



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL

CORNING TOWER, SUITE 2301  
EMPIRE STATE PLAZA  
ALBANY, NEW YORK 12223

MARISA E. HARRISON  
PUBLIC INFORMATION OFFICER

518-453-4600 518-299-1757  
TELEPHONE FACSIMILE  
[www.cjc.ny.gov](http://www.cjc.ny.gov)

## NEWS RELEASE

*April 24, 2023*

**Contact:**

*Marisa E. Harrison, Public Information Officer  
(518) 453-4600*

### **Greene County Town Court Justice Resigns While Under Investigation for Misconduct**

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David A. Rikard, a Justice of the Prattsville Town Court, Greene County, resigned from office while under investigation by the New York State Commission on Judicial Conduct.

Judge Rikard refused to cooperate with the Commission during its investigation of three complaints against him. He refused to provide documents the Commission requested, and he refused to appear for testimony when summoned by the Commission.

Judge Rikard resigned from office on January 6, 2023. The Commission's inquiry nevertheless continued, and on January 26, 2023, he was served with formal disciplinary charges for the failure to cooperate.<sup>1</sup> He admitted the facts, agreed to never seek or accept judicial office in the future, and waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited

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<sup>1</sup> Under the Judiciary Law, the Commission has 120 days from a judge's resignation to issue a determination that the judge should be removed. Under the Constitution, a removed judge is ineligible to hold judicial office again.

extent that the stipulation and the Commission's order accepting it would be public. The Commission accepted a stipulation to that effect signed by the judge, his attorney and the Commission's Administrator.<sup>2</sup>

Judge Rikard, who is an attorney, had served as a Justice of the Prattsville Town Court since 2014. His current term would have expired on December 31, 2025.

The stipulation can be found on the Commission's website: [www.cjc.ny.gov](http://www.cjc.ny.gov).

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“Cooperation is mandatory, not optional, when judges are called to account by the Judicial Conduct Commission. Stonewalling or otherwise refusing to participate undermines public confidence in the integrity of the judiciary and can result in removal from office.”

### **Statistics Relating to Prior Commission Decisions**

The Commission has accepted 126 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 281 determinations of admonition against judges in New York State, 347 determinations of censure and 179 determinations of removal.

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. One request for review is pending.

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<sup>2</sup> The stipulation was signed on March 10, 2023. The Commission issued an order accepting it on April 20, 2023.

**Counsel**

Judge Rikard was represented by Joseph M. McCoy of Corrigan, McCoy & Bush, PLLC, 220 Columbia Turnpike, Rensselaer, New York 12144, (518) 477-4575.

The Commission was represented by Deputy Administrator Cathleen S. Cenci, Senior Attorney Kathleen E. Klein, Staff Attorney Shruti Joshi and Senior Investigator Ryan Fitzpatrick.

**Background Information on Judge Rikard**

First took office:	2014
Current term expires:	December 31, 2025
Year Admitted to the New York State Bar:	1989

**Members of the Commission**

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

**The Public File**

The stipulation and order are attached.

**MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT**

<b>Member</b>	<b>Appointing Authority</b>	<b>Term End</b>
Joseph W. Belluck, Esq., Chair	Former Governor Andrew M. Cuomo	March 31, 2024
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2027
Hon. Fernando M. Camacho	Former Chief Judge Janet DiFiore	March 31, 2024
Hon. John A. Falk	Former Chief Judge Janet DiFiore	March 31, 2025
Hon. Robert J. Miller	Governor Kathy Hochul	March 31, 2026
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2026
Ronald J. Rosenberg, Esq.	Former Senate Minority Leader John J. Flanagan	March 31, 2024
Graham B. Seiter, Esq.	Assembly Minority Leader William A. Barclay	March 31, 2025
Akosua Garcia Yeboah	Former Governor Andrew M. Cuomo	March 31, 2025
Vacant	Chief Judge	March 31, 2026
Vacant	Governor	March 31, 2027