

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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

**DAVID T. CORRETORE,**

a Justice of the Webster Town Court,  
Monroe County.

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**AGREED  
STATEMENT OF FACTS**

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 Honorable David T. Corretore (“Respondent”), that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

1. Respondent was admitted to the practice of law in New York in 1983. He has been a Justice of the Webster Town Court, Monroe County, since 1988.

Respondent’s current term expires on December 31, 2023.

2. Respondent was served with a Formal Written Complaint dated May 11, 2020. He enters into this Agreed Statement of Facts in lieu of filing an Answer.

**As to Charge I**

3. Between May 2015 and October 2018, with respect to six small claims cases, Respondent failed to dispose of the business of his court promptly, efficiently and

fairly, in that he failed to render decisions until long after the time required by Section 1304 of the Uniform Justice Court Act. The decisions in those six matters were delayed between five months and four years, as set forth in Schedule A.

**As to the Specifications to Charge I**

4. Section 1304 of the Uniform Justice Court Act requires that, where there is no jury trial, “the court must render judgment within thirty days from the time when the case is submitted for that purpose, except when further time is given by the consent of the parties.”

5. In *Enzo Aquino v Susan Muniz*, the plaintiff commenced a small claims action on March 23, 2015, seeking a judgment of \$2,172.40 for damages to rental property and a personal vehicle, and an unpaid county water bill. The matter was heard by Respondent and finally submitted on May 5, 2015. Respondent did not render a decision for 47 months, until May 29, 2019.

6. In *Joseph R. Meyer v Donald T. Weimer*, the plaintiff commenced a small claims action on January 29, 2016, seeking a judgment of \$2,727.00 for damages to pets and windows. The matter was heard by Respondent and finally submitted on February 29, 2016. Following the hearing, the plaintiff contacted the court multiple times seeking a decision. Respondent did not render a decision for 38 months, until May 28, 2019. After receiving the decision, the plaintiff was not able to locate the defendant to serve the judgment.

7. In *Connie Post v Marvin Blackman*, the plaintiff commenced a small claims action on November 21, 2017, seeking a judgment of \$250.00 for damages for stolen

headphones. The matter was heard by Respondent and finally submitted on December 18, 2017. Following the hearing, the plaintiff contacted the court seeking a decision. Respondent did not render a decision for 16 months, until May 29, 2019.

8. In *Marlene Schmitz v Dave Hussar Renovations*, the plaintiff commenced a small claims action on September 24, 2018, seeking a judgment of \$3,000.00 for damages caused by improper roof repairs. The matter was heard by Respondent and finally submitted on October 22, 2018. Following the hearing, the plaintiff contacted the court seeking a decision. Respondent did not render a decision for six months, until May 16, 2019.

9. In *Domenic Kearney v Paul Kubrich*, the plaintiff commenced a small claims action on September 24, 2018, seeking a judgment of \$3,000.00 for the return of a security deposit and moving charges. The matter was heard by Respondent and finally submitted on October 22, 2018. Following the hearing, the plaintiff contacted the court multiple times seeking a decision. Respondent did not render a decision for six months, until May 28, 2019.

10. In *Paul Kolacki v JWP Property Services, LLC*, the plaintiff commenced a small claims action on September 17, 2018, seeking a judgment of \$3,000.00 for damages caused by a broken contract for a home renovation project. The matter was heard by Respondent and finally submitted on October 22, 2018. The plaintiff and his attorney thereafter contacted the court multiple times seeking a decision. Additionally, the staff of Respondent's supervising judge contacted Respondent about issuing a decision. Respondent did not render a decision for five months, until April 18, 2019.



11. 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 at all times 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 perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to dispose of all judicial matters promptly, efficiently and fairly, in violation of Section 100.3(B)(7) of the Rules, and failed to diligently discharge his administrative responsibilities, in violation of Section 100.3(C)(1) of the Rules.

**Additional Factors**

12. Respondent has been cooperative and contrite with the Commission throughout the inquiry.

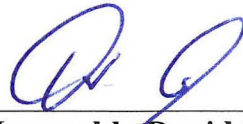
13. As a result of the Commission's inquiry, Respondent and his court staff have instituted a case-tracking system to avoid delays in rendering decisions in future matters.

14. Respondent has an otherwise unblemished record during his approximately 32 years on the bench.

**IT IS FURTHER STIPULATED AND AGREED** that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is public Admonition based upon the judicial misconduct set forth above.

**IT IS FURTHER STIPULATED AND AGREED** that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Admonition without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing, and the statements made herein shall not be used by the Commission, Respondent or the Administrator and Counsel to the Commission.

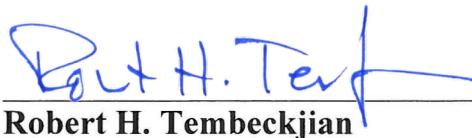
Dated: 5/26/2020



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**Honorable David T. Corretore**  
Respondent

Dated: May 28, 2020



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

**HONORABLE DAVID T. CORRETORE**  
**Webster Town Court**  
**Monroe County**

**Schedule A: Small Claims Delays**

<b>Small Claims Cases</b>	<b>Commencement/ File Date</b>	<b>Date of Hearing/ Final Submission</b>	<b>Date of Court's Decision</b>	<b>Length of Delay in Judge's Decision</b>
Enzo Aquino v Susan Muniz	03/23/15	05/05/15	05/29/19	47 Months
Joseph R. Meyer v Donald T. Weimer	01/29/16	02/29/16	05/28/19	38 Months
Connie Post v Marvin Blackman	11/21/17	12/18/17	05/29/19	16 Months
Marlene Schmitz v Dave Hussar Renovations	09/24/18	10/22/18	05/16/19	6 Months
Domenic Kearney v Paul Kubrich	09/24/18	10/22/18	05/28/19	6 Months
Paul Kolacki v JWP Property Services, LLC	09/17/18	10/22/18	04/18/19	5 Months