

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

MARK J. GRISANTI,

VERIFIED ANSWER

a Judge of the Court of Claims and an
Acting Justice of the Supreme Court,
Erie County.

Hon. Mark J. Grisanti, A.J.S.C., by and through his attorneys, CONNORS
LLP, as and for his answer to the Formal Written Complaint, sets forth the
following upon information and belief:

1. Article VI, 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.

RESPONSE #1: Respondent admits the allegations contained in this
paragraph.

2. The Commission has directed that a Formal Written Complaint be
drawn and served upon Mark J. Grisanti ("Respondent"), a Judge of the Court of
Claims and an Acting Justice of the Supreme Court, Erie County.

RESPONSE #2: Respondent denies information sufficient to form a belief
as to the allegations in this paragraph.

3. The factual allegations set forth in Charges I, II and III state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct ("Rules").

RESPONSE #3: Respondent repeats and re-alleges the responses to the specific acts set forth in Charges I, II, and III, *infra*, as if fully set forth herein, and denies that he committed judicial misconduct.

4. Respondent was admitted to the practice of law in New York in 1993. He has been a Judge of the Court of Claims and an Acting Justice of the Supreme Court, Erie County, since 2015. Respondent's term expires on July 31, 2023.

RESPONSE #4: Respondent admits the allegations contained in this paragraph.

CHARGE I

5. On or about June 22, 2020, Respondent engaged in a loud, public, profanity laced and physical confrontation with two of his neighbors, after which, while shirtless, he (A) engaged in a physical confrontation with a Buffalo police officer, (B) made threats and profane comments to police personnel, (C) invoked his family ties to members of the Buffalo Police Department ("BPD") and his relationship with the Mayor of Buffalo, and (D) was handcuffed, placed in the back of a patrol vehicle, and transported to a police station.

RESPONSE #5: Respondent admits that he was confronted by Joseph, Gina, and Theresa Mele, that during the course of this confrontation, he did make physical contact with a Buffalo police officer, and was transported to a police station

while in handcuffs. Respondent does not dispute the veracity of the body camera recordings, but denies that he made threats to police officers or attempted to invoke his judicial office or familial ties to obtain preferential treatment.

Specifications to Charge I

6. On or about June 22, 2020, at approximately 6:30 PM, Respondent called 911 and reported that two vehicles associated with what he described as "an idiot neighbor across the street" were blocking the driveway of his home. Respondent told the 911 dispatcher that he had "daughters, and sons, and son-in-law that are police, that are the fire department," and he requested that one of his neighbor's vehicles be ticketed or towed if it was not moved prior to the arrival of law enforcement.

RESPONSE #6: Respondent admits that he called 9-1-1 regarding a motor vehicle blocking his driveway, but denies knowledge and information sufficient to form a belief as to the precise language used during said call.

7. Following his 911 call, Respondent crossed the street with his wife and engaged in a verbal and physical confrontation with his neighbors, Joseph and Gina Mele. Respondent repeatedly harangued and challenged Mr. Mele verbally and physically and made the following profane comments, usually in a raised voice:

- A. "Fucking asshole;"
- B. "Fucker;"
- C. "You want to go again, tough fucking guy;"
- D. "I'll fucking flatten your face again;"
- E. "Fuck you;" and

F. "You piece of shit."

RESPONSE #7: Respondent admits that a confrontation took place, denies that he was the aggressor, and denies knowledge and information sufficient to form a belief as to the specific language used during the confrontation.

8. During the physical altercation between the Meles and Respondent and his wife, (A) Mr. Mele received a bite wound to his right forearm, an inferior orbital fracture, and head and shoulder injuries, and (B) Respondent's shirt came off, and it remained off during the ensuing events described below, including his confrontation and interactions with the police who responded to the scene.

RESPONSE #8 Respondent admits that a physical confrontation took place, admits that he used reasonable force to defend himself and his wife against unlawful and excessive force, admits that Joseph Mele tore his shirt from his body, admits that he remained shirtless during the encounter with Buffalo Police, and denies knowledge and information sufficient to form a belief as to the remaining allegations and inferences of misconduct and assertions contained in this paragraph.

9. After BPD Officers Ryan Gehr and Larry Muhammad arrived at the scene, Officer Gehr restrained Respondent's wife and attempted to handcuff her. Respondent pushed Officer Gehr with both of his hands and made various statements in a raised voice, including:

A. "Dude, dude ... You better get off my fucking wife;"

B. "If you don't get the cuffs off her right now ... you're going to have a problem;" and

- C. "You arrest my fucking wife, you're going to be sorry."

RESPONSE #9

Respondent admits that, as reflected on the body camera video, excessive, unlawful force was used to detain Maria Grisanti, in that Officer Gehr: (1) sprinted across the street toward Maria Grisanti; (2) swore at her; and (3) threw her to the ground and placed her in handcuffs without reasonable suspicion that a crime was in progress or had been committed. Respondent further admits and that he acted reflexively to defend himself and his wife against the excessive force used by Officer Gehr, admits that body camera recordings captured portions of this encounter, and denies knowledge and information sufficient to form a belief as to the remaining allegations and inferences of misconduct and assertions contained in this paragraph.

10. Officer Muhammad restrained Respondent, stating to him:
- A. "Keep your hands off a cop;"
 - B. "Do not fight a police officer;" and
 - C. "You are not going to fight a cop."

RESPONSE #10

Respondent admits that he spoke with Officer Muhammad, admits that body camera recordings captured portions of this encounter, and denies knowledge and information sufficient to form a belief as to the remaining allegations and inferences of misconduct and assertions contained in this paragraph.

11. At the scene, Respondent made various statements to BPD personnel invoking his family ties to members of the BPD and his friendship with the Mayor of Buffalo, including:

- A. "And, listen, I'm good friends with Byron Brown. He's like, 'It's always something. Mark, just freaking ignore them';"
- B. "Gramaglia's my cousin;" and
- C. "Listen, my daughter and my son-in-law are both Buffalo ... police officers ... I'll call them right now."

RESPONSE #11 Respondent admits that body camera recordings captured portions of this encounter, but denies that he attempted to "invoke" his family ties or relationship with Byron Brown to obtain preferential treatment.

12. Respondent told Officer Gehr, "Do me a favor ... Get her [Respondent's wife] out of the car and I'll bring her inside." He then stated, "And I didn't mean to tackle you, but, I mean, you kind of threw my wife down on the ground pretty hard and I don't appreciate that."

RESPONSE #12 Respondent admits that body camera recordings captured portions of this encounter, but denies knowledge and information sufficient to form a belief as to the remaining allegations and inferences of misconduct and inferences contained within this paragraph.

13. Respondent told Officer Gehr that his action toward Respondent's wife "was not necessary," and stated, "So, you need to chill out about that ... just giving you a little constructive criticism, dude." BPD Officer Richard Hy, who had also responded to the scene, seemed to conclude that Respondent was expecting special

treatment and asked Respondent, "You want to make us look dirty, is that what you want to do?"

RESPONSE #13 Respondent admits that body camera recordings captured portions of this encounter, denies that he sought or expected preferential treatment by virtue of his status, and denies knowledge and information sufficient to form a belief as to the remaining allegations and inferences of misconduct contained in this paragraph, including but not limited to the state of mind of Officer Richard Hy.

14. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, 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 that they do not cast reasonable doubt on his capacity to act impartially as a judge and detract from the dignity of judicial office, in violation of Sections 100.4(A)(1) and 100.4(A)(2) of the Rules.

RESPONSE #14 Respondent denies the allegations and inferences of misconduct contained in this paragraph.

CHARGE II

15. From in or about January 2018 through in or about December 2020, Respondent was assigned to and took judicial action in eight cases involving attorney Matthew A. Lazroe, notwithstanding and without disclosing that (A) he had an ongoing financial relationship with Mr. Lazroe while five of the matters were pending, and (B) that his financial relationship with Mr. Lazroe had ended within seven months of three of the matters.

RESPONSE #15 Respondent admits that he was unaware of the need to disclose his financial relationship during the pendency of the action, and otherwise denies knowledge and information sufficient to form a belief as to the remaining allegations and inferences of misconduct contained in this paragraph.

Specifications to Charge II

16. On or about May 18, 2015, Respondent entered into an agreement to sell his law practice to Peter J. Pecoraro and Matthew A. Lazroe. The agreement provided for the transfer of the "Goodwill" of Respondent's law practice, which entailed all files, wills, telephone number, copier/fax number, and furnishings, with two listed exceptions. The financial terms provided for the payment of a total sum of \$50,000, with a payment of \$15,000 down and monthly payments of \$730, beginning July 1, 2015, and extending until the balance was paid in full.

RESPONSE #16 Respondent admits the allegations contained in this paragraph.

17. In or about May 2015, Mr. Lazroe paid Respondent approximately \$10,000 on the agreement; he paid six additional monthly installments in or about 2015, totaling approximately \$2,190. In or about 2016, Mr. Lazroe paid Respondent 12 monthly installments, totaling approximately \$4,745; in or about 2017, he paid Respondent 11 monthly installments, totaling approximately \$4,025; in or about 2018, he paid Respondent 12 monthly installments, totaling approximately \$4,380; in or about 2019, he paid Respondent six monthly installments, totaling approximately \$2,190, including a final installment of \$365 in or about June 2019.

RESPONSE #17 Respondent admits that he received approximately \$4,380 from Mr. Lazroe in 2016, and admits the remaining allegations contained in this paragraph.

Bayview Loan Servicing, LLC v Mary Lee Fornes et al.

18. On or about December 1, 2017, a request for judicial intervention was filed in Supreme Court, Erie County, in the mortgage foreclosure matter of Bayview Loan Servicing, LLC v Mary Lee Fornes et al, Mr. Lazroe represented the defendant.

RESPONSE #18 Respondent admits that a request for judicial intervention was filed on or about December 1, 2017 and admits that Mr. Lazroe represented the defendant during the foreclosure proceedings before Diane Boccio, but denies information sufficient to form a belief as to whether Mr. Lazroe ever appeared before him as attorney of record for the defendant, and otherwise denies knowledge and information sufficient to form a belief as to the remaining allegations and inferences of misconduct contained in this paragraph.

19. On or about September 7, 2018, Respondent signed a scheduling order, confirming that the matter was removed from the settlement conference part and setting dates on which counsel were to appear concerning the status on the order of reference and judgment. The order further provided that permission of the court was required for any adjournments.

RESPONSE #19 Respondent admits the allegations contained in this paragraph.

20. On or about December 5, 2018, Respondent signed an order to discontinue the action and cancel a notice of pendency.

RESPONSE #20 Respondent admits the allegations contained in this paragraph.

21. Respondent never disclosed his financial relationship with Mr. Lazroe to the parties while assigned the case.

RESPONSE #21 Respondent denies information sufficient to form a belief as to whether Mr. Lazroe ever appeared before him as attorney of record for the defendant, and otherwise denies knowledge and information sufficient to form a belief as to the remaining allegations and inferences of misconduct contained in this paragraph.

Buffalo Seminary v Stephanie Satterwhite

22. On or about December 18, 2017, Mr. Lazroe filed a request for judicial intervention in Supreme Court, Erie County, in the commercial matter of Buffalo Seminary v Stephanie Satterwhite. Mr. Pecoraro had initiated the case by filing a summons and complaint on behalf of the plaintiff, dated January 19, 2017. Mr.

Lazroe was added as attorney of record for the plaintiff on or about September 22, 2017. On or about October 26, 2017, Mr. Lazroe executed an affidavit in support of a motion for default judgment on behalf of the plaintiff.

RESPONSE #22 Respondent admits the allegations contained in this paragraph.

23. On or about June 14, 2018, Respondent signed an order "Upon the Affidavit of Matthew A. Lazroe, Esq.," and as to Mr. Lazroe's motion, Respondent awarded judgment to the plaintiff in the amount of \$13,914.57, plus interest. A statement for judgment in the matter for \$18,552.20, including interest costs and fees, was signed and filed by the County Clerk on or about November 8, 2018.

RESPONSE #23 Respondent admits the allegations contained in this paragraph.

24. Respondent never disclosed his financial relationship with Mr. Lazroe to the parties while assigned the case.

RESPONSE #24 Respondent admits that he was unaware of the need to disclose his financial relationship during the pendency of the action, and otherwise denies knowledge and information sufficient to form a belief as to the remaining allegations and inferences of misconduct contained in this paragraph.

Matter of the Application of M [REDACTED] F [REDACTED]

25. On or about February 6, 2018, a request for judicial intervention was filed in Supreme Court, Erie County, in the special proceeding Matter of the

Application of M [REDACTED] F [REDACTED], concerning an order to show cause for the appointment of a guardian.

RESPONSE #25 Respondent admits the allegations contained in this paragraph.

26. On or about February 7, 2018, Respondent signed an order appointing Mr. Lazroe as court evaluator to explain the proceeding to an alleged incapacitated person and investigate claims made in the petition.

RESPONSE #26 Respondent admits the allegations contained in this paragraph.

27. On or about June 18, 2018, Respondent signed an order directing that Mr. Lazroe receive the sum of \$2,184 for his services as court evaluator.

RESPONSE #27 Respondent admits the allegations contained in this paragraph.

28. Respondent never disclosed his financial relationship with Mr. Lazroe to the parties while assigned the case.

RESPONSE #28 Respondent admits that he was unaware of the need to disclose his financial relationship during the pendency of the action, and otherwise denies knowledge and information sufficient to form a belief as to the remaining allegations and inferences of misconduct contained in this paragraph.

Trifera, LLC v Morrison, Unknown Heirs

29. On or about October 12, 2018, in the mortgage foreclosure matter of Trifera, LLC v Morrison, Unknown Heirs in Supreme Court, Erie County, Respondent signed an order designating Mr. Lazroe as guardian ad litem and military attorney on behalf of any individuals discovered to have a property interest in the subject property of the case. Respondent ordered that Mr. Lazroe be compensated by the plaintiff in the amount of \$250 for his services.

RESPONSE #29 Respondent admits the allegations contained in this paragraph.

30. Respondent never disclosed his financial relationship with Mr. Lazroe to the parties while assigned the case.

RESPONSE #30 Respondent admits that he was unaware of the need to disclose his financial relationship during the pendency of the action, and otherwise denies knowledge and information sufficient to form a belief as to the remaining allegations and inferences of misconduct contained in this paragraph.

Federal National Mortgage Association v Anderson et al.

31. On or about May 3, 2019, in the mortgage foreclosure matter of Federal National Mortgage Association v Anderson et al. in Supreme Court, Erie County, Respondent signed an order designating Mr. Lazroe as guardian ad litem and military attorney on behalf of possible unknown defendants in the case. Respondent ordered that Mr. Lazroe be compensated by the plaintiff in the amount of \$250 upon the filing of a notice of appearance and providing for possible additional future compensation. On or about February 3, 2020, Respondent signed an order awarding Mr. Lazroe \$350 for additional services.

RESPONSE #31 Respondent admits the allegations contained in this paragraph.

32. Respondent never disclosed his financial relationship with Mr. Lazroe to the parties while assigned the case.

RESPONSE #32 Respondent admits that he was unaware of the need to disclose his financial relationship during the pendency of the action, and otherwise denies information sufficient to form a belief as to the remaining allegations and inferences of misconduct contained in this paragraph.

Greater Woodlawn Federal Credit Union v Charles Pachucki et al.

33. On or about April 28, 2019, a request for judicial intervention was filed in Supreme Court, Erie County, in the mortgage foreclosure matter of Greater Woodlawn Federal Credit Union v Charles Pachucki et al. On or about August 22, 2019, Respondent signed an order appointing Mr. Lazroe as referee. Respondent's order provided that Mr. Lazroe be paid a statutory fee of \$50 and, in the discretion of the court, an additional \$100 fee upon the filing of his report.

RESPONSE #33 Respondent admits the allegations contained in this paragraph.

34. Respondent never disclosed his financial relationship with Mr. Lazroe to the parties while assigned the case.

RESPONSE #34 Respondent admits that he was unaware of the need to disclose his financial relationship during the pendency of the action, and otherwise denies information sufficient to

form a belief as to the remaining allegations and inferences of misconduct contained in this paragraph.

Matter of the Application of W [REDACTED] L [REDACTED]

35. On or about November 1, 2019, a request for judicial intervention was filed in Supreme Court, Erie County, in the special proceeding Matter of W [REDACTED] L [REDACTED], concerning an order to show cause for the appointment of a guardian.

RESPONSE #35 Respondent admits the allegations contained in this paragraph.

36. On or about November 4, 2019, Respondent signed an order appointing Mr. Lazroe as court evaluator to explain the proceeding to an alleged incapacitated person and investigate claims made in the petition.

RESPONSE #36 Respondent admits the allegations contained in this paragraph.

37. On or about April 14, 2020, Respondent signed an order providing that Mr. Lazroe be compensated in the amount of \$5,032.50 for legal services rendered as court evaluator. On or about December 17, 2020, Respondent signed an order providing that Mr. Lazroe be compensated in the amount of \$192.50 for additional services provided as court evaluator.

RESPONSE #37 Respondent admits the allegations contained in this paragraph.

38. Respondent never disclosed his financial relationship with Mr. Lazroe to the parties while assigned the case.

RESPONSE #38 Respondent admits that he was unaware of the need to disclose his financial relationship during the pendency of the action, and otherwise denies knowledge and information sufficient to form a belief as to the remaining allegations and inferences of misconduct contained in this paragraph.

Rasheena Jones v Jerry Gradl Motors, Inc.

39. On or about February 6, 2019, Mr. Lazroe filed a request for judicial intervention in Supreme Court, Niagara County, on behalf of the plaintiff, in the commercial matter of Rasheena Jones v Jerry Gradl Motors, Inc.

RESPONSE #39 Respondent admits the allegations contained in this paragraph.

40. On or about January 16, 2020, Respondent signed a trial scheduling order setting discovery time requirements and dates for jury selection, trial, and a telephonic pretrial conference. Respondent's order further provided that permission of the court would be required for any adjournments.

RESPONSE #40 Respondent admits the allegations contained in this paragraph.

41. Case status conferences were held on or about March 30, 2020, May 26, 2020, June 19, 2020, August 4, 2020, September 4, 2020, and October 5, 2020. In or about December 2020, the case was reassigned to another judge.

RESPONSE #41 Respondent admits that this matter was reassigned to a different justice in or about December of 2020, but denies knowledge and information to form a belief as to the

specific dates that case status conferences were conducted in 2020.

42. Respondent never disclosed his financial relationship with Mr. Lazroe to the parties while assigned the case.

RESPONSE #42 Respondent admits that he was unaware of the need to disclose his financial relationship during the pendency of the action, and otherwise denies knowledge and information sufficient to form a belief as to the remaining allegations and inferences of misconduct contained in this paragraph.

43. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, 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; failed to perform the duties of judicial office impartially and diligently, in that he failed to disqualify himself in a proceeding in which his impartiality might reasonably be questioned, in violation of Section 100.3(E)(1) of the Rules; and failed to conduct his extra-judicial activities so as to minimize the risk of conflict with his judicial obligations, in that he engaged in financial and business dealings that may reasonably be perceived to exploit his judicial position, and involved himself in frequent transactions or continuing business relationships with lawyers likely to

come before the court on which the judge serves, in violation of Sections 100.4(D)(1)(a) and 100.4(D)(1)(c) of the Rules.

RESPONSE #43 Respondent denies the allegations and inferences of misconduct contained in this paragraph.

CHARGE III

44. In or about 2016, Respondent filed a Financial Disclosure Statement with the Ethics Commission for the New York State Unified Court System in which he inaccurately reported the income he received for the purchase of his private law practice in 2015. As a Court of Claims Judge and an Acting Supreme Court Justice in 2015 until in or about 2019, Respondent failed to make timely and accurate reports of his extra-judicial income to the clerks of the Court of Claims and Erie County Supreme Court as required.

RESPONSE #44 Respondent admits that he inadvertently clicked the incorrect box when reporting the income he received for the purchase of his private law practice in 2015, admits that he has since corrected this inadvertent error for 2015, 2016, and 2017, and denies knowledge and information sufficient to form a belief as to the remaining allegations or inferences of misconduct.

Specifications to Charge III

45. In or about 2015, in connection with the agreement for the sale of his law practice, Respondent received approximately \$12,190 from Mr. Lazroe and approximately \$7,190 from Mr. Pecoraro. In his verified 2015 Financial Disclosure Statement filed with the Ethics Commission for the New York State Unified Court

System, Respondent reported the amount of income he received from Mr. Lazroe and Mr. Pecoraro for the sale of his law practice as under \$5,000.

RESPONSE #45 Respondent admits the allegations contained in this paragraph.

46. In his description of the nature of these payments, Respondent disclosed that in May 2015 he began receiving \$730 per month from Mr. Lazroe and Mr. Pecoraro toward the purchase of his law practice. Respondent did not disclose that he received a lump sum payment of \$15,000 at the time of the sale.

RESPONSE #46 Respondent admits that he disclosed his monthly income from the sale of his law practice, and denies knowledge and information sufficient to form a belief as to the remaining allegations or inferences of misconduct.

47. From in or about May 2015 through in or about June 2019, in connection with the agreement for the sale of his law practice, Respondent received approximately \$27,530 from Mr. Lazroe. From in or about May 2015 through in or about December 2017, Respondent received approximately \$15,950 from Mr. Pecoraro.

RESPONSE #47 Respondent admits the allegations contained in this paragraph.

48. From in or about May 2015 through in or about June 2019, Respondent failed to file any report of the income received from the sale of his law practice with the office of the Clerk of the Court of Claims.

RESPONSE #48 Respondent denies knowledge and information sufficient to form a belief as to the allegations contained within this paragraph.

49. From in or about 2018 through in or about June of 2019, Respondent failed to file any report of the income received from the sale of his law practice with the office of the Clerk of the Erie County Supreme Court.

RESPONSE #49 Respondent denies knowledge and information sufficient to form a belief as to the allegations contained within this paragraph.

50. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, 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; failed to perform the duties of judicial office impartially and diligently, in that he failed to diligently discharge his administrative duties, failed to maintain professional competence in judicial administration, and failed to cooperate with court officials in the administration of court business, in violation of Section 100.3(C)(1) 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 more than once to file with the clerk of his court, or other office designated by law, annual public reports of the date, place and nature of any activity for which he received compensation in excess of \$150, the name of the payor and the amount of compensation so received, and

failed to disclose income on his financial disclosure forms as required by 22 NYCRR Part 40, in violation of Sections 100.4(H)(2) and 100.4(I) of the Rules.

FURTHER ANSWERING THE COMPLAINT

51. Respondent denies the remaining allegations of the complaint not hereinbefore specifically admitted or otherwise denied.

**AS A FIRST AFFIRMATIVE DEFENSE, AND AS MITIGATION
OF THE CHARGES, RESPONDENT ALLEGES
UPON INFORMATION AND BELIEF:**

52. Respondent exercised physical force to the extent he reasonably believed was necessary to defend himself and his wife pursuant to the laws of the State of New York.


**AS A SECOND AFFIRMATIVE DEFENSE, AND AS MITIGATION
OF THE CHARGES, RESPONDENT ALLEGES
UPON INFORMATION AND BELIEF:**

53. That the provisions of the Judiciary Law, which the complaint alleges that the Respondent violated are void for vagueness, and therefore unconstitutional, under the constitutions of the United States and New York State.

**AS A THIRD AFFIRMATIVE DEFENSE, AND AS MITIGATION
OF THE CHARGES, RESPONDENT ALLEGES
UPON INFORMATION AND BELIEF:**

54. Failing to conduct this proceeding in person violates Respondent's right under Judiciary Law § 44[4] to call and cross-examine witnesses and present evidentiary data and material relevant to the complaint, and, therefore, violates Respondent's right to Due Process under the constitutions of the United States and New York State.

DATED: Buffalo, New York
November 17, 2021

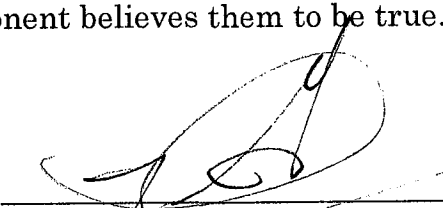

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To: Robert H. Tembeckjian
Administration and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS.:
CITY OF BUFFALO)

Hon. Mark J. Grisanti, A.J.S.C. being duly sworn, deposes and says that he is the respondent in the within action, that he has read the foregoing Answer and knows the contents thereof; that the same is true to deponent's own knowledge except as to those matters therein stated to be alleged upon information and belief, and as to those matters the deponent believes them to be true.



Hon. Mark J. Grisanti, A.J.S.C.

Sworn to before me this
17th day of November, 2021



Notary Public

REBECCA F. IZZO
No. 02126416336
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 04/12/2025