

PAUL DEROHANNESIAN, ESQ. (1953-2001)

PAUL DEROHANNESIAN II, ESQ.

DANIELLE R. SMITH, ESQ.

August 8, 2018

Via Hand Delivery

Cathleen S. Cenci
Deputy Administrator
New York State Commission on Judicial Conduct
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223

RE: Hon. Richard H. Miller II

Dear Ms. Cenci:

Our office represents Hon. Richard H. Miller II. Enclosed for service please find the Verified Answer to Formal Written Complaint, dated August 8, 2018.

Thank you for your consideration of our request. Please contact my office with any questions or concerns.

Very truly yours,



Paul DerOhannesian II

PDII:drs
Enclosure

cc: Hon. Richard H. Miller II (w/enclosure)

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AUG 08 2018

NYS COMMISSION ON
JUDICIAL CONDUCT - ALB

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 H. MILLER, II,

a Judge of the Family Court,
Broome County.

**VERIFIED ANSWER
TO FORMAL
WRITTEN COMPLAINT**

Richard H. Miller, II (Respondent), by his attorneys, DerOhannesian & DerOhannesian, hereby answers the Formal Written Complaint ("Complaint") filed by the Commission on Judicial Conduct, dated July 9, 2018, as follows:

1. Respondent neither admits nor denies the allegations in paragraph 1 of the Complaint as they pertain to a question of law which is respectfully referred to the Referee for determination.
2. Respondent neither admits nor denies the allegations in paragraph 2 of the Complaint, except admits that the Commission purports to proceed as stated therein.
3. Respondent denies the allegations in paragraph 3 of the Complaint.
4. Respondent admits the allegations in paragraph 4 of the Complaint.
5. Respondent admits the allegations in paragraph 5 of the Complaint.
6. Respondent denies the allegations in paragraph 6 of the Complaint.
7. Respondent admits the allegations in paragraph 7 of the Complaint.
8. Respondent denies the allegations in paragraph 8 of the Complaint.
9. Respondent denies the allegations in paragraph 9 of the Complaint.
10. Respondent denies the allegations in paragraph 10 of the Complaint.

11. Respondent denies the allegations in paragraph 11 of the Complaint, except admits to discussing her neglect of employment duties and obligations and possible termination of her employment.

12. Respondent denies the allegations in paragraph 12 of the Complaint.

13. Respondent denies the allegations in paragraph 13 of the Complaint.

14. Respondent denies the allegations in paragraph 14 of the Complaint.

15. Respondent denies the allegations in paragraph 15 of the Complaint.

16. Respondent denies the allegations in paragraph 16 of the Complaint.

17. Respondent denies the allegations in paragraph 17 of the Complaint.

18. Respondent denies the allegations in paragraph 18 of the Complaint, except admits that he communicated with Ms. Vroman concerning the scheduling of emergency petitions.

19. Respondent denies the allegations in paragraph 19 of the Complaint.

20. Respondent denies the allegations in paragraph 20 of the Complaint.

21. Respondent denies the allegations in paragraph 21 of the Complaint.

22. Respondent denies the allegations in paragraph 22 of the Complaint.

23. Respondent denies the allegations in paragraph 23 of the Complaint.

24. Respondent denies the allegations in paragraph 24 of the Complaint.

25. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 25 of the Complaint except admits that after July 11, 2017, he was reassigned.

26. Respondent denies the allegations in paragraph 26 of the Complaint.

27. Respondent denies the allegations in paragraph 27 of the Complaint.

28. Respondent denies the allegations in paragraph 28 of the Complaint, except admits that Donna Filip volunteered in his law office.

29. Respondent denies the allegations in paragraph 29 of the Complaint, except admits that Ms. Gallagher typed the letter annexed as Exhibit A.

30. Respondent denies the allegations in paragraph 30 of the Complaint.

31. Respondent denies the allegations in paragraph 31 of the Complaint.

32. Respondent denies the allegations in paragraph 32 of the Complaint, except admits that before becoming a Family Court Judge, he represented the Estate of Jerry J. Behal, Jr.

33. Respondent denies the allegations in paragraph 33 of the Complaint.

34. Respondent denies the allegations in paragraph 34 of the Complaint.

A. Respondent denies the allegations in paragraph 34A of the Complaint.

B. Respondent denies the allegations in paragraph 34B of the Complaint.

35. Respondent admits the allegations in paragraph 35 of the Complaint.

36. Respondent admits the allegations in paragraph 36 of the Complaint.

37. Respondent admits the allegations in paragraph 37 of the Complaint.

38. Respondent admits the allegations in paragraph 38 of the Complaint.

39. Respondent lacks the knowledge and information sufficient to form a belief about the allegations in paragraph 39 of the Complaint.

40. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 40 of the Complaint.

41. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 41 of the Complaint, except admits that Respondent

contacted Surrogate's Court to inquire why he was being sent information directed to him as an attorney knowing that he was a Family Court Judge and could not practice law and communicated that there should have been a substitution of attorney filed.

42. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 42 of the Complaint.

43. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 43 of the Complaint.

44. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 44 of the Complaint, except denies he advised her that he would finish the estate.

45. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 45 of the Complaint, except admits that Mr. Serjanej appeared on behalf of the state.

46. Respondent admits the allegations in paragraph 46 of the Complaint.

47. Respondent admits the allegations in paragraph 47 of the Complaint.

48. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 48 of the Complaint.

49. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 49 of the Complaint, except admits that Mr. Serjanej represented executor David Behal.

50. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 50 of the Complaint.

51. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 51 of the Complaint.

52. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 52 of the Complaint.

53. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 53 of the Complaint.

54. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 54 of the Complaint.

55. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 55 of the Complaint.

56. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 56 of the Complaint.

57. Respondent denies the allegations in paragraph 57 of the Complaint.

58. Respondent denies the allegations in paragraph 58 of the Complaint.

59. Respondent denies the allegations in paragraph 59 of the Complaint.

60. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 60 of the Complaint.

61. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 61 of the Complaint.

62. Respondent denies the allegations in paragraph 62 of the Complaint.

63. Respondent denies the allegations in paragraph 63 of the Complaint.

64. Respondent admits the allegations in paragraph 64 of the Complaint.

65. Respondent admits the allegations in paragraph 65 of the Complaint.

66. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 66 of the Complaint, except admits that Respondent was consulting with his accountant regarding his finances and tax issues prior to receiving notification by the Commission.

67. Respondent denies the allegations in paragraph 67 of the Complaint, except admits that rent payments due his wife were made payable to Respondent.

68. Respondent denies the allegations in paragraph 68 of the Complaint, except admits that the rent payments to 394 Main Street LLC, were collected by Respondent.

69. Respondent denies the allegations in paragraph 69 of the Complaint, except admits that the rent payments to 394 Main Street LLC, were collected by Respondent.

70. Respondent denies the allegations in paragraph 70 of the Complaint, except admits that rent payments due his wife were made payable to Respondent. *See* paragraph 66, above.

71. Respondent denies the allegations in paragraph 71 of the Complaint, except admits that Respondent was consulting with his accountant regarding income and did report it in his amended returns.

72. Respondent denies the allegations in paragraph 72 of the Complaint, except admits Respondent was consulting with his accountant regarding his finances and tax issues prior to notice by the commission and filed amended returns for the years 2015 and 2016 on the advise of accountant.

73. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 73 of the Complaint.

- A. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 73A of the Complaint.
 - B. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 73B of the Complaint.
 - C. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 73C of the Complaint.
 - D. Respondent lacks the knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 73D of the Complaint
74. Respondent denies the allegations in paragraph 74 of the Complaint.

WHEREFORE, for all the foregoing reasons, Respondent respectfully requests that the Commission conclude its proceedings against him.

Dated: Albany, New York
August 8, 2018



Paul DerOhannesian II
DerOhannesian & DerOhannesian
677 Broadway, Suite 707
Albany, New York 12207

Attorneys for Hon. Richard H. Miller, II

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

RICHARD H. MILLER, II,

a Judge of the Family Court,
Broome County.

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

PAUL DEROHANNESIAN II, an attorney admitted to practice in the Courts of the State of New York, affirms the following under the penalties of perjury:

That deponent is the attorney of record for Respondent in this within action; that deponent has read the foregoing Verified Answer to Formal Written Complaint, and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief and that as to those matters deponent believes them to be true.

Deponent further states that the reason this Verification is made by deponent and not by Respondent is that Respondent is not presently in the County of Albany which is the county where your deponent maintains his office.

That the grounds of deponent's belief as to all matters therein stated on information and belief are derived from statements made by Respondent to deponent and from an investigation conducted into said matters.

Dated: August 8, 2018


Paul DerOhannesian II

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 H. MILLER, II,

a Judge of the Family Court,
Broome County.

VERIFIED ANSWER TO FORMAL WRITTEN COMPLAINT

DerOHANNESIAN & DerOHANNESIAN

Attorneys for Respondent
Office and Post Office Address
677 Broadway, Suite 707
Albany, New York 12207
(518) 465-6420

Due and timely service of a copy of the within is hereby admitted.

Dated:

Attorney(s) for:

NOTICE OF ENTRY

Please take notice that the within is a true copy of a
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

Please take notice 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 at M.
Dated,

Yours, etc.

DerOHANNESIAN & DerOHANNESIAN

Attorneys for Respondent
Office and Post Office Address
677 Broadway, Suite 707
Albany, New York 12207
(518) 465-6420

To:

Attorney(s) for

DEROHANNESIAN
&
DEROHANNESIAN ATTORNEYS AND COUNSELORS AT LAW

677 BROADWAY, SUITE 202 • ALBANY, NEW YORK 12207-2985 • (518) 465-6420

Cathleen S. Cenci
Deputy Administrator
New York State Commission on Judicial Conduct
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223