

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

**DONALD R. SPACCIO,**

**STIPULATION**

a Justice of the Montour Falls Village Court and  
Montour Town Court, Schuyler 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 Donald R. Spaccio:

1. Donald R. Spaccio has been a Justice of the Montour Falls Village Court, Schuyler County, since November 8, 2001, and a Justice of the Montour Town Court, Schuyler County, since January 24, 2005. His current term as village justice expires on March 31, 2026, and as town justice on December 31, 2025. Judge Spaccio is not an attorney.

2. In April 2024, the Commission apprised Judge Spaccio that it was investigating complaints that he: (A) shouted at law enforcement officers and invoked his judicial office when police asked him to remove a propane cannon from the roof of his building, (B) yelled profanities at the Town of Montour Code Enforcement Officer during the course of a dispute, and (C) attended the political

rally in Washington, DC, on January 6, 2021, notwithstanding the prohibition on judicial participation in political activities outside the “Window Period” when a judge or judicial candidate is running for elected judicial office.<sup>1</sup>

3. Judge Spaccio has tendered his resignation by letter dated September 9, 2024, a copy of which is annexed as Exhibit 1, stating that he will vacate judicial office as of October 7, 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 Spaccio affirms that he will vacate his judicial offices by the close of business on October 7, 2024, and he will neither seek nor accept judicial office at any time in the future.

6. Judge Spaccio 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

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<sup>1</sup> Sections 100.0(Q) and 100.5 of the Rules Governing Judicial Conduct define the “Window Period” and the nature of permissible political activity for judges and judicial candidates.

served with a Formal Written Complaint on authorization of the Commission, and the matter would proceed to a hearing before a referee.

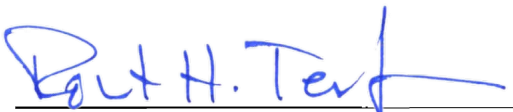
7. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded, by the terms of this Stipulation, without further proceedings.

8. Judge Spaccio 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:

  
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**Honorable Donald R. Spaccio**

Dated: September 11, 2024

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

# EXHIBIT 1

September 9, 2024

David Scott  
Supervisor, Town of Montour Falls  
P.O. Box 579  
Montour Falls, New York 14865

James P. Ryan  
Mayor, Village of Montour Falls  
P.O. Box 812  
Montour Falls, New York 14865

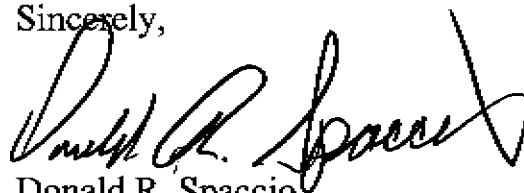
Dear Mr. Scott and Mr. Ryan:

I am writing to inform you that I am resigning from the position of Town Justice for the Town of Montour Falls, and Village Justice for the Village of Montour Falls, effective October 7, 2024.

It has been a privilege to serve as both Town and Village Justice.

Thank you for the opportunity to serve my community.

Sincerely,



Donald R. Spaccio

cc: (2)  
Hon. Joseph A. Zayas  
Chief Administrative Judge  
New York State Unified Court System  
25 Beaver Street  
New York, New York 10004

Hon. Eugene D. Faughnan  
Administrative Judge  
Sixth Judicial District  
31 Lewis St., 5th Floor  
Binghamton, New York 13901