



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*May 10, 2021*

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### **Monroe County Town Justice Should Be Censured for Misspending Grant Money on Unauthorized Courthouse Items**

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The New York State Commission on Judicial Conduct has determined that Donald F. Knab, Jr., a Justice of the Rush Town Court, Monroe County, should be censured for knowingly misspending grant funds to buy an audio-visual system for the town court, without authorization, and for falsely indicating in financial reports that he spent the money in accordance with the grant's terms.

Judge Knab agreed to the censure.

In 2019 the Rush Town Court was awarded a grant of almost \$7,500 through the Justice Court Assistance Program (JCAP), to purchase a walk-through metal detector, a hand-held metal detector, a judicial robe, and a replacement exterior door. Having spent less than \$5,800 for these items, Judge Knab used the savings to buy audio-visual equipment for the court, knowing that he was not authorized to do so and was required to return the unspent funds to JCAP. Moreover, he falsely reported to JCAP that he had spent the entire grant amount on only the approved items, and he did not and could not submit receipts to verify his account. When JCAP challenged his account, Judge Knab submitted an accurate report, and the Town of Rush covered the cost of the AV system by reimbursing JCAP.

The Commission stated: “As [Judge Knab] acknowledged, his improper conduct fell short of the high standards required of a judge and undermined confidence in the integrity of the judiciary.”

Judge Knab, who is not an attorney, has been a Justice of the Rush Town Court since 2016. His current term expires on December 31, 2024.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“An honest judiciary is essential to public confidence in the courts. Judge Knab fell far short of this standard when he knowingly misled court administrators about his use of grant funds. It is only because he was trying to upgrade the court’s technological inventory, not enrich himself, that he has this second chance to remain on the bench.”

### **The Commission Proceedings**

Judge Knab was served with a Formal Written Complaint dated November 30, 2020, containing one charge, and filed an Answer dated December 24, 2020.

On April 16, 2021, the Administrator of the Commission, Judge Knab and his attorney 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 April 22, 2021.

### **The Commission Determination**

The Commission filed a determination dated April 28, 2021, in which all ten members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq. (the Vice Chair), Jodie Corngold, Judge Fernando M. Camacho, Judge John A. Falk, Judge Angela M. Mazzarelli, 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. The Commission

was notified on May 7, 2021, that Judge Knab had received the determination. 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 Knab 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 338 determinations of censure against judges in New York State. The Commission has issued 175 determinations of removal and 278 determinations of admonition.

The Court of Appeals has reviewed 101 Commission determinations. The Court accepted the Commission's sanctions in 85 cases (76 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.

### **Counsel**

Judge Knab was represented by Daniel M. Killelea of Gilmour & Killelea, LLP, 121 Prospect Street #1, Attica, New York 14011, (585) 937-8987.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; 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 Knab**

First Took Office 2016  
Current Term Expires: December 31, 2024

**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

**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
Hon. Fernando M. Camacho	Chief Judge Janet DiFiore	March 31, 2024
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2023
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2025
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.	Former Senate Minority Leader John J. Flanagan	March 31, 2024
Graham B. Seiter, Esq. <sup>1</sup>	Assembly Minority Leader William A. Barclay	March 31, 2025
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2025

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<sup>1</sup> The vote in this matter was taken on April 22, 2021. Mr. Seiter, whose term on the Commission commenced on May 4, 2021, did not participate in this matter.