

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

NORA S. ANDERSON,

a Judge of the Surrogate's Court,
New York County.

**AGREED
STATEMENT OF FACTS**

Subject to the approval of the Commission on Judicial Conduct

("Commission"):

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Honorable Nora S. Anderson ("respondent"), who is represented in this proceeding by David Godosky, Esq., that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

BACKGROUND

1. Respondent was admitted to the practice of law in New York in 1983. She has been a Judge of the Surrogate's Court, New York County, since 2009. Respondent's term expires on December 31, 2023.

2. At all times relevant to the matters herein, respondent was and is married to Vincent A. Levell, an attorney employed by the New York State Unified Court System.

3. Prior to becoming a judge, respondent was employed as an attorney in the law firm of Seth Rubenstein, PC, in Brooklyn, New York, from 1999 to 2008. Respondent had previously worked as Chief and Deputy Chief Clerk in Surrogate's Court, New York County. Over the years, the relationship between respondent and Mr. Rubenstein developed into one in which he was a friend and mentor. They were and remain very close. For example, in 2004, Mr. Rubenstein executed a last will and testament in which he bequeathed to respondent \$500,000.

4. In April 2008, respondent became a candidate for the Democratic nomination for Surrogate of New York County. She had never previously run for election to any office. Her opponents in the Democratic primary were Supreme Court Justice Milton A. Tingling and attorney John J. Reddy, Jr. The primary election date was September 9, 2008. The general election date was November 4, 2008. Winning the Democratic primary for Surrogate was tantamount to election, inasmuch as there was no Republican or other political party candidate on the ballot in the general election. In December 2008, respondent and Seth Rubenstein were indicted by a New York County Grand Jury on various charges, including felonies and misdemeanors arising from monetary transactions that Rubenstein made to respondent during the 2008 campaign.

RESPONDENT'S INDICTMENT AND ACQUITTAL ON CRIMINAL CHARGES

5. Eight of the ten criminal charges in the indictment were dismissed prior to trial on jurisdictional grounds by Supreme Court Justice Michael Obus. The District Attorney did not appeal the dismissal, and respondent and Mr. Rubenstein were tried on the two remaining counts of Offering a False Instrument for Filing in the First

Degree. One count pertained to the filing of the 11 day Pre-Primary Report with the New York State Board of Elections on September 3, 2008, and the other count pertained to the filing of the 10 day Post-Primary Report with the New York State Board of Elections on September 20, 2008. On April 1, 2010, after a jury trial, respondent and Mr. Rubenstein were found not guilty of both charges. Respondent has not been prosecuted by any other entities.

6. The Commission, which had held its investigation of respondent in abeyance pending resolution of the criminal charges, thereafter investigated the matters herein and, *inter alia*, took sworn statements from respondent and Mr. Rubenstein.

7. Respondent was served with a Formal Written Complaint dated July 29, 2011, setting forth two charges of misconduct arising from her 2008 campaign activity. Respondent is charged in this Formal Written Complaint with ethical violations arising from monetary transactions between her and Mr. Rubenstein, not with criminal violations arising from the reports her campaign filed. Respondent filed an Answer dated September 21, 2011. The Formal Written Complaint (FWC) and the Answer are appended as Exhibit 1 and Exhibit 2, respectively.

AS TO CHARGE I OF THE FORMAL WRITTEN COMPLAINT

Respondent's Campaign Structure

8. When respondent became a candidate for the Democratic nomination for Surrogate of New York County in April 2008, Seth Rubenstein played an active role in her campaign. Although he did not have an official title in respondent's campaign, Mr. Rubenstein was actively involved in fundraising for respondent, was one

of the signatories on the campaign's bank account and participated in the hiring of respondent's campaign staff, including designating a non-lawyer employee of his law firm (Janise Dawson) to serve as the campaign's treasurer. Ms. Dawson was not experienced in the role of campaign treasurer and did not make strategic campaign decisions.

9. The campaign committee hired Kalmen Yeger of Compliance New York as a consultant for campaign finance compliance purposes. Mr. Yeger was retained to provide advice as to all campaign filings and was the person in charge of such filings on behalf of respondent's campaign committee. Ms. Dawson consulted with and was advised by Mr. Yeger as to all campaign filings. Respondent was aware that the campaign had retained Mr. Yeger as a consultant with expertise in campaign filings.

10. Michael Oliva was respondent's campaign manager. He had experience in managing judicial campaigns.

Pertinent Provisions of the New York Election Law

11. Pursuant to Election Law Section 14-114(1)(b)(i), for the primary election in which respondent was a candidate, the maximum contribution for a non-family member was based on a formula of \$.05 times the total number of enrolled voters in the candidate's district, excluding voters in inactive status. The maximum campaign contribution for an individual other than the candidate in the 2008 primary election for New York County Surrogate was \$33,122.50. The principals in respondent's campaign – Mr. Rubenstein, Mr. Oliva and respondent herself – became aware of the maximum contribution limits.

12. Under Election Law Section 14-114(6)(a), campaign loans that have not been repaid prior to the election date are considered to be campaign contributions that may not exceed the maximum contribution amount permitted by law. Mr. Rubenstein, Mr. Oliva and respondent herself were aware of this provision.

13. Election Law Section 14-120(1) further provides:

No person shall in any name except his own, directly or indirectly, make a payment or promise of payment to a candidate or political committee or to any officer or member thereof, or to any person acting under its authority or in its behalf or on behalf of any candidate, nor shall any such committee or any such person or candidate knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any name other than that of the person or persons by whom it is made.

Mr. Rubenstein, Mr. Oliva and respondent herself were aware of this provision.

14. Election Law Section 14-100(9) (1) defines a "contribution" as "any gift, subscription, outstanding loan . . . advance, or deposit of money or anything of value made in connection with the nomination for election, or election, of any candidate, or made to promote the success or defect of a political party or principle, or of any ballot proposal[.]" The term "contribution," as defined by Election Law Section 14-100(9) (1), refers to gifts or loans "made in connection with the nomination for election, or election." Mr. Rubenstein, Mr. Oliva and respondent herself were aware of this provision.

15. There is no limit on how much a candidate may contribute to his/her own campaign. Mr. Rubenstein, Mr. Oliva and respondent herself were aware of this provision.

Fundraising Associated with Respondent's Campaign

16. Respondent's campaign hired consultants to help with fundraising. Their efforts were largely unsuccessful, and on some occasions the campaign lost money on fundraising events.

17. Mr. Rubenstein contributed \$25,000 to the campaign and on April 14, 2008 he loaned the campaign \$225,000.

18. Thereafter, there were press reports and criticism by respondent's opponents as to Mr. Rubenstein's significant role in respondent's campaign, given that he was an active practitioner in Surrogate's Court.¹

19. By the summer of 2008, respondent's campaign was without sufficient funds to pay for campaign mailings, which respondent's campaign advisors considered necessary for respondent to win the primary election. A company that was chosen by Michael Oliva to handle campaign mailings would not send out a mailing until the campaign was able to be pay for it in advance.

20. Respondent discussed the campaign's financial status with Mr. Rubenstein. Respondent knew that Mr. Rubenstein had attended the Election Law course given by Henry Berger at the State Bar Association.² Respondent believed that Mr. Rubenstein understood the intricacies of the Election Law and, during her campaign, deferred to him on these matters. At the time, she did not personally review the Election

¹ In view of their longstanding professional and personal relationship, respondent avers she would disqualify herself from any Surrogate Court matters involving Mr. Rubenstein. Neither Mr. Rubenstein nor his firm has ever appeared before respondent as Surrogate.

² Mr. Henry Berger was a Member of the Commission on Judicial Conduct from 1988 to 2004, serving as Chair for 13 of those years.

Law or seek the advice of anyone else.

21. Mr. Rubinstein advised respondent that the Election Law permitted a candidate to receive money as a personal gift or loan, which the candidate could then convey to the campaign as a contribution or loan in his/her own name.

22. Respondent accepted Mr. Rubenstein's advice. Neither respondent nor Mr. Rubenstein sought advice on their plan from a lawyer specializing in election law, the Board of Elections, the Unified Court System's Judicial Campaign Ethics Center or the Advisory Committee on Judicial Ethics.

23. On August 12, 2008, Mr. Rubenstein gave respondent a check payable to her personally for \$100,000 from his personal funds as a gift. The purpose of the funds was to benefit respondent's campaign. Respondent promptly deposited the check into her personal bank account. On August 19, 2008, respondent issued a personal check payable to her campaign for \$100,000. This transaction was reported to the Board of Elections by respondent's campaign as a contribution of \$100,000 by respondent to her campaign.

24. On August 26, 2008, Mr. Rubenstein electronically wired \$150,000 from his personal bank account to respondent's brokerage account. The purpose of the funds was to benefit respondent's campaign. On that same date, respondent wire-transferred \$150,000 from her brokerage account to her campaign's bank account. This transaction was reported to the Board of Elections by respondent's campaign as a loan of \$150,000 by respondent to her campaign. There was no written documentation of the loan, nor was there any collateral or other security associated with the loan.

25. Mr. Rubenstein told respondent that "personal" loans or gifts to a candidate were not specifically addressed in the Election Law, that it was permissible for her to convey to her campaign the \$250,000 he had gifted or loaned her, and that these transactions were equivalent to what Eliot Spitzer had done in connection with his 1994 campaign for New York State Attorney General.³ Mr. Rubenstein did not cite for respondent any examples other than the Spitzer campaign in support of his theory that his "gift" and "loan" totaling \$250,000 to respondent could properly be transferred to her campaign.

26. Both respondent and her husband (a court employee earning over \$88,256 in salary) filed mandatory financial disclosure statements with the Ethics Commission of the Unified Court System for the years at issue, but neither reported the \$150,000 loan from Mr. Rubenstein to respondent, which they were obliged to disclose.

27. Having now examined and reflected on both the letter and spirit of the relevant laws, respondent agrees that, notwithstanding the advice and opinions provided to her:

- A. the two conveyances by Mr. Rubenstein, totaling \$250,000, for the benefit of her campaign, were contrary to the generally accepted and understood interpretation of the Election Law;
- B. the timing and circumstances of the funds transferred to her by Mr. Rubenstein show that such transfers were made in connection with

³ In 1994, after his unsuccessful primary campaign, Mr. Spitzer apparently received a personal loan from his father to repay bank loans previously taken for the campaign. According to an article in the New York Times on October 28, 1998, Thomas R. Wilkey, then executive director of the State Board of Elections, opined that the "favorable loan terms" from Mr. Spitzer's father would "probably" not be construed as a campaign contribution. The article does not quote Mr. Wilkey or other election officials on the propriety of the personal loan itself.

her “nomination for election or election” and therefore were “contributions” by Mr. Rubenstein under the generally accepted and understood interpretation of Election Law Section 14-100(9)(1);

- C. Mr. Rubenstein interpreted the Election Law in a manner that permitted him to exceed the maximum allowable contribution to respondent’s campaign;
- D. respondent should at least have consulted with such entities as the Board of Elections, the Judicial Campaign Ethics Center or the Advisory Committee on Judicial Ethics for specific guidance on her particular situation.

28. While it was not respondent’s intention to violate the Election Law, respondent accepts responsibility for not taking the necessary steps to ensure that her campaign’s finances were conducted in scrupulous compliance with the law. Respondent acknowledges that it is improper for a judicial candidate to accept, in the form of a personal gift or loan, monetary contributions from a person in an amount that exceeds the maximum that person may directly contribute to a campaign.

29. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution 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 she failed to respect and comply with the law, and failed to act in a manner that promotes public confidence in the integrity of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to refrain from inappropriate political activity,

in that she failed to act in a manner consistent with the impartiality, integrity and independence of the judiciary, in violation of Section 100.5(A)(4)(a) of the Rules, and accepted campaign contributions, in violation of Section 100.5(A)(5) of the Rules.

Total Funds Raised and Spent by the Three Campaigns

30. Respondent's campaign reported having raised \$623,974.57 before the date of the primary and having spent \$610,721.43. Mr. Reddy's campaign reported having raised \$636,404.53 before the date of the primary and having spent \$606,486.50. Judge Tingling's campaign reported having raised \$124,944.00 before the date of the primary and having spent \$126,344.91

Results of the Primary

31. Respondent won the Democratic primary on September 9, 2008, with 28,638 votes, against 15,305 votes for Mr. Reddy, 14,758 votes for Judge Tingling and 180 votes spread among 15 write-in candidates.

Effects of the Rubenstein Money

32. Neither respondent nor the Administrator can quantitatively demonstrate the impact that the \$250,000 from Mr. Rubenstein had on the outcome of the 2008 primary. Respondent cannot demonstrate that she would have won the primary without the Rubenstein money, and the Administrator cannot demonstrate that she would have lost without it.

33. Both respondent and the Administrator agree that it is reasonable for the public to perceive that the \$250,000 from Mr. Rubenstein influenced the campaign, in that it gave respondent the means to publicize her candidacy among the electorate.

34. Respondent acknowledges that to date she has only repaid \$14,000 of the \$150,000 loan from Mr. Rubenstein.

35. Other than this case and the public reports concerning the campaign financing methods of Eliot Spitzer's campaign for Attorney General in 1994, neither respondent nor the Administrator is aware of any other New York campaign in which an individual made an unreported financial gift or loan to a candidate for the purpose of channeling the money to the candidate's campaign, in an amount above the maximum such individual could have contributed to the campaign in his or her own name. Having now examined and reflected upon the applicable law and rules, respondent acknowledges that it is the generally accepted view that campaign a financing structure such as employed by her and Mr. Rubenstein is improper.

36. Both respondent and the Administrator agree that respondent's conduct with regard to the Rubenstein money undermined public confidence in the independence and integrity of the judiciary by undermining its confidence in the integrity and fairness of her election to the bench.

AS TO CHARGE II OF THE FORMAL WRITTEN COMPLAINT

37. Respondent won the Democratic primary for Surrogate of New York County on September 9, 2008. There were no other candidates on the ballot against her in the general election held on November 4, 2008. Respondent was therefore assured of victory.

38. Respondent was elected Surrogate of New York County on November 4, 2008, with 424,226 votes. There were 13 votes spread among 11 write-in candidates. Her nearest rival was a write-in candidate who received two votes.

39. On or about October 6, 2008, after respondent won the Democratic Party primary election for Surrogate of New York County, and before the general election in which she was the only candidate on the ballot, respondent's campaign held a fund-raiser at Lattanzi Ristorante, in Manhattan, with a minimum requested contribution of \$1,000 for each attendee.

40. The stated purpose of the fund-raiser at Lattanzi was to "retire the debt." At the time, according to the campaign finance report filed by respondent's campaign with the New York State Board of Elections, respondent was the campaign's major, although not only, creditor and was owed approximately \$368,185 by the campaign.

41. The Advisory Committee on Judicial Ethics has repeatedly opined that a post-election fund-raiser may not be held for the purpose of repaying loans made by the judge to his or her campaign committee. *See* Advisory Opinions 05-136, 03-119, 96-31 and 94-21.

42. Respondent was not aware of the Advisory Opinions indicating that such a fund-raiser could not be held. She did not seek an Advisory Opinion herself or consult anyone regarding the propriety of holding such a fund-raiser. Respondent believed that the prohibition on post-election fund-raising to repay loans to the candidate pertained to the General Election and not prior. Having now examined and reflected on

both the spirit and letter of the applicable Rules, respondent recognizes that, as set forth in Advisory Opinion 94-21, a post-election fund-raiser for a judicial candidate, the purpose of which is “the repayment of money to the judge himself or herself could appear to be a way in which to curry the judge’s favor, whether intended as such or not... The integrity of the judiciary would be compromised and the public could reasonably question the impartiality of the judge, thus constituting a clear violation of Section 100.2(A)” of the Rules.

43. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution 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 she 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 refrain from inappropriate political activity, in that she failed to act in a manner consistent with the impartiality, integrity and independence of the judiciary, in violation of Section 100.5(A)(4)(a) of the Rules, and used or permitted the use of campaign contributions for the private benefit of respondent or others, in violation of Section 100.5(A)(5) of the Rules.

IT IS FURTHER STIPULATED AND AGREED that respondent withdraws from her Answer any denials or defenses inconsistent with this Agreed Statement of Facts.

IT IS FURTHER STIPULATED AND AGREED that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is public Censure based upon the judicial misconduct set forth above.

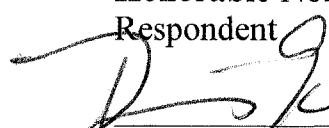
IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Censure without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used, shared or provided to any person or entity by the Commission, the respondent or the Administrator and Counsel to the Commission.

Dated: 26 JUNE 2012


Honorable Nora S. Anderson
Respondent

Dated:

26 JUNE 2012


David Godosky, Esq.
Godosky & Gentile
Attorney for Respondent

Dated: JUNE 26, 2012

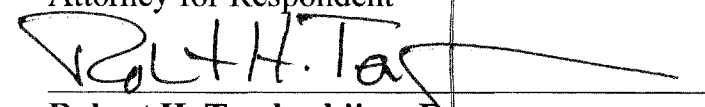

Robert H. Tembeckjian, Esq.
Administrator & Counsel to the Commission
(Brenda Correa, Of Counsel)

Exhibit 1

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

NORA S. ANDERSON,

a Judge of the Surrogate's Court,
New York County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to respondent, Nora S. Anderson, a Judge of the Surrogate's Court, New York County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon respondent the annexed Formal Written Complaint; and that, in accordance with said statute, respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon her to serve the Commission at its New York City office, 61 Broadway, Suite 1200, New York, New York 10006, with her verified Answer to the specific paragraphs of the Complaint.

Dated: July 29, 2011
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
Suite 1200
New York, New York 10006
(646) 386-4800

To: Richard Godosky, Esq.
Godosky & Gentile, P.C.
61 Broadway, Suite 2010
New York, New York 10006

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

NORA S. ANDERSON,

a Judge of the Surrogate's Court,
New York County.

**FORMAL
WRITTEN COMPLAINT**

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct ("Commission"), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.
2. The Commission has directed that a Formal Written Complaint be drawn and served upon Nora S. Anderson ("respondent"), a Judge of the Surrogate's Court, New York County.
3. The factual allegations set forth in Charges I and II state acts of judicial misconduct by respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct ("Rules").
4. Respondent was admitted to the practice of law in New York in 1983. She has been a Judge of the Surrogate's Court, New York County, since 2009. Respondent's current term expires on December 31, 2023.

CHARGE I

5. During 2008, while she was a candidate for Surrogate of New York County, respondent and her then-employer, attorney Allen Seth Rubenstein, participated in a series of financial transactions whereby respondent accepted a purported gift and a purported loan from Mr. Rubenstein and then promptly funneled those funds to her campaign. Respondent's direct participation in these transactions facilitated large contributions to her campaign that were not made in the name of the actual contributor, notwithstanding Election Law Section 14-120(1).

Specifications to Charge I

6. In or about April 2008, respondent became a candidate for Surrogate of New York County.

7. From the outset, Mr. Rubenstein, whose law firm, Seth Rubenstein, P.C., employed respondent, was active in respondent's primary election campaign. Mr. Rubenstein participated in the hiring of campaign staff, and an employee of his firm served as the campaign's treasurer. Mr. Rubenstein was one of the signatories on the campaign's bank account.

8. On or about April 1, 2008, Mr. Rubenstein contributed \$25,000 to the campaign and lent the campaign \$225,000.

9. During respondent's campaign, there were press reports of, and criticism by her primary opponents for, the fact that Mr. Rubenstein, an active practitioner in Surrogate's Court, was so significant a contributor to respondent's campaign.

10. Pursuant to Election Law Section 14-114(1)(b)(i), for the primary election in which respondent was a candidate, the maximum contribution for a non-family member was based on a formula of \$.05 times the total number of enrolled voters in the candidate's district, excluding voters in inactive status.

11. On or about April 15, 2008, respondent's campaign manager notified the campaign treasurer, Mr. Rubenstein and respondent that the maximum campaign contribution amount permitted by law for a non-family member was \$31,011.30.

12. There is no limit on how much a candidate may contribute to the candidate's own campaign.

13. Under Election Law Section 14-114(6)(a), campaign loans that have not been repaid prior to the election date are considered to be campaign contributions that may not exceed the maximum contribution amount permitted by law.

14. Election Law Section 14-120(1) further provides:

No person shall in any name except his own, directly or indirectly, make a payment or promise of payment to a candidate or political committee or to any officer or member thereof, or to any person acting under its authority or in its behalf or on behalf of any candidate, nor shall any such committee or any such person or candidate knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any name other than that of the person or persons by whom it is made.

15. By the summer of 2008, respondent's campaign was without sufficient funds to pay for campaign mailings, which respondent's campaign advisors considered necessary for respondent to win the primary election. A company that was

chosen by the campaign to handle campaign mailings would not send out a mailing until the campaign was able to be pay for it in advance.

16. On or about August 12, 2008, Mr. Rubenstein gave respondent a check payable to her for \$100,000 from his personal funds as a purported gift. On or about the same date, respondent deposited Mr. Rubenstein's check into her personal bank account. On or about August 19, 2008, respondent issued a personal check payable to her campaign for \$100,000. This transaction was reported to the Board of Elections by respondent's campaign as a contribution of \$100,000 by respondent to her campaign.

17. On or about August 26, 2008, Mr. Rubenstein made a wire transfer of \$150,000 to respondent's personal bank account on the understanding that she would give the funds to her campaign. On or about the same date, respondent wire transferred \$150,000 to her campaign. This transaction was reported to the Board of Elections by respondent's campaign as a loan of \$150,000 by respondent to her campaign.

18. There was no written documentation of a loan by Mr. Rubenstein to respondent.

19. Respondent was required to file a financial disclosure statement as a judicial candidate and later as a judge. Her husband was required to file a financial disclosure statement as a New York State court employee. Neither of them listed a loan from Mr. Rubenstein on the financial disclosure statements they filed after the purported loan from Mr. Rubenstein to respondent.

20. By accepting funds from Mr. Rubenstein and then transferring those funds into her campaign under her own name, respondent (A) avoided the public filing of

documents that would list Mr. Rubenstein as the source of the funds and (B) avoided the post-election reclassification of Mr. Rubenstein's purported "loan" as a contribution that would have exceeded by far the maximum amount an individual was permitted by law to contribute.

21. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution 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 she failed to respect and comply with the law, including but not limited to Election Law Section 14-120(1), 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 refrain from inappropriate political activity, in that she failed to act in a manner consistent with the impartiality, integrity and independence of the judiciary, in violation of Section 100.5(A)(4)(a) of the Rules, and personally solicited and/or accepted campaign contributions, in violation of Section 100.5(A)(5) of the Rules.

CHARGE II

22. On or about October 6, 2008, between the primary and general elections, respondent's campaign held a fund-raiser for the purpose of repaying the loan respondent made to her campaign for the primary election.

Specifications to Charge II

23. Respondent won the Democratic primary for Surrogate of New York County on September 9, 2008. There were no other candidates on the ballot against her in the general election held on November 4, 2008. Respondent was therefore assured of victory.

24. Respondent was elected Surrogate of New York County on November 4, 2008, with 424,226 votes. Her nearest rival was a write-in candidate who received two votes.

25. On or about October 6, 2008, after respondent won the Democratic Party primary election for Surrogate of New York County, and before the general election in which she was the only candidate on the ballot, respondent's campaign held a fund-raiser at Lattanzi Ristorante, in Manhattan, with a minimum requested contribution of \$1,000 for each attendee.

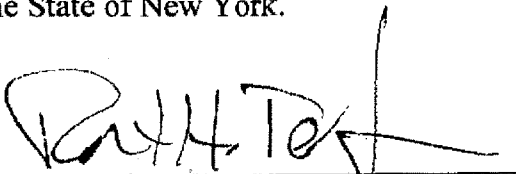
26. The stated purpose of the fund-raiser at Lattanzi was to "retire the debt." At the time, according to the campaign finance report filed by respondent's campaign with the New York State Board of Elections, respondent was the campaign's only creditor and was owed approximately \$368,185 by the campaign.

27. The Advisory Committee on Judicial Ethics has repeatedly opined that a post-election fund-raiser may not be held for the purpose of repaying loans made by the judge to his or her campaign committee. See Advisory Opinions 03-119, 96-31 and 05-136.

28. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution 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 she 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 refrain from inappropriate political activity, in that she failed to act in a manner consistent with the impartiality, integrity and independence of the judiciary, in violation of Section 100.5(A)(4)(a) of the Rules, and used or permitted the use of campaign contributions for the private benefit of respondent or others, in violation of Section 100.5(A)(5) of the Rules.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: July 29, 2011
New York, New York


ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
Suite 1200
New York, New York 10006
(646) 386-4800

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

VERIFICATION

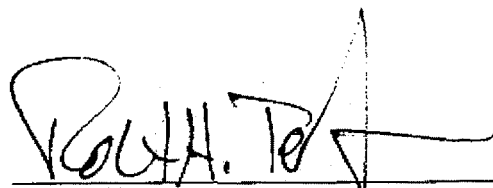
NORA S. ANDERSON,

a Judge of the Surrogate's Court,
New York County.

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.


Robert H. Tembeckjian

Sworn to before me this
29th day of July 2011

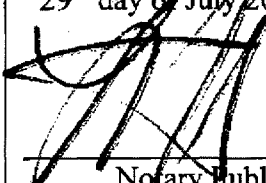

Notary Public
LAURA ARCHILLA SOTO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01AR6236502
Qualified in Bronx County
My Commission Expires February 28, 2016

Exhibit 2

ORIGINAL

STATE OF NEW YORK COMMISSION ON JUDICIAL CONDUCT

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

VERIFIED ANSWER TO FORMAL WRITTEN COMPLAINT

NORA S. ANDERSON,

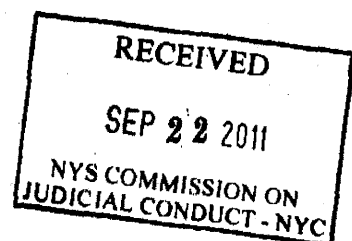
a Judge of the Surrogate's Court,
New York County.

NORA S. ANDERSON, by her attorneys **GODOSKY & GENTILE, PC.**, as and for her
Answer to the Formal Written Complaint, sets forth as follows:

First	Admit
Second	Denies knowledge or information sufficient to form a belief with respect to paragraph numbered and designated as "2".
Third	Deny.
Fourth	Deny. Except Admits, that Nora Anderson was admitted to practice law in New York in 1983 and has been a Surrogate Judge in New York County since January of 2009.

ANSWERING CHARGE I

Fifth	Deny. Except Admits that Respondent received a gift.
Sixth	Denies knowledge or information sufficient to form a belief with respect to paragraph numbered and designated as "6".
Seventh	Deny.
Eighth	Admits.
Ninth	Deny.



- Tenth Admit.
- Eleventh Denies knowledge or information sufficient to form a belief with respect to paragraph numbered and designated as "11".
- Twelfth Admit.
- Thirteenth Denies, and refers all questions of law to the Court.
- Fourteenth Admits allegations contained in paragraph numbered and designated as "14", to the extent it accurately recites the cited statute.
- Fifteenth Denies each and every allegation contained in paragraph numbered and designated as "15", and denies knowledge or information as to the operation of another person's mental determinations.
- Sixteenth Denies each and every allegation contained in paragraph numbered and designated as "16", except admits that Respondent received a gift.
- Seventeenth Denies each and every allegation contained in paragraph numbered and designated as "17", except Admits that Mr. Rubenstein made a wire transfer to Respondent's personal account.
- Eighteenth Deny.
- Nineteenth Denies, and refers all questions of law to the Commission.
- Twentieth Deny.
- Twenty-first Deny.

ANSWERING CHARGE II

- Twenty-second Deny.
- Twenty-third Admit.

Twenty-fourth	Admit.
Twenty-fifth	Admit.
Twenty-sixth	Denies knowledge or information sufficient to form a belief with respect to paragraph and designated as "26".
Twenty-seventh	Denies knowledge or information sufficient to form a belief with respect to paragraph numbered and designated as "27".
Twenty-eighth	Deny.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

The Complaint must be dismissed as it fails to state a claim, cause of action or violation of any rules applicable to the respondent.

AS AND FOR SECOND AFFIRMATIVE DEFENSE

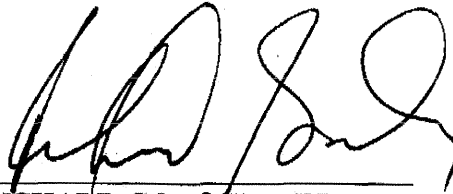
The Complaint must be dismissed as the factual allegations set forth therein are unconstitutionally vague, overly broad and fail to advise the Respondent of the specific cases or actions upon which the alleged violations are predicated.

AS AND FOR THIRD AFFIRMATIVE DEFENSE

The Complaint and the charges are violative of the Respondent's due process rights.

WHEREFORE, respondent, NORA S. ANDERSON, respectfully requests that the complaint against her be dismissed in all respects.

Dated: New York, New York
September 21, 2011

A handwritten signature in black ink, appearing to read 'Richard Godosky', written over a horizontal line.

RICHARD GODOSKY, ESQ.
GODOSKY & GENTILE, P.C.
Attorneys for Defendant
61 Broadway
New York, New York 10006
(212) 742-9700

TO:
ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)

ss. :

NORA S. ANDERSON, being duly sworn, deposes and says:

I am the respondent in the within action. I have read the annexed ANSWER, know the contents thereof, and the same is true to my knowledge, except those matters stated upon information and belief, and as to those matters I believe them to be true.



NORA S. ANDERSON

Sworn to before me on this
21st day of September, 2011



Notary Public

DAVID GODOSKY
Notary Public, State of New York
02GO6066507
Qualified in New York County
Commission Expires November 1, 2013

Index No.

Year 20

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

NORA S. ANDERSON

a Judge of the Surrogate Court,
New York County

VERIFIED ANSWER TO FORMAL WRITTEN COMPLAINT

LAW OFFICES
GODOSKY & GENTILE, P.C.

Attorney for

NORA S. ANDERSON
61 BROADWAY
NEW YORK, NEW YORK 10006
(212) 742-9700

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated:

Signature

Print Signer's Name

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

☐
NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within-named Court on

20

☐
NOTICE OF
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. , one of the judges of the within-named Court,
at
on 20 , at M.

Dated:

LAW OFFICES
GODOSKY & GENTILE, P.C.

Attorney for

To:

61 BROADWAY
NEW YORK, NEW YORK 10006
(212) 742-9700