

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

GARY CHAMBERLAIN,

STIPULATION

a Justice of the Freedom Town Court,
Cattaraugus County.

THE FOLLOWING IS HEREBY STIPULATED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct, and the Honorable Gary Chamberlain and his attorney, Daniel M. Killelea, Esq., of The Law Office of Gilmour & Killelea, LLP.

1. Gary Chamberlain has been a Justice the Freedom Town Court, Cattaraugus County, since January 1, 2010. His current term expires on December 31, 2021. Judge Chamberlain is not an attorney.

2. Judge Chamberlain was apprised by the Commission in March 2019 and October 2019 that it was investigating several complaints alleging that, over a two-year period beginning in October 2017, he:

A. failed to enforce a town ordinance regulating storage of “junk” on residential properties;

B. failed to properly inform a defendant during an arraignment of his due process rights, as set forth in Section 170.10 of the Criminal Procedure Law; and

- C. sent a letter to the editor of a local paper in October 2018, in which he:
 - i. made statements that were political and partisan in nature;
 - ii. criticized public officials and town residents concerning a matter of local controversy; and
 - iii. criticized a range of executive decisions and policies of Governor Andrew Cuomo, whom he described as “corrupt,” at a time when Governor Cuomo was running for re-election.

3. Judge Chamberlain has tendered his resignation by letter dated November 6, 2019, a copy of which is annexed as Exhibit 1. Judge Chamberlain affirms that he vacated judicial office as of November 6, 2019.

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

6. Judge Chamberlain 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 complaints would be revived, he would be served with a Formal Written Complaint on authorization of the Commission, and the matter would proceed to a hearing before a referee.

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.

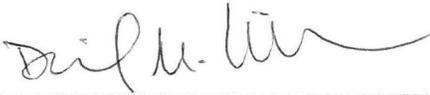
8. Judge Chamberlain waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (1) this Stipulation will become public upon being signed by the signatories below, and (2) the Commission's Decision and Order regarding this Stipulation will become public.

Dated: 11-8-2019



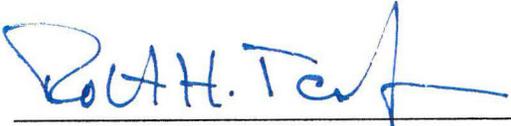
Honorable Gary Chamberlain

Dated: 11-8-2019



Daniel M. Killelea, Esq.
The Law Office of Gilmour & Killelea, LLP
Attorney for **Judge Gary Chamberlain**

Dated: 11.14.2019



Robert H. Tembeckjian
Administrator and Counsel to the Commission
(**John J. Postel and M. Kathleen Martin**, Of
Counsel)

EXHIBIT 1

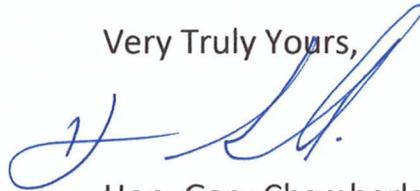
November 6, 2019

Dear Supervisor Lester, members of the Town Board,

It has been my great honor to have served this community as Town Justice for the last ten years, but I am resigning my position as Justice effective at the close of business today.

I sincerely thank each of you for your years of support and I look forward to continuing to be an active and supportive member of our community in some other role.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "G. Chamberlain", is written over the typed name. The signature is fluid and cursive.

Hon. Gary Chamberlain