch called the police; and left the office only after a police official said he would send an officer to Seeta. Charge I consists of 13 specifications.

Charge II alleges that, on or about December 29, 2022, Respondent filed a defamation suit against Stacey Koch – *Frank Mora v Stacey Koch* (Index No. 54141/2022) – in what was and/or appeared to be in retaliation for her having filed a confidential complaint against him with the Commission. Charge II consists of 16 specifications.

Charge III alleges that, on or about May 9, 2024, and on or about July 10, 2024, in response to Commission requests for information reasonably related to its investigation of a new complaint against Respondent – *i.e.*, that his defamation lawsuit against Stacey Koch was initiated in retaliation for her having filed a complaint against him with the Commission, Respondent withheld and/or redacted material documents, including emails, responsive to the Commission’s requests, without informing the Commission of all the material withheld and without providing a reasonable basis for having done so. Charge III consists of seven specifications.

The Complaint concludes:

By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, Section 22, subdivision (a) of the Constitution [of the State of New York] and Section 44, subdivision 1 of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that he failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to so conduct his extra-judicial activities as to minimize the risk of judicial obligations, in that he failed to conduct his extra-judicial activities so that they do not detract from the dignity of judicial office and are not incompatible with judicial office, in violation of Sections 100.4(A)(2) and (3) of the Rules.

Respondent submitted a Verified Answer on April 11, 2025, essentially denying all charges. (Referee’s Ex. B)

FINDINGS OF FACT

CHARGE I: December 28, 2021 Incident with Stacey Koch (“the incident”)

The facts concerning the one incident comprising Charge I are vigorously disputed

in significant respects by the main participants: Ms. Stacey Koch, the complainant, and the Respondent. Both Ms. Koch and Respondent testified with passion (but with, at times, not unreasonably shaky memories) about the incident that occurred four years earlier during the Covid pandemic. This is not a matter, however, requiring belief of all of one version and rejection for lack of credibility of all of the other; the critical elements of the incident can be mostly reconciled, and the remaining differences reduced.

It does, however, require a detailed summary and some analysis of the testimony of each of the witnesses, and mention of the order in which it was proffered, concerning Charge I:

Stacey Koch's Testimony

Stacey Koch, the complainant and principal witness, was called to testify by the Commission on the second day of the hearing, October 16, 2025, after the testimony of two corroborating witnesses, Jessica Feathers and Kristen Monteverdi.

Ms. Koch, a New York State licensed ophthalmic dispenser, was and had been for many years a manager at Seeta, a private medical ophthalmology practice located at 27 Davis Avenue in Poughkeepsie, NY. Ms. Koch's current job title was Refractive Manager. Her responsibilities included surgical counseling for cataract patients, Lasik surgery, customer service for patients and staff management. (Tr. 143)¹

In December 2021, Seeta implemented Covid pandemic patient and staff safety protocols, including taking temperatures at the office door, wearing masks, screening questions and social distance spacing. (Tr. 144-145) Seeta's appointment confirmation texts to patients stated that masks were required in the office. (Tr. 145) Seeta sought to

¹ "Tr ____" refers to transcript pages.

implement CDC guidelines. (Tr. 146-147) (although neither party relied during the hearing on the language of State or Federal guidelines, which were frequently changing). Signs on the office front door stated that masks were required in the office. (Tr. 148-149)

On December 28, 2021, Ms. Koch learned from the office receptionist that a patient in the waiting room refused to wear a mask. (Tr. 152) Upon entering a “pretty full” waiting room, she observed Respondent wearing “a plastic headset” instead of a mask. (Tr. 152) Ms. Koch described the headset as “like a headband with a plastic shield of some sort on the front.” (Tr. 153; Respondent’s Ex. D) Respondent was in the waiting room with his son, a minor child who had an appointment for a routine eye examination. (Tr. 153, 155) Ms. Koch spoke with Respondent, whom she recognized as a longtime patient of the practice. (Tr. 153) She only learned from another employee that Respondent was a judge after the incident and after he left the office with his son. (Tr. 156)

Ms. Koch, wearing a mask, asked Respondent to wear a mask in the waiting room. Respondent refused to wear a mask. (Tr. 158) Ms. Koch testified: “I gave the option of wearing a mask or leaving, which is what I would normally do, and he wouldn’t pick either option. And so it kind of got out of hand.” (Tr. 158) Respondent stated that he had a medical condition that prevented him from wearing a mask. (Tr. 158) Ms. Koch asked what his medical condition was and whether he had medical documentation of the condition. (Tr. 158-159) Respondent stated that he would provide medical documentation. (Tr. 159)

Ms. Koch testified that, when she told Respondent to wear a mask or leave the office, “he refused. He became very agitated. He was ranting that I go to restaurants. That I just couldn’t understand. He started to make it personal.” (Tr. 159) She said she would

call the police if he did not leave. Respondent said, multiple times, that the police would not come about a mask, (Tr. 159) which turned out to be correct. Ms. Koch described Respondent's tone of voice as "berating" and "getting louder." (Tr. 159) She testified that she felt "agitated and tense" and that her voice got "higher and higher because I was pretty uptight at this point." (Tr. 159) Respondent refused to leave the office, he got closer and closer to Ms. Koch, "it escalated," and she asked him to step away from her. (Tr. 161)

Ms. Koch telephoned the police twice. (Tr. 161-179; Commission Exs. 2, 2A, 3, 3A, 4, 4A, 5 & 5A) In the first call, she told the 911 operator that she was with a private medical practice with a room full of patients, that a patient wearing a clear plastic face shield would not wear a mask and refused to leave. The operator transferred the call to a police officer at the Town of Poughkeepsie Police Department. Ms. Koch repeated to the officer what she told the 911 operator and asked the Respondent his name "[b]ecause I had to tell the police what was going on for them to come." She told the police: "And I'm very surprised because I believe he is a longtime patient, but he says he has a medical explanation, but he has no documentation." Ms. Koch testified that she believed Respondent was an attorney based on his having been a patient for 20 years. (Tr. 166)

Ms. Koch testified that "maybe" she learned later on December 28, 2021 from Ms. Danielle Foster, Clinic Manager at Seeta, about a January 29, 2021 "interaction" between Foster and Respondent. (Tr. 167-168) Ms. Koch testified that Ms. Foster told her that Respondent had refused to wear a mask in the office on January 29, 2021, that she told him masks were required in the office, that "she did quickly get him in and out," and "she warned him that he needed to wear a mask coming back in the future." (Tr. 168) Ms. Koch testified that she did not have this conversation with Ms. Foster about the January 29, 2021

interaction prior to Ms. Koch's interaction with Respondent on December 28, 2021. (Tr. 168-169) Ms. Koch testified that she had no interaction with Respondent on January 29, 2021, (Tr. 169) testimony that was credibly contradicted by Respondent on his direct examination. Ms. Foster was not called as a hearing witness.

Ms. Koch testified that, during the first call with the police on December 28, 2021, she said to Respondent, "I mean, I'm happy to provide a paper mask for you. You can't be in our practice. We're a private practice. No, you can't." (Tr. 169) She said this to Respondent because he refused to wear a mask or leave. (Tr. 169) She also said to Respondent during the call: "I wish you wouldn't speak if you're not going to wear a mask. Okay? Don't talk." (Tr. 170)

At some point during Ms. Koch's telephone conversation with the police officer, Mr. Michael Brown, a technician at Seeta, walked into the waiting room and stood next to Ms. Koch. (Tr. 172-173) Ms. Koch said, "Thank you, Michael. I appreciate your presence." (Tr. 171) Ms. Koch said to Respondent, "If you just lived through what I have lived through, you would know what you're doing. No, don't speak because we don't want your air." (Tr. 163) She also said to Respondent, "I do not. I do not. I do not go to a restaurant. I live with someone who has had [REDACTED] three times. And I really do not want your germs on me." (Tr. 173) Ms. Koch testified that she was referring to her husband, "a person who was over 60 and had [REDACTED] and was an [REDACTED], was [REDACTED] [REDACTED] in this time and carried a greater risk of this Covid virus being very, very dangerous health-wise." (Tr. 174) Ms. Koch testified, "So I had to be especially vigilant, especially dealing with the public. I had to be as careful as you could try to be." (Tr. 174)

Ms. Koch testified that she thought that it was “weird and wrong” for Respondent to raise whether she went to restaurants. (Tr. 174) During her testimony concerning her first conversation with the police, she claimed Respondent “was taunting, he was condescending, and kind of nasty.” (Tr. 175) The police officer said an officer would respond to Seeta as soon as possible. (Commission Ex. 3A) She testified that Respondent left only when she told him the police were coming to the office, (Tr. 175) a statement credibly contradicted by Respondent during his testimony.

Ms. Koch’s second call to 911 on December 28, 2021 was also transferred to a police officer. She told the officer that the “man just left.” (Commission Ex. 5A) She stated: “I mean, he literally would not leave and was creating a big ruckus in the waiting room and just finally stepped out, but I don’t know if he’s left the parking lot. I do know his name, and I can’t believe he created such a difficult time in my waiting room in a very tame ophthalmology practice.” (Commission Ex. 5A) Ms. Koch told the police that Respondent drove away. The police said to call back if the man returned. (Commission Ex. 5A) Ms. Koch estimated that 30-40 minutes elapsed between the time the receptionist called her and when Respondent left the waiting room. (Tr. 179) After he left, another Seeta technician, Ms. Karen Lynch, asked Ms. Koch if she knew Respondent was a judge. Ms. Koch testified that she did not know he was a judge. (Tr. 180)

During Ms. Koch’s direct examination, Respondent’s counsel conceded the accuracy of specification 16 of Charge I of the Complaint as follows (Tr. 182-183):

16. Shortly after leaving Seeta, Respondent called his chiropractor, G [REDACTED] M [REDACTED], and asked him to produce a letter. Sometime thereafter, Ms. Koch received an email from Respondent, with a letter forwarded from ‘M [REDACTED] Chiropractic.’ The letter, dated December 28, 2021, was signed by G [REDACTED] M [REDACTED] D.C., and read: ‘Frank Mora is currently under my care. Due to his current

health condition, he is medically unable to wear a mask.'

Ms. Koch testified that Dr. M [REDACTED]'s letter did not contain a diagnosis. (Tr. 183) She called Dr. M [REDACTED], asked for a diagnosis and did not receive one. (Tr. 184-185) On December 28, 2021, at Ms. Koch's request, Mr. Brown wrote a statement about the interaction with Respondent. (Tr. 187-187, Commission Ex. 29)

-On December 29, 2021, Ms. Koch filed a written complaint with the Commission about the Respondent's behavior at Seeta the previous day and mailed a copy to the Mayor of Poughkeepsie. (Tr. 189 – 191, Commission Ex. 6)

On cross-examination, Ms. Koch testified that Seeta did not recognize a face shield as a mask, although she could cite no authority for that conclusion. (Tr. 267) She stated that she sent the Poughkeepsie Mayor a copy of her Commission complaint against Respondent "to call to the government's attention that I felt a Judge was abusing his power." (Tr. 269) She felt Respondent taunted her by stating why masks were stupid, that she went to restaurants and masks did not matter. (Tr. 274-275) When Respondent said he had a medical condition, she asked for documentation. (Tr. 279) Ms. Koch testified that Respondent left the building when she told him the police were coming, although she also admitted she did not see him leave. (Tr. 279)

Ms. Koch told numerous people that she filed a complaint against Respondent with the Commission, including Michael Brown, other Seeta employees, her boss, Dr. Modi, her husband and her brother. (Tr. 285-286) She told others about her complaint because she was "aghast that a Judge could behave this way in my office." (Tr. 287) Ms. Koch stated that Respondent "threatened to sue me for discrimination when I suggested he not return to our practice because the rapport between us had deteriorated so much." (Tr. 289-

290) He threatened her authority to run the practice and she felt scared. (Tr. 290) Ms. Koch stated that the first time she learned Respondent could not wear a mask due to anxiety was in his May 4, 2023 apology letter. (Tr. 291)

Respondent's Testimony

Respondent testified that he is 54 years old, grew up in Poughkeepsie, New York where he graduated from Marist College and went on to obtain his law degree from the University of Memphis, Cecil C. Humphreys School of Law. (Tr. 361) He practiced law with a partner in Poughkeepsie until he became a judge of the Poughkeepsie City Court on January 1, 2011. (Tr. 361-362) Respondent testified that he is a devout Catholic. (Tr. 362) He testified that when Covid began in 2020, the state allowed him to wear a face shield, rather than a mask, on the bench without providing medical documentation. (Tr. 363)

Respondent testified that on April 12, 2022, he received Ms. Koch's complaint against him from the Commission. (Tr. 366) In 2022 and 2023, his attorney at the time, Chad J. Laveglia, Esq., responded to questions from the Commission on Respondent's behalf. (Tr. 367-372) ²

With respect to the events of January of 2021 and December 28, 2021, Respondent testified that he and his family had been patients at Seeta for 21 years. (Tr. 378) On the earlier January visit, (not charged in the Commission's Formal Written Complaint), an incident similar to the charged December 28, 2021 visit occurred. Wearing a face shield and not a mask, Respondent took his [REDACTED] son to Seeta. The receptionist said he was

² On February 27, 2024, Mr. Laveglia also represented Respondent at a deposition at the Commission. (Tr. 376)

required to wear a mask. Respondent replied that he could not medically tolerate a mask. The receptionist asked him and his son to stand aside and Ms. Koch would come out. (Tr. 379) Respondent testified that a woman he identified at the hearing, without credible contradiction, as Ms. Koch “came right into my face, within a foot or two, and started yelling at me, ‘You have to put a mask on.’” Respondent testified that he took a step back and said, “Ma’am, I’m sorry, I don’t medically tolerate a mask.” (Tr. 379) Ms. Koch said he had to wear it. (Tr. 380) Respondent asked what they did for patients who could not medically tolerate a mask. Ms. Koch said they did not have anyone. Respondent said, “You haven’t had one?” Ms. Koch then said they had one. Respondent asked what they did for that patient. Ms. Koch said the patient left the practice. (Tr. 380) Respondent said he would not leave the practice because his children had seen one of the doctors for years, that his ■-year-old was old enough to see the doctor by himself and Respondent would wait outside. Ms. Koch agreed. Before exiting and waiting in his truck, Respondent asked Ms. Koch to have something in place for his next visit with his other children who were younger than this son. His son next called Respondent from the checkout room to tell him he was required to come in and pay the co-pay. Respondent did so in the common checkout area, wearing his face shield, and left the office with his ■-year-old. (Tr. 381 - 382)

On December 28, 2021, Respondent returned to Seeta with his younger, ■ son for the child’s 3:00 p.m. appointment. Respondent wore his face shield and his son wore a mask. The receptionist said, “You have to wear a mask.” (Tr. 383) Respondent said, “Oh no, I already went through this with Ms. Koch 11 months ago. Can you have her come out?” (Tr. 383) The receptionist asked him to step aside, as she had in January 2021. Ms. Koch came out immediately, and said, “You have to put a mask on.” Respondent said,

“Ms. Koch, I don’t medically tolerate a mask. We just went through this.” (Tr. 384) He told her “three or four times” that he had a medical issue with wearing a mask. (Tr. 385) Respondent testified that Ms. Koch yelled at him, held up a mask and said, “put this on,” and he had a panic attack and froze. (Tr. 385) He testified that he had had panic attacks previously from wearing a mask, including at least once while on the bench. (Tr. 385) Respondent stated that he tried to reason with Ms. Koch and she said to stop talking, “We don’t want to breathe your air.” (Tr. 385). Respondent said, “I’m going to talk” because he was ten feet away from Ms. Koch. He said, “What do you mean? Everyone breathes everyone’s air. People go to restaurants all the time.” (Tr. 386)

Respondent testified that Ms. Koch called the police. He had been in the office for three or four minutes at that point. (Tr. 386) He said, “Dutchess County isn’t enforcing it. They’re not – they won’t enforce it.” Respondent testified that he never said the police would not come to Seeta. Respondent testified, and it was not disputed, that he never said he was a judge. (Tr. 387) He agreed with Ms. Koch’s testimony that she directed him a number of times to leave the office. (Tr. 387) Right before Ms. Koch made a second call to the police, Respondent asked, “Will you please just see my son?” (Tr. 389) Ms. Koch asked for medical documentation. He said he did not have medical documentation with him, that he would try to obtain it, and asked Ms. Koch that if he obtained the documentation, would Seeta see his son that day. She agreed. Respondent left with his son to try to get medical documentation. (Tr. 389-390) He testified that he did not leave because he was afraid the police were coming. (Tr. 390) Respondent denied that, during his interaction with Ms. Koch, he criticized, badgered, taunted or yelled at her. (Tr. 390). He may have raised his voice unintentionally because Ms. Koch cut him off when he tried

to explain the situation. Respondent testified that Ms. Koch raised her voice during the interaction. (Tr. 391)

After Respondent left Seeta, he went home and telephoned his chiropractor to obtain medical documentation. (Tr. 391) The chiropractor emailed a medical note to Respondent who emailed it to Ms. Koch on that same day. Respondent called Ms. Koch to see if she received the email, she said, "Yes, you can come in" at 4:30 p.m. and "wait in the parking lot until I come out to get you." (Tr. 392) Mr. Brown came out to the parking lot instead of Ms. Koch and accompanied Respondent, wearing a face shield, and his son, directly into the office where his son was examined by a doctor, after which they left. (Tr. 392- 393)

In April of 2022, Respondent became aware of the complaint Ms. Koch had filed with the Commission. He did not know she had also sent a letter to the Mayor of Poughkeepsie with her complaints against Respondent. (Tr. 393)

In that same month, Respondent returned to Seeta for his [REDACTED] son's appointment and in May of 2022, Respondent went to Seeta for his own appointment. Scant, if any evidence was adduced about any mask disagreement at these visits, except that Respondent testified he was wearing a face shield at the May visit. (Tr. 394).

However, Respondent did testify to a conversation he had with Mr. Brown at the May visit. (Tr. 395) Mr. Brown said he could not believe that Ms. Koch had filed a complaint against Respondent because he did nothing wrong on December 28, 2021 and wore a face shield. (Tr. 394-395) Mr. Brown said, "Oh, I'm so sorry you are going through this. Is there anything I can do for you? Respondent asked if he was willing to write a letter for him. According to Respondent's testimony, Mr. Brown responded "Absolutely." (Tr.

395)³

On cross-examination, Respondent testified that Mr. Brown was surprised when Respondent told him that Ms. Koch had filed a complaint against him with the Commission for refusing to wear a mask. (Tr. 491) Respondent drafted and typed a June 13, 2022 letter for Mr. Brown (Tr. 491; Respondent's Ex. F) Some of the wording of the letter was Mr. Brown's after they discussed the draft on the telephone and through text messages. (Tr. 492-494) Mr. Brown signed the letter.

Also on cross-examination, Respondent testified that he knew that Seeta required masks to enter the office on December 28, 2021. (Tr. 465) He did not dispute that there was a sign on the front door of the office that masks were required. (Tr. 465-466) His son wore a mask. Respondent agreed that, prior to December 28th, he did not call Ms. Koch to ask if he could wear a face shield at Seeta. (Tr. 466) The receptionist and Ms. Koch both asked him to wear a face mask on December 28th. Respondent agreed that Ms. Koch told him to wear a mask or leave the office, that he should have stepped outside with Ms. Koch to resolve the matter, but had a panic attack that stopped him from doing so. (Tr. 467-468) He did not tell Ms. Koch that he was having a panic attack. (Tr. 468)

Respondent testified that he told Ms. Koch that the police would not enforce a mask requirement in the office and that he knew that she was doing her job as office manager enforcing the requirement. (Tr. 469-470) Respondent testified that while Ms. Koch was on the telephone with the police, he stated that he was allowed to be in the office trying to get his son's eyes examined. (Tr. 471) He agreed that Ms. Koch told him not to talk and

³ This testimony was largely repeated on Respondent's cross-examination, without any mention of Respondent's wearing of a face shield, but more focus on the letter Mr. Brown and Respondent collaborated in preparing (See below and Respondent's Ex. F and Tr. 491- 494).

he said he was going to talk. (Tr. 471) Respondent testified that after he told Ms. Koch that “People go to restaurants and breathe each other’s air,” she told him that she did not go to restaurants because she lived with someone who had [REDACTED] three times and did not want his germs on her. (Tr. 472) Respondent testified that he was at least ten feet away from Ms. Koch and was not spreading his germs on anyone, but admitted that he should have left the office. (Tr. 472-473) He agreed that he did not leave the office after the first time Ms. Koch called the police.

Further on cross-examination, Respondent testified that after the first time Ms. Koch called the police, she said the police were coming to the office. (Tr. 473-474) He stated that he left the office in between Ms. Koch’s two phone calls to the police. (Tr. 474) Respondent testified that his chiropractor’s letter stated that Respondent was unable to wear a mask due to his “current health condition,” but did not specify the nature of the condition or state why it prevented him from wearing a mask. (Tr. 476) He testified that, eventually, he was diagnosed with “anxiety and object phobia,” and that his chiropractor treated him for the physical symptoms of the diagnosis. (Tr. 477-478) He agreed that, prior to December 28th, he had not been diagnosed with anxiety and object phobia or medically evaluated by a medical or mental health professional for his inability to wear a mask. (Tr. 478-479) Respondent testified that after he received the Commission’s April 12, 2022 letter about the December 28, 2021 incident, he sought an evaluation and treatment from a mental health professional. (Tr. 479)

Respondent testified that, by requiring him to wear a mask in the office, Ms. Koch violated the exception to the state mask mandate for people who were medically unable to tolerate a face covering. (Tr. 479) He agreed that he sent Ms. Koch a March 7, 2022 email

stating his account of the December 28, 2021 incident because he was still upset. (Tr. 483-486; Respondent's Ex. E) He also testified that he was "outraged" that Ms. Koch violated his personal and private medical information by calling the chiropractor and inquiring about his medical condition. (Tr. 488) Much of this testimony demonstrates Respondent's anger at Ms. Koch discussed in Charge II below, but post-dates the Charge I incident.

Michael Brown's Testimony

Michael Brown was called to testify by the Respondent. He testified that he was employed by Seeta as an ophthalmic technician for approximately two years. On December 28, 2021, he was in a room preparing a patient to see a doctor when someone knocked on the door and said he was needed for a problem in the lobby area. He saw Respondent sitting in the waiting area and did not know who he was. Ms. Koch was "almost at the entrance to the building" where patients entered and a receptionist sat at the front desk. (Tr. 307-308) Respondent and Ms. Koch were "at least" two feet apart. (Tr. 308) Mr. Brown was in the middle of them. He testified that he heard Ms. Koch say to Respondent, "'You're not wearing a mask' and to leave." (Tr. 308) Respondent said, "I'm wearing a mask." Mr. Brown testified that Respondent wore a face shield. Mr. Brown stepped in between them and asked Respondent to leave the office. Respondent did so. (Tr. 309) Mr. Brown estimated that the interaction lasted "two to five minutes." (Tr. 309)

Mr. Brown described Ms. Koch's demeanor as "something I've never seen before. It was ... a catty-like demeanor. She was very hostile. Because she was, 'You've got to wear a mask.' She was ... that firm. 'You've got to have a mask. Got to have a mask' And that's the way she treated him, basically. It was very wrong, I would say." (Tr. 309) As to Respondent's demeanor, Mr. Brown testified "He was defensive. All he wanted -- all he

was caring about was his son to be treated and his son was wearing a mask. And that's all he said, is, 'I just want my son to be taken care of,' and that's it. (Tr. 309) Mr. Brown testified that Respondent did not raise his voice with Ms. Koch, did not taunt her or get nasty with her. Mr. Brown stated: "If anything, it would be the other way around." (Tr. 309)

Mr. Brown testified that he never had any problems working with Ms. Koch. On December 28, 2021, Mr. Brown followed Ms. Koch's directive to write a statement about the interaction with Respondent. (Commission Ex. 29) In his statement, Mr. Brown did not mention the behavior of either Ms. Koch or Respondent. (Tr. 310) Mr. Brown testified that he wrote in the statement that Respondent "wore a mask [sic] and I asked him to leave, and he left." (Tr. 310) Mr. Brown testified that he was not present when Ms. Koch made the first telephone call to the police, but as Respondent was leaving the office, he heard Ms. Koch direct the front desk to call the police again. (Tr. 310) Mr. Brown testified that he was embarrassed by the interaction in front of other people in the waiting room. (Tr. 311)

Mr. Brown testified further that, after December 28, 2021, Respondent returned to Seeta "at least three or four times" for himself and his other child. Mr. Brown apologized to him for what Ms. Koch said about him because it was "embarrassing." (Tr. 312) Mr. Brown testified that he had a number of conversations with Respondent thereafter, stating to Respondent that Ms. Koch was "aggressive" and "bragging" that "she's going to do everything she can to get him removed from the bench." (Tr. 312-313) Mr. Brown testified that Ms. Koch had told him that she testified against Respondent at the Commission because he should not be a judge. (Tr. 313)

Mr. Brown testified that he left his job at Seeta due to Ms. Koch's behavior towards Respondent. Mr. Brown testified that he believed medical professionals "should treat every patient regardless." (Tr. 314)

On cross-examination, Mr. Brown stated that he left his job at Seeta in the summer after the incident. Ms. Koch told him on December 29, 2021 that she was filing a complaint against Respondent. In his December 28, 2021 statement written at Ms. Koch's directive, Mr. Brown was truthful about what he observed. He did not know Respondent was a judge. (Tr. 320-321) He testified that his signature on the June 13, 2022 letter meant that he agreed with what he and Respondent wrote in the letter. (Tr. 323) He voluntarily participated in writing the letter and voluntarily signed it. (Tr. 324) Mr. Brown agreed that he did not tell Dr. Modi, the owner of the practice, about the December 28, 2021 incident. (Tr. 326-328) He did not know that Ms. Koch had a personal policy about wearing masks because her husband was a three-time [REDACTED]. (Tr. 328) Mr. Brown agreed that he testified before the Commission that he contacted Respondent and offered to write a letter to help him so the incident did not evolve into a case before the Commission. (Tr. 331-332) He testified that Respondent brought the letter to his house for his signature. (Tr. 334)

Jessica Feathers' and Kristen Monteverdi's Testimony

Two of Ms. Koch's subordinates were called by Commission counsel as their first witnesses: Ms. Jennifer Feather, front desk supervisor, and Ms. Kristine Monteverdi, receptionist. Both witnesses testified about the interaction of Ms. Koch and Respondent on December 28, 2021. Their respective versions of that event at issue corroborate, in sum

and substance, Ms. Koch's testimony, a major exception being that the two of them agreed that neither Respondent nor Ms. Koch were taunting or yelling at the other. For example, Ms. Jessica Feather testified concerning Respondent's tone "[I]nitially it was fine. It was hushed tones. It wasn't anything loud. It got a little bit louder towards the end of the conversation. Not screaming, but not, you know, normal conversation." (Tr. 36) When asked the same question about Ms. Koch's tone, she testified: "Calm at first. Then like I said, it escalated between both of them towards the end....they got a little bit more energetic ... towards the end." (Tr. 36) -

Ms. Monteverdi, called by the Commission, provided confusing testimony about the dates and attendees of the various trips to Seeta, but essentially corroborated Ms. Feathers as to the parties' tone of voice. As to Respondent, she stated that his tone "started out low, and then it --- his volume started to rise. Not yelling, but it was rising in the waiting room." As to Ms. Koch, "[The only time her voice would get a little bit louder was when she was trying to talk over him." (Tr. 70)

Statement of Recommended Conclusory Findings of Fact

With respect to the December 28, 2021 incident ("the incident") charged by the Commission (Charge I), a preponderance of the credible evidence summarized above demonstrates and the Referee finds and recommends:

1. A form of judicial notice should be taken that the incident took place at one of the peaks of the national and international Covid 19 pandemic during which, in part because of ever-changing Federal and State guidelines, and public officials' fluctuating pronouncements, there was understandable fear, uncertainty, confusion and, in some cases, panic as to the proper courses of action, particularly concerning the medical

risks attendant to the interaction with professionals and members of the public.

2. There is insufficient credible evidence that, at the time of the incident, Respondent “knowingly created an unnecessary face-to-face confrontation in Seeta’s waiting room.” Seeta, including Ms. Koch, had previously made an accommodation for his wearing the same face shield when he brought a different masked son for an appointment in January of 2021. See No. 5 below.

3. There is no credible evidence that anyone involved in the incident knew that Respondent was a judge at the time of the incident, and no evidence at all that Respondent held himself out as a judge, or told anyone during the incident that he was a judge.

4. Respondent had visited Seeta at least once before during the pandemic, at which time his medical inability, fear or personal discomfort at wearing an N-95 or similar fabric nose-and-mouth covering, as contrasted to the face shield he did wear, were accommodated by Seeta personnel by having Respondent and his son in need of ophthalmological treatment enter the establishment with a Seeta employee by a side door and proceed directly to the examining room.

5. Respondent had credible reason to believe that such an accommodation as referred to in No. 5 above could be worked out on December 28, 2021.

6. A preponderance of the credible evidence demonstrates that both parties to the animated discussion, Respondent and Ms. Koch, raised their voices somewhat and that both parties were steadfast in their opinions; but does not demonstrate that Respondent was confrontational, berating, discourteous or nasty, particularly considering the emotions attendant to living through the Covid 19 pandemic.

7. A preponderance of the credible evidence demonstrates that Respondent left Seeta not because he thought the police were coming, but in order to attempt to secure the documentation that Ms. Koch was requesting so that his son could be treated that day (as he was).

8. A preponderance of the evidence, and lack of evidence demonstrates that no member of the public, particularly referring to other patients present in the Seeta waiting room that day, were disturbed by, or even heard, the incident.

9. Michael Brown was a disinterested first-hand observer and very credible witness.

10. Mr. Brown testified credibly that it was Ms. Koch, and not Respondent, who acted unprofessionally.

11. Michael Brown testified credibly that the only other Seeta patient awaiting treatment who complained was not complaining about the incident, but rather about the long wait to be seen by a doctor.

12. Respondent's failure (or forgetting) to call ahead for the accommodation referred to in No. 5 above and his refusal to leave Seeta when asked to do so by Respondent the first few times were minor errors of judgment. He conceded that not leaving when asked to do so was a mistake. (Tr. 482)

13. Ultimately, the accommodation referred to in No. 5 was reached and took place on December 28, 2021, as it was reached and took place on all prior and subsequent visits to Seeta by Respondent during the pandemic.

14. Finally, it is recommended that, applying a higher standard of conduct to a judge than to a member of the public at large, a preponderance of the credible

evidence demonstrates that, with respect to Charge I, the Respondent should not be found to have violated any of the cited Rules Governing Judicial Conduct.

15. Notwithstanding the Commission's efforts to embellish Charges I and II with testimony about events that occurred after the December 28, 2021 incident and outside the chronology of Respondent's defamation lawsuit, a fair reading of the Complaint and proffered testimony leads to the conclusion that certain events, such as Respondent's call to the Dutchess County Bar Association, among others, are irrelevant to the Charges and should not be considered.

CHARGE II: December 29, 2022 Respondent's Defamation Suit Against Stacey Koch

Unlike Charge I, the material facts with respect to Charge II (and Charge III, see below) are not subject to substantial dispute, deriving as they do mostly from documents and undisputed written statements of the participants. A simple recitation of events suffices:

The following facts are found and recommended by the Referee:

1. The Commission advised Respondent of Ms. Koch's December 29, 2021 complaint against him, and provided him with a copy of that complaint, on or about April 12, 2022.

2. Sometime during the summer of 2022, Respondent learned from Michael Brown that Mr. Brown had quit his job at Seeta primarily because he was upset that Ms. Koch was lying about Respondent, including to the Commission, and "she's trying

to destroy you [Respondent].” (Tr. 410) ⁴

3. Later that year, Respondent sought the advice of Michael H. Sussman, Esq., a prominent civil rights attorney who has handled defamation cases, but does not consider himself an expert on defamation (Tr. 217).

4. Mr. Sussman provided Respondent with several pieces of advice: first, the facts with which Respondent provided him would not make out a claim for a violation of HIPAA because there was no private right of action under HIPAA (Tr. 251) nor for tortious interference, but would make out a claim for defamation (Tr. 224); second, in proceeding, he should consider that “it doesn’t look good for a judge to sue the person who complained about him.” (Tr. 256, 503) and third, when he learned of the Supreme Court Justice Maria G. Rosa’s hostility toward the defamation case, he advised Respondent that he could still withdraw it (Tr. ____).

5. Respondent took Mr. Sussman’s first piece of advice by authorizing and commencing a defamation action against Ms. Koch for \$425,000 in damages based on allegedly defamatory statements in her complaint to the Commission (Commission Ex. 7). However, he rejected all other advice Mr. Sussman provided: He did not agree that he should consider the “optics” of not “looking good for a judge to sue the person who complained about him.” (Tr. 256, 503 - 504); although he sought time to ponder Mr. Sussman’s advice to withdraw the lawsuit based on his perception that Justice Rosa was hostile to Respondent’s claims, he did not withdraw it, but directed Mr. Sussman to respond vigorously to Ms. Koch’s (and intervenor Commission’s) motion to dismiss. (Tr.) He

⁴ It is irrelevant to Charge II, but Respondent claimed that this was the impetus for his decision to sue Ms Koch for defamation (Tr. 410)

also rejected Mr. Sussman's advice to appeal the Supreme Court Justice's dismissal of his complaint. (Tr.____)

6. As Respondent knew when he filed his defamation action, to which he attached Ms. Koch's complaint to the Commission, both documents would be promptly available to the public. (See e.g., Tr. 528; Commission Exs.. 33-S, 33-U) Those documents became matters of public record and received media coverage (Tr. 528; Commission Ex. 14).

7. The defamation action was entirely based on allegedly false and defamatory statements made in Ms. Koch's complaint to the Commission. (Commission Ex. 7)

8. Respondent knew, at the time he received a copy of Ms. Koch's complaint to the Commission, that it was confidential. (Commission Ex. 33-R)

9. It cannot be seriously disputed that Respondent's defamation action was motivated by his anger at Ms. Koch, mainly but not exclusively for her filing of a complaint with the Commission. (Tr. 245, 248) Respondent stated more than once, including under oath, that he wanted "to make her (Ms. Koch) pay," (Tr. 245, 518 – 519) and did not want to rely on his potential successful defense at a Commission hearing (i.e., the dismissal of the complaint) because that was not "recourse." (Tr. 519)

10. Respondent's defamation lawsuit was dismissed on a pre-discovery motion to dismiss the complaint by Ms. Koch and the Commission, as intervenor, based on a Commission complainant's (Ms. Koch's) absolute privilege for statements made in a confidential complaint to the Commission (Commission Ex. 15).

11. Respondent did not accept Mr. Sussman's advice to appeal Justice

Rosa's decision to dismiss the complaint, but rather "withdrew" (actually "did not continue") the lawsuit, for religious reasons (Tr. 421) and successfully sought to settle the matter. (Commission's Ex. 16)

12. In the settlement of the case, Respondent paid Ms. Koch's counsel fees of \$20,000 and agreed that he would have no contact with Ms. Koch or Seeta. (Tr. 533) Respondent's children could continue to have care at Seeta. (Tr. 534) As part of the settlement of the case, Respondent wrote a letter of apology to Ms. Koch stating that he did not wear a mask because he suffers from "severe anxiety which manifests as object phobia." (Tr. 423, 534-535; Commission Ex. 17)

13. Respondent personally read and approved the complaint. (Tr. 416, 519 - 520) Nevertheless, after his defamation action was dismissed, Respondent was critical of Mr. Sussman, especially for his drafting of the complaint without including Ms. Koch's allegedly defamatory statements to Mr. Brown. (e.g., Tr. 500, 516 - 517)

14. Respondent testified, in late 2025, that he still believed he would have prevailed in his defamation action if he had been permitted to present it to a jury. (Tr. 533)

15. The initiation by a judge of a defamation lawsuit against a complainant to the Commission --- certainly, but not necessarily only, a meritless lawsuit --- is a serious violation of the Rules Governing Judicial Conduct, sections 100.1, 100.2(A) and 100.4(A)(2).

Charge III: 2024 Failure To Cooperate With The Commission Investigation

The material facts for Charge III are straightforward and not subject to substantial dispute.

The following facts are found and recommended by the Referee:

1. Respondent testified before Commission counsel at a deposition on February 27, 2024, after which the Commission demanded, among other things, all communications, including emails, between Respondent and Mr. Sussman. (Commission Ex. 18)

2. Mr. Sussman raised the attorney-client privilege with the Commission. (Tr. 399) The Commission took the position that the privilege had been waived, and Respondent through counsel eventually agreed, because Respondent had testified before the Commission to conversations between himself and Mr. Sussman, and had thereby waived the privilege. (Tr. 400)

3. Respondent testified that he searched his email and sent 14 pages of emails to his former lawyer, Mr. Chad LaVeglia, who represented him before the Commission, to send to Mr. Sussman. (Tr. 426-427) Mr. Sussman signed an affidavit that there were 14 pages and sent the affidavit and the emails back to Mr. LaVeglia who sent everything to the Commission on May 9, 2024. (Tr. 427; Respondent's Ex. H)

4. Respondent testified that a November 23rd thread containing two emails were missing from this "first batch" of emails sent to the Commission. (Tr. 431-436; Commission's Ex. 20) Respondent testified that his lawyers did not send the two emails to him and he could not locate them on his computer. (Tr. 437) He testified that he did

not deliberately refuse to provide them to the Commission. (Tr. 437)

5. Respondent testified that there was a second batch of emails sent to the Commission. (Tr. 439) The second batch contained about 600 pages of emails. (Tr. 439 - 440) Respondent redacted part of some of the emails that concerned his federal lawsuit (not the defamation lawsuit) and Mr. Sussman's advice about the Commission. Respondent testified that he hand-numbered the remaining pages 1 to 127 and followed the same procedure to send them to Mr. LaVeglia to send them to Mr. Sussman for a signed affidavit and Mr. Sussman sent them back to Mr. LaVeglia who transmitted them to the Commission. (Tr. 440 - 441)

6. Respondent testified that when he received the Commission's formal complaint with Count III alleging missing documents, he reviewed his paperwork and realized that he mistakenly mixed up documents that were redacted with documents he should have sent to his attorneys for transmittal to the Commission. (Tr. 441)

7. Respondent testified that he did not delete, or deliberately withhold from the Commission, any emails. He made redactions on advice of counsel. (Tr. 463-464)

8. On cross-examination, Respondent agreed that he did not provide to the Commission at least the following: a) a February 2, 2023 email between him and Mr. Sussman concerning Ms. Koch. (Tr. 542 - 543; Commission Ex. 21); b) a three-page attachment to a February 7, 2023 email to Mr. Sussman. (Tr. 544; Commission Ex. 22); an email dated March 6, 2023 to Mr. Sussman. (Tr. 556 - 557; Commission Ex. 26)

9. Mr. Sussman testified that once there was agreement that Respondent had waived his attorney-client privilege, he provided the Commission with over 600 pages of emails between him and Respondent. (Tr. 234) These were all the emails in his possession.

Mr. Sussman testified that Respondent never told him not to give certain documents to the Commission. (Tr. 234) Mr. Sussman did not recall redacting any of the documents he provided to the Commission. (Tr. 235)

10. In sum, there is no dispute that Respondent and his counsel ultimately produced hundreds of pages of written communications between them to the Commission and, in the process, may have withheld or redacted two dozen or so pages of those communications.

11. The preponderance of the credible evidence demonstrates that Respondent did not intentionally withhold or redact meaningful information from the Commission.

12. The credible evidence demonstrates that the Commission somehow obtained the “missing” or redacted emails between Respondent and his counsel and that there was no damage or limitation caused by Respondent to their investigation.

13. The Commission makes no claims that Respondent failed in any other way to cooperate with their investigation.

14. Finally, it is recommended that, applying a higher standard of conduct to a judge than to a member of the public at large, a preponderance of the credible evidence demonstrates that, with respect to Charge III, the Respondent should be found not to have violated any of the cited Rules Governing Judicial Conduct.

CONCLUSIONS OF LAW

Charge I

The sole legal question with respect to Charge I is an important one: the standard of conduct required of a judge off the bench. Unfortunately, accepting the well-established law that a judge, even during the time he is functioning as a private citizen and not a judge,

must be held to a higher standard than members of the public at large, Matter of Kuehnel v. Commission, 49 N.Y. 2d 465 (1980)(per curiam); Matter of Quinn v. Commission, 54 N.Y.2d 386 (1981)(per curiam), does not fully resolve that question, or allow one to evade the subjectivity of a decision in a case like this one.

Respondent here, an alleged first-time offender as far as the record shows, not known to be a judge and not identifying himself as a judge, is charged in Charge I with misconduct on one occasion, completely outside of his judicial role, during a world-wide medical emergency of unknown origin, prevention and treatment. He conceded to an error of judgment for not leaving Seeta when asked to do so. The participants in the incident have diametrically opposed recollections of it, with each supported to an extent by Seeta former or current employees.

None of the cases cited by the Commission help resolve or suggest an objective manner to resolve this dispute. Matter of Kuehnel, cited above, involved more than one incident of unprovoked violence against teenagers by a judge who had previously been censured, and who conceded liability, but challenged only the remedy. Matter of Simon, a Commission decision at 2016 WL 1411487 (2016) involved a judge who was found to have used his judicial position, repeatedly over several years, to have bullied, harassed, threatened and intimidated his court staff, his co-judge and other village officials and employees with whom he dealt in an official capacity, including a shocking display of physical aggression. Matter of Quinn, cited above, involved a judge arrested several times for driving under the influence of alcohol, during which he “constantly reminded the police” that he was a judge, and who retired in the midst of the Referee’s hearing.

In Matter of Aldrich v. Commission, 58 N.Y.2d 279 (1983), the judge was on the

bench under the influence of alcohol on at least two occasions, during one of which he used profane, improper and menacing language, including inappropriate racial references, and the other in which he held a knife against a security guard and was incapable of performing his judicial duties. As in many of these cases, by the time the matter reached the Court of Appeals, only the penalty of removal was left to be determined. So it was in Matter of Mazzei, 81 N.Y.2d 568 (1993) where the judge had committed the crime of credit card fraud, outside of his judicial duties. And in Matter of Senzer, 35 N.Y.2d 215 (2020), where a part-time judge, who was also a practicing attorney, regularly used profane and offensive language, and sexually vulgar references toward female attorneys.

In Matter of Hall v. Commission, a Commission decision at 2923 WL 9255624 (2023) a Town Justice was charged with multiple instances of inappropriate language, including profanity and sexual innuendo, on and off the bench and of numerous instances of asserting his status as a judge for personal gain. He did not respond to the Commission's complaint, nor to the Commission's motion papers, nor to the oral argument notice.⁵ In Matter of Persons, a Commission decision at 2023 WL 2930196 (2023), found that the judge had committed numerous violations, including failure to cooperate with the Commission's investigation (producing no requested documents and not appearing for testimony)⁶, inappropriately sexually charged comments to and about attorneys who appeared before him, having his driver's license suspended for failing to answer traffic citations and asserting his judicial office to advance his private interests. Finally, another Town Justice, who also completely ignored the Commission, was charged with, and found to have violated the Rules by using his Facebook page to publish "degrading, vulgar and

⁵ He was not charged, however, with failing to cooperate with the Commission's procedures.

⁶ For which he was charged by the Commission

disturbing images of women” and to fundraise for the NRA in Matter of Stilson, a Commission decision at 2022 WL 546664 (2022).

Charge I was the impetus of the Commission’s complaint. As originally drawn, that charge presented one highly contested instance of nonjudicial conduct not even close to comparable for its inappropriateness or venality to the conduct described and found violative in any of the cases cited under Charge I by the Commission. Understanding that Judge Mora must be held to a higher standard than the general population does not mean that he must be held to an infinitely high standard or that such standards are even objectively measurable. In a sense, the cited cases make Judge Mora’s Charge I conduct appear even less violative of the Rules of Judicial Conduct.

Charge II

Not so with respect to Charge II. If the result in Charge I could be characterized as subjective, there is no more objective result than that concerning Charge II. If one could come up with only one ironclad rule defining judicial misconduct it would likely be: “It is judicial misconduct for a judge to sue a complainant to the Commission, especially for damages, especially in the middle of the Commission proceedings, and especially (but not only) when the lawsuit is meritless.”

The evidence is overwhelming that Respondent’s defamation lawsuit was in retaliation for Ms. Koch’s confidential Commission complaint, starting, but not ending with the fact that the only defamatory statements alleged were those Ms. Koch made in the complaint. Respondent’s anger resulting from that complaint was palpable in the hearing room, and in the facts to which he testified. And Respondent demonstrated no awareness of, or interest in, the institutional fact that permitting judges who are brought before the

Commission to respond by suing the complainant for damages will of course dissuade an unknown, but large, number of citizens from bringing meritorious complaints to the Commission.

Respondent has two responses to this Charge. First, it should not be sustained because he relied on the advice of counsel. Second, it should not be sustained because Ms. Koch does not have an absolute privilege, or somehow waived that privilege.

As to the "advice of counsel" defense, it fails utterly as a factual matter. As described above, Respondent took counsel's advice when he agreed with it, and rejected counsel's advice (even more often) when he didn't. When counsel told him, by way of suggesting caution, "it doesn't look good" for a judge to sue a complainant, Respondent rejected that advice claiming "judges aren't really concerned with optics." (Tr. 505)

As to the claim that Ms. Koch did not have an absolute privilege, or somehow waived the privilege that would necessarily involve a re-litigation of the dismissal of his lawsuit, which is barred by law of the case or collateral estoppel or, in any event, by Justice Rosa's decision, which was never appealed (or subject to a motion to reconsider or re-argue).

Charge III

This Referee recommends a finding that Respondent cooperated with the Commission's investigation with the assistance of two lawyers, but also to the best of his ability. He answered the complaint; he sat for a deposition during which he --- intentionally or not, wisely or not --- testified to conversations with his counsel, thereby waiving his attorney-client privilege; he produced hundreds of pages of requested documents; he appeared timely at all scheduled hearing dates and testified in his defense

and was cross-examined for several hours.

He failed to produce about a dozen pages of emails. No evidence was presented that that tiny percentage of all documentary evidence had some common theme that was not present in his actual document production. No evidence was presented of any motive he may have had for producing hundreds of pages of documents and omitting that tiny percentage.

Moreover, it appears that the Commission somehow obtained the missing emails and its case not harmed by Respondent's errors.

In any event, compared to the judges in the cases cited by the Commission and discussed in Charge I above, many of whom ignored the Commission process entirely (and were, in at least one case, not even charged with failure to cooperate), Respondent's "transgression" was trivial.

Dated: New York, New York
April 9, 2026


Peter Bienstock
Appointed Referee