



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*October 18, 2022*

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### **Greene County Town Justice Should Be Censured for Improper Communications, Failing to Disqualify and Not Filing Financial Reports**

The New York State Commission on Judicial Conduct has determined that Alois W. Kraker, a Justice of the Greenville Town Court, Greene County, should be censured for various misconduct in small claims cases, such as failing to disqualify himself where he had a business relationship with a party, engaging in prohibited communications about pending cases, making rude remarks about litigants, and for failing to report monetary receipts to the State Comptroller as required by law.

Judge Kraker agreed to the censure and took several judicial training and education courses as part of the disposition of the charges against him.

- For eight months in 2020-21, Judge Kraker failed to report the receipt of court monies to the State Comptroller, which resulted in his salary being stopped.
- In 2018, Judge Kraker:
  - failed in two small claims cases to disclose his business relationship with one of the parties, and he failed to administer the required oath or affirmation to the litigants.

- made rude and undignified statements about the defendant in a small claims case.
- had a substantive conversation about the preceding small claims case with a litigant in the next case.

In censuring Judge Kraker, the Commission noted that he “acknowledged that his conduct was improper and warrants public discipline and that he has completed pertinent continuing judicial education courses.”

Judge Kraker, who is not an attorney, has been a Justice of the Greenville Town Court since 2017. His current term expires on December 31, 2024.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“For the public to have confidence in the courts, judges must always be and appear impartial. That means stepping aside from cases where they have a business relationship with a litigant, avoiding unauthorized conversations with only one party to a case, and treating all participants with patience, dignity and courtesy. They must also account in a timely manner for court funds received. Judge Kraker’s acceptance of responsibility and remedial efforts warranted a second chance.”

### **The Commission Proceedings**

Judge Kraker was served with a Formal Written Complaint dated March 15, 2022, containing three charges.

On September 7, 2022, the Administrator of the Commission, Judge Kraker, 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 September 22, 2022.

### **The Commission Determination**

The Commission filed a determination dated October 6, 2022, in which all eleven members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq. (the Vice Chair), Judge Fernando M. Camacho, Jodie Corngold, Judge John A. Falk, Judge Angela M. Mazzarelli, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Ronald J. Rosenberg, Esq., Graham B. Seiter, 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 October 17, 2022, that Judge Kraker 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 Kraker 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 347 determinations of censure against judges in New York State. The Commission has issued 178 determinations of removal and 280 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. One request for review is pending.

### **Counsel**

Judge Kraker was represented by Kelly M. Monroe of Maynard, O'Connor, Smith & Catalinotto, LLP., 6 Tower Place, Albany, New York 12203, (518) 465-3553.

The Commission was represented by Deputy Administrator Cathleen S. Cenci, Senior Attorney S. Peter Pedrotty and Investigator Laura Misjak.

### **Background Information on Judge Kraker**

First Took Office:	2017
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 and other records are available on the Commission's website: [www.cjc.ny.gov](http://www.cjc.ny.gov).

**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, 2023
Hon. Fernando M. Camacho	Former Chief Judge Janet DiFiore	March 31, 2024
Jodie Corngold	Former Governor Andrew M. Cuomo	March 31, 2023
Hon. John A. Falk	Former Chief Judge Janet DiFiore	March 31, 2025
Hon. Angela M. Mazzarelli	Former Chief Judge Janet DiFiore	December 31, 2022 <sup>1</sup>
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

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<sup>1</sup> Judge Mazzarelli's term on the Commission will end upon her retirement from judicial office on December 31, 2022.