

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

JASON NOVAK

STIPULATION

a Justice of the Hornby Town Court,
Steuben County.

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct (“Commission”), and the Honorable Jason Novak (“Respondent”) as follows:

1. Respondent has been a Justice of the Hornby Town Court, Steuben County, since 2020. His term expires December 31, 2023. Respondent is not an attorney.
2. Respondent was served with a Formal Written Complaint dated May 14, 2021, containing two charges. Charge I alleged that, for more than a year following the commencement of his judgeship in January 2020, Respondent failed to complete the judicial certification training program required by Article VI, Section 20(c) of the New York State Constitution and Section 105(a) of the Uniform Justice Court Act for all non-lawyer town and village court justices. Charge II alleged that Respondent failed to cooperate with the Commission during its investigation of the matter. The Formal Written Complaint is appended as Exhibit A.
3. Respondent enters into this Stipulation in lieu of filing an Answer to the Formal Written Complaint.

4. Respondent has tendered his resignation, by letter dated and effective June 7, 2021, a copy of which is appended as Exhibit B.

5. Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from a judge's resignation to complete proceedings and, if it so determines, render and file a determination that the judge should be removed from office.

6. Respondent affirms that, having vacated his judicial office, he will neither seek nor accept judicial office at any time in the future.

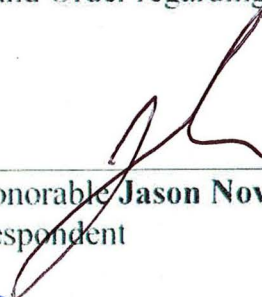
7. Respondent understands that, should he abrogate the terms of this Stipulation and hold any judicial position at any time in the future, the present proceedings before the Commission will be revived and the matter will proceed to a hearing before a referee.

8. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded, by the terms of this Stipulation, without further proceedings.

Respondent waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (1) this Stipulation will become public upon being signed by the signatories below, and (2) the Commission's Decision and Order regarding this Stipulation will become public.

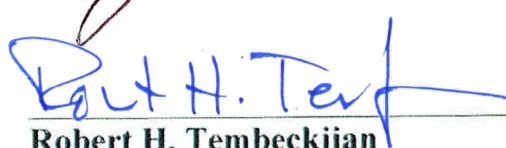
Dated:

6-9-21



Honorable **Jason Novak**
Respondent

Dated: June 9, 2021



Robert H. Tembeckjian
Administrator and Counsel to the Commission
(**John J. Postel and M. Kathleen Martin**, Of
Counsel)

EXHIBIT A

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

JASON NOVAK,

a Justice of the Hornby Town Court,
Steuben County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Jason Novak, a Justice of the Hornby Town Court, Steuben 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 Rochester office, 400 Andrews Street, Suite 700, Rochester, New York 14604, with his verified Answer to the specific paragraphs of the Complaint.

Dated: May 14, 2021
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: Honorable Jason Novak

[Redacted]

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

**FORMAL
WRITTEN COMPLAINT**

JASON NOVAK,

a Justice of the Hornby Town Court,
Steuben County.

1. Article VI, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.
2. The Commission has directed that a Formal Written Complaint be drawn and served upon Jason Novak (“Respondent”), a Justice of the Hornby Town Court, Steuben 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 Hornby Town Court, Steuben County, since January 1, 2020. His term expires on December 31, 2023. Respondent is not an attorney.

CHARGE I

5. For more than a year following his ascension to judicial office in January 2020, Respondent failed to complete the judicial certification training program required for all non-lawyer town and village court justices by Article VI, Section 20(c) of the New York State Constitution and Section 105(a) of the Uniform Justice Court Act.

Specifications to Charge I

6. Pursuant to Article VI, Section 20(c) of the New York State Constitution and Section 105(a) of the Uniform Justice Court Act, all non-lawyer town and village court justices are required to successfully complete a certification training program and file a certificate of completion with their municipalities before assuming the functions of office.

7. In November 2019, the position of Hornby Town Justice was vacant and on the general election ballot. According to the Steuben County Board of Elections, Respondent won the election with a single write-in vote.

8. A certification training program was offered by the New York State Office of Court Administration (OCA) in December 2019, but Respondent did not attend because his election had not yet been certified.

9. On or about February 5, 2020, Respondent filed his oath of office with the Hornby Town Clerk. On or about February 10, 2020, Respondent filed his oath of office with OCA.

10. An OCA certification training program that was scheduled for April 2020 was cancelled because of the coronavirus pandemic.

11. An OCA certification training program was scheduled for September 2020. However, in advance of that program, Respondent notified OCA that he would be unable to attend because of his full-time job responsibilities.

12. Additional OCA certification training programs were scheduled for and conducted in December 2020 and April 2021. Respondent did not register for or attend either of those programs.

13. To date, Respondent has not received his judicial certification. Nor has he heard any cases or performed any judicial work. Respondent is not collecting his judicial salary.

14. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that he failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that he failed to ensure that his judicial duties took precedence over all his other activities, in violation of Section 100.3(A) of the Rules, and failed to diligently discharge his administrative responsibilities, maintain professional competence in judicial

administration, and cooperate with other judges and court officials in the administration of court business, in violation of Section 100.3(C)(1) of the Rules.

CHARGE II

15. From in or about January 2021 through in or about March 2021, Respondent failed to cooperate with the Commission during its investigation of the matters herein, in that he failed to respond to four letters inquiring into his conduct.

Specifications to Charge II

16. Judiciary Law Section 44(3) and 22 NYCRR Sections 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 its investigation.

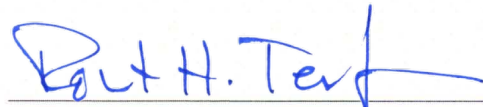
17. Respondent received but failed to respond to four letters from the Commission requesting his written response to an inquiry letter dated January 7, 2021, regarding his prolonged failure to complete the required certification training program for town and village court justices. Three letters – dated January 27, 2021, February 8, 2021, and February 16, 2021 – were sent to Respondent via priority mail. One additional letter, dated March 1, 2021, was sent via certified mail. Copies of the letters, along with proofs of receipt, are appended hereto as Exhibits 1, 2, 3 and 4, respectively.

18. 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; and 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.

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: May 14, 2021
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



EXHIBIT 1

NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

JOSEPH W. BELLUCK, CHAIR
TAA GRAYS, VICE CHAIR
HON. FERNANDO M. CAMACHO
JODIE CORNGOLD
HON. JOHN A. FALK
PAUL B. HARDING
HON. ANGELA M. MAZZARELLI
HON. ROBERT J. MILLER
MARVIN RAY RASKIN
RONALD J. ROSENBERG
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MEMBERS
CELIA A. ZAHNER, CLERK

400 ANDREWS STREET, SUITE 700
ROCHESTER, NEW YORK 14604

585-784-4141 518-299-1757
TELEPHONE FACSIMILE
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ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

JOHN J. POSTEL
DEPUTY ADMINISTRATOR

M. KATHLEEN MARTIN
DAVID M. DUGUAY
SENIOR ATTORNEYS

STEPHANIE A. FIX
STAFF ATTORNEY

CONFIDENTIAL

January 27, 2021

VIA PRIORITY MAIL, SIGNATURE REQUIRED

Honorable Jason Novak
Hornby Town Justice



Re: File No. 2020/R-0290

Dear Judge Novak:

This letter serves as a reminder that your response to the Commission's letter of inquiry (copy enclosed), sent to you by USPS mail on January 6, 2021, was due on January 25, 2021. Your response has not yet been received by this office. Kindly submit your signed response by fax, email, USPS priority mail, UPS, or other such expedited service by Friday, February 5, 2021.

Please also call Deputy Administrator John Postel at 585-████-████ upon receipt of this message. If you have already submitted your response, kindly let Mr. Postel know the tracking information for your letter.

Thank you for your prompt attention to this matter.

Very truly yours,

John J. Postel
Deputy Administrator

Enclosure

ALERT: USPS IS EXPERIENCING UNPRECEDENTED VOLUME INCREASES AND LIMITED EMPLOYEE AVAILABILITY DUE T...



FAQs >

Track Another Package +

Tracking Number: 9410809202121538111172

Remove X

Your item was delivered at 12:14 pm on January 29, 2021 in BEAVER DAMS, NY 14812. The item was signed for by J NOVACK.

USPS Tracking Plus™ Available v

Delivered

January 29, 2021 at 12:14 pm
Delivered
BEAVER DAMS, NY 14812

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Feedback

Text & Email Updates v

Proof of Delivery v

Tracking History ^

January 29, 2021, 12:14 pm

Delivered
BEAVER DAMS, NY 14812

Your item was delivered at 12:14 pm on January 29, 2021 in BEAVER DAMS, NY 14812. The item was signed for by J NOVACK.

January 29, 2021, 9:07 am

Out for Delivery
BEAVER DAMS, NY 14812

January 29, 2021, 8:56 am

Arrived at Post Office
BEAVER DAMS, NY 14812

January 28, 2021, 6:21 pm

Arrived at USPS Regional Facility
ROCHESTER NY DISTRIBUTION CENTER

January 28, 2021, 5:24 pm

Departed Post Office
PITTSFORD, NY 14534

January 28, 2021, 12:49 pm

USPS in possession of item
PITTSFORD, NY 14534

January 27, 2021, 1:18 pm

Shipping Label Created, USPS Awaiting Item
ROCHESTER, NY 14604

USPS Tracking Plus™



Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback



January 29, 2021

Dear Kathryn Trapani:

The following is in response to your request for proof of delivery on your item with the tracking number: **9410 8092 0212 1538 1111 72.**

Item Details

Status: Delivered
Status Date / Time: January 29, 2021, 12:14 pm
Location: BEAVER DAMS, NY 14812
Postal Product: Priority Mail®
Extra Services: Signature Confirmation™
Up to \$100 insurance included
Recipient Name: Hornby Town Justice Jason Novak
Actual Recipient Name: J NOVACK

Note: Actual Recipient Name may vary if the intended recipient is not available at the time of delivery.


Shipment Details

Weight: 2lb, 0.0oz

Destination Delivery Address

Street Address: [REDACTED]
City, State ZIP Code: BEAVER DAMS, NY 14812

Recipient Signature

Signature of Recipient: 
Address of Recipient: [REDACTED]

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

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Washington, D.C. 20260-0004



EXHIBIT 2

NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

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JODIE CORNGOLD
HON. JOHN A. FALK
PAUL B. HARDING
HON. ANGELA M. MAZZARELLI
HON. ROBERT J. MILLER
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RONALD J. ROSENBERG
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400 ANDREWS STREET, SUITE 700
ROCHESTER, NEW YORK 14604

585-784-4141 518-299-1757
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ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

JOHN J. POSTEL
DEPUTY ADMINISTRATOR

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DAVID M. DUGUAY
SENIOR ATTORNEYS

STEPHANIE A. FIX
STAFF ATTORNEY

CONFIDENTIAL

February 8, 2021

VIA PRIORITY MAIL, SIGNATURE REQUIRED

Honorable Jason Novak
Hornby Town Justice



Re: File No. 2020/R-0290

Dear Judge Novak:

This letter serves as a reminder that your response to the Commission's letter of inquiry (copy enclosed), sent to you by USPS mail on January 6, 2021, was due on January 25, 2021. Your response has not yet been received by this office. This is a second notice. Kindly submit your signed response by fax, email, USPS priority mail, UPS, or other such expedited service. Your response is due no later than February 16, 2021.

Please also call Deputy Administrator John Postel at 585-■■■■ upon receipt of this message. If you have already submitted your response, kindly let Mr. Postel know the tracking information for your letter.

Very truly yours,

John J. Postel
Deputy Administrator

Enclosures

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Track Another Package +

Tracking Number: 9410809202121539346825

[Remove X](#)

Your item was delivered at 11:48 am on February 9, 2021 in BEAVER DAMS, NY 14812. The item was signed for by J NOVAK.

USPS Tracking Plus™ Available 

Delivered

February 9, 2021 at 11:48 am
Delivered
BEAVER DAMS, NY 14812

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Text & Email Updates 

Proof of Delivery 

Tracking History 

February 9, 2021, 11:48 am

Delivered

BEAVER DAMS, NY 14812

Your item was delivered at 11:48 am on February 9, 2021 in BEAVER DAMS, NY 14812. The item was signed for by J NOVAK.

February 9, 2021, 8:25 am
Out for Delivery
BEAVER DAMS, NY 14812

February 9, 2021, 8:14 am
Arrived at Post Office
BEAVER DAMS, NY 14812

February 9, 2021, 12:18 am
Arrived at USPS Regional Facility
ROCHESTER NY DISTRIBUTION CENTER

February 8, 2021, 11:03 pm
Accepted at USPS Origin Facility
ROCHESTER, NY 14604

February 8, 2021, 11:19 am
Shipping Label Created, USPS Awaiting Item
ROCHESTER, NY 14604

Feedback

USPS Tracking Plus™



Product Information



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Go to our FAQs section to find answers to your tracking questions.

FAQs



February 9, 2021

Dear Kathryn Trapani:

The following is in response to your request for proof of delivery on your item with the tracking number:
9410 8092 0212 1539 3468 25.

Item Details

Status: Delivered
Status Date / Time: February 9, 2021, 11:48 am
Location: BEAVER DAMS, NY 14812
Postal Product: Priority Mail®
Extra Services: Signature Confirmation™
Up to \$100 insurance included
Recipient Name: Hornby Town Justice Jason Novak
Actual Recipient Name: J NOVAK

Note: Actual Recipient Name may vary if the intended recipient is not available at the time of delivery.

Shipment Details

Weight: 2lb, 0.0oz

Recipient Signature

| | |
|-------------------------|-----------------|
| Signature of Recipient: | NOVAK R1<D19 |
| Address of Recipient: | [REDACTED] |

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EXHIBIT 3

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HON. FERNANDO M. CAMACHO
JODIE CORNGOLD
HON. JOHN A. FALK
PAUL B. HARDING
HON. ANGELA M. MAZZARELLI
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400 ANDREWS STREET, SUITE 700
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ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

JOHN J. POSTEL
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STEPHANIE A. FIX
STAFF ATTORNEY

CONFIDENTIAL

February 16, 2021

VIA PRIORITY MAIL, SIGNATURE REQUIRED

Honorable Jason Novak
Hornby Town Justice



Re: File No. 2020/R-0290

Dear Judge Novak:

This letter serves as a reminder that your response to the Commission's letter of inquiry (copy enclosed), sent to you by USPS mail on January 6, 2021, was due on January 25, 2021. Your response has not yet been received by this office. This is a third notice. Kindly submit your signed response by fax, email, USPS priority mail, UPS, or other such expedited service. Your response is due to the Commission no later than February 26, 2021.

Please also call Deputy Administrator John Postel at 585-████-████ upon receipt of this message. If you have already submitted your response, kindly let Mr. Postel know the tracking information for your letter.

Very truly yours,

John J. Postel
Deputy Administrator

Enclosures

Track Another Package +

Tracking Number: 9410809202121026806542

Remove X

Your item was delivered at 11:42 am on February 18, 2021 in BEAVER DAMS, NY 14812. The item was signed for by J NOVAK.

USPS Tracking Plus™ Available ∨

Delivered

February 18, 2021 at 11:42 am
Delivered
BEAVER DAMS, NY 14812

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Proof of Delivery



Tracking History



February 18, 2021, 11:42 am

Delivered

BEAVER DAMS, NY 14812

Your item was delivered at 11:42 am on February 18, 2021 in BEAVER DAMS, NY 14812. The item was signed for by J NOVAK.

February 18, 2021, 8:03 am

Out for Delivery

BEAVER DAMS, NY 14812

February 18, 2021, 7:52 am

Arrived at Post Office

BEAVER DAMS, NY 14812

February 17, 2021, 1:14 pm

Departed USPS Regional Facility

ROCHESTER NY DISTRIBUTION CENTER

February 17, 2021, 5:39 am

Arrived at USPS Regional Facility

ROCHESTER NY DISTRIBUTION CENTER

February 17, 2021, 5:12 am

Departed USPS Regional Facility

NORTHWEST ROCHESTER NY DISTRIBUTION CENTER

February 17, 2021, 3:42 am

Arrived at USPS Regional Facility

NORTHWEST ROCHESTER NY DISTRIBUTION CENTER

February 16, 2021, 5:15 pm

USPS picked up item

ROCHESTER, NY 14614

February 16, 2021, 12:26 pm

Shipping Label Created, USPS Awaiting Item

ROCHESTER, NY 14604

Feedback

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FAQs

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February 18, 2021

Dear Kathryn Trapani:

The following is in response to your request for proof of delivery on your item with the tracking number: **9410 8092 0212 1026 8065 42.**

Item Details

Status: Delivered
Status Date / Time: February 18, 2021, 11:42 am
Location: BEAVER DAMS, NY 14812
Postal Product: Priority Mail®
Extra Services: Signature Confirmation™
Up to \$100 insurance included
Recipient Name: Hornby Town Justice Jason Novak
Actual Recipient Name: J NOVAK

Note: Actual Recipient Name may vary if the intended recipient is not available at the time of delivery.

Shipment Details

Weight: 2lb, 0.0oz

Destination Delivery Address

Street Address: [REDACTED]
City, State ZIP Code: BEAVER DAMS, NY 14812

Recipient Signature

Signature of Recipient: *N. V. L. L.*
SR RICOIN
Address of Recipient: [REDACTED]

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EXHIBIT 4

NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

JOSEPH W. BELLUCK, CHAIR
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DAVID M. DUGUAY
SENIOR ATTORNEYS
STEPHANIE A. FIX
STAFF ATTORNEY

CONFIDENTIAL

March 1, 2021

VIA CERTIFIED MAIL, SIGNATURE REQUIRED

Honorable Jason Novak
Hornby Town Justice



Re: File No. 2020/R-0290

Dear Judge Novak:

To date, the Commission has not received your response to its letter of inquiry, dated January 7, 2021, or an acknowledgment of three subsequent letters. Accordingly, this letter is being sent certified mail to your home. Please provide your response upon receipt of this letter. Please be advised that your failure to respond may be found to be a failure to cooperate with a Commission investigation. See *Matter of O'Connor*, 32 NY3d 121 (2018); *Matter of McAndrews*, 2014 NYSCJC Ann Rep 157 (June 18, 2013).

Please contact me, Deputy Administrator John J. Postel, 585- [REDACTED] [REDACTED], if you have any questions. Thank you for your prompt attention to this matter.

Very truly yours,

John J. Postel
Deputy Administrator

JJP:klt

Track Another Package +

Tracking Number: 9402809202121541861966

[Remove X](#)

Your item was delivered to an individual at the address at 12:13 pm on March 3, 2021 in BEAVER DAMS, NY 14812.

USPS Tracking Plus™ Available ∨

Delivered

March 3, 2021 at 12:13 pm
Delivered, Left with Individual
BEAVER DAMS, NY 14812

Get Updates ∨

Feedback

Text & Email Updates



Return Receipt Electronic



Tracking History



March 3, 2021, 12:13 pm
Delivered, Left with Individual
BEAVER DAMS, NY 14812

Your item was delivered to an individual at the address at 12:13 pm on March 3, 2021 in BEAVER DAMS, NY 14812.

March 3, 2021, 8:36 am
Out for Delivery

BEAVER DAMS, NY 14812

March 3, 2021, 8:25 am

Arrived at Post Office
BEAVER DAMS, NY 14812

March 2, 2021, 11:30 pm

Departed USPS Regional Facility
ROCHESTER NY DISTRIBUTION CENTER

March 2, 2021, 12:44 am

Arrived at USPS Regional Facility
ROCHESTER NY DISTRIBUTION CENTER

March 1, 2021, 11:29 pm

Accepted at USPS Origin Facility
ROCHESTER, NY 14604

March 1, 2021, 9:08 am

Shipping Label Created, USPS Awaiting Item
ROCHESTER, NY 14604

Feedback

USPS Tracking Plus™



Product Information



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Go to our FAQs section to find answers to your tracking questions.

FAQs



March 4, 2021

Dear KATHRYN TRAPANI:

The following is in response to your request for proof of delivery on your item with the tracking number:
9402 8092 0212 1541 8619 66.

Item Details

| | |
|----------------------------|--|
| Status: | Delivered, Left with Individual |
| Status Date / Time: | March 3, 2021, 12:13 pm |
| Location: | BEAVER DAMS, NY 14812 |
| Postal Product: | Priority Mail® |
| Extra Services: | Certified Mail™ Return Receipt Electronic Up to \$100 insurance included |
| Recipient Name: | Hornby Town Justice Jason Novak |

Shipment Details

| | |
|----------------|------------|
| Weight: | 2lb, 0.0oz |
|----------------|------------|

Destination Delivery Address

| | |
|------------------------------|----------------------------|
| Street Address: | [REDACTED] |
| City, State ZIP Code: | BEAVER DAMS, NY 14812-9648 |

Recipient Signature

| | |
|-------------------------|----------------------|
| Signature of Recipient: | NOVAK SR RI 03/04 |
| Address of Recipient: | [REDACTED] |

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ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL
JOHN J. POSTEL
DEPUTY ADMINISTRATOR
M. KATHLEEN MARTIN
DAVID M. DUGUAY
SENIOR ATTORNEYS
STEPHANIE A. FIX
STAFF ATTORNEY

CONFIDENTIAL

February 16, 2021

VIA PRIORITY MAIL, SIGNATURE REQUIRED

Honorable Jason Novak
Hornby Town Justice



Re: File No. 2020/R-0290

Dear Judge Novak:

This letter serves as a reminder that your response to the Commission's letter of inquiry (copy enclosed), sent to you by USPS mail on January 6, 2021, was due on January 25, 2021. Your response has not yet been received by this office. This is a third notice. Kindly submit your signed response by fax, email, USPS priority mail, UPS, or other such expedited service. Your response is due to the Commission no later than February 26, 2021.

Please also call Deputy Administrator John Postel at 585- [REDACTED] - [REDACTED] upon receipt of this message. If you have already submitted your response, kindly let Mr. Postel know the tracking information for your letter.

Very truly yours,

John J. Postel
Deputy Administrator

Enclosures

Track Another Package +

Tracking Number: 9410809202121026806542

[Remove X](#)

Your item was delivered at 11:42 am on February 18, 2021 in BEAVER DAMS, NY 14812. The item was signed for by J NOVAK.

USPS Tracking Plus™ Available ∨

Delivered

February 18, 2021 at 11:42 am
Delivered
BEAVER DAMS, NY 14812

Get Updates ∨

Feedback

Text & Email Updates



Proof of Delivery



Tracking History



February 18, 2021, 11:42 am

Delivered

BEAVER DAMS, NY 14812

Your item was delivered at 11:42 am on February 18, 2021 in BEAVER DAMS, NY 14812. The item was signed for by J NOVAK.

February 18, 2021, 8:03 am

Out for Delivery

BEAVER DAMS, NY 14812

February 18, 2021, 7:52 am

Arrived at Post Office

BEAVER DAMS, NY 14812

February 17, 2021, 1:14 pm

Departed USPS Regional Facility

ROCHESTER NY DISTRIBUTION CENTER

February 17, 2021, 5:39 am

Arrived at USPS Regional Facility

ROCHESTER NY DISTRIBUTION CENTER

February 17, 2021, 5:12 am

Departed USPS Regional Facility

NORTHWEST ROCHESTER NY DISTRIBUTION CENTER

February 17, 2021, 3:42 am

Arrived at USPS Regional Facility

NORTHWEST ROCHESTER NY DISTRIBUTION CENTER

February 16, 2021, 5:15 pm

USPS picked up item

ROCHESTER, NY 14614

February 16, 2021, 12:26 pm

Shipping Label Created, USPS Awaiting Item

ROCHESTER, NY 14604

Feedback

USPS Tracking Plus™



Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback



February 18, 2021

Dear Kathryn Trapani:

The following is in response to your request for proof of delivery on your item with the tracking number: **9410 8092 0212 1026 8065 42.**

Item Details

Status: Delivered
Status Date / Time: February 18, 2021, 11:42 am
Location: BEAVER DAMS, NY 14812
Postal Product: Priority Mail®
Extra Services: Signature Confirmation™
Up to \$100 insurance included
Recipient Name: Hornby Town Justice Jason Novak
Actual Recipient Name: J NOVAK

Note: Actual Recipient Name may vary if the intended recipient is not available at the time of delivery.

Shipment Details

Weight: 2lb, 0.0oz

Destination Delivery Address

Street Address: [REDACTED]
City, State ZIP Code: BEAVER DAMS, NY 14812

Recipient Signature

Signature of Recipient: *N. V. L. L.*
SR RICOIN
Address of Recipient: [REDACTED]

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

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ADMINISTRATOR & COUNSEL

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STAFF ATTORNEY

CONFIDENTIAL

February 8, 2021

VIA PRIORITY MAIL, SIGNATURE REQUIRED

Honorable Jason Novak
Hornby Town Justice



Re: File No. 2020/R-0290

Dear Judge Novak:

This letter serves as a reminder that your response to the Commission's letter of inquiry (copy enclosed), sent to you by USPS mail on January 6, 2021, was due on January 25, 2021. Your response has not yet been received by this office. This is a second notice. Kindly submit your signed response by fax, email, USPS priority mail, UPS, or other such expedited service. Your response is due no later than February 16, 2021.

Please also call Deputy Administrator John Postel at 585- [REDACTED] - [REDACTED] upon receipt of this message. If you have already submitted your response, kindly let Mr. Postel know the tracking information for your letter.

Very truly yours,

John J. Postel
Deputy Administrator

Enclosures

ALERT: USPS IS EXPERIENCING UNPRECEDENTED VOLUME INCREASES AND LIMITED EMPL...

USPS Tracking®

[FAQs >](#)

Track Another Package +

Tracking Number: 9410809202121539346825

[Remove X](#)

Your item was delivered at 11:48 am on February 9, 2021 in BEAVER DAMS, NY 14812. The item was signed for by J NOVAK.

USPS Tracking Plus™ Available 

Delivered

February 9, 2021 at 11:48 am
Delivered
BEAVER DAMS, NY 14812

Get Updates 

Feedback

Text & Email Updates 

Proof of Delivery 

Tracking History 

February 9, 2021, 11:48 am

Delivered

BEAVER DAMS, NY 14812

Your item was delivered at 11:48 am on February 9, 2021 in BEAVER DAMS, NY 14812. The item was signed for by J NOVAK.

February 9, 2021, 8:25 am
Out for Delivery
BEAVER DAMS, NY 14812

February 9, 2021, 8:14 am
Arrived at Post Office
BEAVER DAMS, NY 14812

February 9, 2021, 12:18 am
Arrived at USPS Regional Facility
ROCHESTER NY DISTRIBUTION CENTER

February 8, 2021, 11:03 pm
Accepted at USPS Origin Facility
ROCHESTER, NY 14604

February 8, 2021, 11:19 am
Shipping Label Created, USPS Awaiting Item
ROCHESTER, NY 14604

Feedback

USPS Tracking Plus™



Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs



February 9, 2021

Dear Kathryn Trapani:

The following is in response to your request for proof of delivery on your item with the tracking number:
9410 8092 0212 1539 3468 25.

Item Details

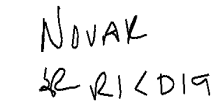

Status: Delivered
Status Date / Time: February 9, 2021, 11:48 am
Location: BEAVER DAMS, NY 14812
Postal Product: Priority Mail®
Extra Services: Signature Confirmation™
Up to \$100 insurance included
Recipient Name: Hornby Town Justice Jason Novak
Actual Recipient Name: J NOVAK

Note: Actual Recipient Name may vary if the intended recipient is not available at the time of delivery.

Shipment Details

Weight: 2lb, 0.0oz

Recipient Signature

Signature of Recipient: 
Address of Recipient: 

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

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STAFF ATTORNEY

CONFIDENTIAL

January 27, 2021

VIA PRIORITY MAIL, SIGNATURE REQUIRED

Honorable Jason Novak
Hornby Town Justice



Re: File No. 2020/R-0290

Dear Judge Novak:

This letter serves as a reminder that your response to the Commission's letter of inquiry (copy enclosed), sent to you by USPS mail on January 6, 2021, was due on January 25, 2021. Your response has not yet been received by this office. Kindly submit your signed response by fax, email, USPS priority mail, UPS, or other such expedited service by Friday, February 5, 2021.

Please also call Deputy Administrator John Postel at 585-████-████ upon receipt of this message. If you have already submitted your response, kindly let Mr. Postel know the tracking information for your letter.

Thank you for your prompt attention to this matter.

Very truly yours,

John J. Postel
Deputy Administrator

Enclosure

ALERT: USPS IS EXPERIENCING UNPRECEDENTED VOLUME INCREASES AND LIMITED EMPLOYEE AVAILABILITY DUE T...



FAQs >

Track Another Package +

Tracking Number: 9410809202121538111172

Remove X

Your item was delivered at 12:14 pm on January 29, 2021 in BEAVER DAMS, NY 14812. The item was signed for by J NOVACK.

USPS Tracking Plus™ Available v

Delivered

January 29, 2021 at 12:14 pm
Delivered
BEAVER DAMS, NY 14812

Get Updates v

Feedback

Text & Email Updates v

Proof of Delivery v

Tracking History ^

January 29, 2021, 12:14 pm

Delivered
BEAVER DAMS, NY 14812

Your item was delivered at 12:14 pm on January 29, 2021 in BEAVER DAMS, NY 14812. The item was signed for by J NOVACK.

January 29, 2021, 9:07 am

Out for Delivery
BEAVER DAMS, NY 14812

January 29, 2021, 8:56 am

Arrived at Post Office
BEAVER DAMS, NY 14812

January 28, 2021, 6:21 pm

Arrived at USPS Regional Facility
ROCHESTER NY DISTRIBUTION CENTER

January 28, 2021, 5:24 pm

Departed Post Office
PITTSFORD, NY 14534

January 28, 2021, 12:49 pm

USPS in possession of item
PITTSFORD, NY 14534

January 27, 2021, 1:18 pm

Shipping Label Created, USPS Awaiting Item
ROCHESTER, NY 14604

USPS Tracking Plus™



Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback



January 29, 2021

Dear Kathryn Trapani:

The following is in response to your request for proof of delivery on your item with the tracking number: **9410 8092 0212 1538 1111 72.**

Item Details

Status: Delivered
Status Date / Time: January 29, 2021, 12:14 pm
Location: BEAVER DAMS, NY 14812
Postal Product: Priority Mail®
Extra Services: Signature Confirmation™
Up to \$100 insurance included
Recipient Name: Hornby Town Justice Jason Novak
Actual Recipient Name: J NOVACK

Note: Actual Recipient Name may vary if the intended recipient is not available at the time of delivery.


Shipment Details

Weight: 2lb, 0.0oz

Destination Delivery Address

Street Address: [REDACTED]
City, State ZIP Code: BEAVER DAMS, NY 14812

Recipient Signature

Signature of Recipient: 
Address of Recipient: [REDACTED]

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

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STAFF ATTORNEY

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January 7, 2021

NOTICE

The Commission has adopted a temporary procedure during the coronavirus pandemic regarding inquiry letters to judges. We are sending this letter to you as a PDF attachment in an email to your official court system email address. The same will follow by US mail or UPS.

As to your substantive response to this letter, we prefer that you do so in the form of a letter attached to a reply email to the Commission at roc@cjc.ny.gov. However, we will accept a reply typed into an email message, faxed to (518) 299-1757, or mailed by US mail, UPS or other carrier.

Should you retain counsel, further communications from the Commission will be through counsel, who should contact the Commission promptly by email.

Thank you for your cooperation.

VIA EMAIL TO: jnovak@nycourts.gov

Honorable Jason Novak
Hornby Town Justice



Re: File No. 2020/R-0290

Dear Judge Novak:

Pursuant to Article 2-A of the Judiciary Law, the Commission on Judicial Conduct is investigating a complaint alleging that, after you won the November 2019 election for the position of Hornby Town Justice, you failed to complete the required certification school for town and village court judges (*see* NY Const, art VI, § 20[c]; UJCA 105[a]; Rules of the Chief Judge, 22 NYCRR 17.2).

Honorable Jason Novak

January 7, 2021

Page 2

Enclosed is a copy of the Administrator's Complaint. For your reference, the Rules Governing Judicial Conduct, the Commission's Operating Procedures and Rules, the Commission's Policy Manual and other documents are available on the Commission's website.¹

The Commission requests your written response to the allegations. In your letter, please include answers to the questions below and number your responses to correspond to the questions. Please note that, pursuant to Section 2.6(D)(3) of the Commission 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. Please describe how you came to be elected to the position of Hornby Town Justice in November 2019. In particular, did you write your name in as a "write-in" candidate on the ballot? Assuming you did, did you intend to serve as Hornby Town Justice in the event that you won?
2. Did you file the oath of office for your term beginning on January 1, 2020? If so, when and where did you file it?
3. Have you performed any judicial function as Hornby Town Justice since January 1, 2020? If you have, please describe the work you have performed. If not, please explain why not.
4. Did you attend Certification School, required by NY Const, art VI, § 20(c) and UJCA 105(a); Rules of the Chief Judge, 22 NYCRR 17.2, in December 2019? If not, please explain why not.
5. Were you enrolled for the Certification School scheduled for April 2020, before that program was cancelled due to the pandemic? If so, please provide a copy of your enrollment confirmation or other documentation to that effect. If not, please explain why not.
6. Did you attend the Certification School in September 2020? If not, please explain why not and answer the following questions.
 - A. When were you first notified of the September 2020 Certification School?

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

Honorable Jason Novak

January 7, 2021

Page 3

- B. Who notified you of the September 2020 Certification School?
- C. How were you notified of the September 2020 Certification School (*e.g.*, by email, letter or telephone)?
- D. Why did you fail to attend the September 2020 Certification School?
- E. Did you notify anyone that you were unable to attend the September 2020 Certification School? If so, who did you notify, and how? If you had any correspondence on this topic in writing, including any kind of electronic message, please provide copies with your response to this letter.

7. Did you attend the Certification School in December 2020? If not, please explain why not and answer the following questions:

- A. When were you first notified of the December 2020 Certification School?
- B. Who notified you of the December 2020 Certification School?
- C. How were you notified of the December 2020 Certification School (*e.g.*, by email, letter or telephone)?
- D. Why did you fail to attend the December 2020 Certification School? Please explain the basis for your decision.
- E. Did you notify anyone that you were unable to attend the December 2020 Certification School? If so, who did you notify, and how? If you had any correspondence on this topic in writing, including any kind of electronic message, please provide copies with your response to this letter.

8. Assuming you did not attend Certification School in either 2019 or 2020, did you receive any notices from any agency or individual regarding your failure to attend Certification School? If so, please answer the following questions.

Honorable Jason Novak

January 7, 2021

Page 4

- A. Please indicate who so notified you and when. Please also provide a copy of each such notice with your response to this letter.
- B. As to each notification you received, how and when did you reply? Please provide a copy of each reply you sent with you sent with your response to this letter. If you did not respond to one or more notifications, please explain why.

9. Do you consider that your conduct was consistent with Section 100.2(A) of the Rules Governing Judicial Conduct (“Rules”), which requires that a judge comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary? Please explain your answer.

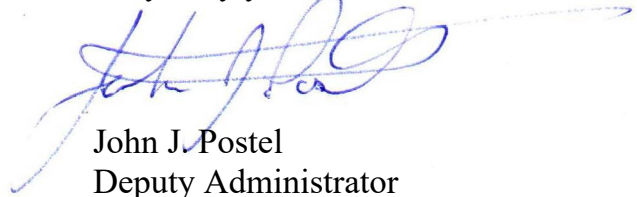
10. Do you consider that your conduct was consistent with Section 100.3(A) of the Rules, which states that the judicial duties of a judge take precedence over all the judge’s other activities? Please explain your answer.

11. Do you consider that your conduct was consistent with Section 100.3(C)(1) of the Rules, which requires a judge to diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and cooperate with other judges and court officials in the administration of court business? Please explain your answer.

Please feel free to include any relevant information or material that you wish the Commission to consider in connection with this matter.

Please respond in writing to this inquiry by January 25, 2021. Thank you for your prompt attention to this matter.

Very truly yours,



John J. Postel
Deputy Administrator

Enclosure

cc: Kathleen Martin, Senior Attorney, via email to [REDACTED]@[REDACTED]

ADMINISTRATOR'S COMPLAINT

In the Matter of: Jason Novak
Hornby Town Justice
Steuben County

Complaint # 2020/R-0290

Statutory Authorization

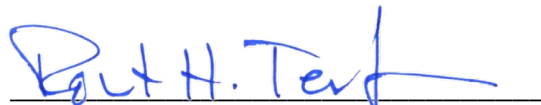
This complaint is filed at the direction of the State Commission on Judicial Conduct in compliance with Section 44, subdivision 2, of the Judiciary Law and is intended to serve as the basis for an investigation. In accordance with Section 44, subdivision 3, in the event that the above-named judge is required to appear before the Commission or any of its members or staff, this complaint will be served at the time the judge is notified in writing of the required appearance.

This complaint is not an accusatory instrument. It provides a basis to commence an investigation. Thus, a judge under investigation may be required to reply to other allegations in addition to those set forth below.

Complaint

Based upon information from the supervising judge for town and village courts, it is alleged that Judge Novak, who took office on or about January 1, 2020, failed to attend the Office of Court Administration training program for town and village court judges scheduled in September 2020, has not passed the required examination, and has not been certified as required by section 17.2 of the Rules of the Chief Judge (22 NYCRR 17.2). The judge has continued to perform work as town justice notwithstanding his failure to obtain certification.

New York, New York
Date Signed: December 9, 2020



Robert H. Tembeckjian, Administrator
Authorized on December 3, 2020

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FAQs >

Track Another Package +

Tracking Number: 9410809202121021859987

Remove X

Your item was delivered at 11:45 am on January 8, 2021 in BEAVER DAMS, NY 14812. The item was signed for by J NOVACK.

USPS Premium Tracking™ Available v

Delivered

January 8, 2021 at 11:45 am
Delivered
BEAVER DAMS, NY 14812

Get Updates v

Feedback

Text & Email Updates v

Proof of Delivery v

Tracking History ^

January 8, 2021, 11:45 am

Delivered
BEAVER DAMS, NY 14812

Your item was delivered at 11:45 am on January 8, 2021 in BEAVER DAMS, NY 14812. The item was signed for by J NOVACK.

January 8, 2021, 8:39 am

Out for Delivery
BEAVER DAMS, NY 14812

January 8, 2021, 8:28 am

Arrived at Post Office
BEAVER DAMS, NY 14812

January 7, 2021, 11:18 pm

Arrived at USPS Regional Facility
ROCHESTER NY DISTRIBUTION CENTER

January 7, 2021, 5:11 pm

Departed Post Office
PITTSFORD, NY 14534

January 7, 2021, 12:58 pm

USPS in possession of item
PITTSFORD, NY 14534

January 7, 2021, 12:18 pm

Shipping Label Created, USPS Awaiting Item
ROCHESTER, NY 14604

Premium Tracking



Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback



January 8, 2021

Dear Kathryn Trapani:

The following is in response to your request for proof of delivery on your item with the tracking number: **9410 8092 0212 1021 8599 87**.

Item Details

Status: Delivered
Status Date / Time: January 8, 2021, 11:45 am
Location: BEAVER DAMS, NY 14812
Postal Product: Priority Mail®
Extra Services: Signature Confirmation™
Up to \$100 insurance included
Recipient Name: Hornby Town Justice Jason Novak
Actual Recipient Name: J NOVACK

Note: Actual Recipient Name may vary if the intended recipient is not available at the time of delivery.

Shipment Details

Weight: 2lb, 0.0oz

Destination Delivery Address

Street Address: [REDACTED]
City, State ZIP Code: BEAVER DAMS, NY 14812

Recipient Signature

Signature of Recipient: NO-AK
SR RI CO 19
Address of Recipient: [REDACTED]

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

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STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

VERIFICATION

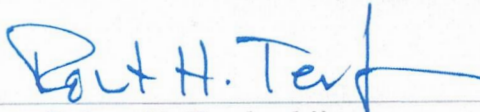
JASON NOVAK,

a Justice of the Hornby Town Court,
Steuben County.

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

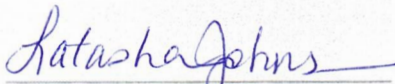
ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

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
14th day of May 2021



Notary Public

LATASHA Y. JOHNSON
Notary Public, State of New York
No. 01JO6235579
Qualified in New York County
Commission Expires February 14, 2023

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

JASON NOVAK,

a Justice of the Hornby Town Court,
Steuben County.

MANDATORY: 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

OPTIONAL: 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 from her 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

June 7, 2021

Thomas Landolf
Town Supervisor
Town of Hornby, City Hall
R D 1 Box 188
Beaver Dam, NY 14812

Dear Mr. Landolf:

I am writing to inform you that I am resigning from the position of Town Justice for the Town of Hornby, effective June 7, 2021.

Thank you for the opportunity to serve my community.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Novak', written in a cursive style.

Jason Novak

cc:
Hon. Lawrence K. Marks
Chief Administrative Judge
New York State Unified Court System
25 Beaver Street
New York, New York 10004