



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*October 16, 2015*

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### **Chautauqua County Town Justice Resigns Ending Inquiry into Misconduct Allegations**

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The New York State Commission on Judicial Conduct has closed its investigation of complaints against David J. Narducci, a Justice of the Chautauqua Town Court, Chautauqua County, who resigned from office effective September 1, 2015, and agreed pursuant to a stipulation dated September 16, 2015, that he will neither seek nor accept judicial office at any time in the future. The Commission accepted the stipulation on October 6, 2015, concluding the matter.

Under the terms of the stipulation, Judge Narducci waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission's decision and order would be public.

The Commission had commenced investigations based upon complaints alleging that:

- After a non-jury trial in which the defendant was charged with boating-related and penal law offences, the judge initiated and engaged in several *ex parte* email communications with the prosecutor, for the purpose of reconsidering his decision. The judge did not change his decision.

- Prior to arraigning three defendants, the judge viewed video-recorded evidence provided by law enforcement personnel which purportedly showed the three defendants engaging in the alleged criminal conduct. The judge failed to mechanically record the arraignment of any of the defendants and personally made copies of the video-recorded evidence, which he distributed to the Assistant District Attorney and one or more defense attorneys.

Judge Narducci, who is not an attorney, had served as a Justice of the Chautauqua Town Court since 1990.

The stipulation and the Commission's order closing the case can be found on the Commission's website: [www.cjc.ny.gov](http://www.cjc.ny.gov).

### **Statistics Relating to Prior Commission Decisions**

The Commission has accepted 55 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 258 determinations of admonition against judges in New York State, 313 determinations of censure and 168 determinations of removal.

The Court of Appeals has reviewed 95 Commission determinations. The Court accepted the Commission's sanctions in 79 cases (70 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: nine removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“The public interest has been served by the result in this judicial disciplinary matter and the open manner in which it was resolved.”

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**Press Availability**

Mr. Tembeckjian is available throughout the day by telephone: (646) 386-4800.

**Counsel**

In the proceedings before the Commission, Judge Narducci was represented by Daniel M. Killelea, Esq., 121 Prospect Street, Suite 1, Attica, New York 14011, (585) 937-8987.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; John J. Postel, Deputy Administrator in Charge of the Rochester office; and Senior Attorney David M. Duguay. Investigator Vanessa Mangan assisted in the investigation.

**Background Information on Judge Narducci**

First took office: 1990

**Members of the Commission**

The Commission members serve four-year terms. A list of members is appended.

**The Public File**

The stipulation and order are attached. They are also available for inspection during regular business hours at the Commission's three offices:

61 Broadway Suite 1200 New York, New York 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223	400 Andrews Street Suite 700 Rochester, New York 14604
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**MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT**

<b>Member</b>	<b>Appointing Authority</b>	<b>Term End</b>
Hon. Thomas A. Klonick, Chair	Chief Judge Jonathan Lippman	March 31, 2017
Hon. Terry Jane Ruderman, Vice Chair	Chief Judge Jonathan Lippman	March 31, 2016
Hon. Rolando T. Acosta	Chief Judge Jonathan Lippman	March 31, 2018
Joseph W. Belluck, Esq.	Governor Andrew M. Cuomo	March 31, 2016
Joel Cohen, Esq.	Former Assembly Speaker Sheldon Silver	March 31, 2018
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2019
Richard D. Emery, Esq.	Former Senate Minority Leader John L. Sampson	March 31, 2016
Paul B. Harding, Esq.	Former Assembly Minority Leader James Tedisco	March 31, 2017
Richard A. Stoloff, Esq.	Former Senate President Pro Tem Dean Skelos	March 31, 2019
Hon. David A. Weinstein	Governor Andrew M. Cuomo	March 31, 2018
Vacant	Governor	March 31, 2017