

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Investigation of Complaints
Pursuant to Section 44, subdivisions 1 and 2,
of the Judiciary Law in Relation to

DONALD G. LUSTYIK,

STIPULATION

A Justice of the Norfolk Town Court,
St. Lawrence County.

THE FOLLOWING IS HEREBY STIPULATED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and the Honorable Donald G. Lustyik and his attorney, Eric J. Gustafson, of Pease and Gustafson LLP.

1. Judge Lustyik has been a Justice of the Norfolk Town Court, St. Lawrence County, since 1986. His current term expires on December 31, 2021. Judge Lustyik is not an attorney.
2. Judge Lustyik was apprised by the Commission in August 2018 that it was investigating a complaint that in *American Property Rentals v Allan and Heather Addison*, a landlord-tenant matter, he ordered the eviction of the tenants without conducting a hearing or affording them a full opportunity to be heard. Judge Lustyik was scheduled to appear and give testimony in the Commission's investigation on September 27, 2018.
3. Judge Lustyik has tendered his resignation by letter dated September 30, 2018, a copy of which is annexed as Exhibit 1. Judge Lustyik affirms that he will vacate his judicial office on or before October 31, 2018.

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


5. Judge Lustyik affirms that, having vacated his judicial office, he will neither seek nor accept judicial office at any time in the future.

6. Judge Lustyik understands that, should he abrogate the terms of this Stipulation and hold any judicial position at any time in the future, the Commission's investigation of the complaint would be revived.


7. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded, by the terms of this Stipulation, without further proceedings.

8. Judge Lustyik waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (1) this Stipulation will become public upon being signed by the signatories below, and (2) the Commission's Decision and Order regarding this Stipulation will become public.

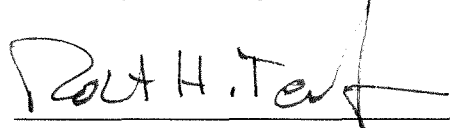
Dated: 10-4-18


Honorable **Donald G. Lustyik**

Dated: 10-4-18


Eric J. Gustafson, Esq.
Pease and Gustafson LLP
Attorney for **Judge Lustyik**

Dated: October 9, 2018


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

Town of Norfolk Justice Court

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Donald G. Lustyik
Town Court Justice

George C. Grubee
Town Court Justice

September 30, 2018

To: Charles Pernice, Town Supervisor

Members of the Town Board

Fr: Donald G. Lustyik, Town Court Justice

Re: Retirement Notice

After many months of thought and the options I have been afforded recently, I will be resigning from my Elected Position of Norfolk Town Justice on October 31, 2018.

After over 30 good years on the bench and 78 years old, I would like to enjoy a little retirement time.

Respectfully submitted,


Donald G. Lustyik

Town Court Justice

