

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

DAVID A. RIKARD,

STIPULATION

a Justice of the Prattsville Town Court,
Greene County.

Subject to the approval of the Commission on Judicial Conduct

(“Commission”):

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and the Honorable David A. Rikard (“Respondent”), who is represented in these proceedings by Joseph M. McCoy, of Corrigan, McCoy and Bush, PLLC, as follows:

1. Respondent was admitted to the practice of law in New York in 1989. He was a Justice of the Prattsville Town Court, Greene County, from January 2014 to January 6, 2023. His current term would have expired on December 31, 2025.
2. Respondent was served with a Formal Written Complaint dated January 26, 2023, containing one charge, alleging that he refused to appear before the Commission to testify concerning three complaints of misconduct against him, and

that he refused to provide the Commission with requested records relevant to the Commission's investigation.¹

3. Respondent filed an Answer dated February 16, 2023, in which he admitted the factual allegations of the charge but denied that they constituted misconduct.

4. Respondent tendered his resignation, dated January 6, 2023, a copy of which is annexed as Exhibit 1. Respondent affirms that he vacated judicial office as of January 6, 2023.

5. 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. 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."

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

7. Respondent understands that, should he abrogate the terms of this Stipulation and hold any judicial position at any time, the present proceedings before the Commission will be revived and the matter will proceed to a hearing

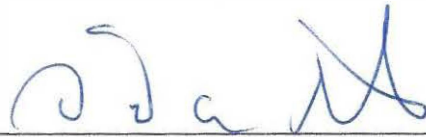
¹ The complaints *inter alia* involved allegations of inappropriate demeanor, unauthorized political activity, and poor financial reporting and accounting practices.

before a referee, or to summary determination based upon the admissions in his Answer, which could result in his removal from office.

8. 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.

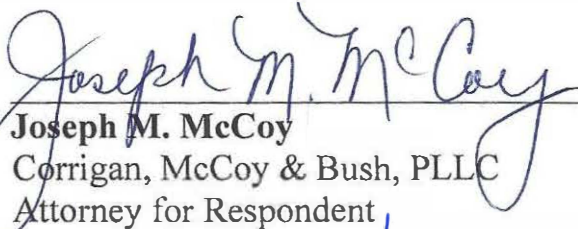
9. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (1) this Stipulation will become public upon being signed by the signatories below, and (2) the Commission's Decision and Order regarding this Stipulation will become public.

Dated: 3/10/23



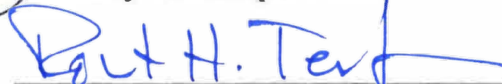
Honorable David A. Rikard
Respondent

Dated: 3-10-23



Joseph M. McCoy
Corrigan, McCoy & Bush, PLLC
Attorney for Respondent

Dated: March 10, 2023



Robert H. Tembeckjian
Administrator & Counsel to the Commission
(**Cathleen S. Cenci, Shruti Joshi and Kathleen E. Klein, Of Counsel**)

PRATTSVILLE TOWN COURT

Hon. David A. Rikard, Town Justice

P.O. Box 375

Prattsville, NY 12468

Tel: [REDACTED]

Cell: [REDACTED]

January 6, 2023

Town of Prattsville Board
14517 Main St.
Prattsville, NY 12468

Re: Resignation.

Dear Supervisor Cross and Board Members:

I have accepted an appointment as Chief Assistant District Attorney in neighboring Delaware County. While I am excited about embarking upon this new chapter in my legal career, my acceptance of this position also unfortunately requires that I must resign as Town of Prattsville Justice. Thus, I hereby respectfully, yet regretfully, submit my resignation as Town of Prattsville Justice, effective immediately, and I respectfully request that you accept this correspondence as my formal notification of same. It has been an honor and a privilege to have been elected three time to serve the citizens of the Town of Prattsville, as well as all others who have come before my Court, as Town Justice over the last nine-plus years, and it is with fond remembrance that I depart from this position. Should you have any questions or otherwise wish to discuss this matter, please do not hesitate to call.

Respectfully yours,



Hon. David A. Rikard,
Presiding Justice (retired),
Prattsville Town Court

cc: Hon. Gerald Connolly, District Administrative Judge
cc: David A. Dellehunt, Special Counsel to the Courts 3JD