



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

November 2, 2018

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St. Lawrence County Town Court Justice Resigns Under Investigation for a Wrongful Eviction

Norfolk Town Court Justice Donald G. Lustyik (St. Lawrence County) has resigned while under investigation by the New York State Commission on Judicial Conduct for an allegedly wrongful eviction of tenants in a housing matter. Judge Lustyik, who had been admonished previously for misconduct in an unrelated matter, resigned from office effective October 31, 2018, and agreed never to seek or accept judicial office at any time in the future. The Commission accepted a stipulation to that effect signed by the judge, his attorney and the Commission's Administrator and closed its investigation.¹

In August 2018, the Commission apprised Judge Lustyik that it was investigating a complaint alleging that, in a landlord-tenant matter, he ordered the eviction of tenants without conducting a hearing or affording them a full opportunity to be heard.

¹ The Stipulation was signed on October 9, 2018. The Commission accepted it on October 25, 2018, and thereafter closed the matter.

Judge Lustyik waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission's order accepting it and closing the case would be public.

The stipulation and the Commission's order closing the case can be found on the Commission's website: www.cjc.ny.gov.

Prior Discipline

In 2014, Judge Lustyik was admonished for witnessing and a written statement as a favor to an acquaintance in a manner that used his judicial prestige to advance private interests.

Statistics Relating to Prior Commission Decisions

The Commission has accepted 81 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 269 determinations of admonition against judges in New York State, 322 determinations of censure and 172 determinations of removal.

The Court of Appeals has reviewed 99 Commission determinations. The Court accepted the Commission's sanctions in 83 cases (74 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.

“It is a fundamental duty of a judge to insure that litigants have the opportunity to be heard before decision is rendered, especially where the potential consequences are as dire as losing your home.”

Counsel

In the proceedings before the Commission, Judge Lustyik was represented by Eric J. Gustafson of Pease & Gustafson, LLP, 40 Main Street, Massena, New York 13662, (315) 769-3898.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Cathleen S. Cenci, Deputy Administrator in Charge of the Albany office; and Senior Attorney S. Peter Pedrotty. Senior Investigator Ryan T. Fitzpatrick assisted in the investigation.

Background Information on Judge Lustyik

First took office:	1986
Term Expires:	December 13, 2021
Salary:	\$10,553 (Source: seethroughny.org)

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

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2020
Paul B. Harding, Esq., Vice Chair	Assembly Minority Leader Brian M. Kolb	March 31, 2021
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2019
Taa Grays, Esq.	Senate Minority Leader Andrea Stewart-Cousins	March 31, 2020
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2021
Hon. Leslie G. Leach	Chief Judge Janet DiFiore	March 31, 2020
Hon. Angela M. Mazzairelli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Richard A. Stoloff, Esq.	Former Senate President Pro Tem Dean Skelos	March 31, 2019
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021