

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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

**DAVID W. WILBANKS,**

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

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**NOTICE OF MOTION  
FOR  
SUMMARY DETERMINATION**

**PLEASE TAKE NOTICE** that upon the annexed affirmation of Cathleen S. Cenci, the annexed exhibits, and the Memorandum by Counsel to the Commission, a motion will be heard by the State Commission on Judicial Conduct at 61 Broadway, New York, New York 10006, on the 25th day of January, 2024, seeking a summary determination pursuant to 22 NYCRR 7000.6(c) that the Honorable David W. Wilbanks has engaged in judicial misconduct.

**PLEASE TAKE FURTHER NOTICE** that answering papers, if any, are required to be filed with the Commission and to be served upon the undersigned on or before January 5, 2024.

Dated: December 18, 2023  
Albany, New York

Cathleen S. Cenci, Esq.  
Deputy Administrator  
Commission on Judicial Conduct  
Corning Tower, Suite 2301  
Albany, New York 12223  
(518) 453-4600

TO: Hon. David W. Wilbanks

  
[\[REDACTED\]@nycourts.gov](mailto: [REDACTED]@nycourts.gov)

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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

**DAVID W. WILBANKS,**

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

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**AFFIRMATION IN  
SUPPORT OF MOTION FOR  
SUMMARY  
DETERMINATION**

**CATHLEEN S. CENCI**, an attorney duly authorized to practice in the courts of the State of New York, affirms under the penalties of perjury:

1. I am a Deputy Administrator for the New York State Commission on Judicial Conduct (“Commission”). I submit this affirmation in support of a motion for summary determination in the above-captioned matter.

2. Pursuant to Section 44, subdivision 4, of the Judiciary Law of the State of New York, the Commission directed that a Formal Written Complaint (“Complaint”) be served upon the Honorable David W. Wilbanks (“Respondent”), a Justice of the Fort Covington Town Court, Franklin County.

3. The Complaint, dated October 26, 2023, contains two charges alleging that Respondent: (1) failed to timely report or remit court funds to the Office of State Comptroller; and (2) failed to cooperate with the Commission’s investigation into that allegation. A copy of the Complaint and exhibits is annexed as Exhibit A.

4. On November 11, 2023, Respondent was personally served with a Notice of Formal Written Complaint and the Complaint. A copy of the affidavit of personal service is annexed as Exhibit B.

5. Pursuant to Section 7000.6(b) of the Commission's Operating Procedures and Rules, Respondent's verified Answer was due within 20 days of service of the Complaint. Respondent has not served an Answer to the Complaint to date and the 20-day deadline for him to do so has expired.

6. Pursuant to Section 7000.6(b) of the Commission's Operating Procedures and Rules, because Respondent failed to answer to the Complaint, all the allegations in the Complaint are deemed admitted by Respondent. Based on Respondent's failure to serve an Answer, there is no genuine issue as to any material fact, and summary determination is appropriate, pursuant to the Section 7000(6)(c) of the Commission's Operating Procedures and Rules.

7. As set forth more fully in the accompanying Memorandum by Commission Counsel, Respondent's misconduct as set forth in the Complaint is hereby established. Accordingly, Commission Counsel respectfully requests that the Commission grant summary determination as to Charges I and II of the Complaint.

**WHEREFORE**, it is respectfully submitted that no issues of fact exist, and that summary determination be entered finding that Charges I and II of the

Complainant are sustained, that Respondent has engaged in judicial misconduct, and that a date be set for memoranda to be filed and oral argument to be heard on the issue of sanction.

Dated: December 18, 2023  
Albany, New York

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

---

**CATHLEEN S. CENCI**  
Deputy Administrator  
State Commission on Judicial Conduct  
Corning Tower, Suite 2301  
Albany, New York 12223  
(518) 453-4600





## NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL

CORNING TOWER, SUITE 2301  
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518-453-4600 518-299-1757  
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CATHLEEN S. CENCI  
DEPUTY ADMINISTRATOR

S. PETER PEDROTTY  
PRINCIPAL ATTORNEY

KATHLEEN E. KLEIN  
SENIOR ATTORNEY

SHRUTI JOSHI  
STAFF ATTORNEY

### **CONFIDENTIAL**

October 26, 2023

#### **BY HAND DELIVERY**

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

#### ***Re: Matter of David W. Wilbanks***

Dear Judge Wilbanks:

The State Commission on Judicial Conduct has directed that a Formal Written Complaint be served upon you, pursuant to Section 44, subdivision 4, of the Judiciary Law. Enclosed are the Notice of Formal Written Complaint and the Formal Written Complaint in this matter. For your reference, the Rules Governing Judicial Conduct and the Commission's Operating Procedures and Rules are available on the Commission's website.<sup>1</sup>

Kindly complete the enclosed form advising the Commission of your home address and return the form by mail to the Clerk of the Commission. This information is requested pursuant to a practice of the Court of Appeals. The information is confidential and will be transmitted by the Clerk of the Commission to the Court of Appeals in the event there is a

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

*Hon. David W. Wilbanks*

*October 26, 2023*

*Page 2*

public disciplinary determination. The remainder of the form contains a “Request and Authorization.” Please note that the Request and Authorization must be completed in order for your attorney to be notified by the Court of Appeals of any public determination filed with the Court by the Commission.

Papers are being served upon you personally. At your earliest convenience please acknowledge receipt of these papers.

If you have any questions concerning this matter, please contact Staff Attorney Shruti Joshi.

Very truly yours,



Cathleen S. Cenci  
Deputy Administrator

Enclosures

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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

**DAVID W. WILBANKS,**

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

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**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

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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.

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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 10<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> 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



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**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

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

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

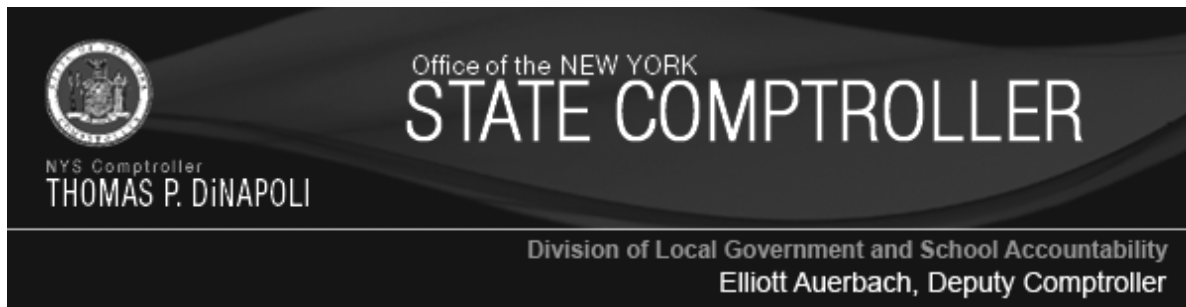
1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial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

  
\_\_\_\_\_  
Robert H. Tembeckjian

Sworn to before me this  
26<sup>th</sup> 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.

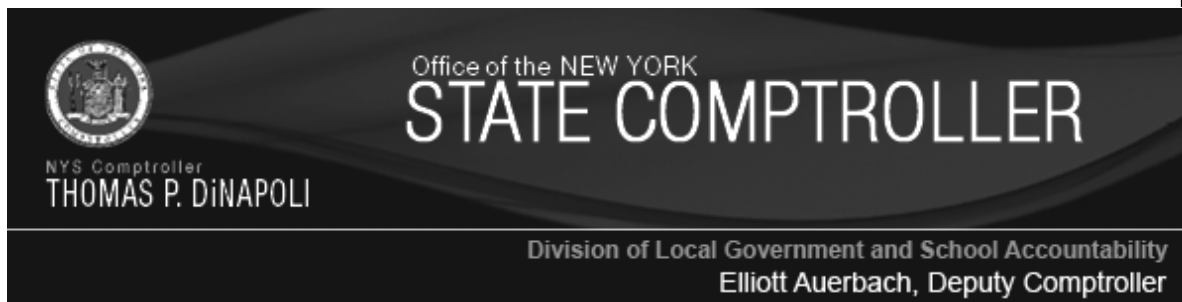
**Getting started with justice report filing:**

- 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](mailto: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](mailto: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



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

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



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 black ink that reads "Coraline Falco". The signature is written in a cursive, flowing style.

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  
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HON. JOHN A. FALK  
HON. ROBERT J. MILLER  
MARVIN RAY RASKIN  
RONALD J. ROSENBERG  
GRAHAM B. SEITER  
AKOSUA GARCIA YEBOAH  
MEMBERS  
CELIA A. ZAHNER, CLERK

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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.<sup>1</sup>

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<sup>1</sup> <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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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  
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COMMISSION ON JUDICIAL CONDUCT**

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ADMINISTRATOR & COUNSEL  
  
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KATHLEEN E. KLEIN  
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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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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.<sup>1</sup>

---

<sup>1</sup> <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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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.

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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*

*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



# Sierra Whitney

---

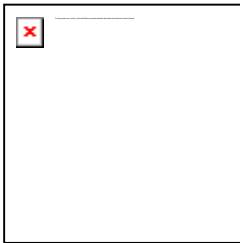
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# Sierra Whitney

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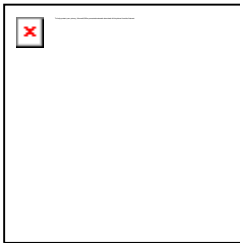
**From:** no-reply@sendpro360.pitneybowes.com  
**Sent:** Thursday, June 15, 2023 9:28 PM  
**To:** Letitia Walsh; Sierra Whitney  
**Subject:** Shipment Delivered

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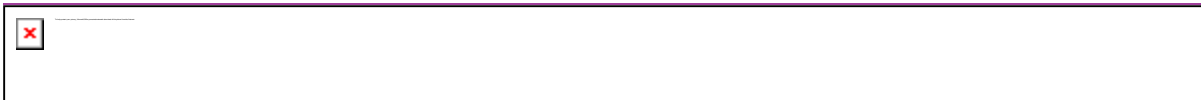
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Carrier:	USPS
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Delivery date:	2023-06-15
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## NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

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TAA GRAYS, VICE CHAIR  
HON. FERNANDO M. CAMACHO  
HON. JOHN A. FALK  
HON. ROBERT J. MILLER  
MARVIN RAY RASKIN  
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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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www.cjc.ny.gov

ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL  
  
CATHLEEN S. CENCI  
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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.<sup>1</sup>

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

---

<sup>1</sup> <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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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.<sup>1</sup>

---

<sup>1</sup> <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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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):

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January 2023

February 2023

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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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Your item was delivered in or at the mailbox at 11:41 am on May 5, 2023 in FORT COVINGTON, NY 12937.

### Get More Out of USPS Tracking:

**USPS Tracking Plus®**

Feedback

#### 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

**Hide Tracking History**

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**Text & Email Updates**



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**USPS Tracking Plus®**



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**Product Information**



**See Less**

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COMMISSION ON JUDICIAL CONDUCT

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HON. JOHN A. FALK  
HON. ROBERT J. MILLER  
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518-453-4600 518-299-1757  
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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**

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  
TAA GRAYS, VICE CHAIR  
HON. FERNANDO M. CAMACHO  
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**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.<sup>1</sup>

---

<sup>1</sup> <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





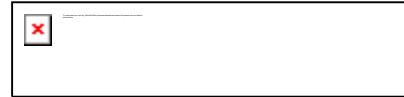
# Sierra Whitney

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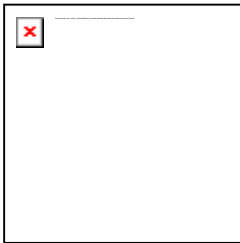
**From:** no-reply@sendpro360.pitneybowes.com  
**Sent:** Thursday, June 15, 2023 9:05 PM  
**To:** Letitia Walsh; Sierra Whitney  
**Subject:** Shipment Delivered

[View details below.](#)

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## Your package has been delivered



Your package from PERSONAL & CONFIDENTIAL has been delivered.  
Please see details below.

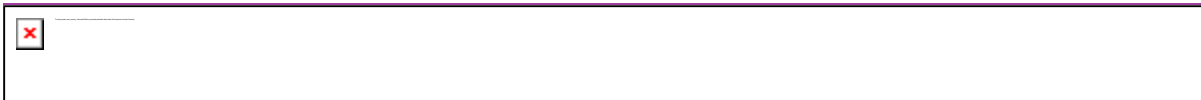
## Shipment delivery details

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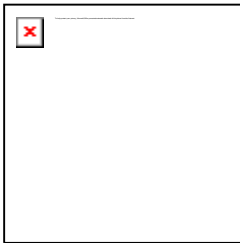
**From:** no-reply@sendpro360.pitneybowes.com  
**Sent:** Thursday, June 15, 2023 9:28 PM  
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**Subject:** Shipment Delivered

View details below.

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Please see details below.

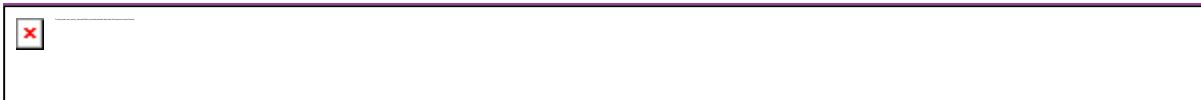
### Shipment delivery details

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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**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.

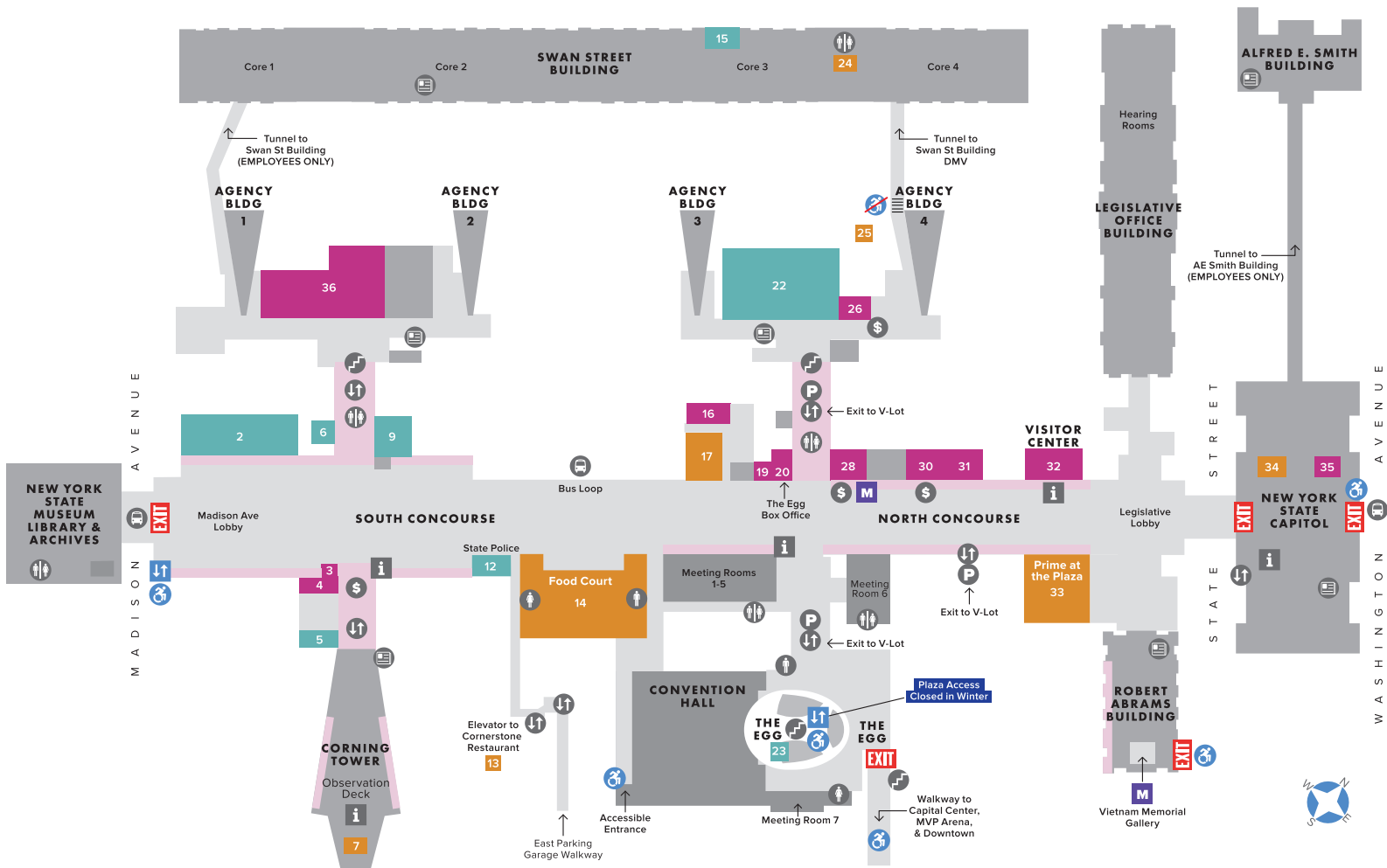
Please note that you will need a photo ID for parking and to enter the Corning Tower building.

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 @ 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

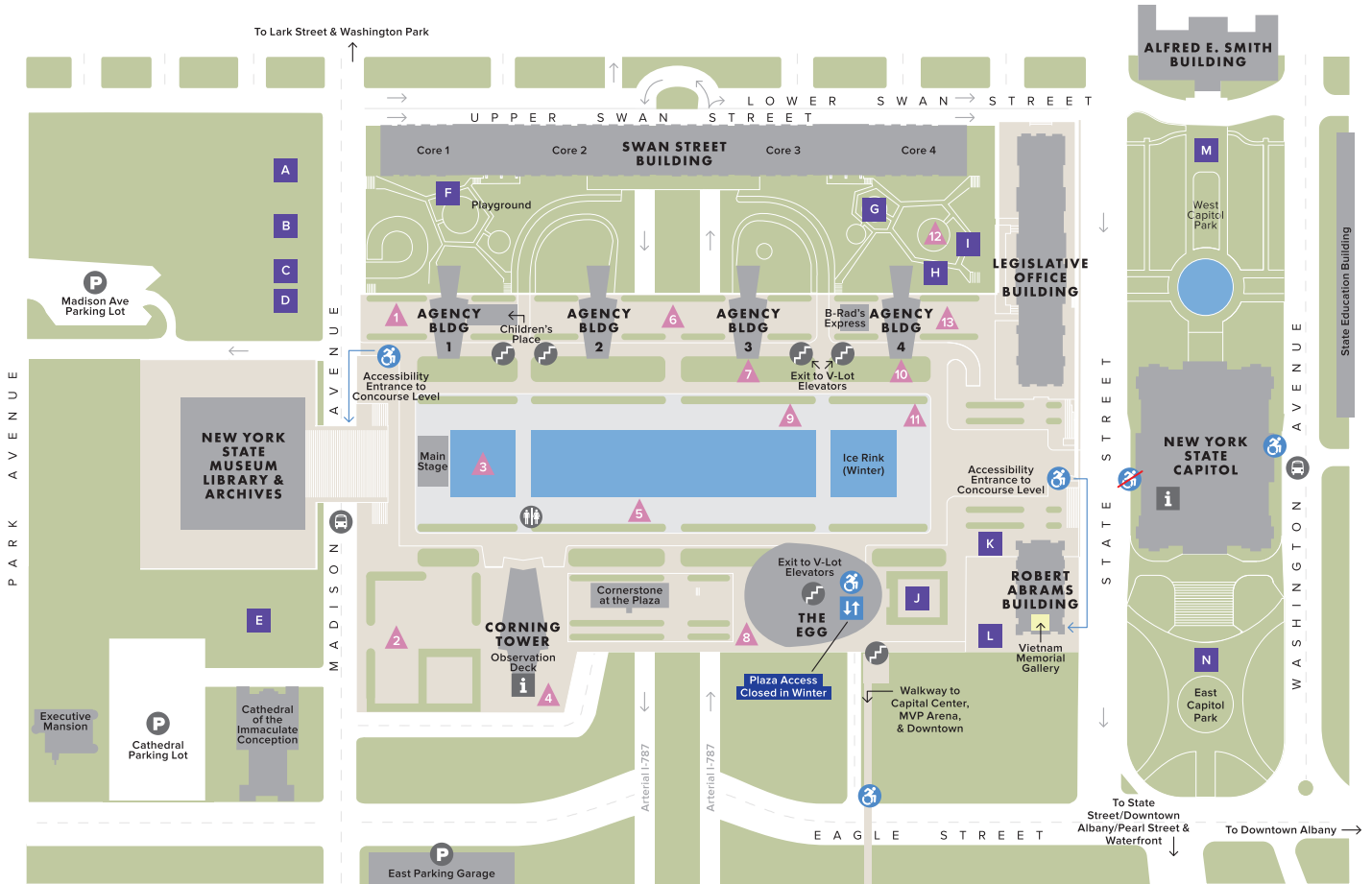
- 2** Media Services Room #146
- 5** Conference Room #125
- 6** Parking Management  
Room #144
- 9** Plaza Operations Room #130
- 12** NY State Police Room #115-1
- 15** Department of Motor Vehicles
- 22** Convention & Cultural Events,  
Curatorial Services Room #120
- 23** Convention Center Office



# 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
- 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 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 \_\_\_\_\_  
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 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

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

Notary Stamp

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



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

JOSEPH W. BELLUCK, CHAIR  
TAA GRAYS, VICE CHAIR  
HON. FERNANDO M. CAMACHO  
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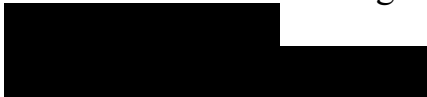
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SENIOR ATTORNEYS  
SHRUTI JOSHI  
STAFF ATTORNEY

**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)**

**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.

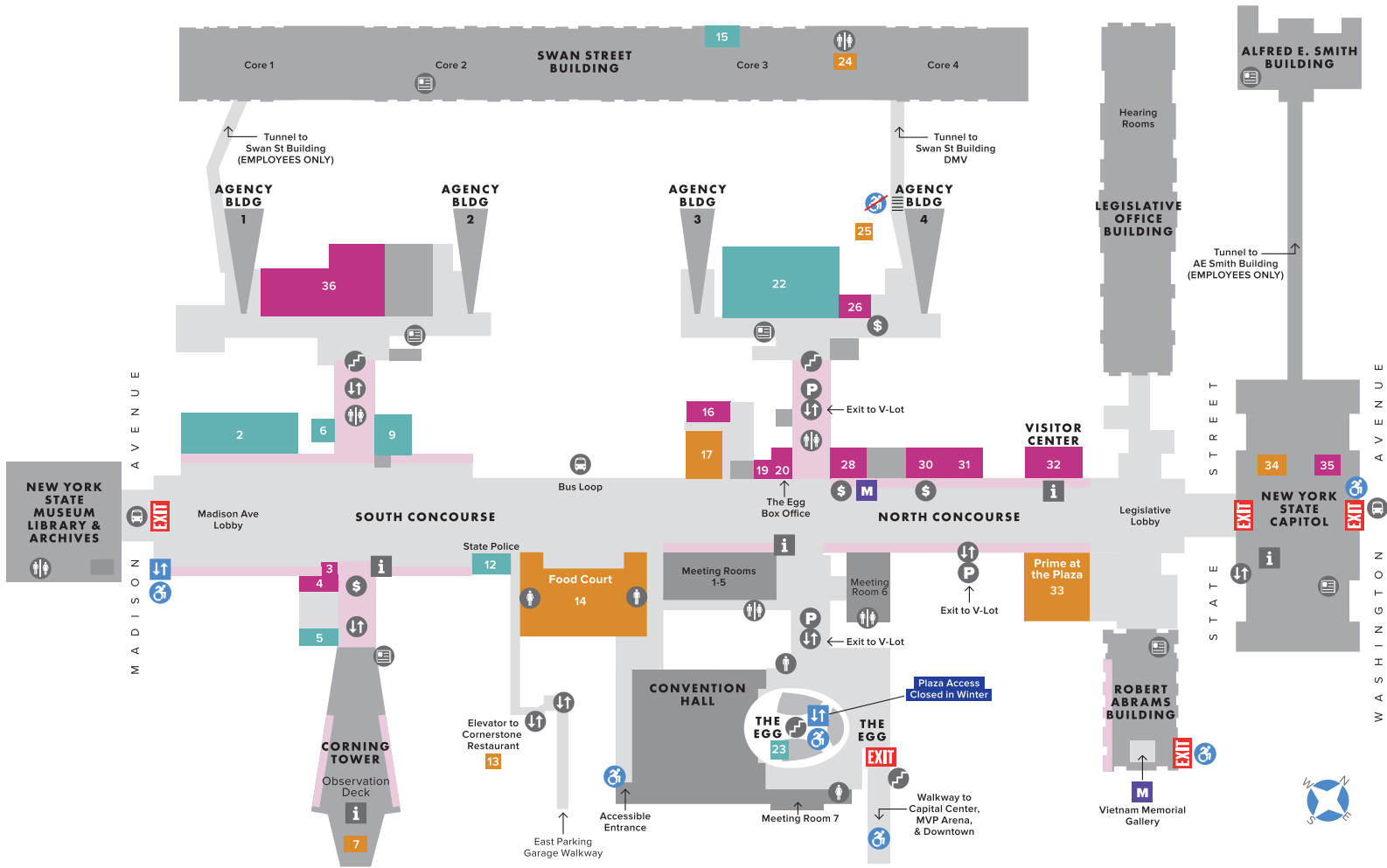
Report to the guard's desk, located just before the entrance to Corning Tower on the Concourse Level, to obtain a visitor's pass. Take the second bank of elevators to the 23rd floor. Upon exiting the elevator, press the button located to the right of the glass doors.



# WELCOME TO THE EMPIRE STATE PLAZA

empirestateplaza.ny.gov @ f b

## CONCOURSE LEVEL



### Map Key

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- 28** KeyBank
- 30** SEFCU
- 31** SUNY Administration
- 32** Visitor Center & Gift Shop
- 35** Post Office
- 36** Retro Fitness

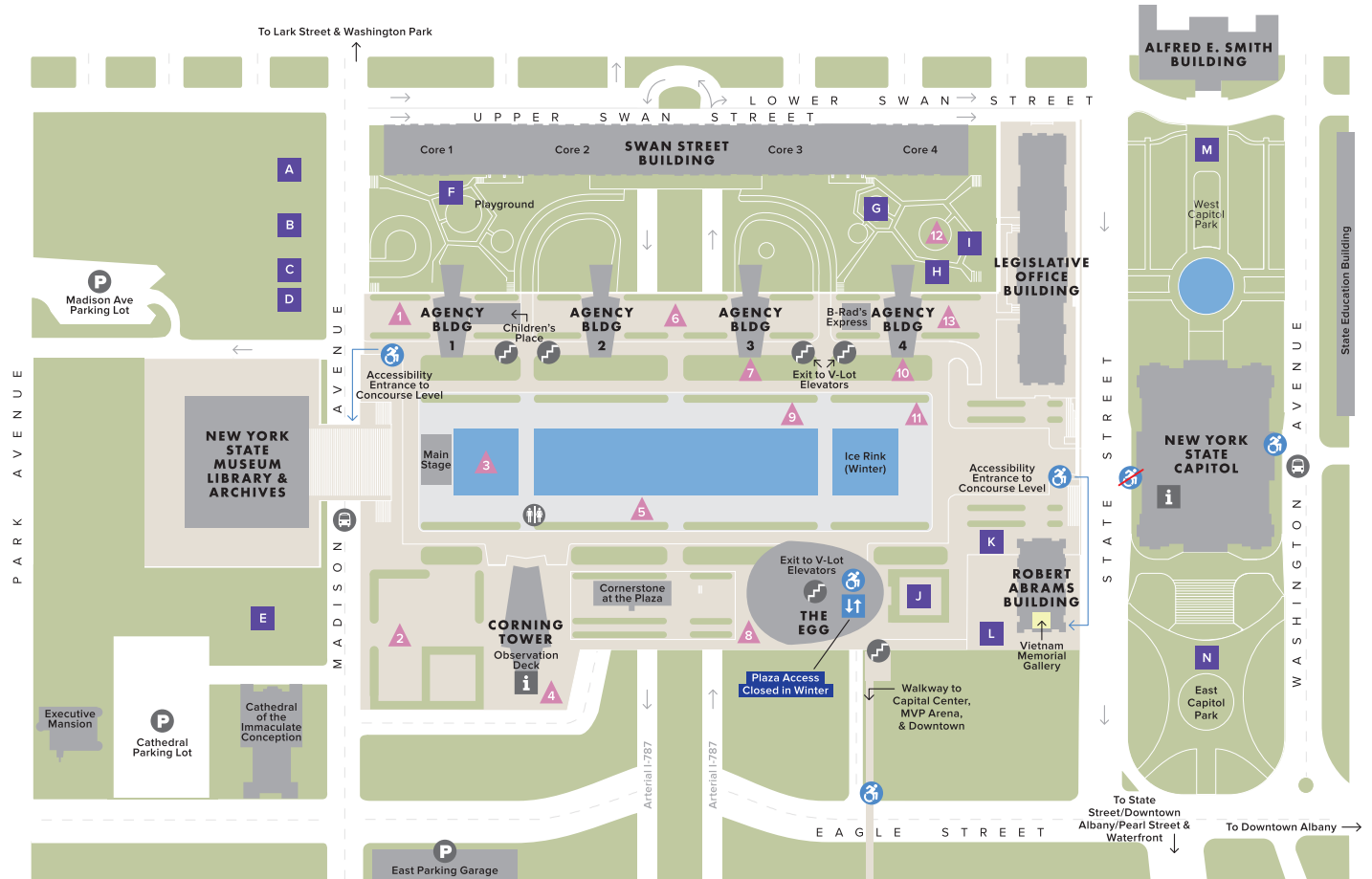
### State Offices

- 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
- 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 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 |                                          |



**NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT**

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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**

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)*

1 opening the letter and reading its contents when  
2 he came to court on August 1, 2023. The clerk  
3 also informed me that the judge worked at Twin  
4 Leaf Diner, a diner/gas station in Fort  
5 Covington. I called the diner's grab-and-go  
6 service and spoke to Judge David Wilbanks. He  
7 told me he was not going to appear for testimony  
8 on August 16 because he was going out of town.  
9 When asked what other day would be good to  
10 reschedule his testimony to, he said Mondays  
11 would be a good day for him, so we agreed to  
12 reschedule his testimony for today, August 21, at  
13 2 P.M. We also have pre-marked Exhibit 2  
14 which is a letter confirming the new date and  
15 time along with directions to the Commission's  
16 Albany office. This letter was mailed to Judge  
17 Wilbanks on August 15 to a residential address  
18 that he provided to me on the phone which was  
19 [REDACTED], Fort Covington, New York  
20 12937. It is now 2:38 on August 21 and the  
21 judge has not shown up for his testimony. We  
22 attempted a phone call again at his part-time  
23 workplace, the Twin Leaf Diner, and spoke to  
24 his manager who confirmed that the judge was  
25 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.)

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COMMISSION EXHIBITS


	<u>Description</u>	<u>Ident.</u>
1	Letter from Cathleen Cenci to Judge Wilbanks dated	1
2	July 13, 2023, with attachments (24 pages).	
3		
4		
5	2 Letter from Shruti Joshi to Judge Wilbanks dated	2
6	August 15, 2023 (1 page).	
7		
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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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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.<sup>1</sup>

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

<sup>1</sup> <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,



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





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COMMISSION ON JUDICIAL CONDUCT

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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.<sup>1</sup>

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<sup>1</sup> <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

**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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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.

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.<sup>1</sup>

---

<sup>1</sup> <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



NY State 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

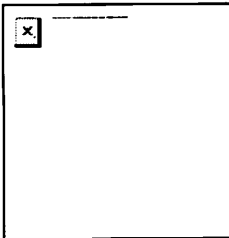
---

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

[view as webpage](#)



## Your package has been delivered

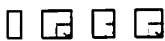


Your package from PERSONAL & CONFIDENTIAL has been delivered.  
Please see details below.

### 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**

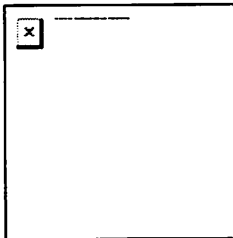
---

**From:** no-reply@sendpro360.pitneybowes.com  
**Sent:** Thursday, June 15, 2023 9:28 PM  
**To:** Letitia Walsh; Sierra Whitney  
**Subject:** Shipment Delivered

[view as webpage](#)



## Your package has been delivered



Your package from PERSONAL & CONFIDENTIAL has been delivered. Please see details below.

### Shipment delivery details

Tracking number: 9405509105156027633069

---

Carrier: USPS

---

Service: Priority Mail®

---

Delivery date: 2023-06-15

---

Delivery address: [REDACTED]

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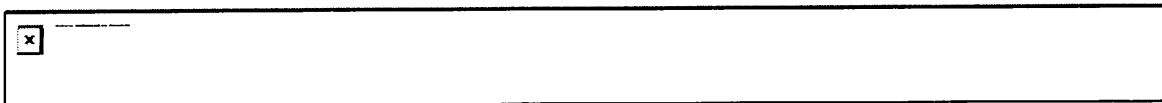
Shipped on: 2023-06-14

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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.

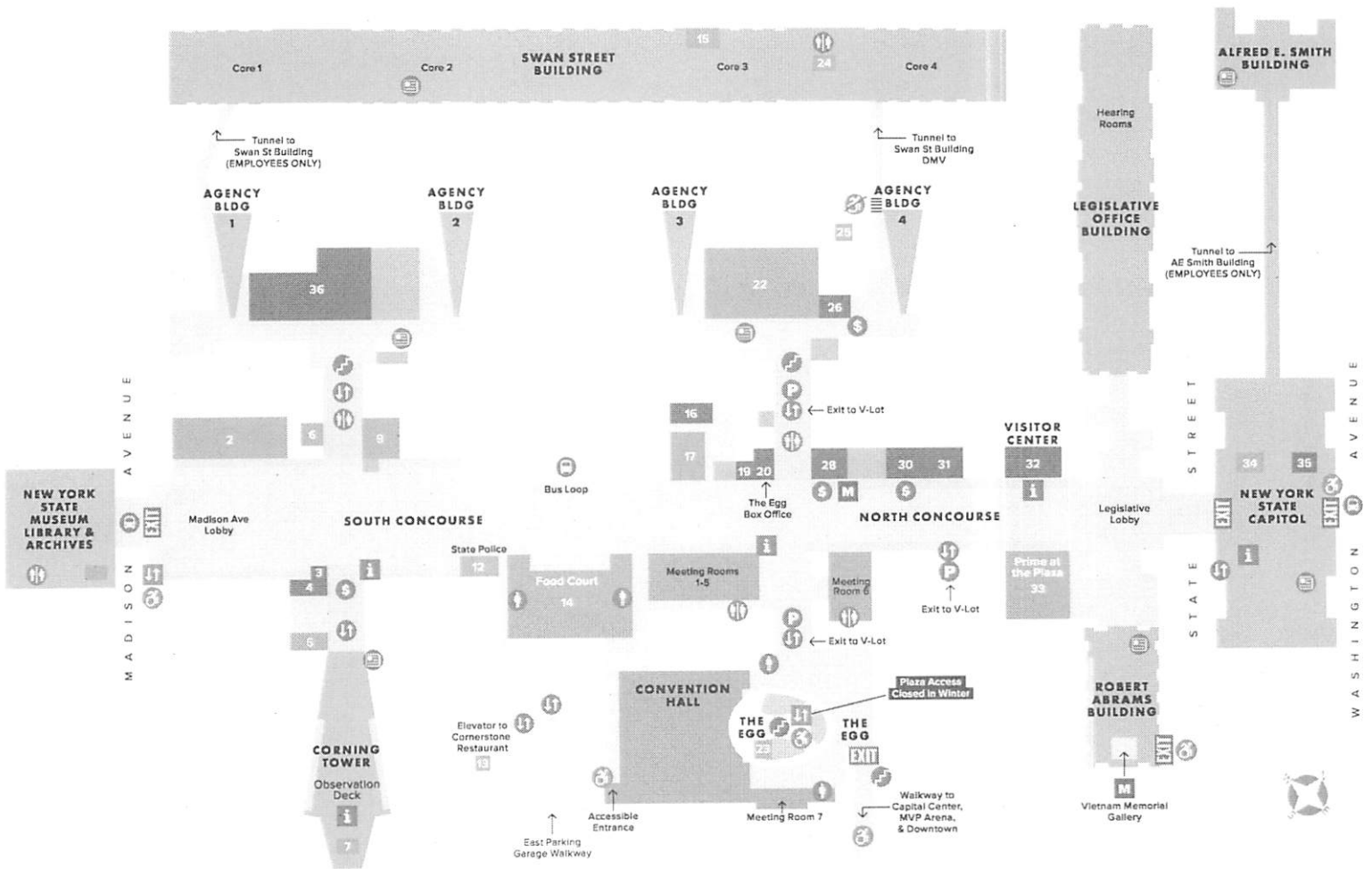
Please note that you will need a photo ID for parking and to enter the Corning Tower building.

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

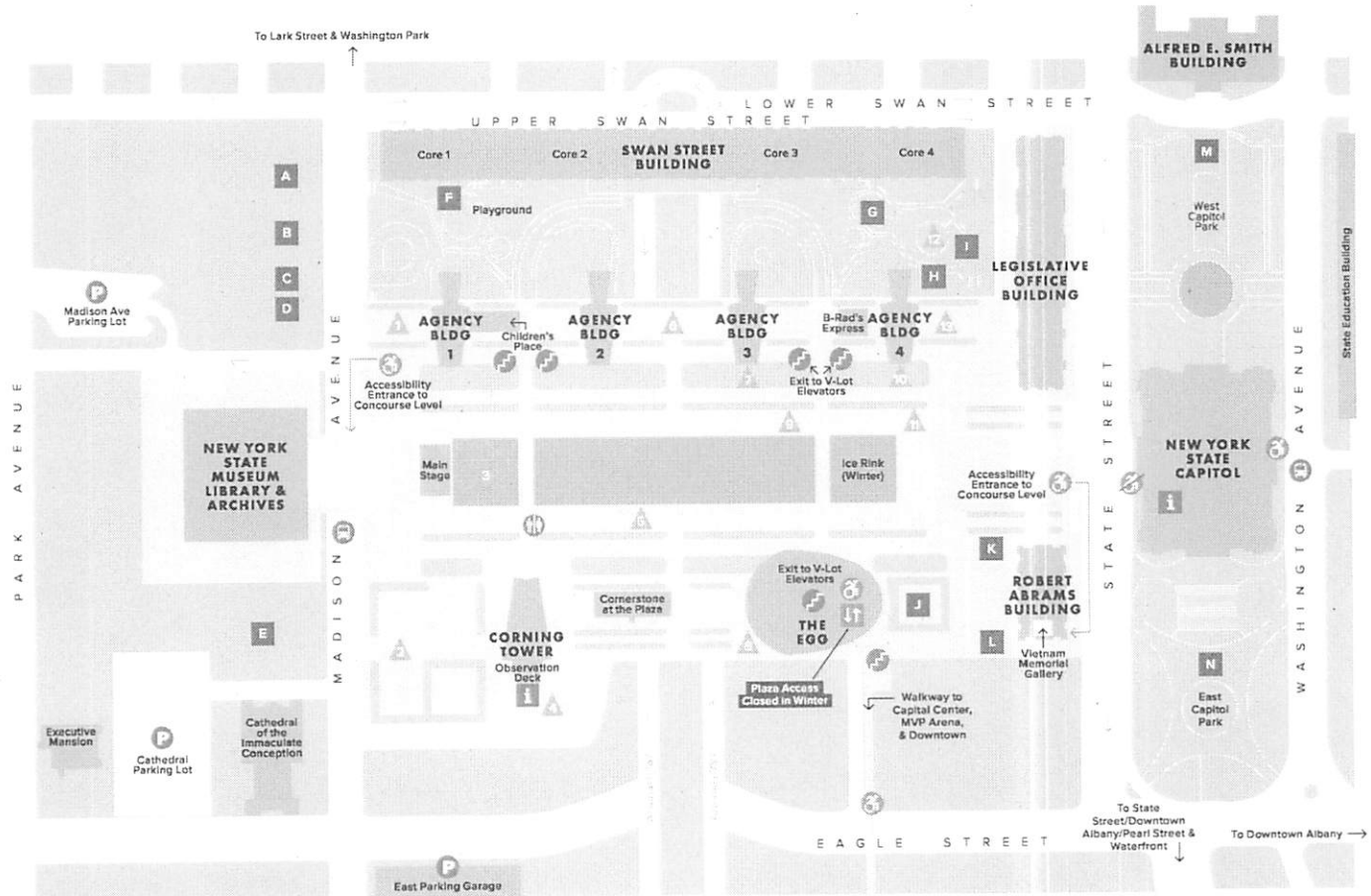
- 2 Media Services Room #146
- 5 Conference Room #125
- 6 Parking Management  
Room #144
- 9 Plaza Operations Room #130
- 12 NY State Police Room #115-1
- 15 Department of Motor Vehicles
- 22 Convention & Cultural Events,  
Curatorial Services Room #120
- 23 Convention Center Office

# WELCOME TO THE EMPIRE STATE PLAZA

empirestateplaza.ny.gov

PLAZA LEVEL

To Lark Street & Washington Park



- 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 Heart 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:  
(use with #1, 2 or 3) Sex Male Color of skin White Hair Brown Approx Age 38-40 Approx Height 6-5"  
Approx. weight 150-160 Other \_\_\_\_\_

TRAVEL 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, 2025

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

Notary Stamp



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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TAA GRAYS, VICE CHAIR  
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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**

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:

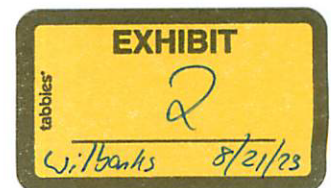
In accordance with our phone conversation today, your appearance to give testimony, originally scheduled for August 16, 2023, has been adjourned at your request to **Monday, August 21, 2023, at 2 PM**, at the Commission's office in Albany at the Corning Tower, Suite 2301, Empire State Plaza. Directions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

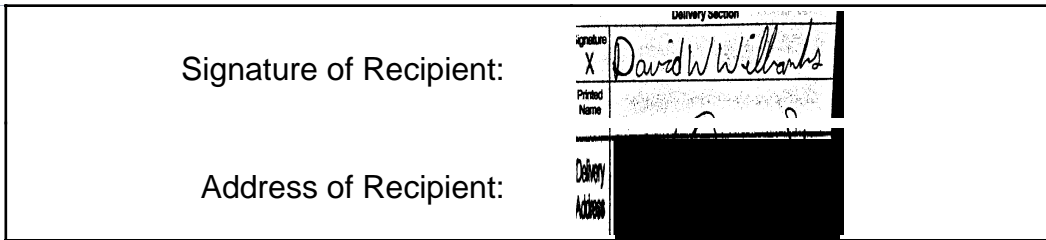
### Item Details

**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

# EXHIBIT B

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)

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 11/11/2023 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 13<sup>th</sup> day of November

Denice Ann Hudson  
NOTARY PUBLIC

DENICE ANN HUDSON  
Notary Public, State of New York  
No. 01HU5143875  
Qualified in Franklin County  
Commission Expires April 17, 2024

Michael Devlin

Michael Devlin

Invoice-Work Order # 2348033  
Attorney File # Wilbanks

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.

---

**MEMORANDUM BY COUNSEL TO THE COMMISSION  
IN SUPPORT OF MOTION FOR SUMMARY DETERMINATION**

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

Of Counsel:

Cathleen Cenci, Esq.  
Edward Lindner, Esq.  
Denise Buckley, Esq.  
David P. Stromes, Esq.  
Shruti Joshi, Esq.

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<sup>1</sup> Available at <https://cjc.ny.gov/Determinations/P/Persons.Jeremy.L.2023.02.23.DET.pdf>.

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NYCRR §7000.6(b) ..... 1, 2, 6  
NYCRR §7000.6(c)..... 1, 6, 7

**OTHER AUTHORITIES**

NY Const, art VI, §22, Judiciary Law, Article 2-A..... 9

## **PRELIMINARY STATEMENT**

This Memorandum is respectfully submitted by Counsel to the Commission on Judicial Conduct (“Commission”) in support of Counsel’s Motion for Summary Determination that the Honorable David W. Wilbanks (“Respondent”), a Justice of the Fort Covington Town Court, Franklin County, has committed judicial misconduct.<sup>1</sup> Respondent was served with a Formal Written Complaint (“Complaint”) on November 11, 2023. He has not filed or served an Answer. Pursuant to Sections 7000.6(b) and (c) of the Commission’s Operating Procedures and Rules, Respondent’s failure to serve an Answer is deemed an admission of all the factual allegations set forth in the Complaint and summary determination on the issue of misconduct has been established as a matter of law.

## **PROCEDURAL HISTORY**

### **A. The Formal Written Complaint**

Pursuant to Judiciary Law §44(4), the Commission authorized a Formal Written Complaint (“Complaint”), dated October 26, 2023, containing two charges, alleging that Respondent: (1) failed to report or remit court funds to the Office of State Comptroller in a timely manner; and (2) failed to cooperate with the Commission’s investigation of the complaint that he failed to timely report and

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<sup>1</sup> In the event that the Commission grants this motion, Commission Counsel requests that a schedule be set for memoranda to be filed and oral argument to be heard on the issue of sanction.

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 that he did not 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.

On November 11, 2023, Respondent was personally served with a Notice of Formal Written Complaint and the Complaint (Affirmation of Cathleen S. Cenci [“Cenci Aff.”] ¶ 4).

**B. Respondent’s Failure to Answer**

Respondent received the Complaint on November 11, 2023 (Cenci Aff. ¶ 4). Pursuant to Section 7000.6(b) of the Commission’s Operating Procedures and Rules, Respondent’s verified Answer was due within 20 days of service of the Complaint, *i.e.*, on or about December 1, 2023. Respondent has not served an Answer to the Complaint to date (Cenci Aff. ¶ 5).

**C. The Facts**

Pursuant to Section 7000.6(b) of the Commission’s Operating Procedures and Rules, which provides that “[f]ailure to answer the formal written complaint shall be deemed an admission of its allegations,” the following facts are deemed admitted.

**As to Charge I:**

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 10<sup>th</sup> day of the following month as required and still was not on file with the Comptroller (Complaint ¶ 6, Ex. 1). 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 10<sup>th</sup> day of the following month as required (Complaint ¶ 7, Ex 2). Respondent failed to file his February 2023 monthly report by the 10<sup>th</sup> day of the following month as required, and it remained unfiled through on or about mid-April 2023 (Complaint ¶ 8).

On 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 (Complaint ¶ 9, Ex 3). 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. 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 (Complaint ¶ 10, Ex 4).

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. Thereafter, Respondent failed to timely file his reports for March, April and May 2023 (Complaint ¶ 11, Ex 5). 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 (Complaint ¶ 12, Ex 6).

### **As to Charge II**

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:

██████████@nycourts.gov (Complaint ¶ 16, Ex 7). Respondent failed to respond to the Commission's letter of May 3, 2023, and failed to produce any documents requested therein (Complaint ¶ 17).

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) (Complaint ¶ 18, Ex 8). Respondent did not respond to the Commission’s letter of June 14, 2023 (Complaint ¶ 19).

By letter dated July 13, 2023, which was personally delivered to the Fort Covington Town Court and received 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 (Complaint ¶ 20, Ex 9). Respondent neither confirmed his appearance for testimony nor provided any documents to the Commission (Complaint ¶ 21).

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 (Complaint ¶ 22).

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 (Complaint ¶ 23, Ex 10). 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 (Complaint ¶ 24, Ex 11).

## **ARGUMENT**

### **POINT I**

#### **RESPONDENT HAS ADMITTED THE FACTUAL ALLEGATIONS IN THE FORMAL WRITTEN COMPLAINT.**

Section 7000.6(b) of the Commission's Operating Rules and Procedures requires a judge who is served with a Complaint to serve a verified Answer within 20 days of receipt of the Complaint, and provides that "[f]ailure to answer the formal written complaint shall be deemed and admission of its allegations."

Section 7000.6(c) of the Operating Procedures and Rules states that "[e]ither party

may move before the commission for a summary determination . . . if the pleadings . . . show that there is no genuine issue as to any material fact and that the moving party is entitled to such decision as a matter of law.”

In *Matter of Petrie*, 54 NY2d 807 (1981), the Court of Appeals held that, reading those two provisions together, the Commission may avail itself of summary proceedings if a judge “fail[s] to answer the complaint or raise any question of fact.” *Id.* at 808. See also *Matter of Backal*, 87 NY2d 1, 7 (1995) (a judge’s failure to respond to a Complaint is deemed an admission of the allegations in the Complaint).

Here, Respondent failed entirely to respond to the Complaint, which serves as an admission of all the allegations and leaves no disputed issues of material fact that would warrant a hearing. Accordingly, this matter is appropriate for summary determination under Section 7000.6(c) of the Operating Procedures and Rules. *Backal*, 87 NY2d at 7; *Petrie*, 54 NY2d at 808.

## POINT II

### **RESPONDENT’S MISCONDUCT IS ESTABLISHED, AND SUMMARY DETERMINATION IS APPROPRIATE AS TO BOTH CHARGES IN THE COMPLAINT.**

#### **A. Respondent’s Failure To Report Or Remit Court Funds In A Timely Manner Constitutes Judicial Misconduct.**

Section 2021 of the Uniform Justice Court Act and Section 27 of the Town Law provide that every town and village justice must file a monthly report with the

State Comptroller. Both the report and the remittance are due by the 10<sup>th</sup> day of the month following the month in which the funds were collected. Section 1803(8), Article 45, Title IX, of the Vehicle and Traffic Law similarly provides that all fines, penalties, and forfeitures collected be credited to the proper governmental unit and accounted for to the Comptroller.

It is well-established that the failure to report and remit court monies to the appropriate authorities constitutes misconduct. *Matter of Persons*, 2024 Ann Rep of NY Comm on Jud Conduct at \_\_\_<sup>2</sup>; *Matter of Ridgeway*, 2010 Ann Rep of NY Commn on Jud Conduct at 205, 209; *Matter of Carver*, 2010 Ann Rep of NY Commn on Jud Conduct at 119, 123; *Matter of Minogue*, 2009 Ann Rep of NY Commn on Jud Conduct at 138, 145.

Here, Respondent engaged in misconduct by failing to comply with the requirements of reporting and remitting funds. Respondent failed to report or remit funds in a timely manner for the months of December 2022 through May 2023, as required by law. Indeed, he did not file those reports until on or about July 6, 2023. Respondent's delinquency resulted in his judicial salary being stopped on April 18, 2023, which constitutes further proof his misconduct.

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<sup>2</sup> Available at <https://cjc.ny.gov/Determinations/P/Persons.Jeremy.L.2023.02.23.DET.pdf>.

**B. Respondent's Refusal To Cooperate With The Commission's Investigation Constitutes Misconduct.**

Respondent committed misconduct when he: (1) failed to respond to two Commission letters requesting his response to questions concerning a complaint about his failure to report and remit to the Comptroller; (2) failed to produce court records and other related documents requested by the Commission; and (3) failed to appear for testimony concerning the complaint.

Section 44(3) of the Judiciary Law, and Sections 7000.3(c) and (e) of the Commission's Operating Procedures and Rules, 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 the investigation. *Matter of Persons*, 2024 Ann Rep at \_\_\_; *Matter of McAndrews*, 2014 Ann Rep of NY Commn on Jud Conduct at 157, 162; *Matter of McCall*, 2004 Ann Rep of NY Commn on Jud Conduct at 135, 137.

As the Court of Appeals held in *Matter of O'Connor*, 32 NY3d 121, 129 (2018), "those who don the robe and assume the role of arbiter of what is fair and just must do so with an acute appreciation both of their judicial obligations and of the Commission's constitutional and statutory duties to investigate allegations of misconduct" in order for "the public trust in the judiciary is to be maintained." (citing NY Const, art VI, § 22; Judiciary Law, article 2-A). "In short," the Court

concluded, “willingness to cooperate with the Commission’s investigations and proceedings is not only required – it is essential.” *Id.*

Consistent with that pronouncement, the Commission has long held that a judge’s failure to cooperate during an investigation of alleged misconduct is, in itself, misconduct that “show[s] contumacious disregard for the responsibilities of ... judicial office” in violation of Rules 100.1 and 100.2(A) (requiring a judge to maintain high standards of conduct and to avoid impropriety and the appearance of impropriety). *Matter of Carney*, 1997 Ann Rep of NY Commn on Jud Conduct at 78, 79; *see also Matter of Gregory*, 2000 Ann Rep of NY Commn on Jud Conduct at 109, 111; *Matter of Coble*, 1999 Ann Rep of NY Commn on Jud Conduct at 87, 88; *Matter of Tiffany*, 1995 Ann Rep of NY Commn on Jud Conduct at 140, 142.

In *Matter of McAndrews*, the Commission investigated a judge for failing to timely file a required annual financial disclosure statement with the Ethics Commission for the Unified Court System, and during the course of the investigation, the judge failed to respond to three letters sent by Commission Counsel posing questions pertaining to the allegation against him and declined to respond to two written requests that he confirm his appearance for investigative testimony. *McAndrews*, 2014 Ann Rep at 159-60. The Commission determined that the judge’s failure to respond to those letters and written requests constituted misconduct in its own right, violating Rules 100.1 and 100.2(A), notwithstanding

that the judge ultimately answered the Formal Written Complaint and appeared for investigative testimony. Specifically, the Commission held, such failure to respond showed “a lack of respect for the process, created by Constitution and statute” and “demonstrate[ed] an unacceptable disregard for the administrative and ethical responsibilities of his judicial office.” *Id.*, at 162-63.

Here, as in *McAndrews*, Respondent failed to respond to multiple letters from the Commission posing questions pertaining to the allegations against him and failed to respond to two written requests that he confirm his appearance for investigative testimony. To make matters worse, Respondent also failed to produce documents requested by the Commission during its investigation, failed to appear for his investigative testimony, and failed to file or serve an Answer to the Complaint. The totality of that conduct constitutes a clear violation of the Rules.

## CONCLUSION

For the foregoing reasons, Commission Counsel respectfully requests that the Commission grant this motion for summary determination, find that Respondent has engaged in judicial misconduct, and set a schedule for briefs and oral argument before the Commission on the issue of sanction.

Dated: December 18, 2023  
Albany, New York

Respectfully submitted,

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