



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

September 21, 2020

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Onondaga County Family Court Judge, Facing Removal for Inappropriate Kissing and Other Misconduct Toward Staff, Resigns

Family Court Judge and Acting Supreme Court Justice Michael L. Hanuszcak (Onondaga County) has resigned, after (1) being charged by the New York State Commission on Judicial Conduct with uninvited, unwelcome kissing and otherwise inappropriate behavior toward two female court staff, and (2) a hearing officer sustained the charges. Judge Hanuszcak resigned from office on September 21, 2020, agreeing never to seek or accept judicial office at any time in the future. The Commission accepted a stipulation to that effect signed by the judge and the Commission's Administrator and closed its formal proceedings.¹

Judge Hanuszcak entered into the stipulation after being apprised that the Commission's Administrator would recommend his removal from office.

Judge Hanuszcak was served with a Formal Written Complaint dated March 8, 2019, containing one charge alleging that between 2011 and 2017 he engaged in a

¹ The Stipulation was signed on September 11, 2020. The Commission accepted it and issued an order closing the matter on September 17, 2020.

pattern of improper, inappropriate and unwelcome personal interactions with two female court staff including:

- Conduct as to “Name 1”²
 - Grabbing her shoulders and kissing her twice without her consent;
 - Asking if she “kn[e]w how to do a three-way” when she attempted to set up a conference call;
 - On multiple occasions while in court, telling her about his dating life;
 - Asking if her husband was out of town and if she would like to meet for dinner to discuss the campaign; and
 - Asking her repeatedly to assist on his campaign for Surrogate’s court when she had no interest in doing so.

- Conduct as to “Name 2”
 - On two separate occasions kissing her without her consent;
 - Telling her he would have been interested in dating her had he known she was single (upon hearing she was engaged to be married); and,
 - Years later telling her he remained interested in dating her, and asking if she would be interested in dating him, while cautioning that any relationship would need to be discreet.

Judge Hanuszcak waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission’s order accepting it and closing the case would be public. The stipulation includes the formal charges against the judge, and the report of the referee who presided over the disciplinary hearing and found the allegations were proven.

The stipulation and the Commission’s order closing the case can be found on the Commission’s website: www.cjc.ny.gov.

The Commission Proceedings

Judge Hanuszcak was served with a Formal Written Complaint dated March 8, 2019, containing one charge. Judge Hanuszcak filed an Answer dated May 24, 2019.

² Due to the nature of the misconduct, the names of the victims are being withheld to respect their privacy.

The Commission designated Linda J. Clark, Esq., as referee to hear and report proposed findings of fact and conclusions of law. A hearing was held on November 19 and 21, 2019.

The referee issued a report dated August 10, 2020, in which she sustained the charge. The Commission set a schedule for briefs, and oral argument was calendared for October 29, 2020, but in light of the resignation stipulation, further proceedings are unnecessary.

Statistics Relating to Prior Commission Decisions

The Commission has accepted 96 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 274 determinations of admonition against judges in New York State, 336 determinations of censure and 175 determinations of removal.

The Court of Appeals has reviewed 100 Commission determinations. The Court accepted the Commission's sanctions in 84 cases (75 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: nine removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings. One request for review is pending.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“The relationship between judge and court staff is not equal. The power inherent in judicial office must not be exploited for personal purposes. Obviously, a judge should not initiate unwelcome kissing of court staff or propose ‘discreet’ dating to a subordinate. Had he not resigned, my office would have recommended Judge Hanuszcak’s removal for such disreputable behavior.”

Counsel

Judge Hanuszcak was represented by Robert F. Julian, 2037 Genesee Street, Suite 2, Utica, NY 13501 (315) 797-5610.

The Commission was represented by Administrator and Counsel Robert H. Tembeckjian; John J. Postel, Deputy Administrator in Charge of the Rochester office; and Senior Attorney David M. Duguay. Senior Investigator Vanessa Mangan was assigned to the case.

Background Information on Judge Hanuszczak

First took office:

Family Court 2001

Acting Justice of the Supreme Court 2004

Current Term Expires: December 31, 2020

Year Admitted to NYS Bar: 1985

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

The Public File

The stipulation and order are attached. They are also available for inspection during regular business hours at the Commission's three offices:

<p>61 Broadway Suite 1200 New York, New York 10006</p>	<p>Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223</p>	<p>400 Andrews Street Suite 700 Rochester, New York 14604</p>
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MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2024
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2023
Paul B. Harding, Esq.	Former Assembly Minority Leader Brian M. Kolb	March 31, 2021
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2021
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Hon. Angela M. Mazzarelli	Chief Judge Janet DiFiore	March 31, 2022
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Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Ronald J. Rosenberg, Esq.	Senate Minority Leader John J. Flanagan	March 31, 2024
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021