

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

RICHARD T. DI STEFANO,

STIPULATION

a Justice of the Colonie Town Court,
Albany County.

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission on Judicial Conduct (“Commission”), and the Honorable Richard T. DiStefano (“respondent”), who is represented by E. Stewart Jones Jr., Esq., as follows:

1. Respondent, who is an attorney, has served as a Justice of the Colonie Town Court since January 2002.
2. On August 16, 2005, respondent was served by the Commission with a Formal Written Complaint, which alleged that by Order dated August 4, 2005, a copy of which is attached hereto as Exhibit A, respondent was suspended from the practice of law by the Supreme Court, Appellate Division, Third Department, for allegations of professional misconduct by respondent as an attorney. The Formal Written Complaint further alleged that, by reason of the foregoing, respondent should be disciplined for cause, pursuant to the New York

State Constitution and the Judiciary Law, in that he failed to abide by Sections 100.1 and 100.2(A) of the Rules Governing Judicial Conduct, and lacks fitness for judicial office.

3. On August 17, 2005, respondent tendered his resignation as Colonie Town Justice.

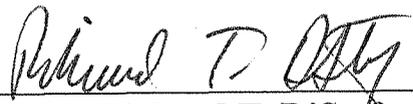
4. Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from the date of a judge's resignation to complete the proceedings, and if the Commission determines that the judge should be removed from office, file a determination with the Court of Appeals.

5. The parties to this Stipulation respectfully request that the Commission close the pending matter based on (a) respondent's acknowledgement, by this Stipulation, that he cannot successfully defend the charge pending against him, and (b) his resignation from judicial office.

6. Respondent affirms that he will neither seek nor accept judicial office at any time in the future.

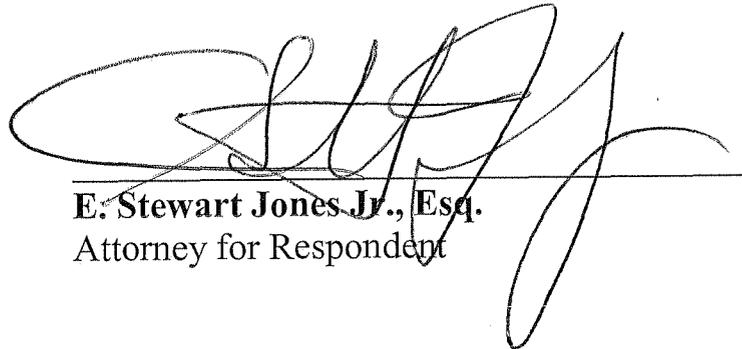
7. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law to the limited extent that this Stipulation will be made public if approved by the Commission. All parties to this Stipulation agree that under the present circumstances and in view of respondent's resignation from judicial office, this resolution is in the best interest of the public.

Dated: 10-11-05



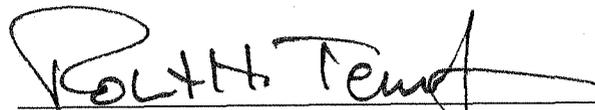
Honorable Richard T. DiStefano
Respondent

Dated: 10/11/05



E. Stewart Jones Jr., Esq.
Attorney for Respondent

Dated: 10/17/05



Robert H. Tembeckjian, Esq.
Administrator and Counsel to the Commission
(**Cathleen S. Cenci, Esq., Of Counsel**)

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: August 4, 2005

D-46-05

In the Matter of RICHARD T.
DI STEFANO, an Attorney.

COMMITTEE ON PROFESSIONAL
STANDARDS,

MEMORANDUM AND ORDER

Petitioner;

RICHARD T. DI STEFANO,
Respondent.

Calendar Date: July 11, 2005

Before: Mercure, J.P., Mugglin, Rose, Lahtinen and Kane, JJ.

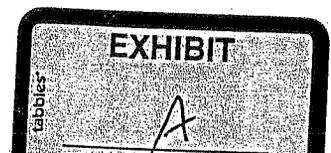
Mark S. Ochs, Committee on Professional Standards, Albany
(Michael Creaser of counsel), for petitioner.

Richard T. Di Stefano, Albany, respondent pro se.

Per Curiam.

Respondent was admitted to practice by this Court in 1986.
He maintains an office for the practice of law in the City of
Albany.

Petitioner has filed nine charges of professional
misconduct against respondent, including allegations of
substantial conversion of client funds over a period of years
which continued as late as April of this year. Simultaneously
with the filing of the petition of charges, petitioner moves to
suspend respondent from the practice of law pending consideration
of the disciplinary charges against him, pursuant to this Court's
rules (see 22 NYCRR 806.4 [f]). Respondent admits the charges



and specifications, except for specification 1 of charge VI, which petitioner withdraws. Respondent has submitted an affirmation in opposition to petitioner's motion.

We find that respondent is guilty of professional misconduct immediately threatening the public interest and therefore grant petitioner's motion. Although respondent professes reform, the motive and means for continuing his pattern of misconduct are still present. We also note that respondent has been previously cautioned by petitioner on two occasions and censured by this Court in 2003 (see Matter of Di Stefano, 309 AD2d 1060 [2003]).

Mercure, J.P., Mugglin, Rose, Lahtinen and Kane, JJ.,
concur.

ORDERED that petitioner's motion is granted; and it is further

ORDERED that respondent is suspended from practice, effective upon service on respondent of this decision and order and until further order of this Court; and it is further

ORDERED that respondent, for the period of suspension, is commanded to desist and refrain from the practice of law in any form, either as principal or as agent, clerk or employee of another; and respondent is forbidden to appear as an attorney or counselor-at-law before any court, judge, justice, board, commission or other public authority; or to give to another an opinion as to the law or its application, or any advice with relation thereto; and it is further

ORDERED that respondent shall comply with the provisions of this Court's rules regulating the conduct of suspended attorneys (see 22 NYCRR 806.9).

ENTER:

A handwritten signature in black ink, appearing to read "Michael J. Novack". The signature is written in a cursive style with a large, looping initial "M".

Michael J. Novack
Clerk of the Court