

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

DAVID T. CORRETORE,

a Justice of the Webster Town Court,
Monroe County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, David T. Corretore, a Justice of the Webster Town Court, Monroe 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 him to serve the Commission at its Rochester office, 400 Andrews Street, Suite 700, Rochester, New York 14604, with his verified Answer to the specific paragraphs of the Complaint.

Dated: May 11, 2020
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: Honorable David T. Corretore
Webster Town Justice
Corretore Law Offices
66 East Main Street
Webster, New York 14580

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

**FORMAL
WRITTEN COMPLAINT**

DAVID T. CORRETORE,

a Justice of the Webster Town Court,
Monroe County.

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 David T. Corretore (“Respondent”), a Justice of the Webster Town Court, Monroe County.
3. The factual allegations set forth in Charge I 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. He has been Justice of the Webster Town Court, Monroe County, since 1988. Respondent’s current term expires on December 31, 2023.

CHARGE I

5. Between in or around May 2015 and in or around October 2018, with respect to six small claims cases, Respondent failed to dispose of the business of his court promptly, efficiently and fairly, in that he failed to render decisions until long after the time required by Section 1304 of the Uniform Justice Court Act. The decisions in those six matters were delayed between five months and four years, as set forth in Schedule A.

Specifications to Charge I

6. Section 1304 of the Uniform Justice Court Act requires that, where there is no jury trial, “the court must render judgment within thirty days from the time when the case is submitted for that purpose, except when further time is given by the consent of the parties.”

7. In *Enzo Aquino v Susan Muniz*, the plaintiff commenced a small claims action on or about March 23, 2015, seeking a judgment of \$2,172.40 for damages to rental property and a personal vehicle, and an unpaid county water bill. The matter was heard by Respondent and finally submitted on or about May 5, 2015. Respondent did not render a decision for 47 months, until on or about May 29, 2019.

8. In *Joseph R. Meyer v Donald T. Weimer*, the plaintiff commenced a small claims action on or about January 29, 2016, seeking a judgment of \$2,727.00 for damages to pets and windows. The matter was heard by Respondent and finally submitted on or about February 29, 2016. Following the hearing, the plaintiff contacted the court multiple times seeking a decision. Respondent did not render a decision for 38 months,

until on or about May 28, 2019. After receiving the decision, the plaintiff was not able to locate the defendant to serve the judgment.

9. In *Connie Post v Marvin Blackman*, the plaintiff commenced a small claims action on or about November 21, 2017, seeking a judgment of \$250.00 for damages for stolen headphones. The matter was heard by Respondent and finally submitted on or about December 18, 2017. Following the hearing, the plaintiff contacted the court seeking a decision. Respondent did not render a decision for 16 months, until on or about May 29, 2019.

10. In *Marlene Schmitz v Dave Hussar Renovations*, the plaintiff commenced a small claims action on or about September 24, 2018, seeking a judgment of \$3,000.00 for damages caused by improper roof repairs. The matter was heard by Respondent and finally submitted on or about October 22, 2018. Following the hearing, the plaintiff contacted the court seeking a decision. Respondent did not render a decision for six months, until on or about May 16, 2019.

11. In *Domenic Kearney v Paul Kubrich*, the plaintiff commenced a small claims action on or about September 24, 2018, seeking a judgment of \$3,000.00 for the return of a security deposit and moving charges. The matter was heard by Respondent and finally submitted on or about October 22, 2018. Following the hearing, the plaintiff contacted the court multiple times seeking a decision. Respondent did not render a decision for six months, until on or about May 28, 2019.

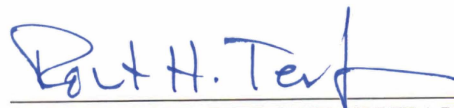
12. In *Paul Kolacki v JWP Property Services, LLC*, the plaintiff commenced a small claims action on or about September 17, 2018, seeking a judgment of \$3,000.00 for

damages caused by a broken contract for a home renovation project. The matter was heard by Respondent and finally submitted on or about October 22, 2018. The plaintiff and his attorney thereafter contacted the court multiple times seeking a decision. Additionally, the staff of Respondent's supervising judge contacted Respondent about issuing a decision. Respondent did not render a decision for five months, until on or about April 18, 2019.

13. 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 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 perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to dispose of all judicial matters promptly, efficiently and fairly, in violation of Section 100.3(B)(7) of the Rules, and failed to diligently discharge his administrative responsibilities, in violation of Section 100.3(C)(1) 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: May 11, 2020
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

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VERIFICATION

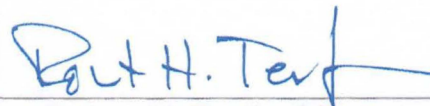
DAVID T. CORRETORE,

a Justice of the Webster Town Court,
Monroe 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
11th day of May 2020



Notary Public

LATASHA Y. JOHNSON
Notary Public, State of New York
No. 01JO6235579
Qualified in New York County
Commission Expires February 14, 2023

HONORABLE DAVID T. CORRETORE
Webster Town Court
Monroe County

Schedule A: Small Claims Delays

Small Claims Cases	Commencement/ File Date	Date of Hearing/ Final Submission	Date of Court's Decision	Length of Delay in Judge's Decision
Enzo Aquino v Susan Muniz	03/23/15	05/05/15	05/29/19	47 Months
Joseph R. Meyer v Donald T. Weimer	01/29/16	02/29/16	05/28/19	38 Months
Connie Post v Marvin Blackman	11/21/17	12/18/17	05/29/19	16 Months
Marlene Schmitz v Dave Hussar Renovations	09/24/18	10/22/18	05/16/19	6 Months
Domenic Kearney v Paul Kubrich	09/24/18	10/22/18	05/28/19	6 Months
Paul Kolacki v JWP Property Services, LLC	09/17/18	10/22/18	04/18/19	5 Months