

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Director

March 29, 2024

TO: Fourth Judicial Department Attorney Grievance Committee/Eight Judicial District
Chair Pamela Thibodeau, Esq.

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: (1) Reconsideration of the February 28, 2024 letter signed by Investigator
Carolyn Stachura dismissing my complaint against Louis M. Dingeldey, Esq.;
(2) Complaint against Investigator Stachura and Chief Counsel Cydney Kelly
for official misconduct pertaining to my complaint.

Pursuant to [§1240.7\(e\)\(3\)](#) of the Rules for Attorney Disciplinary Matters, I file this written request for reconsideration of the February 28, 2024 letter dismissing my complaint against Louis B. Dingeldey, Esq., signed by Investigator Carolyn M. Stachura, and indicating that it is also from Chief Counsel Cydney Kelly.

In pertinent part the letter states:

“The focus of your complaint concerns an allegation that Mr. Dingeldey, Jr., an attorney for the Brighton School District, engaged in some form of an improper conflict of interest during the pendency of your legal action. Based on our review of the materials you submitted with your complaint, we have determined that there is insufficient evidence which would substantiate your contention that a conflict of interest exists.”

This description is incomprehensible. My October 25, 2023 complaint against Mr. Dingeldey, mailed to AD4-AGC8 with a January 29, 2024 complaint form, was primarily a corruption complaint and did not arise from any “legal action” by me. Rather, it involved Mr. Dingeldey’s litigation misconduct, fraud, and deceit, in tandem with Assistant Monroe County Attorney Alyssa Brennan, fully-documented by opposition/reply papers I wrote for innocent parents who brought a proceeding in Monroe County Supreme Court to file a late notice of claim against the Brighton School District and Monroe County – which Supreme Court Justice Gail Donofrio did not adjudicate in denying the late notice by a fraudulent decision. Thereafter, at the Appellate Division, Fourth Department, Mr. Dingeldey and Ms. Brennan continued their litigation misconduct and fraud, without determination by that Court, thwarting the parents’ meritorious appeal of the double-whammy of attorney and judicial misconduct below.

According to Investigator Stachura's letter, my complaint against Mr. Dingeldey was handled "Under the authority" of Chief Attorney Kelly – with the cited "authority" being "22 NYCRR §1020.5 and §1240.7[(b)](4)".

[22 NYCRR §1020.5](#) is entitled "Duties and authority of legal staff". In pertinent part, it states:

"Investigation of all complaints shall be initiated and conducted by the chief attorney, with such assistance from the staff attorneys as deemed necessary by the chief attorney. Such investigations shall be conducted in accordance with the provisions of section 1240.7 of part 1240, and subject to the following provisions:

(a) in the event the chief attorney directs a respondent to submit to a committee a written response to a complaint, pursuant to section 1240.7(b)(2) of part 1240, the chief attorney shall afford the respondent at least 14 days written notice to do so;

(b) the chief attorney has discretion at any time during an investigation or proceeding to provide to the complainant a copy of the respondent's written response to the complaint;

(c) in the event the chief attorney directs a respondent to appear before the chief attorney or a staff attorney for a formal interview or examination under oath, or to produce records, pursuant to section 1240.7(b)(2) of part 1240, the chief attorney shall afford the respondent at least 14 days written notice to do so;

(d) in the event the chief attorney applies to the Clerk of the Court for a judicial subpoena to compel the attendance of a person as a witness or the production of relevant books and papers, pursuant to section 1240.7(b)(3) of part 1240, the application shall be supported by sufficient facts to demonstrate that the testimony or books and papers specified in the proposed subpoena are relevant to matters under investigation and are necessary for the proper disposition of a complaint. The application shall also establish that a judicial subpoena is necessary to obtain such testimony or books and papers and that other potential sources of the information, or the means to obtain the information, are either impractical or unavailable".

[§1240.7\(b\)\(4\)](#) authorizes the chief attorney "take any other action deemed necessary for the proper disposition of a complaint" – with the prior three options that are part of §1240.7(b) authorizing the chief attorney to:

"(1) interview witnesses and obtain any records and other materials and information necessary to determine the validity of a complaint;

(2) direct the respondent to provide a written response to the complaint, and to appear and produce records before the Chief Attorney or a staff attorney for a formal interview or examination under oath;

(3) apply to the Clerk of the Court for a subpoena to compel the attendance of a person as a respondent or witness, or the production of relevant books and papers, when it appears that the examination of such person or the production of such books and papers is necessary for a proper determination of the validity of a complaint. Subpoenas shall be issued by the Clerk in the name of the Presiding Justice and may be made returnable at a time and place specified therein”.

Investigator Stachura’s February 28, 2024 letter, informing me that my complaint against Mr. Dingeldey had been dismissed, was the first and only communication I received from AD4-AG8. Prior thereto, no one called to interview me, to obtain documents from me, or to ask me to reply to any response it may have received from Mr. Dingeldey, upon its furnishing the complaint to Mr. Dingeldey for response, if, in fact, it directed a response from him, as §1020.5(a) and §1240.7(b)(2) authorize.

Did Investigator Stachura, upon authorization of Chief Counsel Kelly, send my complaint to Mr. Dingeldey for response? It would seem not, as otherwise why would her letter, *cc’ing* Mr. Dingeldey, state that she was sending him a “partial copy” of the complaint, and that if he wished a full copy, with its “voluminous” enclosures, he could contact the office to request. Obviously, Investigator Stachura would not now be sending him a “partial copy” of the complaint, if he had been furnished it previously, with a direction for his response – and, reasonably, if such a direction had been made, he would have requested the “voluminous” enclosures at that time.

Investigator Stachura ends her incomprehensible letter not by apprising me that pursuant to §1240.7(e)(3), I have 30 days within which to seek reconsideration of the dismissal of my complaint – which would be the ethical, appropriate thing to do – but by a warning: “Please be advised of the confidentiality provisions of 90(10) of the Judiciary Law.” Such warning is improper and meant to intimidate. The confidentiality provisions of Judiciary Law §90(10) do not apply to complainants, who are free to publicize their own complaints. Is she – and Chief Counsel Kelly – unaware of the June 13, 2022 US Southern District decision in [*Civ. Rights Corps. v. Pestana*](#)?

I have a great deal more to say, but this is the 30th day – and, for the past two days and earlier today, I have called AD4-AGC8 (716-845-3630) to confirm the procedure for getting this reconsideration request to you. Each time I have telephoned a voice mail has kicked in and I have left a recorded message, but there has been no call back. I am rushing to take this letter to the post office so that it can be stamped with today’s date.

§1240.7(e)(3) gives you discretion to refer reconsideration requests “to the full Committee, or a subcommittee thereof, for whatever action it deems appropriate.” I request such full consideration, and, in tandem, ask that this reconsideration request be deemed a complaint against Investigator Stachura and Chief Counsel Kelly for their official misconduct with respect to my complaint against Mr. Dingeldey – and with respect to the related complaint I mailed to AD4-AG8 in the same envelope – and as to which I have heard nothing – such complaint being my January 29, 2024 complaint against Eugene Fahey, chair of the Commission on Legislative, Judicial and Executive Compensation, whose fraud and misconduct in that capacity involves the October 25, 2023 complaint against Mr. Dingeldey, *et al.*

Thank you.