

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 W. WILBANKS,

a Justice of the Fort Covington Town Court,
Franklin County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, David W. Wilbanks, a Justice of the Fort Covington Town Court, Franklin 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 Albany office, Corning Tower, Suite 2301, Albany, New York 12223, with his verified Answer to the specific paragraphs of the Complaint.

Dated: October 26, 2023
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 W. Wilbanks
2510 Chateaugay Street
Fort Covington, NY 12937

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 W. WILBANKS,

a Justice of the Fort Covington Town Court,
Franklin County.

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.
2. The Commission has directed that a Formal Written Complaint be drawn and served upon David W. Wilbanks (“Respondent”), a Justice of the Fort Covington Town Court, Franklin 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 Fort Covington Town Court, Franklin County, since January 1, 2021. His term expires on December 31, 2024. Respondent is not an attorney.

CHARGE I

5. For the months of December 2022 through May 2023, Respondent failed to report and remit court funds in a timely manner to the Office of the State Comptroller (“Comptroller”), as required by Section 1803 of the Vehicle and Traffic Law, Sections 2020 and 2021 of the Uniform Justice Court Act, Section 27, subdivision 1 of the Town Law and Section 99-a of the State Finance Law.

Specifications to Charge I

6. On or about February 14, 2023, the Comptroller issued to Respondent a written notice that his December 2022 monthly report had not been filed by the 10th day of the following month as required and still was not on file with the Comptroller. A copy of the notice is annexed as Exhibit 1.

7. On or about March 22, 2023, the Comptroller issued to Respondent a second written notice that his December 2022 monthly report had not been filed, and simultaneously notified him that he had failed to file his January 2023 monthly report by the 10th day of the following month as required. A copy of the second notice is annexed as Exhibit 2.

8. Respondent failed to file his February 2023 monthly report by the 10th day of the following month as required, and it remained unfiled through on or about mid-April 2023.

9. On or about April 20, 2023, the Comptroller left a phone message for Respondent regarding his still-unfiled reports for December 2022, January 2023, and February 2023, as a courtesy before mailing him a notice that his salary would be stopped in connection with those delinquencies. A copy of the Justice Court Fund (JCF) phone record is annexed as Exhibit 3.

10. That same day, the Comptroller also sent an email to Respondent, again noting the delinquent December 2022 and January 2023 monthly reports and notifying him of his failure to file his February 2023 monthly report in a timely manner. A copy of the April 20, 2023, email is annexed as Exhibit 4. The email further advised Respondent of the prior written notices, as well as the phone message left for him that same day, concerning his delinquent reports.

11. On or about April 18, 2023, the Comptroller notified the Fort Covington Town Supervisor to stop Respondent's judicial salary in connection with his failure to file his monthly reports for December 2022, January 2023 and February 2023. A copy of the stop-salary notice is annexed as Exhibit 5. Thereafter, Respondent failed to timely file his reports for March, April and May 2023.

12. Respondent failed to file his monthly reports with the Comptroller for the months of December 2022 through May 2023 until on or about July 6, 2023.

Thereafter, Respondent's judicial salary was resumed. A copy of the resume-salary notice, dated July 17, 2023, is annexed as Exhibit 6.

13. 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 insure that his judicial duties take precedence over all his other activities, in violation of Section 100.3(A) of the Rules, failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed to diligently discharge his administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

CHARGE II

14. From in or about May 2023 to in or about August 2023, Respondent failed to cooperate with the Commission's investigation of the complaint that he failed to timely report and remit court funds to the Comptroller, in that he:

- A. failed to respond to two letters from the Commission requesting his response to the complaint concerning his failure to report and remit to the Comptroller;
- B. failed to produce court records and other related documents requested by the Commission; and
- C. failed to appear for scheduled testimony before the Commission, as was required.

Specifications to Charge II

15. Section 44, subdivision 3, of the Judiciary Law, and Volume 22, Sections 7000.3(c) and (e) of the New York Codes, Rules and Regulations (22 NYCRR 7000.3[c] and [e]), authorize the Commission to request a written response from a judge who is the subject of a complaint, and to require a judge's testimony during an investigation.

16. By letter dated May 3, 2023, the Commission notified Respondent that it was investigating a complaint from the Comptroller alleging that he had failed to file reports or remit funds to the Comptroller in the time required by law

for the months of December 2022, January 2023, and February 2023, which resulted in his judicial salary being stopped on or about April 18, 2023. The letter requested that Respondent provide a written response to the allegations and to produce court records and other related documents by May 31, 2023. The letter was sent to Respondent by regular mail and via email to his court system account: [REDACTED]@nycourts.gov. A copy of the letter is annexed as Exhibit 7.

17. Respondent failed to respond to the Commission's letter of May 3, 2023, and failed to produce any documents requested therein.

18. By letter dated June 14, 2023, the Commission sent Respondent a copy of its letter dated May 3, 2023, and requested his response by June 28, 2023. The letter informed Respondent that his "failure to respond may be found by the Commission to be failure to cooperate with the investigation" (emphasis in original). A copy of the letter is annexed as Exhibit 8.

19. Respondent did not respond to the Commission's letter of June 14, 2023.

20. By letter dated July 13, 2023, which was personally delivered to the Fort Covington Town Court and accepted by the court clerk, the Commission notified Respondent that his testimony concerning the stop-salary complaint was required on August 16, 2023, at 10:30 AM at the Commission's Albany office. The letter noted that the Commission had not received a response from

Respondent and enclosed a copy of the complaint, as well as copies of the letters from the Commission dated May 3, 2023, and June 14, 2023. The letter of July 13, 2023, requested that Respondent confirm his appearance by August 7, 2023. A copy of the letter is annexed as Exhibit 9.

21. Respondent neither confirmed his appearance for testimony nor provided any documents to the Commission.

22. On or about August 15, 2023, a member of the Commission's staff telephoned Respondent at his place of employment. Respondent confirmed having received the Commission's letter requiring his appearance the following day for testimony. Respondent stated that he was going to be out of town and could not appear to testify as scheduled, but offered to appear for testimony on his day off the following week, on August 21, 2023.

23. The Commission sent Respondent a letter dated August 15, 2023, to his home address, adjourning his appearance for testimony to August 21, 2023, as he had requested and agreed, and providing directions to the Commission's Albany office. A copy of the letter is annexed as Exhibit 10.

24. Respondent failed to appear at the Commission's Albany office on August 21, 2023, and failed to communicate with the Commission in any manner. A transcript was prepared on August 21, 2023, noting Respondent's failure to appear. On August 23, 2023, a copy of the transcript along with its exhibits and a

cover letter were mailed to the Respondent's home address. Respondent personally received and signed for those documents on August 28, 2023. A copy of the transcript along with its exhibits, cover letter and proof of delivery are annexed as Exhibit 11.

25. 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 violations of Section 100.1 of the Rules; and failed to avoid impropriety and the appearance of impropriety, in that Respondent 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.

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: October 26, 2023
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

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

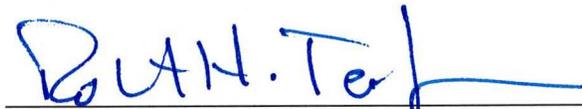
DAVID W. WILBANKS,

a Justice of the Fort Covington Town Court,
Franklin County.

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

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
26th day of October 2023



Notary Public

Marisa Harrison Santos
Notary Public, State of New York
No. 01SA0003835
Qualified in Albany County
Commission Expires March 27, 2027



February 14, 2023

Honorable David W. Wilbanks
Town of Fort Covington
2510 Chateaugay Street
Fort Covington, NY 12937

Justice ID: 1632960374W

Dear Justice Wilbanks:

Town and village justices are required to file a monthly report with the Office of the State Comptroller (OSC) by the tenth of the month following the report month (Town Law §27; Village Law §4-410; Uniform Justice Court Act §2021). A report must be filed even if it is to indicate no activity in that month.

The following report(s) were either not received or were not properly reported:
December 2022

Please check your records for confirmation. If you have already filed the report(s), please contact this office so we may further review this matter. If you have not filed, please do so as soon as possible so that you are in legal compliance with reporting requirements.

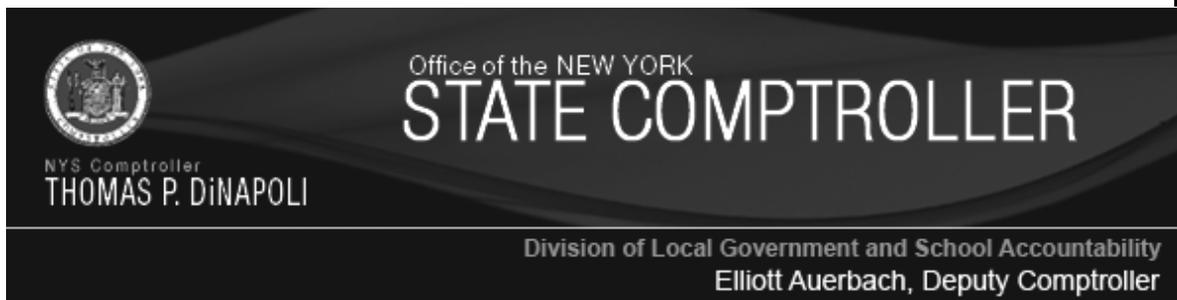
Getting started with justice report filing:

- Visit OSC's Justice Court Filing Website [Justice Court Fund Internet Reporting System \(JCFIR\)](#)
- Log in using your JCFIR **User ID** and Password

If you need assistance with filing, contact our Help Desk at 866-321-8503, Option 2, or email us at courtfund@osc.ny.gov.

We understand that local governments are facing many challenges at this time. Our staff is working to target our efforts to support your needs and priorities. Please contact us with any questions.

Thank you,
Justice Court Fund Unit



March 22, 2023

Honorable David W. Wilbanks
Town of Fort Covington
2510 Chateaugay Street
Fort Covington, NY 12937

Justice ID: 1632960374W

Dear Justice Wilbanks:

Town and village justices are required to file a monthly report with the Office of the State Comptroller (OSC) by the tenth of the month following the report month (Town Law §27; Village Law §4-410; Uniform Justice Court Act §2021). A report must be filed even if it is to indicate no activity in that month.

We notified you on February 14, 2023 that the following report(s) were either not received or were not properly reported. The requested report(s) remain not received.

December 2022

At this time, the additional following report(s) have not been received or properly reported.

January 2023

To file your report visit the Justice Court Filing Website [Justice Court Fund Internet Reporting System \(JCFIR\)](#). If you need assistance with filing, contact our Help Desk at 866-321-8503, Option 2, or email us at courtfund@osc.ny.gov.

Failure to file the required report(s) may result in loss of revenue to the municipality and affect your compensation. If this matter is not resolved timely, your chief fiscal officer will be given formal notification that there has been a failure to properly report to the State Comptroller as required by Section 27 of the Town Law or Section 4-410 of the Village Law.

It is imperative that you submit the delinquent report(s) as soon as possible to avoid potential penalties. We understand that local governments are facing many challenges at this time. Our staff is working to target our efforts to support your needs and priorities. Please contact us with any questions.

Sincerely,
Renee Malo
Auditor 2 (Municipal)
Justice Court Fund

cc: Glens Falls Regional Office, Office of the State Comptroller
Office of Court Administration, Director of Justice Court Support
Honorable Felix J Catena, 4th Judicial District

User_Name	Contact_Date	Contact_Name	Contact_Title	Contact_Info	Contact_Type	Muni_Name	Question	Explanation
cfalco	20-Apr-23	David Wilbanks	Justice	[REDACTED] or mob [REDACTED]	Phone Call	Town of Fort Covington	Good Afternoon Judge Wilbanks, as a courtesy, we are contacting you prior to our office mailing an elevated delinquent report notice for your Town of Fort Covington reports for Dec 2022, Jan 2023 and Feb 2023. You were previously notified that these reports are delinquent	CF left a phone message. Also on April 5, 2023, Matt Chivers from OCA told us that he spoke with Judge Wilbanks and he said he would file them

Town of Fort Covington Justice Court Reports Due

Courtfund

Thu 4/20/2023 01:59 PM

To: Hon. David W. Wilbanks <[REDACTED]@nycourts.gov>

Good Afternoon Judge Wilbanks,

As a courtesy, we are contacting you prior to our office mailing an elevated delinquent report notice for your Town of Fort Covington reports for Dec 2022, Jan 2023 and Feb 2023. You were previously notified that this report was past due by mailed notices and I left you a voicemail today.

As per our previous letter, failure to file the required report may result in loss of revenue to the municipality and affect your compensation. If you have questions about your delinquent reports, please call me as soon as possible at [REDACTED]. We will hold off on mailing the elevated delinquent notice pending your phone call or submission of the delinquent reports by Tuesday, April 25, 2023.

Thank you,
Coraline Falco

Office of the State Comptroller
Justice Court Fund
110 State Street, 12th Floor
Albany, NY 12236
Tel: 866-321-8503, Option 2
Fax: 518-486-9899



NYS Comptroller
THOMAS P. DINAPOLI

Office of the NEW YORK
STATE COMPTROLLER

Division of Local Government and School Accountability
Elliott Auerbach, Deputy Comptroller

April 18, 2023

Patricia Manchester
Supervisor
Town of Fort Covington
PO Box 489
Fort Covington NY 12937

Re: Justice ID 1632960374W
Honorable David W. Wilbanks

Dear Supervisor:

This is official notification that the above referenced Justice has not properly reported to the State Comptroller for the following month(s):

December 2022

January 2023

February 2023

Pursuant to Section 27 of the Town Law and Section 4-410 of the Village Law, every town and village justice must file a report monthly with the State Comptroller. The report, certification, or remittance, if any, is due by the tenth of the month following the report month (e.g., the April report is due by the tenth of May). A report must be sent even if it is to indicate that no activity occurred in that month. In the event that a justice fails to properly account for any moneys received by such justice, the chief fiscal officer will be notified. Upon receipt of such notice from the State Comptroller, it shall be unlawful for the town or village to make any further payment of compensation to such justice until receipt of a notice from the Comptroller that a proper accounting has been made.

No further compensation should be made to this Justice until further notice from this office. Please sign the attached copy of this notification and return it to:

**Office of the State Comptroller
Justice Court Fund
110 State Street
Albany, NY 12236**

Sincerely,

Coraline Falco
Manager
Justice Court Fund

encl

cc: Honorable David W. Wilbanks
Glens Falls Regional Office, Office of the State Comptroller
Office of Court Administration, Director of Justice Court Support
Honorable Felix J Catena, 4th Judicial District
Chief Council, Commission on Judicial Conduct





THOMAS P. DiNAPOLI
STATE COMPTROLLER

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
110 STATE STREET
ALBANY, NEW YORK 12236

DIVISION OF LOCAL GOVERNMENT
AND SCHOOL ACCOUNTABILITY
Tel: (518) 474-4037 Fax: (518) 486-6479

July 17, 2023

Patricia Manchester
Supervisor
Town of Fort Covington
PO Box 489
Fort Covington NY 12937

RECEIVED

JUL 20 2023

NYS COMMISSION ON
JUDICIAL CONDUCT
ALBANY

Re: Justice ID 1632960374W
Honorable David W. Wilbanks

Dear Supervisor Manchester:

The above referenced Justice is now current with the statutory monthly reporting requirements. If it became necessary to suspend compensation pursuant to our formal notice of April 18, 2023, please resume such payments as soon as possible. If you have any questions, please do not hesitate to contact me at [REDACTED].

Sincerely,

A handwritten signature in cursive script that reads "Coraline Falco".

Coraline Falco
Manager
Justice Court Fund

cc: Honorable David W. Wilbanks
Glens Falls Regional Office, Office of the State Comptroller
Office of Court Administration, Director of Justice Court Support
Honorable Felix J Catena, 4th Judicial District
Chief Council, Commission on Judicial Conduct



NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

JOSEPH W. BELLUCK, CHAIR
TAA GRAYS, VICE CHAIR
HON. FERNANDO M. CAMACHO
HON. JOHN A. FALK
HON. ROBERT J. MILLER
MARVIN RAY RASKIN
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GRAHAM B. SEITER
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MEMBERS
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CORNING TOWER, SUITE 2301
EMPIRE STATE PLAZA
ALBANY, NEW YORK 12223

518-453-4600 518-299-1757
TELEPHONE FACSIMILE
www.cjc.ny.gov

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

CATHLEEN S. CENCI
DEPUTY ADMINISTRATOR

S. PETER PEDROTTY
KATHLEEN E. KLEIN
SENIOR ATTORNEYS

SHRUTI JOSHI
STAFF ATTORNEY

CONFIDENTIAL

May 3, 2023

VIA USPS AND EMAIL TO: [REDACTED] [@nycourts.gov](mailto:[REDACTED]@nycourts.gov)

Hon. David W. Wilbanks
Fort Covington Town Justice
2510 Chateaugay Street
Fort Covington, New York 12937
Tracking #: 9405 5091 0515 6522 0071 98

Re: File No. 2023/A-0140

Dear Judge Wilbanks:

The State Commission on Judicial Conduct is investigating a complaint that you failed to file reports or remit funds to the Office of the State Comptroller in the time required by law, for the months of December 2022, January 2023, and February 2023, and that your salary was stopped on April 18, 2023, as a result. A copy of the stop-salary notice is enclosed.

For your reference, the Rules Governing Judicial Conduct, the Commission's Operating Procedures and Rules, the Commission's Policy Manual and other documents are available on the Commission's website.¹

¹ <http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm>

Hon. David W. Wilbanks

May 3, 2023

Page 2

In connection with this matter, the Commission requests that you respond to the following questions, in writing, by May 31, 2023. The Commission requests that you personally respond to each question, even if you have already submitted your overdue report or reports. In your letter, please include answers to the questions below and number your responses to correspond to the questions. We prefer that you respond in the form of a letter attached to a reply email to the Commission at [REDACTED]@cjc.ny.gov. However, we will accept a reply typed into an email message, faxed to (518) 299-1757, or sent by US mail, UPS or other carrier.

Please note that, pursuant to Section 2.6(D)(3) of the Commission's Policy Manual, if your written reply is submitted by counsel, you must co-sign or submit a separate statement indicating that you have read and adopt it.

1. Did you fail to file reports to the State Comptroller in the time required by Section 27 of the Town Law, as indicated in the attached stop-salary notice? If so, please state why you failed to file the reports as required.

2. Did you dispose of cases during the period of December 2022 through February 2023? If so, please provide the Commission with a list of completed cases which you failed to report to the State Comptroller and a statement as to the amount of money collected for each case.

3. During the above period, did you receive fines or other funds that must be remitted to the State Comptroller? If so, please provide the Commission with a copy of your cashbook for the months of December 2022 through February 2023, and with copies of receipts, deposit slips, and bank statements indicating when the above funds were received, and when the funds were deposited into your court account.

Please number each answer to correspond to the question you are answering. Feel free to include any information that you may believe is relevant.

Hon. David W. Wilbanks

May 3, 2023

Page 3

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Cenci', with a stylized flourish at the end.

Cathleen S. Cenci
Deputy Administrator

Enclosure



NYS Comptroller
THOMAS P. DINAPOLI

Office of the NEW YORK
STATE COMPTROLLER

Division of Local Government and School Accountability
 Elliott Auerbach, Deputy Comptroller

April 18, 2023

Patricia Manchester
 Supervisor
 Town of Fort Covington
 PO Box 489
 Fort Covington NY 12937

Re: Justice ID 1632960374W
 Honorable David W. Wilbanks

Dear Supervisor:

This is official notification that the above referenced Justice has not properly reported to the State Comptroller for the following month(s):

December 2022

January 2023

February 2023

Pursuant to Section 27 of the Town Law and Section 4-410 of the Village Law, every town and village justice must file a report monthly with the State Comptroller. The report, certification, or remittance, if any, is due by the tenth of the month following the report month (e.g., the April report is due by the tenth of May). A report must be sent even if it is to indicate that no activity occurred in that month. In the event that a justice fails to properly account for any moneys received by such justice, the chief fiscal officer will be notified. Upon receipt of such notice from the State Comptroller, it shall be unlawful for the town or village to make any further payment of compensation to such justice until receipt of a notice from the Comptroller that a proper accounting has been made.

No further compensation should be made to this Justice until further notice from this office. Please sign the attached copy of this notification and return it to:

**Office of the State Comptroller
 Justice Court Fund
 110 State Street
 Albany, NY 12236**

Sincerely,

Coraline Falco
 Manager
 Justice Court Fund

encl

cc: Honorable David W. Wilbanks
 Glens Falls Regional Office, Office of the State Comptroller
 Office of Court Administration, Director of Justice Court Support
 Honorable Felix J Catena, 4th Judicial District
 Chief Council, Commission on Judicial Conduct



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Delivered

Delivered, In/At Mailbox

FORT COVINGTON, NY 12937
May 5, 2023, 11:41 am

Out for Delivery

FORT COVINGTON, NY 12937
May 5, 2023, 9:39 am

Arrived at Post Office

FORT COVINGTON, NY 12937
May 5, 2023, 9:28 am

Departed USPS Regional Facility

ALBANY NY DISTRIBUTION CENTER
May 4, 2023, 4:12 pm

Arrived at USPS Regional Facility

ALBANY NY DISTRIBUTION CENTER
May 4, 2023, 7:29 am

Departed USPS Regional Facility

SPRINGFIELD MA NETWORK DISTRIBUTION CENTER
May 4, 2023, 5:29 am

Departed USPS Regional Facility

SPRINGFIELD MA NETWORK DISTRIBUTION CENTER
May 4, 2023, 1:45 am

Departed USPS Regional Facility

SPRINGFIELD MA NETWORK DISTRIBUTION CENTER
May 4, 2023, 12:37 am

Arrived at USPS Regional Facility

SPRINGFIELD MA NETWORK DISTRIBUTION CENTER
May 4, 2023, 12:33 am

USPS in possession of item

ALBANY, NY 12210
May 3, 2023, 4:34 pm

Shipping Label Created, USPS Awaiting Item

ALBANY, NY 12223
May 3, 2023, 11:19 am

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USPS Tracking Plus®



Product Information



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**NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT**

JOSEPH W. BELLUCK, CHAIR
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HON. JOHN A. FALK
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S. PETER PEDROTTY
KATHLEEN E. KLEIN
SENIOR ATTORNEYS

SHRUTI JOSHI
STAFF ATTORNEY

CONFIDENTIAL

June 14, 2023

VIA USPS AND EMAIL TO: [REDACTED] [@nycourts.gov](mailto:[REDACTED]@nycourts.gov)

Hon. David W. Wilbanks
Fort Covington Town Justice
2510 Chateaugay Street
Fort Covington, New York 12937

and

[REDACTED]

Re: File No. 2023/A-0140

Dear Judge Wilbanks:

On May 3, 2023, the Commission wrote to you requesting your reply to certain matters by May 31, 2023. To date, the Commission has not received a response. Enclosed is a copy of the May 3, 2023, letter.

Please respond in writing to the May 3 letter by June 28, 2023. Your failure to respond may be found by the Commission to be failure to cooperate with the investigation.

Hon. David W. Wilbanks

June 14, 2023

Page 2

Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Cenci', with a stylized flourish at the end.

Cathleen S. Cenci
Deputy Administrator

Enclosure



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

JOSEPH W. BELLUCK, CHAIR
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ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

CATHLEEN S. CENCI
DEPUTY ADMINISTRATOR

S. PETER PEDROTTY
KATHLEEN E. KLEIN
SENIOR ATTORNEYS

SHRUTI JOSHI
STAFF ATTORNEY

CONFIDENTIAL

May 3, 2023

VIA USPS AND EMAIL TO: [REDACTED] [@nycourts.gov](mailto:[REDACTED]@nycourts.gov)

Hon. David W. Wilbanks
Fort Covington Town Justice
2510 Chateaugay Street
Fort Covington, New York 12937
Tracking #: 9405 5091 0515 6522 0071 98

Re: File No. 2023/A-0140

Dear Judge Wilbanks:

The State Commission on Judicial Conduct is investigating a complaint that you failed to file reports or remit funds to the Office of the State Comptroller in the time required by law, for the months of December 2022, January 2023, and February 2023, and that your salary was stopped on April 18, 2023, as a result. A copy of the stop-salary notice is enclosed.

For your reference, the Rules Governing Judicial Conduct, the Commission's Operating Procedures and Rules, the Commission's Policy Manual and other documents are available on the Commission's website.¹

¹ <http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm>

Hon. David W. Wilbanks

May 3, 2023

Page 2

In connection with this matter, the Commission requests that you respond to the following questions, in writing, by May 31, 2023. The Commission requests that you personally respond to each question, even if you have already submitted your overdue report or reports. In your letter, please include answers to the questions below and number your responses to correspond to the questions. We prefer that you respond in the form of a letter attached to a reply email to the Commission at [REDACTED]@cjc.ny.gov. However, we will accept a reply typed into an email message, faxed to (518) 299-1757, or sent by US mail, UPS or other carrier.

Please note that, pursuant to Section 2.6(D)(3) of the Commission's Policy Manual, if your written reply is submitted by counsel, you must co-sign or submit a separate statement indicating that you have read and adopt it.

1. Did you fail to file reports to the State Comptroller in the time required by Section 27 of the Town Law, as indicated in the attached stop-salary notice? If so, please state why you failed to file the reports as required.

2. Did you dispose of cases during the period of December 2022 through February 2023? If so, please provide the Commission with a list of completed cases which you failed to report to the State Comptroller and a statement as to the amount of money collected for each case.

3. During the above period, did you receive fines or other funds that must be remitted to the State Comptroller? If so, please provide the Commission with a copy of your cashbook for the months of December 2022 through February 2023, and with copies of receipts, deposit slips, and bank statements indicating when the above funds were received, and when the funds were deposited into your court account.

Please number each answer to correspond to the question you are answering. Feel free to include any information that you may believe is relevant.

Hon. David W. Wilbanks

May 3, 2023

Page 3

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Cenci', with a stylized flourish at the end.

Cathleen S. Cenci
Deputy Administrator

Enclosure



NYS Comptroller
THOMAS P. DINAPOLI

Office of the NEW YORK
STATE COMPTROLLER

Division of Local Government and School Accountability
 Elliott Auerbach, Deputy Comptroller

April 18, 2023

Patricia Manchester
 Supervisor
 Town of Fort Covington
 PO Box 489
 Fort Covington NY 12937

Re: Justice ID 1632960374W
 Honorable David W. Wilbanks

Dear Supervisor:

This is official notification that the above referenced Justice has not properly reported to the State Comptroller for the following month(s):

December 2022

January 2023

February 2023

Pursuant to Section 27 of the Town Law and Section 4-410 of the Village Law, every town and village justice must file a report monthly with the State Comptroller. The report, certification, or remittance, if any, is due by the tenth of the month following the report month (e.g., the April report is due by the tenth of May). A report must be sent even if it is to indicate that no activity occurred in that month. In the event that a justice fails to properly account for any moneys received by such justice, the chief fiscal officer will be notified. Upon receipt of such notice from the State Comptroller, it shall be unlawful for the town or village to make any further payment of compensation to such justice until receipt of a notice from the Comptroller that a proper accounting has been made.

No further compensation should be made to this Justice until further notice from this office. Please sign the attached copy of this notification and return it to:

**Office of the State Comptroller
 Justice Court Fund
 110 State Street
 Albany, NY 12236**

Sincerely,

Coraline Falco
 Manager
 Justice Court Fund

encl

cc: Honorable David W. Wilbanks
 Glens Falls Regional Office, Office of the State Comptroller
 Office of Court Administration, Director of Justice Court Support
 Honorable Felix J Catena, 4th Judicial District
 Chief Council, Commission on Judicial Conduct



Sierra Whitney

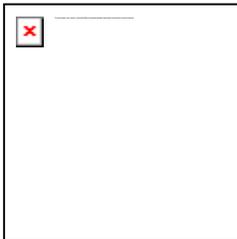
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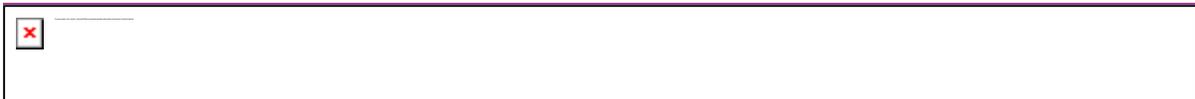
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Tracking number:	9405509105156027631935
Carrier:	USPS
Service:	Priority Mail®
Delivery date:	2023-06-15
Delivery address:	2510 Chateaugay St Fort Covington NY 12937-1804 US
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Sierra Whitney

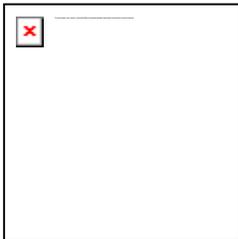
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To: Letitia Walsh; Sierra Whitney
Subject: Shipment Delivered

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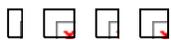


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Delivery address:	[REDACTED]
Shipped on:	2023-06-14

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NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

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CORNING TOWER, SUITE 2301
EMPIRE STATE PLAZA
ALBANY, NEW YORK 12223

518-453-4600 518-299-1757
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DEPUTY ADMINISTRATOR

S. PETER PEDROTTY
KATHLEEN E. KLEIN
SENIOR ATTORNEYS

SHRUTI JOSHI
STAFF ATTORNEY

CONFIDENTIAL

July 13, 2023

BY PERSONAL DELIVERY

Hon. David W. Wilbanks
Justice of the Fort Covington Town Court
2510 Chateaugay Street
Fort Covington, New York 12937

Re: File No. 2023/A-0140

Dear Judge Wilbanks:

Pursuant to Article 2-A of the Judiciary Law, the Commission on Judicial Conduct is investigating a complaint alleging that you failed to file reports or remit funds to the Office of the State Comptroller in the time required by law, for the months of December 2022, January 2023, and February 2023, and that your salary was stopped on April 18, 2023, as a result.

Enclosed is a copy of the complaint. Also enclosed are copies of letters from the Commission dated May 3, 2023, and June 14, 2023, to which we have not received your response.

For your reference, the Rules Governing Judicial Conduct, the Commission's Operating Procedures and Rules, the Commission's Policy Manual and other documents are available on the Commission's website.¹

In connection with this investigation, the Commission requires that you appear to give testimony on **August 16, 2023, at 10:30 AM**, at the Commission's

¹ <http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm>

Hon. David W. Wilbanks

July 13, 2023

Page 2

office in Albany at Corning Tower, Suite 2301, Empire State Plaza, Albany, New York, 12223. Directions are enclosed.

Your appearance is required in accordance with Section 44, subdivision 3, of the Judiciary Law. This is not a hearing as provided by Section 44, subdivision 4, of the Judiciary Law. Your testimony will be sworn and recorded, and a copy of the transcription thereof will be provided to you at no cost. You have the right to be represented by counsel and to present material relevant to the complaint.

At your appearance, you may make opening and/or closing statements. After being questioned by Commission counsel, you may be questioned by your own lawyer, subject to further questioning by Commission counsel.

Please provide confirmation of your scheduled appearance by August 7, 2023, either by letter or phone call at (518) 453-4600. Please feel free to have your attorney call me or Staff Attorney Shruti Joshi with any questions.

Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Cenci', with a stylized flourish at the end.

Cathleen S. Cenci
Deputy Administrator

Enclosures



NYS Comptroller
THOMAS P. DINAPOLI

Office of the NEW YORK
STATE COMPTROLLER

Division of Local Government and School Accountability
 Elliott Auerbach, Deputy Comptroller

April 18, 2023

Patricia Manchester
 Supervisor
 Town of Fort Covington
 PO Box 489
 Fort Covington NY 12937

Re: Justice ID 1632960374W
 Honorable David W. Wilbanks

Dear Supervisor:

This is official notification that the above referenced Justice has not properly reported to the State Comptroller for the following month(s):

December 2022

January 2023

February 2023

Pursuant to Section 27 of the Town Law and Section 4-410 of the Village Law, every town and village justice must file a report monthly with the State Comptroller. The report, certification, or remittance, if any, is due by the tenth of the month following the report month (e.g., the April report is due by the tenth of May). A report must be sent even if it is to indicate that no activity occurred in that month. In the event that a justice fails to properly account for any moneys received by such justice, the chief fiscal officer will be notified. Upon receipt of such notice from the State Comptroller, it shall be unlawful for the town or village to make any further payment of compensation to such justice until receipt of a notice from the Comptroller that a proper accounting has been made.

No further compensation should be made to this Justice until further notice from this office. Please sign the attached copy of this notification and return it to:

**Office of the State Comptroller
 Justice Court Fund
 110 State Street
 Albany, NY 12236**

Sincerely,

Coraline Falco
 Manager
 Justice Court Fund

encl

cc: Honorable David W. Wilbanks
 Glens Falls Regional Office, Office of the State Comptroller
 Office of Court Administration, Director of Justice Court Support
 Honorable Felix J Catena, 4th Judicial District
 Chief Council, Commission on Judicial Conduct





NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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S. PETER PEDROTTY
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SENIOR ATTORNEYS

SHRUTI JOSHI
STAFF ATTORNEY

CONFIDENTIAL

May 3, 2023

VIA USPS AND EMAIL TO: [REDACTED] [@nycourts.gov](mailto:[REDACTED]@nycourts.gov)

Hon. David W. Wilbanks
Fort Covington Town Justice
2510 Chateaugay Street
Fort Covington, New York 12937
Tracking #: 9405 5091 0515 6522 0071 98

Re: File No. 2023/A-0140

Dear Judge Wilbanks:

The State Commission on Judicial Conduct is investigating a complaint that you failed to file reports or remit funds to the Office of the State Comptroller in the time required by law, for the months of December 2022, January 2023, and February 2023, and that your salary was stopped on April 18, 2023, as a result. A copy of the stop-salary notice is enclosed.

For your reference, the Rules Governing Judicial Conduct, the Commission's Operating Procedures and Rules, the Commission's Policy Manual and other documents are available on the Commission's website.¹

¹ <http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm>

Hon. David W. Wilbanks

May 3, 2023

Page 2

In connection with this matter, the Commission requests that you respond to the following questions, in writing, by May 31, 2023. The Commission requests that you personally respond to each question, even if you have already submitted your overdue report or reports. In your letter, please include answers to the questions below and number your responses to correspond to the questions. We prefer that you respond in the form of a letter attached to a reply email to the Commission at [REDACTED]@cjc.ny.gov. However, we will accept a reply typed into an email message, faxed to (518) 299-1757, or sent by US mail, UPS or other carrier.

Please note that, pursuant to Section 2.6(D)(3) of the Commission's Policy Manual, if your written reply is submitted by counsel, you must co-sign or submit a separate statement indicating that you have read and adopt it.

1. Did you fail to file reports to the State Comptroller in the time required by Section 27 of the Town Law, as indicated in the attached stop-salary notice? If so, please state why you failed to file the reports as required.

2. Did you dispose of cases during the period of December 2022 through February 2023? If so, please provide the Commission with a list of completed cases which you failed to report to the State Comptroller and a statement as to the amount of money collected for each case.

3. During the above period, did you receive fines or other funds that must be remitted to the State Comptroller? If so, please provide the Commission with a copy of your cashbook for the months of December 2022 through February 2023, and with copies of receipts, deposit slips, and bank statements indicating when the above funds were received, and when the funds were deposited into your court account.

Please number each answer to correspond to the question you are answering. Feel free to include any information that you may believe is relevant.

Hon. David W. Wilbanks

May 3, 2023

Page 3

Thank you for your attention to this matter.

Very truly yours,

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Cathleen S. Cenci
Deputy Administrator

Enclosure



NYS Comptroller
THOMAS P. DINAPOLI

Office of the NEW YORK
STATE COMPTROLLER

Division of Local Government and School Accountability
 Elliott Auerbach, Deputy Comptroller

April 18, 2023

Patricia Manchester
 Supervisor
 Town of Fort Covington
 PO Box 489
 Fort Covington NY 12937

Re: Justice ID 1632960374W
 Honorable David W. Wilbanks

Dear Supervisor:

This is official notification that the above referenced Justice has not properly reported to the State Comptroller for the following month(s):

December 2022

January 2023

February 2023

Pursuant to Section 27 of the Town Law and Section 4-410 of the Village Law, every town and village justice must file a report monthly with the State Comptroller. The report, certification, or remittance, if any, is due by the tenth of the month following the report month (e.g., the April report is due by the tenth of May). A report must be sent even if it is to indicate that no activity occurred in that month. In the event that a justice fails to properly account for any moneys received by such justice, the chief fiscal officer will be notified. Upon receipt of such notice from the State Comptroller, it shall be unlawful for the town or village to make any further payment of compensation to such justice until receipt of a notice from the Comptroller that a proper accounting has been made.

No further compensation should be made to this Justice until further notice from this office. Please sign the attached copy of this notification and return it to:

**Office of the State Comptroller
 Justice Court Fund
 110 State Street
 Albany, NY 12236**

Sincerely,

Coraline Falco
 Manager
 Justice Court Fund

encl

cc: Honorable David W. Wilbanks
 Glens Falls Regional Office, Office of the State Comptroller
 Office of Court Administration, Director of Justice Court Support
 Honorable Felix J Catena, 4th Judicial District
 Chief Council, Commission on Judicial Conduct



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May 4, 2023, 4:12 pm

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ALBANY NY DISTRIBUTION CENTER
May 4, 2023, 7:29 am

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SPRINGFIELD MA NETWORK DISTRIBUTION CENTER
May 4, 2023, 5:29 am

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SPRINGFIELD MA NETWORK DISTRIBUTION CENTER
May 4, 2023, 1:45 am

Departed USPS Regional Facility

SPRINGFIELD MA NETWORK DISTRIBUTION CENTER
May 4, 2023, 12:37 am

Arrived at USPS Regional Facility

SPRINGFIELD MA NETWORK DISTRIBUTION CENTER
May 4, 2023, 12:33 am

USPS in possession of item

ALBANY, NY 12210
May 3, 2023, 4:34 pm

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S. PETER PEDROTTY
KATHLEEN E. KLEIN
SENIOR ATTORNEYS

SHRUTI JOSHI
STAFF ATTORNEY

CONFIDENTIAL

June 14, 2023

VIA USPS AND EMAIL TO: [REDACTED] [@nycourts.gov](mailto:[REDACTED]@nycourts.gov)

Hon. David W. Wilbanks
Fort Covington Town Justice
2510 Chateaugay Street
Fort Covington, New York 12937

and

[REDACTED]

Re: File No. 2023/A-0140

Dear Judge Wilbanks:

On May 3, 2023, the Commission wrote to you requesting your reply to certain matters by May 31, 2023. To date, the Commission has not received a response. Enclosed is a copy of the May 3, 2023, letter.

Please respond in writing to the May 3 letter by June 28, 2023. Your failure to respond may be found by the Commission to be failure to cooperate with the investigation.

Hon. David W. Wilbanks

June 14, 2023

Page 2

Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Cenci', with a stylized flourish at the end.

Cathleen S. Cenci
Deputy Administrator

Enclosure



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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May 3, 2023

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Hon. David W. Wilbanks
Fort Covington Town Justice
2510 Chateaugay Street
Fort Covington, New York 12937
Tracking #: 9405 5091 0515 6522 0071 98

Re: File No. 2023/A-0140

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Hon. David W. Wilbanks

May 3, 2023

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Hon. David W. Wilbanks

May 3, 2023

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Cathleen S. Cenci
Deputy Administrator

Enclosure



NYS Comptroller
THOMAS P. DINAPOLI

Office of the NEW YORK
STATE COMPTROLLER

Division of Local Government and School Accountability
 Elliott Auerbach, Deputy Comptroller

April 18, 2023

Patricia Manchester
 Supervisor
 Town of Fort Covington
 PO Box 489
 Fort Covington NY 12937

Re: Justice ID 1632960374W
 Honorable David W. Wilbanks

Dear Supervisor:

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February 2023

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 110 State Street
 Albany, NY 12236**

Sincerely,

Coraline Falco
 Manager
 Justice Court Fund

encl

cc: Honorable David W. Wilbanks
 Glens Falls Regional Office, Office of the State Comptroller
 Office of Court Administration, Director of Justice Court Support
 Honorable Felix J Catena, 4th Judicial District
 Chief Council, Commission on Judicial Conduct



Sierra Whitney

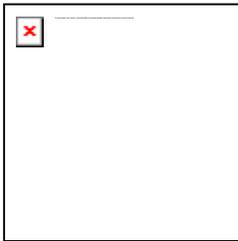
From: no-reply@sendpro360.pitneybowes.com
Sent: Thursday, June 15, 2023 9:05 PM
To: Letitia Walsh; Sierra Whitney
Subject: Shipment Delivered

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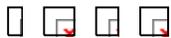


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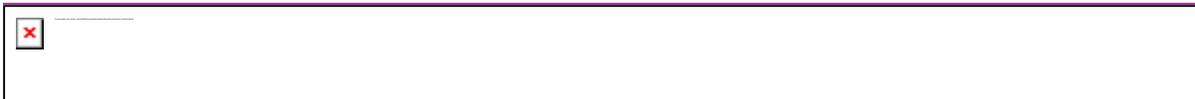
Shipment delivery details

Tracking number:	9405509105156027631935
Carrier:	USPS
Service:	Priority Mail®
Delivery date:	2023-06-15
Delivery address:	2510 Chateaugay St Fort Covington NY 12937-1804 US
Shipped on:	2023-06-14

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Sierra Whitney

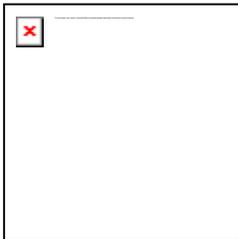
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To: Letitia Walsh; Sierra Whitney
Subject: Shipment Delivered

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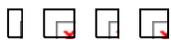


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Shipment delivery details

Tracking number:	9405509105156027633069
Carrier:	USPS
Service:	Priority Mail®
Delivery date:	2023-06-15
Delivery address:	[REDACTED]
Shipped on:	2023-06-14

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(Located on 23rd Floor, Corning Tower, Empire State Plaza)**

From the North: Take Interstate 1-87 (Northway) to Interstate 1-90 East (Exit# 1E). Take Interstate 1-90 East to Interstate 787 South. Take Exit #3A for the Empire State Plaza.

From the South: Take New York State Thruway (Interstate 87) to Exit 23-straight through Toll Booth to Interstate 787. Take Exit #3 for the Empire State Plaza.

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PARKING

See <https://empirestateplaza.ny.gov/parking> for available parking lots and fees. Note card only payment (no cash).

Attached are maps of the Empire State Plaza.

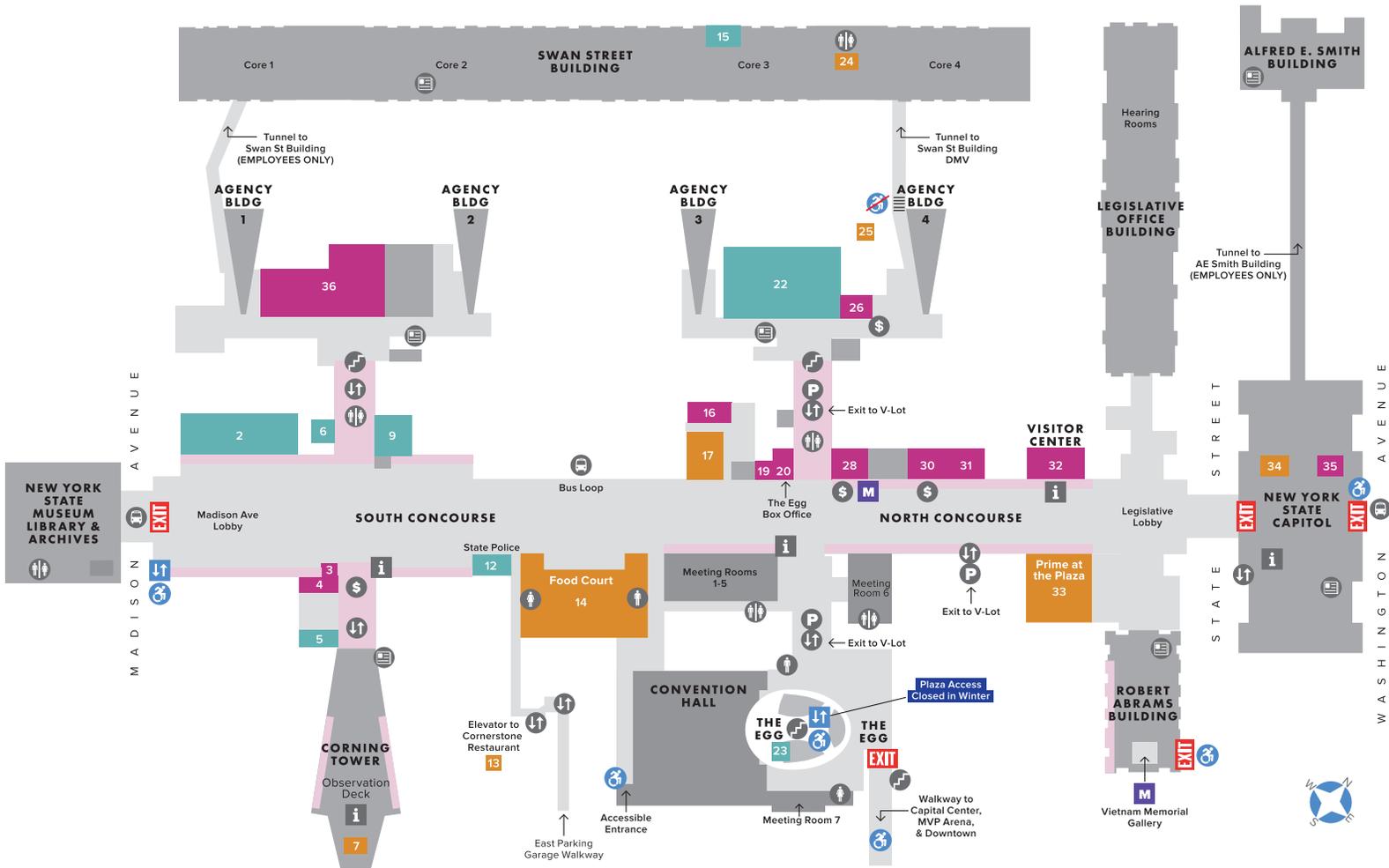
Please note that you will need a photo ID for parking and to enter the Corning Tower building.

Report to the guard's desk, located just before the entrance to Corning Tower on the Concourse Level, to obtain a visitor's pass. Take the second bank of elevators to the 23rd floor. Upon exiting the elevator, press the button located to the right of the glass doors.

WELCOME TO THE EMPIRE STATE PLAZA

empirestateplaza.ny.gov @ f b

CONCOURSE LEVEL



Map Key

- i** Information
- \$** ATM
- ↔** Exit to Plaza
- ↑↓** Elevator
- ↑↓** Elevator to Plaza Level **♿** Accessible
- P** Parking (use elevators)
- 🚌** CDTA Bus Stop
- 📰** Newsstand Convenience Store
- M** Memorials
Martin Luther King, Jr. Memorial
Vietnam Memorial Gallery
- 🎨** Empire State Plaza Art Collection

Food

- 7 B-Rads Executive Bistro
ID or Visitor Pass required
- 13 Cornerstone at the Plaza
Plaza Level
- 14 Food Court
*Au Bon Pain | Auntie Anne's | Bombers
Honest Weight | Kuma Ani | McDonald's
PBD Kitchen | Pho Yum*
- 17 Logan's Deli and Market
- 24 Swan Street Cafeteria
WV Pizza
- 25 B-Rad's Express
Plaza Level
- 33 Prime at the Plaza Café
- 34 Dunkin Donuts

Services

- 3 Just Jewelry Repair
- 4 Post Office
- 16 American Red Cross
- 19 Patsy's Barber Shop
- 20 The Egg Box Office
- 26 Emblem Health Family Dental
- 28 KeyBank
- 30 SEFCU
- 31 SUNY Administration
- 32 Visitor Center & Gift Shop
- 35 Post Office
- 36 Retro Fitness

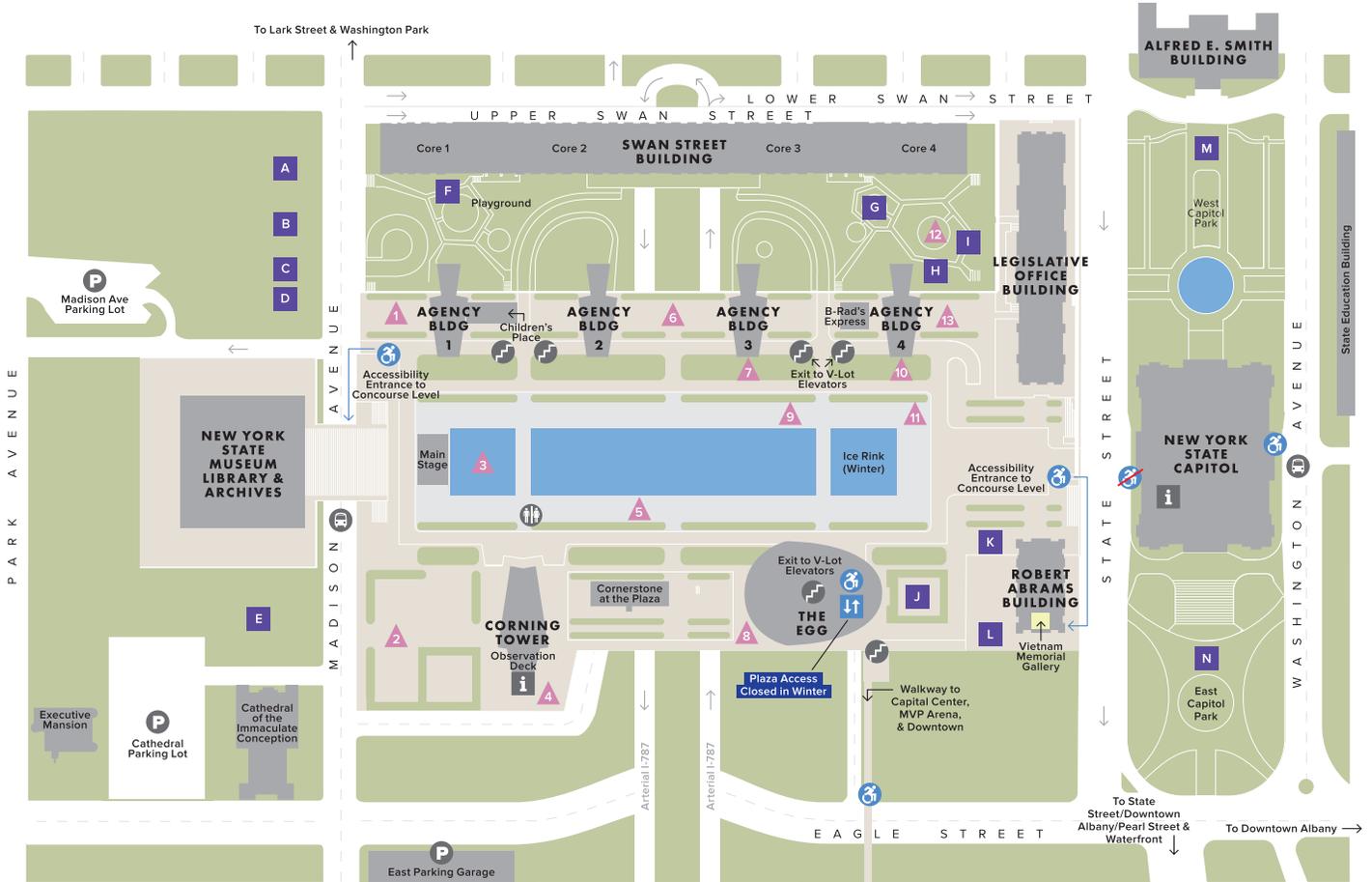
State Offices

- 2 Media Services Room #146
- 5 Conference Room #125
- 6 Parking Management Room #144
- 9 Plaza Operations Room #130
- 12 NY State Police Room #115-1
- 15 Department of Motor Vehicles
- 22 Convention & Cultural Events, Curatorial Services Room #120
- 23 Convention Center Office

WELCOME TO THE EMPIRE STATE PLAZA

empirestateplaza.ny.gov @ f b

PLAZA LEVEL



i Information **↑** Elevator to Concourse **↔** Exit to Concourse **P** Parking **🚌** CDTA Bus Stop **→** One Way Street



▲ Governor Nelson A. Rockefeller Empire State Plaza Art Collection

- 1 **Forrest Myers**, *Untitled*, 1969-70
- 2 **Francois Stahly**, *Labyrinth*, 1970-71
- 3 **Alexander Calder**, *Triangles and Arches*, 1965
- 4 **James Rosati**, *Lippincott I*, 1967
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- 13 **Lyman Kipp**, *Wild Rice*, 1967

■ Memorials

- | | |
|---------------------------------------|--|
| A Missing Person Remembrance | L Vietnam Memorial |
| B Korean Veterans Memorial | M George Washington Memorial |
| C Women Veterans Memorial | N General Philip Henry Sheridan Memorial |
| D Purple Hearth Memorial | |
| E WWII Memorial | |
| F Children's Memorial | |
| G Police Officers Memorial | |
| H Parole Officers Memorial | |
| I Crime Victims Memorial | |
| J Fallen Firefighters Memorial | |
| K Emergency Medical Services Memorial | |

ATTORNEY(S) :
INDEX # : 2023/A-0140
PURCHASED/FILED :
STATE OF : New York
COURT : xxxxxx
COUNTY/DISTRICT : xxxxxx

AFFIDAVIT OF SERVICE

RE: FILE No. 2023/A-0140

Plaintiff(s)/Petitioner(s)

vs

Defendant(s)/Respondent(s)

STATE OF NEW YORK COUNTY OF , SS.:

MICHAEL DEVLIN

, being duly sworn deposes and says deponent is not a party herein,

and is over the age of eighteen years. That on 7/25/2023 at 4:15
at 2510 Chateaugay St Fort Covington Ny 12937 deponent did serve the following:
(Address where service was accomplished.)

LETTER W/ SUPPORTING DOCUMENTS

on: **HON. DAVID W. WILBANKS**

Respondent, (herein called recipient) therein named.

INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

CORP. A corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be thereof.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person, including an effort to reach the defendant by telephone, (if such telephone number was available) and an attempt to locate the defendant's place of employment.

Previous attempts at personal service are as follows:
on the _____ day of _____ at _____
on the _____ day of _____ at _____

SUITABLE PERSON By delivering a true copy of each to Teri Woods Lewis Court Clerk a person of suitable age and discretion who agreed to accept on behalf of the party. Said premises is recipient's: [] dwelling house (usual place of abode). [] actual place of business

AFFIXING TO DOOR By affixing a true copy of each to the door of said premises, which is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state.

MAILING COPY On _____ deponent completed service under the last two sections by depositing a copy of the above listed documents to the above address in a First Class postpaid properly addressed plain envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

The outside of the envelope did not include a return address or indicate that the communication was from an attorney.

DESCRIPTION A description of the person served is as follows:
(use with #1, 2 or 3) Sex Female Color of skin White Hair BROWN Approx. Age 25-35 Approx. Height 5'4-5'7
Approx. weight 150-170 Other _____

WIT. FEES \$ _____ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

NON MIL To the best of my knowledge and belief, said person was not presently in military service of the United States Government or on active duty in the military service in the State of New York at the time of service.

Appeared before and Sworn to me on this
2 day of August 2023
Joann Marie Warren
Notary Public

Michael Devlin
Michael Devlin

Notary Stamp

JOANN MARIE WARREN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01WA0007417
Qualified in Franklin County
Commission Expires May 12, 2027

Invoice-Work Order # 2330074
Attorney File # 2023/A-0140



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ADMINISTRATOR & COUNSEL

CATHLEEN S. CENCI
DEPUTY ADMINISTRATOR

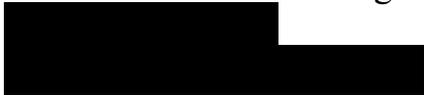
S. PETER PEDROTTY
KATHLEEN E. KLEIN
SENIOR ATTORNEYS

SHRUTI JOSHI
STAFF ATTORNEY

CONFIDENTIAL

August 15, 2023

Hon. David W. Wilbanks
Justice of the Fort Covington Town Court



Re: File No. 2023/A-0140

Dear Judge Wilbanks:

In accordance with our phone conversation today, your appearance to give testimony, originally scheduled for August 16, 2023, has been adjourned at your request to **Monday, August 21, 2023, at 2 PM**, at the Commission's office in Albany at the Corning Tower, Suite 2301, Empire State Plaza. Directions to the Commission's Albany office and parking are enclosed.

Thank you for your prompt attention to this matter.

Very truly yours,

Shruti Joshi
Staff Attorney

Enclosures

**DIRECTIONS TO COMMISSION ON JUDICIAL CONDUCT, ALBANY OFFICE
(Located on 23rd Floor, Corning Tower, Empire State Plaza)**

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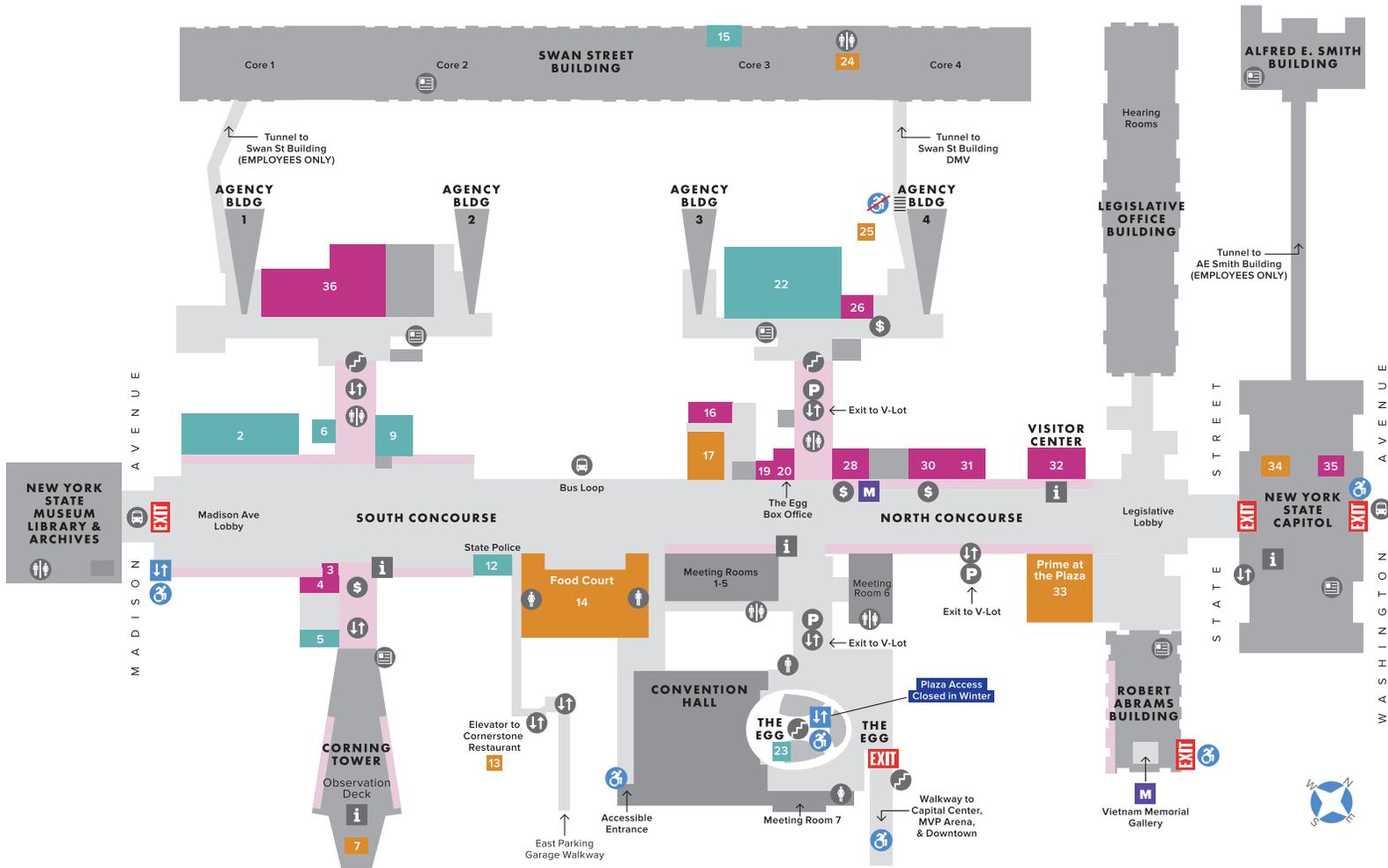
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empirestateplaza.ny.gov @ f b

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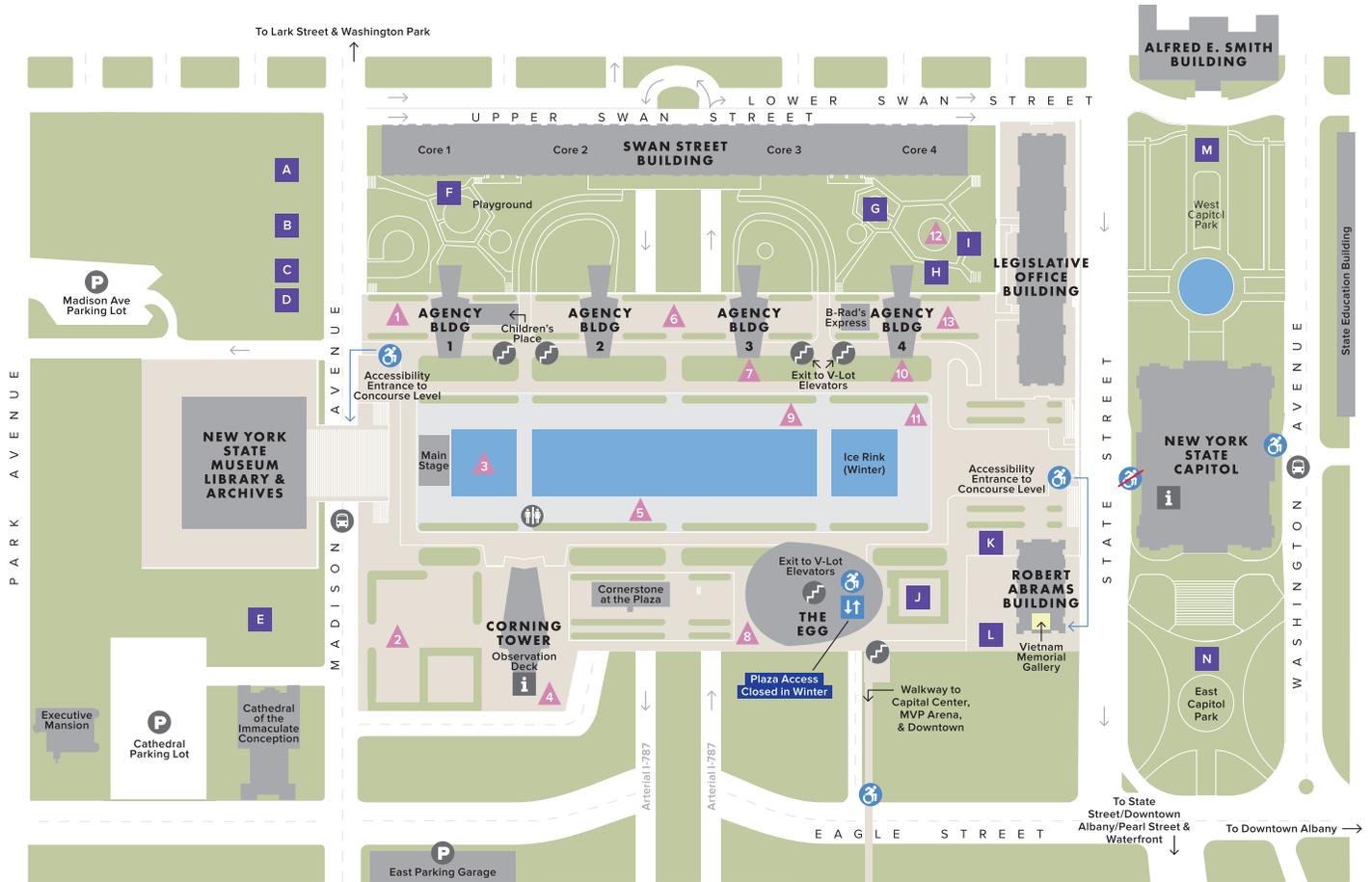
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WELCOME TO THE EMPIRE STATE PLAZA

empirestateplaza.ny.gov @ f b

PLAZA LEVEL



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|---------------------------------------|--|
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| B Korean Veterans Memorial | M George Washington Memorial |
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| F Children's Memorial | |
| G Police Officers Memorial | |
| H Parole Officers Memorial | |
| I Crime Victims Memorial | |
| J Fallen Firefighters Memorial | |
| K Emergency Medical Services Memorial | |



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KATHLEEN E. KLEIN
SENIOR ATTORNEYS
SHRUTI JOSHI
STAFF ATTORNEY

CONFIDENTIAL

August 23, 2023

Hon. David W. Wilbanks
Justice of the Fort Covington Town Court



Re: File No. 2023/A-0140

Dear Judge Wilbanks:

Enclosed please find a copy of the transcript in the above matter on August 21, 2023, and copies of the exhibits.

Please note that you may submit any additional statement or written materials within seven days of receipt of the transcript.

Very truly yours,

Sierra G. Whitney
Secretary

Enclosures

cc: Shruti Joshi, Esq.

CERTIFIED MAIL # 9402 8091 0515 6535 6646 65
RETURN RECEIPT REQUESTED

**STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT**

----- X

In the Matter of an Investigation :
Pursuant to Section 44, subdivision 3,
of the Judiciary Law in Relation to :

DAVID W. WILBANKS, :

a Justice of the Fort Covington Town Court, :
Franklin County.

----- X

Commission Offices
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223

August 21, 2023
2:36 P.M.

B e f o r e:

AKOSUA GARCIA YEBOAH
Commission Member

P r e s e n t:

SHRUTI JOSHI, ESQ.
Staff Attorney

A l s o P r e s e n t:

RYAN T. FITZPATRICK
Senior Investigator

SIERRA G. WHITNEY
Secretary and FTR Operator

(Hon. David W. Wilbanks)

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MS. WHITNEY: Okay, we are on the record.

MS. JOSHI: My name is Shruti Joshi. We are here today at the Commission's Albany office to take the testimony of Honorable David W. Wilbanks, Fort Covington Town Justice, Franklin County. It is 2:37 P.M. now. We have a pre-marked exhibit, Commission Exhibit 1, which is a letter dated July 13, 2023, addressed to Judge David Wilbanks from Deputy Administrator Cathleen Cenci requesting his appearance for testimony on August 16, 2023 at 10 A.M. This letter was mailed to be served personally upon Judge Wilbanks, with service effected on July 25, 2023, upon his court clerk, Terri Woods-Leroux. The letter also requested Judge Wilbanks to confirm his appearance by August 7, 2023. We did not get any confirmation from him. In making attempts to reach Judge Wilbanks to confirm his appearance, I telephoned his court clerk, Ms. Leroux, on August 15, 2023, and she confirmed that she had received Commission's letter on July 25 and left it on Judge Wilbanks's desk since he was not scheduled for court that day. She did witness him

1.

**STATE COMMISSION ON JUDICIAL CONDUCT
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223**

(Hon. David W. Wilbanks)

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opening the letter and reading its contents when he came to court on August 1, 2023. The clerk also informed me that the judge worked at Twin Leaf Diner, a diner/gas station in Fort Covington. I called the diner's grab-and-go service and spoke to Judge David Wilbanks. He told me he was not going to appear for testimony on August 16 because he was going out of town. When asked what other day would be good to reschedule his testimony to, he said Mondays would be a good day for him, so we agreed to reschedule his testimony for today, August 21, at 2 P.M. We also have pre-marked Exhibit 2 which is a letter confirming the new date and time along with directions to the Commission's Albany office. This letter was mailed to Judge Wilbanks on August 15 to a residential address that he provided to me on the phone which was [REDACTED]. It is now 2:38 on August 21 and the judge has not shown up for his testimony. We attempted a phone call again at his part-time workplace, the Twin Leaf Diner, and spoke to his manager who confirmed that the judge was not in—not at work today. We have not received

2.

**STATE COMMISSION ON JUDICIAL CONDUCT
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223**

(Hon. David W. Wilbanks)

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any phone call or email asking for an adjournment or informing us of the judge's non-appearance. Judge Wilbanks has made no contact with the Commission either by phone, email, mail, or fax. I would note that the judge's failure to appear for testimony today may be considered by the Commission as failure to cooperate with the Commission's investigation. I have nothing further, so at this time I would like to close the record. Thank you.

(Proceedings concluded at 2:39 P.M. on August 21, 2023.)

COMMISSION EXHIBITS

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	<u>Description</u>	<u>Ident.</u>
1	Letter from Cathleen Cenci to Judge Wilbanks dated	1
6	July 13, 2023, with attachments (24 pages).	
2	Letter from Shruti Joshi to Judge Wilbanks dated	2
9	August 15, 2023 (1 page).	

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CERTIFICATION

I, SIERRA G. WHITNEY, Secretary of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: August 23, 2023



Sierra G. Whitney



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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SHRUTI JOSHI
STAFF ATTORNEY

CONFIDENTIAL

July 13, 2023

BY PERSONAL DELIVERY

Hon. David W. Wilbanks
Justice of the Fort Covington Town Court
2510 Chateaugay Street
Fort Covington, New York 12937

Re: File No. 2023/A-0140

Dear Judge Wilbanks:

Pursuant to Article 2-A of the Judiciary Law, the Commission on Judicial Conduct is investigating a complaint alleging that you failed to file reports or remit funds to the Office of the State Comptroller in the time required by law, for the months of December 2022, January 2023, and February 2023, and that your salary was stopped on April 18, 2023, as a result.

Enclosed is a copy of the complaint. Also enclosed are copies of letters from the Commission dated May 3, 2023, and June 14, 2023, to which we have not received your response.

For your reference, the Rules Governing Judicial Conduct, the Commission's Operating Procedures and Rules, the Commission's Policy Manual and other documents are available on the Commission's website.¹

In connection with this investigation, the Commission requires that you appear to give testimony on **August 16, 2023, at 10:30 AM**, at the Commission's

¹ <http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm>



NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

Hon. David W. Wilbanks

July 13, 2023

Page 2

office in Albany at Corning Tower, Suite 2301, Empire State Plaza, Albany, New York, 12223. Directions are enclosed.

Your appearance is required in accordance with Section 44, subdivision 3, of the Judiciary Law. This is not a hearing as provided by Section 44, subdivision 4, of the Judiciary Law. Your testimony will be sworn and recorded, and a copy of the transcription thereof will be provided to you at no cost. You have the right to be represented by counsel and to present material relevant to the complaint.

At your appearance, you may make opening and/or closing statements. After being questioned by Commission counsel, you may be questioned by your own lawyer, subject to further questioning by Commission counsel.

Please provide confirmation of your scheduled appearance by August 7, 2023, either by letter or phone call at (518) 453-4600. Please feel free to have your attorney call me or Staff Attorney Shruti Joshi with any questions.

Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Cenci', with a small dot at the end.

Cathleen S. Cenci
Deputy Administrator

Enclosures



NYS Comptroller
THOMAS P. DiNAPOLI

Office of the NEW YORK
STATE COMPTROLLER

Division of Local Government and School Accountability
 Elliott Auerbach, Deputy Comptroller

April 18, 2023

Patricia Manchester
 Supervisor
 Town of Fort Covington
 PO Box 489
 Fort Covington NY 12937

Re: Justice ID 1632960374W
 Honorable David W. Wilbanks

Dear Supervisor:

This is official notification that the above referenced Justice has not properly reported to the State Comptroller for the following month(s):

December 2022

January 2023

February 2023

Pursuant to Section 27 of the Town Law and Section 4-410 of the Village Law, every town and village justice must file a report monthly with the State Comptroller. The report, certification, or remittance, if any, is due by the tenth of the month following the report month (e.g., the April report is due by the tenth of May). A report must be sent even if it is to indicate that no activity occurred in that month. In the event that a justice fails to properly account for any moneys received by such justice, the chief fiscal officer will be notified. Upon receipt of such notice from the State Comptroller, it shall be unlawful for the town or village to make any further payment of compensation to such justice until receipt of a notice from the Comptroller that a proper accounting has been made.

No further compensation should be made to this Justice until further notice from this office. Please sign the attached copy of this notification and return it to:

Office of the State Comptroller
 Justice Court Fund
 110 State Street
 Albany, NY 12236

Sincerely,

Coraline Falco
 Manager
 Justice Court Fund

encl

cc: Honorable David W. Wilbanks
 Glens Falls Regional Office, Office of the State Comptroller
 Office of Court Administration, Director of Justice Court Support
 Honorable Felix J Catena, 4th Judicial District
 Chief Council, Commission on Judicial Conduct





NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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ALBANY, NEW YORK 12223

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ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL
CATHLEEN S. CENCI
DEPUTY ADMINISTRATOR
S. PETER PEDROTTY
KATHLEEN E. KLEIN
SENIOR ATTORNEYS
SHRUTI JOSHI
STAFF ATTORNEY

CONFIDENTIAL

May 3, 2023

VIA USPS AND EMAIL TO: [REDACTED]@nycourts.gov

Hon. David W. Wilbanks
Fort Covington Town Justice
2510 Chateaugay Street
Fort Covington, New York 12937
Tracking #: 9405 5091 0515 6522 0071 98

Re: File No. 2023/A-0140

Dear Judge Wilbanks:

The State Commission on Judicial Conduct is investigating a complaint that you failed to file reports or remit funds to the Office of the State Comptroller in the time required by law, for the months of December 2022, January 2023, and February 2023, and that your salary was stopped on April 18, 2023, as a result. A copy of the stop-salary notice is enclosed.

For your reference, the Rules Governing Judicial Conduct, the Commission's Operating Procedures and Rules, the Commission's Policy Manual and other documents are available on the Commission's website.¹

¹ <http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm>

Hon. David W. Wilbanks

May 3, 2023

Page 2

In connection with this matter, the Commission requests that you respond to the following questions, in writing, by May 31, 2023. The Commission requests that you personally respond to each question, even if you have already submitted your overdue report or reports. In your letter, please include answers to the questions below and number your responses to correspond to the questions. We prefer that you respond in the form of a letter attached to a reply email to the Commission at [REDACTED]@cjc.ny.gov. However, we will accept a reply typed into an email message, faxed to (518) 299-1757, or sent by US mail, UPS or other carrier.

Please note that, pursuant to Section 2.6(D)(3) of the Commission's Policy Manual, if your written reply is submitted by counsel, you must co-sign or submit a separate statement indicating that you have read and adopt it.

1. Did you fail to file reports to the State Comptroller in the time required by Section 27 of the Town Law, as indicated in the attached stop-salary notice? If so, please state why you failed to file the reports as required.

2. Did you dispose of cases during the period of December 2022 through February 2023? If so, please provide the Commission with a list of completed cases which you failed to report to the State Comptroller and a statement as to the amount of money collected for each case.

3. During the above period, did you receive fines or other funds that must be remitted to the State Comptroller? If so, please provide the Commission with a copy of your cashbook for the months of December 2022 through February 2023, and with copies of receipts, deposit slips, and bank statements indicating when the above funds were received, and when the funds were deposited into your court account.

Please number each answer to correspond to the question you are answering. Feel free to include any information that you may believe is relevant.

Hon. David W. Wilbanks

May 3, 2023

Page 3

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Cenci', with a stylized flourish at the end.

Cathleen S. Cenci
Deputy Administrator

Enclosure



NYS Comptroller
THOMAS P. DINAPOLI

Office of the NEW YORK
STATE COMPTROLLER

Division of Local Government and School Accountability
 Elliott Auerbach, Deputy Comptroller

April 18, 2023

Patricia Manchester
 Supervisor
 Town of Fort Covington
 PO Box 489
 Fort Covington NY 12937

Re: Justice ID 1632960374W
 Honorable David W. Wilbanks

Dear Supervisor:

This is official notification that the above referenced Justice has not properly reported to the State Comptroller for the following month(s):

December 2022

January 2023

February 2023

Pursuant to Section 27 of the Town Law and Section 4-410 of the Village Law, every town and village justice must file a report monthly with the State Comptroller. The report, certification, or remittance, if any, is due by the tenth of the month following the report month (e.g., the April report is due by the tenth of May). A report must be sent even if it is to indicate that no activity occurred in that month. In the event that a justice fails to properly account for any moneys received by such justice, the chief fiscal officer will be notified. Upon receipt of such notice from the State Comptroller, it shall be unlawful for the town or village to make any further payment of compensation to such justice until receipt of a notice from the Comptroller that a proper accounting has been made.

No further compensation should be made to this Justice until further notice from this office. Please sign the attached copy of this notification and return it to:

Office of the State Comptroller
 Justice Court Fund
 110 State Street
 Albany, NY 12236

Sincerely,

Coraline Falco
 Manager
 Justice Court Fund

encl

cc: Honorable David W. Wilbanks
 Glens Falls Regional Office, Office of the State Comptroller
 Office of Court Administration, Director of Justice Court Support
 Honorable Felix J Catena, 4th Judicial District
 Chief Council, Commission on Judicial Conduct



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Delivered, In/At Mailbox

FORT COVINGTON, NY 12937

May 5, 2023, 11:41 am

Out for Delivery

FORT COVINGTON, NY 12937

May 5, 2023, 9:39 am

Arrived at Post Office

FORT COVINGTON, NY 12937

May 5, 2023, 9:28 am

Departed USPS Regional Facility

ALBANY NY DISTRIBUTION CENTER

May 4, 2023, 4:12 pm

Arrived at USPS Regional Facility

ALBANY NY DISTRIBUTION CENTER

May 4, 2023, 7:29 am

Departed USPS Regional Facility

SPRINGFIELD MA NETWORK DISTRIBUTION CENTER
May 4, 2023, 5:29 am

● **Departed USPS Regional Facility**

SPRINGFIELD MA NETWORK DISTRIBUTION CENTER
May 4, 2023, 1:45 am

● **Departed USPS Regional Facility**

SPRINGFIELD MA NETWORK DISTRIBUTION CENTER
May 4, 2023, 12:37 am

● **Arrived at USPS Regional Facility**

SPRINGFIELD MA NETWORK DISTRIBUTION CENTER
May 4, 2023, 12:33 am

● **USPS in possession of item**

ALBANY, NY 12210
May 3, 2023, 4:34 pm

● **Shipping Label Created, USPS Awaiting Item**

ALBANY, NY 12223
May 3, 2023, 11:19 am

● **Hide Tracking History**

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NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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CORNING TOWER, SUITE 2301
EMPIRE STATE PLAZA
ALBANY, NEW YORK 12223

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DEPUTY ADMINISTRATOR

S. PETER PEDROTTY
KATHLEEN E. KLEIN
SENIOR ATTORNEYS

SHRUTI JOSHI
STAFF ATTORNEY

CONFIDENTIAL

June 14, 2023

VIA USPS AND EMAIL TO: [REDACTED]@nycourts.gov

Hon. David W. Wilbanks
Fort Covington Town Justice
2510 Chateaugay Street
Fort Covington, New York 12937

and

[REDACTED]
[REDACTED]

Re: File No. 2023/A-0140

Dear Judge Wilbanks:

On May 3, 2023, the Commission wrote to you requesting your reply to certain matters by May 31, 2023. To date, the Commission has not received a response. Enclosed is a copy of the May 3, 2023, letter.

Please respond in writing to the May 3 letter by June 28, 2023. **Your failure to respond may be found by the Commission to be failure to cooperate with the investigation.**

Hon. David W. Wilbanks

June 14, 2023

Page 2

Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Cenci', with a stylized flourish at the end.

Cathleen S. Cenci
Deputy Administrator

Enclosure



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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STAFF ATTORNEY

CONFIDENTIAL

May 3, 2023

VIA USPS AND EMAIL TO: [REDACTED]@nycourts.gov

Hon. David W. Wilbanks
Fort Covington Town Justice
2510 Chateaugay Street
Fort Covington, New York 12937
Tracking #: 9405 5091 0515 6522 0071 98

Re: File No. 2023/A-0140

Dear Judge Wilbanks:

The State Commission on Judicial Conduct is investigating a complaint that you failed to file reports or remit funds to the Office of the State Comptroller in the time required by law, for the months of December 2022, January 2023, and February 2023, and that your salary was stopped on April 18, 2023, as a result. A copy of the stop-salary notice is enclosed.

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¹ <http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm>

Hon. David W. Wilbanks

May 3, 2023

Page 2

In connection with this matter, the Commission requests that you respond to the following questions, in writing, by May 31, 2023. The Commission requests that you personally respond to each question, even if you have already submitted your overdue report or reports. In your letter, please include answers to the questions below and number your responses to correspond to the questions. We prefer that you respond in the form of a letter attached to a reply email to the Commission at [REDACTED]@cjc.ny.gov. However, we will accept a reply typed into an email message, faxed to (518) 299-1757, or sent by US mail, UPS or other carrier.

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Please number each answer to correspond to the question you are answering. Feel free to include any information that you may believe is relevant.

Hon. David W. Wilbanks

May 3, 2023

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Cathleen S. Cenci
Deputy Administrator

Enclosure



NYS Comptroller
THOMAS P. DiNAPOLI

Office of the NEW YORK
STATE COMPTROLLER

Division of Local Government and School Accountability
 Elliott Auerbach, Deputy Comptroller

April 18, 2023

Patricia Manchester
 Supervisor
 Town of Fort Covington
 PO Box 489
 Fort Covington NY 12937

Re: Justice ID 1632960374W
 Honorable David W. Wilbanks

Dear Supervisor:

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January 2023

February 2023

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Office of the State Comptroller
 Justice Court Fund
 110 State Street
 Albany, NY 12236

Sincerely,

Coraline Falco
 Manager
 Justice Court Fund

encl

cc: Honorable David W. Wilbanks
 Glens Falls Regional Office, Office of the State Comptroller
 Office of Court Administration, Director of Justice Court Support
 Honorable Felix J Catena, 4th Judicial District
 Chief Council, Commission on Judicial Conduct



Office of the New York State Comptroller
 110 State Street - Albany, NY 12236

866-321-8503, option 2
 courtfund@osc.ny.gov

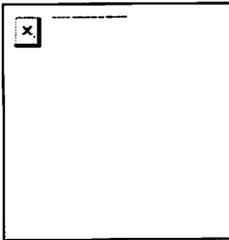
Sierra Whitney

From: no-reply@sendpro360.pitneybowes.com
Sent: Thursday, June 15, 2023 9:05 PM
To: Letitia Walsh; Sierra Whitney
Subject: Shipment Delivered

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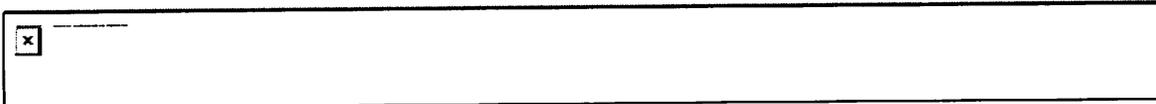
Shipment delivery details

Tracking number:	9405509105156027631935
Carrier:	USPS
Service:	Priority Mail®
Delivery date:	2023-06-15
Delivery address:	2510 Chateaugay St Fort Covington NY 12937-1804 US
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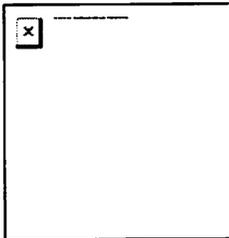
Sierra Whitney

From: no-reply@sendpro360.pitneybowes.com
Sent: Thursday, June 15, 2023 9:28 PM
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Subject: Shipment Delivered

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Carrier: USPS

Service: Priority Mail®

Delivery date: 2023-06-15

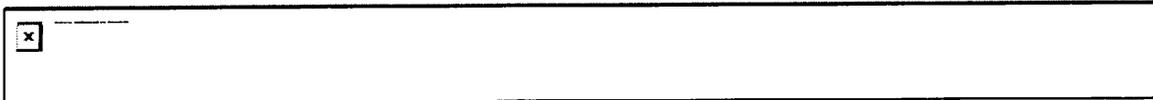
Delivery address: [REDACTED]

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**DIRECTIONS TO COMMISSION ON JUDICIAL CONDUCT, ALBANY OFFICE
(Located on 23rd Floor, Corning Tower, Empire State Plaza)**

From the North: Take Interstate 1-87 (Northway) to Interstate 1-90 East (Exit# 1E). Take Interstate 1-90 East to Interstate 787 South. Take Exit #3A for the Empire State Plaza.

From the South: Take New York State Thruway (Interstate 87) to Exit 23-straight through Toll Booth to Interstate 787. Take Exit #3 for the Empire State Plaza.

From the East: Take Interstate 90 West to exit #B 1 (1-90). Continue on 1-90 to Interstate 787 South. Follow I-787 South to Exit #3A for the Empire State Plaza.

From the West: Take New York State Thruway (Interstate 90) to Exit 24 (Albany). Proceed east on Interstate 90 to Interstate 787 South. Take Exit #3A for the Empire State Plaza.

PARKING

See <https://empirestateplaza.ny.gov/parking> for available parking lots and fees. Note card only payment (no cash).

Attached are maps of the Empire State Plaza.

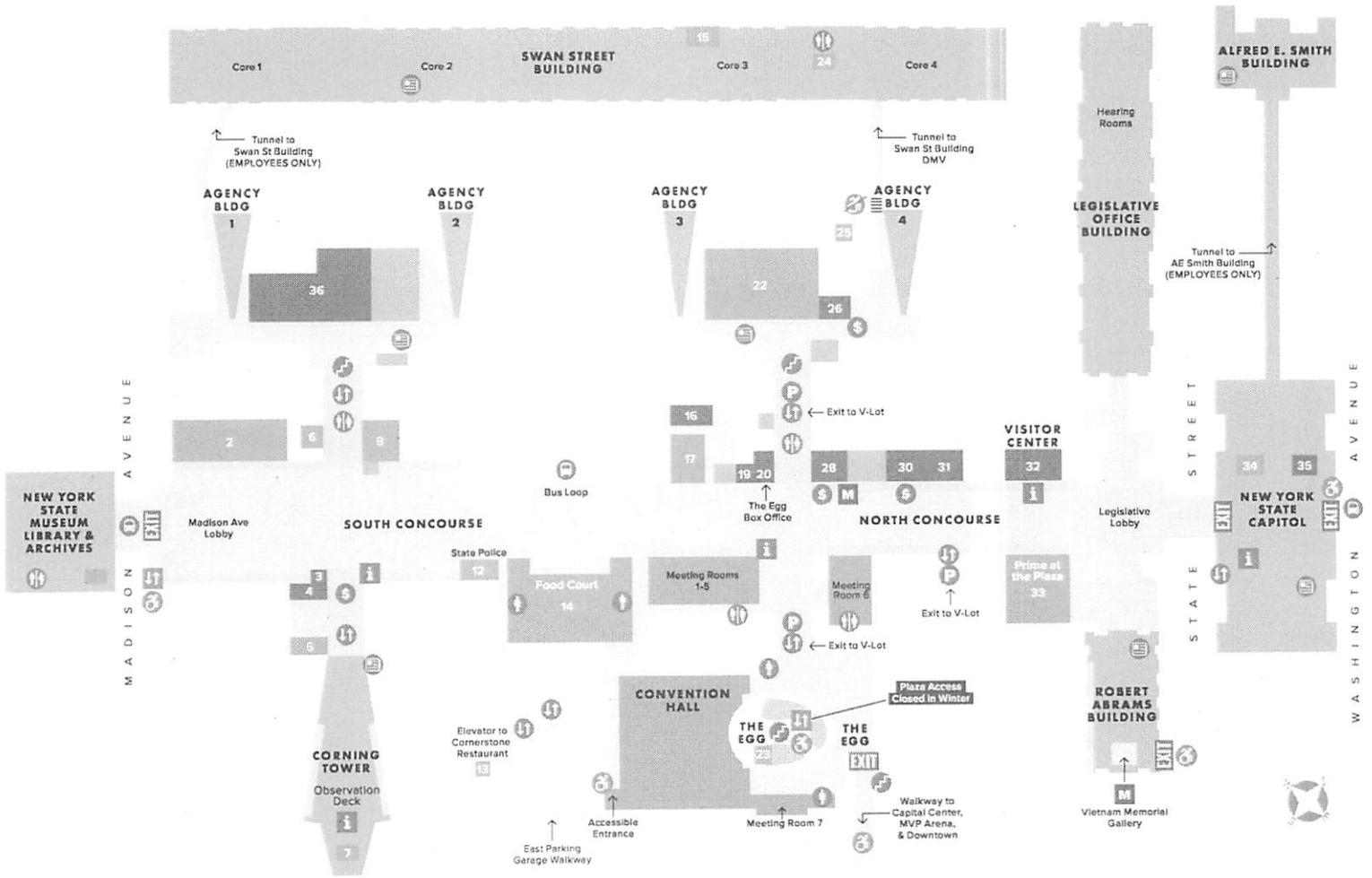
Please note that you will need a photo ID for parking and to enter the Corning Tower building.

Report to the guard's desk, located just before the entrance to Corning Tower on the Concourse Level, to obtain a visitor's pass. Take the second bank of elevators to the 23rd floor. Upon exiting the elevator, press the button located to the right of the glass doors.

WELCOME TO THE EMPIRE STATE PLAZA

empirestateplaza.ny.gov

CONCOURSE LEVEL



Map Key

- Information
- ATM
- Exit to Plaza
- Elevator
- Elevator to Plaza Level Accessible
- Parking (use elevators)
- CDTA Bus Stop
- Newsstand Convenience Store
- Memorials
Martin Luther King, Jr. Memorial
Vietnam Memorial Gallery
- Empire State Plaza Art Collection

Food

- 7 B-Rads Executive Bistro
ID or Visitor Pass required
- 13 Cornerstone at the Plaza
Plaza Level
- 14 Food Court
*Au Bon Pain | Aurie Anne's | Bombers
Honest Weight | Kuma Ahi | McDonald's
PBD Kitchen | Plo Yum*
- 17 Logan's Deli and Market
- 24 Swan Street Cafeteria
WV Pizza
- 25 B-Rad's Express
Plaza Level
- 33 Prime at the Plaza Café
- 34 Dunkin' Donuts

Services

- 3 Just Jewelry Repair
- 4 Post Office
- 16 American Red Cross
- 19 Patsy's Barber Shop
- 20 The Egg Box Office
- 26 Emblem Health Family Dental
- 28 KeyBank
- 30 SEFCU
- 31 SUNY Administration
- 32 Visitor Center & Gift Shop
- 35 Post Office
- 36 Retro Fitness

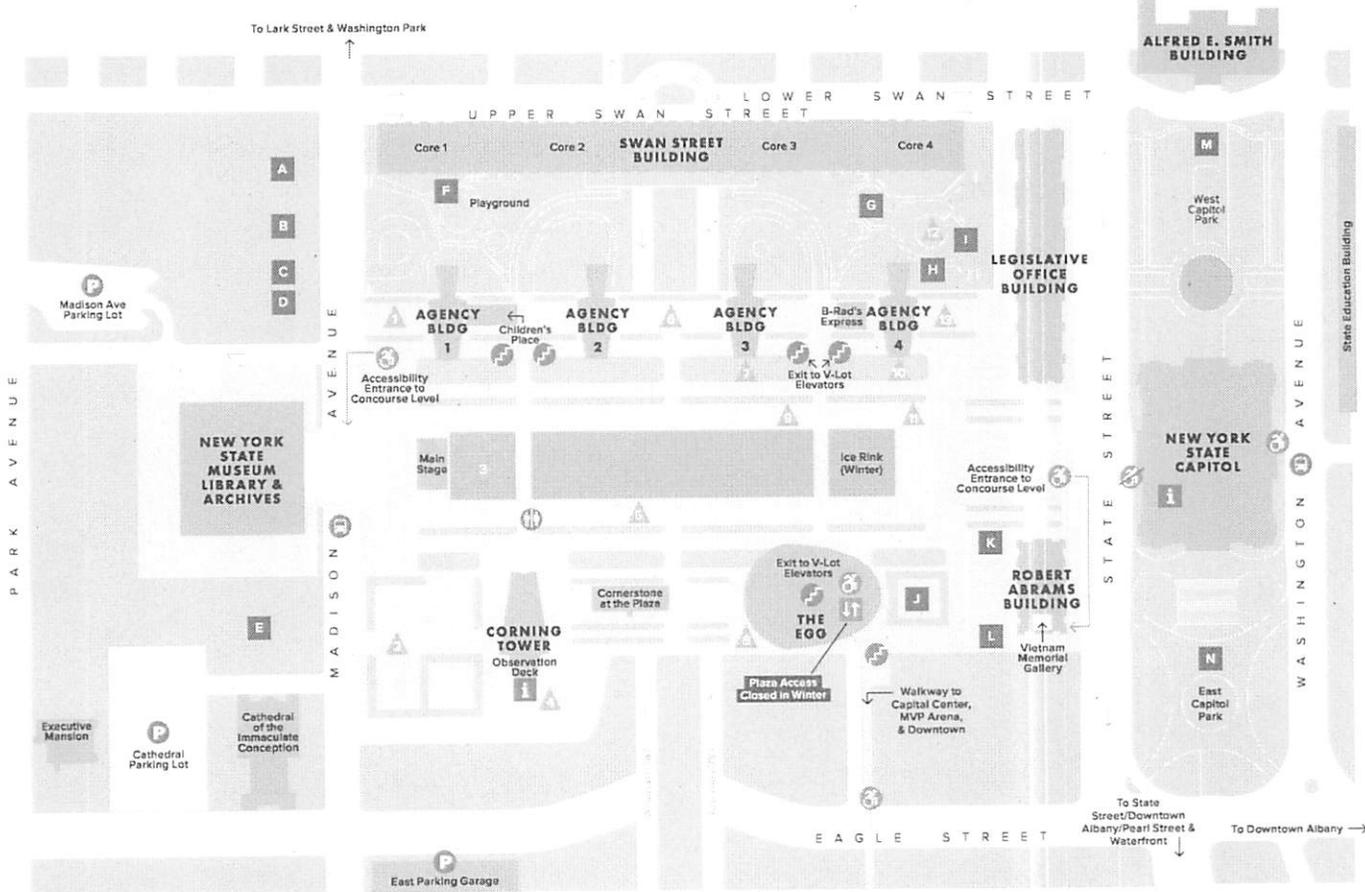
State Offices

- 2 Media Services Room #146
- 5 Conference Room #125
- 6 Parking Management
Room #144
- 9 Plaza Operations Room #130
- 12 NY State Police Room #115-1
- 15 Department of Motor Vehicles
- 22 Convention & Cultural Events,
Curatorial Services Room #120
- 23 Convention Center Office

WELCOME TO THE EMPIRE STATE PLAZA

empirestateplaza.ny.gov

PLAZA LEVEL



- Information
- Elevator to Concourse
- Exit to Concourse
- Parking
- CDTA Bus Stop
- One Way Street

▲ Governor Nelson A. Rockefeller Empire State Plaza Art Collection

- 1 Forrest Myers, *Untitled*, 1969-70
- 2 Francois Stahly, *Labyrinth*, 1970-71
- 3 Alexander Calder, *Triangles and Arches*, 1965
- 4 James Rosati, *Lippincott I*, 1967
- 5 George Sugarman, *Trio*, 1969-71
- 6 Clement Meadmore, *Verge*, 1971-72
- 7 Ellsworth Kelly, *Yellow Blue*, 1968
- 8 Antoni Milkowski, *Salem 7, 1/3*, 1965-67
- 9 George Rickey, *Two Lines Oblique*, 1968-71
- 10 Claes Oldenburg, *Geometric Mouse, Scale A, 1/6*, 1969
- 11 Ronald Bladen, *The Cathedral Evening*, 1972
- 12 Julius Schmidt, *Untitled*, 1966
- 13 Lyman Klipp, *Wild Rice*, 1967

■ Memorials

- | | |
|---------------------------------------|--|
| A Missing Person Remembrance | L Vietnam Memorial |
| B Korean Veterans Memorial | M George Washington Memorial |
| C Women Veterans Memorial | N General Philip Henry Sheridan Memorial |
| D Purple Hearth Memorial | |
| E WWII Memorial | |
| F Children's Memorial | |
| G Police Officers Memorial | |
| H Parole Officers Memorial | |
| I Crime Victims Memorial | |
| J Fallen Firefighters Memorial | |
| K Emergency Medical Services Memorial | |

ATTORNEY(S) :
INDEX # : 2023/A-0140
PURCHASED/FILED :
STATE OF : New York
COURT : xxxxxx
COUNTY/DISTRICT : xxxxxx

AFFIDAVIT OF SERVICE

RE: File No. 2023/A-0140

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK COUNTY OF _____, ss.

MICHAEL DEVLIN being duly sworn deposes and says deponent is not a party herein, and is over the age of eighteen years. That on 7/28/2023 at 4:15

at 2510 Hudson St, Ft. Schuyler, NY 12137 deponent did serve the following:

(Address where service was accomplished.)

LITIGATION SUPPORTING DOCUMENTS

on HON. DAVID W. WILBANKS

Respondent (herein called recipient) therein named.

INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

CORP A corporation, by delivering thereto a true copy of each to personally; deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be _____ thereof.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person, including an effort to reach the defendant by telephone, (if such telephone number was available) and an attempt to locate the defendant's place of employment:

Previous attempts at personal service are as follows:

on the _____ day of _____ at _____
on the _____ day of _____ at _____
on the _____ day of _____ at _____
on the _____ day of _____ at _____
on the _____ day of _____ at _____

SUITABLE PERSON By delivering a true copy of each to Michael Devlin a person of suitable age and discretion who agreed to accept on behalf of the party. Said premises is recipient's: dwelling house (usual place of abode) actual place of business

AFFIXING TO DOOR By affixing a true copy of each to the door of said premises, which is recipient's actual place of business dwelling house (usual place of abode) within the state.

MAILING COPY On _____ deponent completed service under the last two sections by depositing a copy of the above listed documents to the above address in a First Class postpaid properly addressed plain envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

The outside of the envelope did not include a return address or indicate that the communication was from an attorney.

DESCRIPTION A description of the person served is as follows:
Sex Male Color of skin White Hair Brown Approx Age 38-40 Approx Height 6-5"
Approx. weight 150-160 Other _____

WIT FEES \$ _____ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

NON MIL To the best of my knowledge and belief, said person was not presently in military service of the United States Government or on active duty in the military service in the State of New York at the time of service.

Appeared before and Sworn to me on this

2 day of August 2023

Joann Marie Warren
Notary Public

JOANN MARIE WARREN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01WA0007417
Qualified in Franklin County
Commission Expires May 12, 2025

Notary Stamp

Michael Devlin

Michael Devlin

Invoice-Work Order # 2330074

Attorney File # 2023/A-0140



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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SHRUTI JOSHI
STAFF ATTORNEY

CONFIDENTIAL

August 15, 2023

Hon. David W. Wilbanks
Justice of the Fort Covington Town Court

[REDACTED]
[REDACTED]

Re: File No. 2023/A-0140

Dear Judge Wilbanks:

In accordance with our phone conversation today, your appearance to give testimony, originally scheduled for August 16, 2023, has been adjourned at your request to **Monday, August 21, 2023, at 2 PM**, at the Commission's office in Albany at the Corning Tower, Suite 2301, Empire State Plaza. Directions to the Commission's Albany office and parking are enclosed.

Thank you for your prompt attention to this matter.

Very truly yours,

Shruti Joshi
Staff Attorney

Enclosures





August 29, 2023

Dear Sierra Whitney:

The following is in response to your request for proof of delivery on your item with the tracking number:
9402 8091 0515 6535 6646 65.

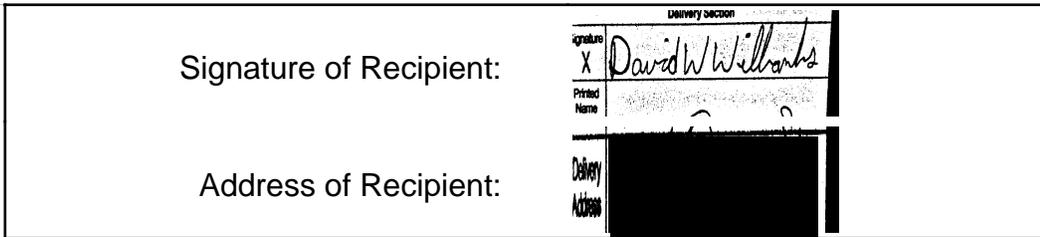
Item Details

Status: Delivered
Status Date / Time: August 28, 2023, 1:53 pm
Location: FORT COVINGTON, NY 12937
Postal Product: Priority Mail®
Extra Services: Certified Mail™
Return Receipt Electronic
Up to \$100 insurance included
Recipient Name: Hon David W Wilbanks

Shipment Details

Weight: 10.0oz

Recipient Signature



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

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

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 W. WILBANKS,

a Justice of the Fort Covington Town Court,
Franklin County.

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

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 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

ATTORNEY(S) :

INDEX # : XXXXXX

PURCHASED/FILED : October 26, 2023

AFFIDAVIT OF SERVICE

STATE OF : New York

COURT : XXXXXX

COUNTY/DISTRICT : Commission of Judicial Conduct

IN THE MATTER OF THE PROCEEDING PURSUANT TO SECTION 44, SUBDIVISION 4, OF THE JUDICIARY LAW IN RELATION TO
DAVID W. WILBANKS A JUSTICE OF THE FORT COVINGTON TOWN COURT, FRANKLIN COUNTY

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

vs

STATE OF NEW YORK COUNTY OF , SS.:

MICHAEL DEVLIN

, being duly sworn deposes and says deponent is not a party herein,

and is over the age of eighteen years. That on 11/16/2023 at 2:55 PM

at [redacted] deponent did serve the following:

LETTER, NOTICE OF FORMAL WRITTEN COMPLAINT, FORMAL WRITTEN COMPLAINT, VERIFICATION, w/ EXHIBITS

on: HON. DAVID WILBANKS

Respondent, (herein called recipient) therein named.

INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

CORP. A corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be thereof.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person, including an effort to reach the defendant by telephone, (if such telephone number was available) and an attempt to locate the defendant's place of employment.

Previous attempts at personal service are as follows:

on the _____ day of _____ at _____
on the _____ day of _____ at _____
on the _____ day of _____ at _____
on the _____ day of _____ at _____
on the _____ day of _____ at _____

SUITABLE PERSON By delivering a true copy of each to _____ a person of suitable age and discretion who agreed to accept on behalf of the party. Said premises is recipient's: [] dwelling house (usual place of abode). [] actual place of business

AFFIXING TO DOOR By affixing a true copy of each to the door of said premises, which is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state.

MAILING COPY On _____ deponent completed service under the last two sections by depositing a copy of the above listed documents to the above address in a First Class postpaid properly addressed plain envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

The outside of the envelope did not include a return address or indicate that the communication was from an attorney.

DESCRIPTION A description of the person served is as follows:
(use with #1, 2 or 3) Sex Male Color of skin White Hair Black/gray Approx. Age 45-55 Approx. Height 5'5-5'6"
Approx. weight 220-250 Other Beard

WIT. FEES \$ _____ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

NON MIL To the best of my knowledge and belief, said person was not presently in military service of the United States Government or on active duty in the military service in the State of New York at the time of service.

Appeared before and Sworn to me on this 13th day of November

Denice Ann Hudson
NOTARY PUBLIC

DENICE ANN HUDSON
Notary Public, State of New York
No. 01HUS143875
Qualified in Franklin County
Commission Expires April 17, 2026

Michael Devlin
Michael Devlin

Invoice-Work Order # 2348033
Attorney File # **Wilbanks**