



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

July 1, 2013

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**Nassau County District Court Judge Should Be Censured
For Failing To File Mandatory Financial Disclosure Form
And Failing To Cooperate with the Commission**

The New York State Commission on Judicial Conduct has determined that David McAndrews, a Judge of the District Court, Nassau County, should be censured for failing to file a mandatory financial disclosure statement in a timely fashion and failing to cooperate with the Commission investigation.

In 2011 Judge McAndrews failed to file his 2010 financial disclosure form with the Ethics Commission for the Unified Court System as required by law. The judge, who received two formal notices from the Ethics Commission after missing the deadline, eventually filed his statement 11 months late. Compounding the misconduct, the judge failed to cooperate with the Commission during its investigation of the matter by not responding to three letters from the Commission concerning his alleged failure to file his disclosure statement. The judge also did not respond to two written requests to confirm his attendance at an appearance for testimony. Although he did appear on the scheduled date, it was only for the

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purpose of asking for an adjournment in order to retain counsel, which he eventually did.

Judge McAndrews stipulated that he had “no valid excuse” for his late filing. In its determination, the Commission stated that the judge’s “inattention to this important responsibility is inconsistent with his ethical obligation to diligently discharge his administrative duties.” The judge’s misconduct was “seriously exacerbated by his failure to cooperate with the Commission’s inquiry into his dilatory filing,” the Commission wrote. The Commission stated that “the failure to cooperate in a duly-authorized Commission investigation shows a lack of respect for the process...and is a significant factor in determining sanction.”

Judge McAndrews has served as a Judge of the District Court, Nassau County, since 2010. His current term expires on December 31, 2016.

The Commission Proceedings

Judge McAndrews was served with a Formal Written Complaint dated November 27, 2012, containing two charges. The judge filed an Answer dated January 9, 2013, in which he admitted all the factual allegations.

On June 4, 2013, the Administrator of the Commission, Judge McAndrews and Judge McAndrews’ attorney entered into an Agreed Statement of Facts, stipulating as to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on June 6, 2013.

The Commission Determination

The Commission filed a determination dated June 18, 2013, in which nine members concurred: Judge Thomas A. Klonick (the Commission Chair), Judge Terry Jane Ruderman (the Vice Chair), Judge Rolando T. Acosta, Joel Cohen, Esq., Jodie Corngold, Richard D. Emery, Esq., Paul B. Harding, Esq., Richard A. Stoloff, Esq., and Judge David A. Weinstein.

One member, Joseph W. Belluck, Esq., was not present.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“Financial disclosure by judges and other government officials is an important public policy. Failing to comply without a valid excuse, and failing to cooperate with a duly authorized inquiry, are things the Commission takes very seriously.”

Press Availability

Mr. Tembeckjian is available throughout the day by telephone: (646) 386-4800.

Court of Appeals Review

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. Judge McAndrews received it on June 25, 2013, and the Commission was subsequently notified by the Court of Appeals that service was complete. Consequently, the matter is now public.

A judge may either accept the Commission's determination or, within 30 days from receipt, make a written request to the Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge McAndrews does not request review by the Court of Appeals, the Commission will censure him in accordance with the determination.

If a Commission determination is reviewed by the Court of Appeals, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

Statistics Relating to Prior Determinations

Since 1978, the Commission has issued 305 determinations of censure against judges in New York State. The Commission has issued 167 determinations of removal and 249 determinations of admonition.

The Court of Appeals has reviewed 93 Commission determinations. The Court accepted the Commission's sanctions in 77 cases (68 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two

sanctions were increased from censure to removal, and 13 were reduced: nine removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings. One request for review is pending.

Counsel

In the proceedings before the Commission, Judge McAndrews was represented by Chris G. McDonough, of McDonough & McDonough, LLP., 401 Franklin Avenue, Suite 210, Garden City, New York 11530, (516) 333-2006.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Mark Levine, Deputy Administrator in Charge of the New York office. Senior Investigator Ethan Beckett assisted in the investigation.

Members of the Commission

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

The Public File

The determination is attached. The record of the proceedings upon which the determination is based is available for inspection by appointment during regular business hours at the Commission's three offices:

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

Member	Appointing Authority	Term End
Hon. Thomas A. Klonick, Chair	Chief Judge Jonathan Lippman	March 31, 2017
Hon. Terry Jane Ruderman, Vice Chair	Chief Judge Jonathan Lippman	March 31, 2016
Hon. Rolando T. Acosta	Chief Judge Jonathan Lippman	March 31, 2014
Joseph W. Belluck, Esq.	Governor Andrew M. Cuomo	March 31, 2016
Joel Cohen, Esq.	Assembly Speaker Sheldon Silver	March 31, 2014
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2015
Richard D. Emery, Esq.	Former Senate Minority Leader John L. Sampson	March 31, 2016
Paul B. Harding, Esq.	Former Assembly Minority Leader James Tedisco	March 31, 2017
Richard A. Stoloff, Esq.	Senate President Pro Tem Dean Skelos	March 31, 2015
Hon. David A. Weinstein	Governor Andrew M. Cuomo	March 31, 2014
Vacant	Governor	March 31, 2017