

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Investigation of Complaints  
Pursuant to Section 44, subdivisions 1 and 2,  
of the Judiciary Law in Relation to

**JOSEPH NOWAKOWSKI,**

**STIPULATION**

a Justice of the Bethany Town Court,  
Genesee County.

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IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct, and the Honorable Joseph Nowakowski and his attorney, Daniel M. Killelea, of Gilmour & Killelea, LLP:

1. Joseph Nowakowski has been a Justice of the Bethany Town Court, Genesee County, since January 1, 2022. His term expires on December 31, 2025. Judge Nowakowski is not an attorney.
2. In February 2024, the Commission apprised Judge Nowakowski that it was investigating a complaint that he had sexually harassed a court clerk, and that after the clerk told him to stop sending her inappropriate text messages unrelated to court business, the judge retaliated by seeking to have her employment with the court terminated.

3. Judge Nowakowski has tendered his resignation by letter dated May 31, 2024, a copy of which is annexed as Exhibit 1. Judge Nowakowski affirms that he has vacated judicial office as of June 1, 2024.

4. Pursuant to Section 47 of the Judiciary Law, the Commission may continue with proceedings against a judge who has resigned and, if it so determines, render and file a determination that the judge should be removed from office. Pursuant to Article VI, section 22(h) of the Constitution, a judge who is removed from office “shall be ineligible to hold other judicial office.”

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

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

Dated: 5.31.24



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**Honorable Joseph Nowakowski**

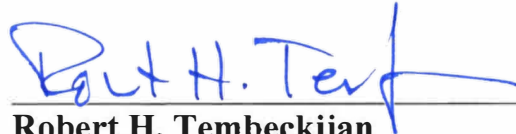
Dated: 5/31/2024



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**Daniel M. Killelea**  
Gilmour & Killelea, LLP  
Attorney for Judge Nowakowski

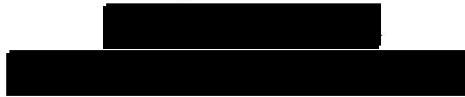
Dated: June 4, 2024



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

Hon. Joseph Nowakowski



May 31, 2024

Hon. Carl Hyde, Jr.  
Bethany Town Supervisor  
10510 Bethany Center Road  
East Bethany, NY 14054

Dear Supervisor Hyde:

Please accept this letter as my formal resignation from the position of Bethany Town Justice effective 12:01 a.m. on June 1, 2024. It has been my great pleasure to have served our community as Town Justice, and I look forward to continuing my career of public service in some other capacity.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Joseph Nowakowski".

Hon. Joseph Nowakowski

C: Hon. Joseph A. Zayas  
Chief Administrative Judge  
New York State Unified Court System  
Office of Court Administration  
25 Beaver Street  
New York, New York 10004

Hon. Kevin M. Carter  
8<sup>th</sup> Judicial District Administrative Judge  
Erie County Hall  
92 Franklin Street, 3<sup>rd</sup> Floor  
Buffalo, New York 14202