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CONFIDENTIAL

November 15, 2023

Ms. Elena Sassower
10 Stewart Place, Apt. 2D-E
White Plains, New York 10603

Re: File No. 2023/A-0081

Dear Ms. Sassower:

The Commission has asked me to respond to your August 29, 2023 email and your subsequent correspondence concerning the disposition of your complaint dated February 23, 2023. The entire Commission considered your complaint and it was dismissed at the July 20, 2023 meeting.

The Commission dismissed your complaint pursuant to its authority under Judiciary Law, §44(1), which states in pertinent part:

Upon receipt of a complaint (a) the commission shall conduct an investigation of the complaint; or (b) the commission may dismiss the complaint if it determines that the complaint on its face lacks merit.

The Commission's exercise of discretion to determine whether to investigate or dismiss a complaint has been upheld by the courts. *See, Matter of Mantell v. Comm on Jud Conduct*, 277 AD2d 96 (1st Dept 2000); *Matter of Sassower v. Comm on Jud Conduct*, 289 AD2d 119 (1st Dept 2001).

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Your correspondence does not contain information that would provide a basis for reconsideration of the dismissal of your complaint. In addition, the New York State Constitution and the Commission's governing statute (Judiciary Law §40 *et seq.*) do not provide for appeal of a decision by the Commission dismissing a complaint.

The Commission's records and proceedings are confidential by statute (Judiciary Law, §45), with strictly limited exceptions that do not apply to dismissed complaints. Accordingly, I am unable to provide any additional information concerning the Commission's consideration of your complaint.

Very truly yours,



Celia A. Zahner
Clerk of the Commission