

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

DAVID J. NARDUCCI,

STIPULATION

a Justice of the Chautauqua Town Court,
Chautauqua County.

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct, and the Honorable David J. Narducci, who is represented by Daniel M. Killelea, Esq., as follows:

1. Judge Narducci served as Chautauqua Town Justice from January 1, 1990, to September 1, 2015. He is not an attorney.
2. The Commission commenced investigations of Judge Narducci based upon complaints that alleged the following:
 - A. After a non-jury trial in which the defendant was charged with boating-related and penal law offenses, Judge Narducci initiated and engaged in several *ex parte* e-mail communications with the prosecutor concerning three of the offenses, for the purpose of reconsidering his decision. He did not change his decision.
 - B. Prior to the arraignment of three defendants, each charged with two penal law offenses, Judge Narducci viewed video-recorded evidence provided by law enforcement personnel which purportedly showed the three defendants engaging in the alleged criminal conduct. Judge Narducci failed to mechanically record the arraignment of any of the

three defendants and personally made copies of the video-recorded evidence, which he then distributed to the Assistant District Attorney and one or more defense attorneys.

3. Judge Narducci submitted his resignation as Chautauqua Town Justice by letter dated August 12, 2015, addressed to the Chief Administrator of the Courts and the Chautauqua Town Clerk. Judge Narducci's resignation became effective September 1, 2015. A copy of the resignation letter is appended as Exhibit 1.

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

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

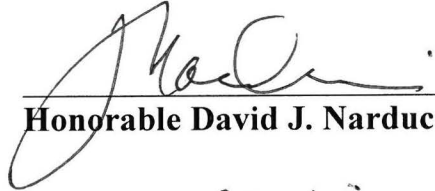
6. Judge Narducci understands that, should he abrogate the terms of this Stipulation and hold any judicial position at any time, the Commission's investigation of the complaints against him will be revived, and the matter will proceed.

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.

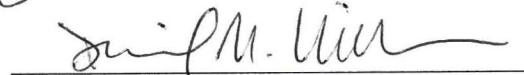
8. Judge Narducci waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (1) this Stipulation will be made public upon being

signed by the signatories below, and (2) the Commission's Decision and Order regarding this Stipulation will become public.

Dated: 8/27/15


Honorable David J. Narducci

Dated: 8-27-2015


Daniel M. Killelea
Attorney for Judge Narducci

Dated: 9/16/2015

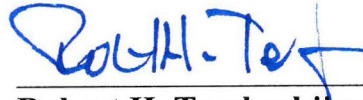
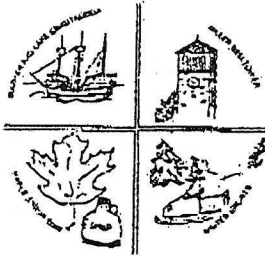

Robert H. Tembeckjian
Administrator and Counsel to the Commission
(John J. Postel and David M. Duguay,
Of Counsel)

EXHIBIT 1



Town of Chautauqua Justice Court

2 Academy Street, Suite A
Mayville, New York 14757
Chautauqua County, New York
(716) 753-5245
FAX (716) 753-5241

Hon. David J. Narducci

August 12, 2015

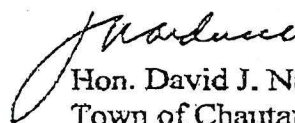
To:

Donald Emhardt; Supervisor, Town of Chautauqua, NY
Members of the Board, Town of Chautauqua, NY
Rebecca Lubba; Town Clerk, Town of Chautauqua, NY
Hon. Paula L. Feroletto, Administrative Judge, NYS 8th Judicial District
Brian Abram; Election Commissioner, Chautauqua County NY Board of Elections

I, David J. Narducci, a Justice for the Town of Chautauqua, N. Y., am writing this letter to let it be known that I am, herein, resigning the office of Town of Chautauqua Justice effective on the 1st day of September, 2015 @ 12:01 am.

I want to take this opportunity to thank Supervisor Emhardt, and the Board, for all your support over these many years and wish you God's speed in all your endeavors.

Respectfully submitted,



Hon. David J. Narducci
Town of Chautauqua Justice

