

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 R. STILSON,

a Justice of the Alma Town Court,
Allegany County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, David R. Stilson, a Justice of the Alma Town Court, Allegany County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon Respondent the annexed Formal Written Complaint; and that, in accordance with said statute, Respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon him to serve the Commission at its Rochester office, 400 Andrews Street, Suite 700, Rochester, New York 14604, with his verified Answer to the specific paragraphs of the Complaint.

Dated: May 10, 2021
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

To: Hon. David R. Stilson
Alma Town Court
P.O. Box 67
Allentown, New York 14707-67

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

**FORMAL
WRITTEN COMPLAINT**

DAVID R. STILSON,

a Justice of the Alma Town Court,
Allegany County.

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.
2. The Commission has directed that a Formal Written Complaint be drawn and served upon David R. Stilson (“Respondent”), a Justice of the Alma Town Court, Allegany County.
3. The factual allegations set forth in Charges I and II state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).
4. Respondent has been a Justice of the Alma Town Court, Allegany County, since 2001. His current term expires on December 31, 2021. He has been an Associate Justice of the Andover Village Court, Allegany County, since 2019. His current term expires on May 31, 2021. Respondent previously served as a Justice of the Willing Town Court, Allegany County, from 2001 to 2013. Respondent is not an attorney.

CHARGE I

5. In or about 2014, Respondent repeatedly posted and disseminated sexually charged content on social media in that he used his Facebook account to publicly promote and/or approvingly comment upon posts and images that were demeaning toward women or otherwise offensive.

Specifications to Charge I

6. Facebook is an internet social networking website and platform that *inter alia* allows users to post and share content on their own Facebook pages. Facebook users are responsible for managing the privacy settings associated with their accounts. At the option of the account holder, the content of one's Facebook page – including photographs and textual posts – may be viewable online by the general public or restricted to one's Facebook "Friends."

7. In or about 2014, Respondent established a Facebook account and enabled his page to be viewable by the general public. Respondent's profile included a photograph of Respondent's face and listed his name as "Dave Stilson."

8. On or about January 23, 2014, Respondent posted to his public Facebook page a photograph of the upper torso of a woman wearing a revealing black bra without a shirt, which was captioned, "Boobies Are proof that men can focus on two things at once!" A copy of the post is appended as Exhibit 1.

9. On or about February 19, 2014, Respondent posted to his public Facebook page a photograph listing 10 reasons why "Country Girls are Hotter." The list included: "Their boobs are real"; "They can ride hard"; and "Sex in the woods is way better."

Respondent commented, “Can[’]t argue this one bit. Very true.” A copy of the post is appended as Exhibit 2.

10. On or about March 4, 2014, Respondent posted to his public Facebook page an image portraying two photographs in tandem: one depicting a woman tethered to a bed by her wrists and ankles while clad only in undergarments; and the other showing a man fishing. The image was captioned, “SHE ASKED ME TO TIE HER UP AND DO ANYTHING I WANT.” A copy of the post is appended as Exhibit 3.

11. On or about March 10, 2014, Respondent posted to his public Facebook page a photograph of three dachshunds in hooded jackets, which was captioned, “ALWAYS COVER YOUR WIENER.” A copy of the post is appended as Exhibit 4.

12. On or about October 14, 2014, Respondent posted to his public Facebook page an image of a shower head overlaid with the words, “when I get naked in the bathroom, the shower gets turned on ;).” Respondent commented, “more true than some may think.” A copy of the post is appended as Exhibit 5.

13. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that he failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section

100.2(A) of the Rules; and failed to conduct his extra-judicial activities so as to minimize the risk of conflict with judicial obligations, in that he failed to conduct his extra-judicial activities so they do not detract from the dignity of judicial office and are not incompatible with judicial office, in violation of Sections 100.4(A)(2) and (3) of the Rules.

CHARGE II

14. In or about February 2014, Respondent used his Facebook account to publicly engage in fundraising for the National Rifle Association (“NRA”).

Specifications to Charge II

15. On or about February 20, 2014, Respondent posted to his public Facebook page that he was “Looking for a few more friends to attend the Friends of the NRA Banquet in Olean on March 15th” at “\$180.00 each person.” A copy of the post is appended as Exhibit 6.

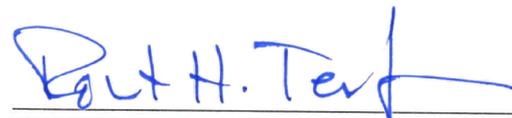
16. On or about February 26, 2014, Respondent posted to his public Facebook page, “Come [to] the Friends of the NRA Banquet with me and learn more about this,” above a linked PDF download from COPSSUPPORTGUNRIGHTS.COM captioned, “New York Troopers and Sheriffs refusing to enforce SAFE Act.” A copy of the post is appended as Exhibit 7.

17. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the

integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that he failed to respect and comply with the law and to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules, lent the prestige of judicial office to advance his own private interest and the private interest of others, in violation of Section 100.2(C) of the Rules; and failed to conduct his extra-judicial activities so as to minimize the risk of conflict with judicial obligations, in that he failed to conduct his extra-judicial activities so they do not cast reasonable doubt on the judge's capacity to act impartially as a judge, in violation of Section 100.4(A)(1) of the Rules, and engaged in prohibited fund-raising activity on behalf of an organization, in violation of Sections 100.4(C)(3)(b)(i) and (iv) of the Rules.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: May 10, 2021
New York, New York



ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800



Dave Stilson shared a photo.

January 23, 2014 ·



EXHIBIT 1

Flaunt Girls

January 23, 2014 ·

Like Page

2

Share



Dave Stilson shared a photo.

February 19, 2014 ·

Cant argue this one bit. Very True

Country Girls Are Hotter Because:

- 1)They can work hard
- 2)Their boobs are real
- 3)They don't mind gettin dirty
- 4)They make great mothers
- 5)They stay faithful
- 6)They love the outdoors
- 7)Daisy dukes and boots are sexy
- 8)They can ride hard
- 9)Your girl can double as your hunting partner
- 10)Sex in the woods is way better

Proud Country Gal

February 19, 2014 ·

Little bit of Wednesday humor for y'all ... see the funny in it ❤️ 😊 Proud Country Girl

Like & Share & Laugh

Like Page

1

Share



Dave Stilson shared a photo.

March 4, 2014 ·

EXHIBIT 3

SHE ASKED ME TO TIE HER UP AND DO ANYTHING I WANT



Sexy, Flirty, Drunk, Haters & the Rest
March 4, 2014 ·

Like Page

5

1 Comment

Share



Ken Williams Funny



Dave Stilson shared a photo.

March 10, 2014 ·



EXHIBIT 4

RadioNOW 100.9 is with Amanda Risinger and 36 others.

March 4, 2014 ·

Better safe than sorry

Like Page



Dave Stilson shared a photo.

October 14, 2014 ·

more true than some may think



EXHIBIT 5

KHOP @ 95.1fm is with Albert Jones and 12 others.

August 28, 2014 ·

Yeah it does!

Like Page

EXHIBIT 6



Dave Stilson

February 20, 2014 ·

Looking for a few more friends to attend the Friends of the NRA Banquet in Olean on March 15th, I want a table of ten. Its \$180.00 each person, includes dinner, pistol case, \$200.00 Bucket tickets, 10 Gun table Tickets, And 7 Gun of the year Tickets. Always a good time, great meal. And one of us 10 is Guaranteed to win a gun.

3

1 Share



Dave Stilson

February 26, 2014 ·

Come the Friends of The NRA Banquet with me and learn more about this.

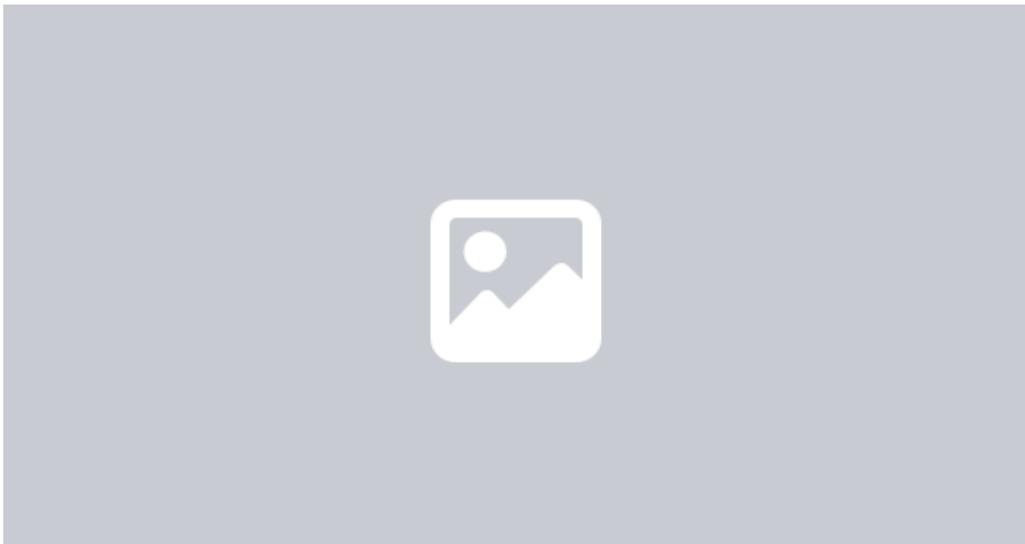


EXHIBIT 7

COPSSUPPORTGUNRIGHTS.COM

New York Troopers and Sheriffs refusing to enforce SAFE Act - Cops Support Gun Rights

2

2 Comments

Share



Paul Szymkowiak Why should they enforce something that's unconstitutional, what should happen is we put all these midnight politicians in jail for what they did

4y



David Zembrzycki Prison with BUBBA sounds better. Then they'll know the meaning of YOU will take it AND learn to LIKE it.....

4y

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

VERIFICATION

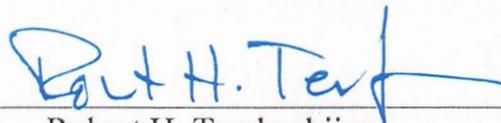
DAVID R. STILSON,

a Justice of the Alma Town Court,
Allegany County.

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

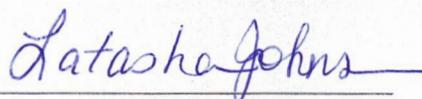
ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.



Robert H. Tembeckjian

Sworn to before me this
10th day of May 2021



Notary Public

LATASHA Y. JOHNSON
Notary Public, State of New York
No.01JO6235579
Qualified in New York County
Commission Expires February 14, 2023

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

DAVID R. STILSON,

a Justice of the Alma Town Court,
Allegany County.

MANDATORY: Judge's Home Address

In the event that a determination of the Commission on Judicial Conduct is made in the above matter requiring transmittal to the Chief Judge and service upon the judge in accordance with Judiciary Law § 44, subd. 7, the Court of Appeals has asked the Commission to provide the judge's home address.

Judge's Home Address

OPTIONAL: Request and Authorization to Notify Judge's Attorney of Determination

In the event that a determination of the Commission on Judicial Conduct is made in the above matter requiring transmittal to the Chief Judge and service upon me in accordance with Judiciary Law § 44, subd. 7, the undersigned judge or justice:

(1) requests and authorizes the Chief Judge to cause a copy of my notification letter from her and a copy of the determination to be sent to my attorney(s) by mail:

Attorney's Name, Address, Telephone

(2) requests and authorizes the Clerk of the Commission to transmit this request to the Chief Judge together with the other required papers.

This request and authorization shall remain in force unless and until a revocation in writing by the undersigned judge or justice is received by the Commission.

Dated:

Signature of Judge or Justice

Acknowledgment:

Signature of Attorney for Judge or Justice

SEND TO: Clerk of the Commission
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006



May 17, 2021

Dear Kathryn Trapani:

The following is in response to your request for proof of delivery on your item with the tracking number:
9402 8092 0212 1040 2977 78.

Item Details

Status: Delivered
Status Date / Time: May 17, 2021, 1:25 pm
Location: ALLENTOWN, NY 14707
Postal Product: Priority Mail®
Extra Services: Certified Mail™
Return Receipt Electronic
Up to \$100 insurance included
Recipient Name: Honorable David R Stilson

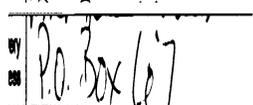
Shipment Details

Weight: 2lb, 0.0oz

Destination Delivery Address

Street Address: PO BOX 67
City, State ZIP Code: ALLENTOWN, NY 14707-0067

Recipient Signature

| | |
|-------------------------|---|
| Signature of Recipient: |  |
| Address of Recipient: |  |

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

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Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
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