



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL

61 BROADWAY, SUITE 1200  
NEW YORK, NEW YORK 10006

MARISA E. HARRISON  
PUBLIC RECORDS OFFICER

646-386-4800 646-458-0037  
TELEPHONE FACSIMILE  
www.cjc.ny.gov

## NEWS RELEASE

*September 30, 2020*

**Contact:**

***Marisa E. Harrison, Public Records Officer***  
*(518) 288-8658*

### **Town Court Justice in Steuben County Should Be Censured for Unlawfully Evicting and Demeaning a Tenant**

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The New York State Commission on Judicial Conduct has determined that Michael E. Knopf, a Justice of the Rathbone Town Court, Steuben County, should be censured for improperly issuing a warrant of eviction, making a derogatory remark about the tenant, and failing to mechanically record the proceedings as required.

Judge Knopf agreed to the censure.

In 2018 Judge Knopf issued a warrant of eviction against a tenant despite the fact that no notice of petition or petition had been served on the tenant as required by law. Two weeks later, the judge granted a motion to vacate the eviction because the tenant had not been served, but he referred to the tenant as a “deadbeat.”

The Commission found that Judge Knopf was not “faithful to the law” and did not “maintain professional competence in it” when he issued a warrant of eviction without notice to the tenant or properly reviewing the “deficient” documents filed by the landlord.

Judge Knopf compounded his misconduct when he referred to the tenant as a “deadbeat,” creating “at least the appearance that he was biased against the defendant.”

In accepting the jointly recommended sanction of censure, the Commission noted that the judge admitted that his conduct warranted public discipline and has had “an otherwise unblemished record during his approximately 12 years on the bench.”

Judge Knopf, who is not an attorney, has been a Justice of the Rathbone Town Court, Steuben County, since 2008. His current term expires on December 31, 2023.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“A judge must accord every litigant a fair opportunity to be heard, especially where the stakes are as serious as an eviction. That becomes impossible if a tenant is not notified and therefore misses court, but the judge fails to review the documents and orders the eviction anyway. While Judge Knopf later withdrew his improper order, he committed additional misconduct by insulting the tenant.”

### **The Commission Proceedings**

Judge Knopf was served with a Formal Written Complaint dated August 19, 2020, containing one charge.

On September 11, 2020, the Administrator of the Commission and Judge Knopf entered into an Agreed Statement of Facts, stipulating to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on September 17, 2020.

### **The Commission Determination**

The Commission filed a determination dated September 23, 2020, in which all eleven members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq. (the Vice Chair), Jodie Corngold, Judge John A. Falk, Paul B. Harding, Esq., Judge Leslie G. Leach, Judge Angela M. Mazzairelli, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Ronald J. Rosenberg, Esq., and Akosua Garcia Yeboah.

### **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 Knopf received it on September 26, 2020, 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 Knopf 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 337 determinations of censure against judges in New York State. The Commission has issued 175 determinations of removal and 274 determinations of admonition.

The Court of Appeals has reviewed 100 Commission determinations. The Court accepted the Commission's sanctions in 84 cases (75 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**

Judge Knopf represented himself.

The Commission was represented by Administrator and Counsel Robert H. Tembeckjian; John J. Postel, Deputy Administrator in Charge of the Rochester office; and Senior Attorney M. Kathleen Martin. Senior Investigator Betsy Sampson was assigned to the case.

### **Background Information on Judge Knopf**

First Took Office:	2008
Current Term Expires:	December 31, 2023

**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**

<b>Member</b>	<b>Appointing Authority</b>	<b>Term End</b>
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2024
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2023
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2021
Paul B. Harding, Esq.	Former Assembly Minority Leader Brian M. Kolb	March 31, 2021
Hon. Leslie G. Leach	Chief Judge Janet DiFiore	March 31, 2024
Hon. Angela M. Mazzarelli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Ronald J. Rosenberg, Esq.	Senate Minority Leader John J. Flanagan	March 31, 2024
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021