

DEPARTMENTAL DISCIPLINARY COMMITTEE
SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT
61 BROADWAY
NEW YORK, N.Y. 10006
(212) 401-0800
FAX: (212) 401-0810

RECEIVED
By Eliot I. Bernstein at 3:50 pm, 9/12/04

September 7, 2004

PERSONAL AND CONFIDENTIAL

Honorable James Pelzer
Clerk of the Court
Supreme Court, Appellate Division
Second Judicial Department
45 Monroe Place
Brooklyn, New York 11201

Re: Matter of Kenneth Rubenstein, Esq. - 2003.0531
Matter of Raymond A. Joao, Esq. - 2003.0532
Matter of Steven C. Krane, Esq. - 2004.1883

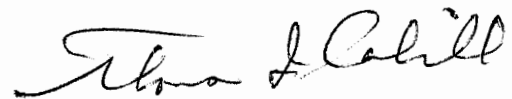
Dear Mr. Pelzer:

The above referenced complaints were filed with the Committee and involve the representation of one of the respondents by an attorney who also serves as a Departmental Disciplinary Committee referee. Consequently, to avoid an appearance of impropriety the Appellate Division, First Judicial Department, has transferred the matters to your Court for assignment to a grievance committee that you deem appropriate.

As a result, I am forwarding herein copies of the Orders, complaints, and related documents, and respectfully request that you submit the matters to a grievance committee in your Department for whatever action they deem fit and proper.

Thank you for your attention to this matter.

Very truly yours,



Thomas J. Cahill

TJC/nkd

Encls:

cc: Kenneth Rubenstein, Esq.
Raymond A. Joao, Esq.
Steven C. Krane, Esq.
Eliot I Bernstein & P. Stephen Lamont

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STAFF COUNSEL

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By Eliot I. Bernstein at 3:50 pm, 9/12/04

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT
-----X

In the Matter of an Attorney and
Counselor-at-Law:

M-3198

Departmental Disciplinary Committee
for the First Judicial Department,

Petitioner.

NOTICE OF ENTRY

-----X

PLEASE TAKE NOTICE that the within is a certified copy
of an unpublished order and decision duly made in this
proceeding and duly entered and filed in the office of the
Clerk of the Supreme Court of the State of New York, Appellate
Division, First Department, on the 11th day of August, 2004.

DATED: New York, New York
September 7, 2004

Yours, etc.,

THOMAS J. CAHILL
Chief Counsel
Departmental Disciplinary
Committee for the First
Judicial Department
61 Broadway - 2nd Floor
New York, NY 10006
(212) 401-0800

RECEIVED

By Eliot I. Bernstein at 3:50 pm, 9/12/04

To: Steven C. Krane, Esq.
Proskauer Rose LLP
1585 Broadway
New York, New York 10036

Eliot I. Bernstein
P. Stephen Lamont
Iviewit Holdings, Inc.
10158 Stonehenge Circle, Suite 801
Boynton Beach, Florida 33437

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RECEIVED

By Eliot I. Bernstein at 3:51 pm, 9/12/04

UNPUBLISHED ORDER

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 11, 2004.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
David Friedman
Luis A. Gonzalez, Justices.

FILED

AUG 11 2004

**Appellate Division, Supreme Court
First Department**

-----X
In the Matter of an Attorney and
Counselor-at-Law:

Departmental Disciplinary Committee
for the First Judicial Department,

Petitioner.
-----X

UNPUBLISHED ORDER

M-3198

The Departmental Disciplinary Committee for the First Judicial Department, by Thomas J. Cahill, its Chief Counsel, having moved this Court on August 2, 2004, for an order granting movant permission to transfer the investigation and disposition of a complaint under Docket Number 1883/04 to a Grievance Committee in another Judicial Department, or to any other disciplinary jurisdiction this Court deems appropriate,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is unanimously

Ordered that the motion is granted and the complaint under Docket Number 1883/04 is transferred to the Appellate Division, Second Judicial Department, for investigation and disposition.

ENTER:

APPELLATE DIVISION SUPREME COURT FIRST DEPARTMENT
STATE OF NEW YORK

David Apolony
Clerk
DEPUTY CLERK

I, CATHERINE O'HAGAN WOLFE, Clerk of the Appellate Division of the Supreme Court First Judicial Department, do hereby certify that I have compared this copy with the original thereof filed in said office on 8/11/04 and that the same is a correct transcript thereof, and of the whole of said original.
IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on 8/11/04.

Catherine O'Hagan Wolfe
CLERK

RECEIVED

By Eliot I. Bernstein at 3:51 pm, 9/12/04

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

-----X

In the Matter of an Attorney and
Counselor-at-Law:

M-2820

M-3212

NOTICE OF ENTRY

Departmental Disciplinary Committee
for the First Judicial Department,

Petitioner.

-----X

PLEASE TAKE NOTICE that the within is a certified copy
of an unpublished order and decision duly made in this
proceeding and duly entered and filed in the office of the
Clerk of the Supreme Court of the State of New York, Appellate
Division, First Department, on the 11th day of August, 2004.

DATED: New York, New York
September 7, 2004

Yours, etc.,

THOMAS J. CAHILL
Chief Counsel
Departmental Disciplinary
Committee for the First
Judicial Department
61 Broadway - 2nd Floor
New York, NY 10006
(212) 401-0800

To: Kenneth Rubenstein, Esq.
c/o Steven C. Krane, Esq.
Proskauer Rose
1585 Broadway
New York, New York 10036

Raymond A. Joao, Esq.
c/o John Fried, Esq.
Fried & Epstein, LLP
1350 Broadway, Suite 1400
New York, New York 10018

Eliot I. Bernstein
P. Stephen Lamont
Iviewit Holdings, Inc.
10158 Stonehenge Circle, Suite 801
Boynton Beach, Florida 33437

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UNPUBLISHED ORDER

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 11, 2004.

PRESENT: Hon. Angela M. Mazzarelli,
Richard T. Andrias
David B. Saxe
David Friedman
Luis A. Gonzalez,

Justice President,

FILED

AUG 11 2004

Justices.

**Appellate Division, Supreme Court
First Department**

-----X
In the Matter of an Attorney and
Counselor-at-Law:

UNPUBLISHED ORDER

Departmental Disciplinary Committee
for the First Judicial Department,

M-2820

M-3212

Petitioner.
-----X

The Departmental Disciplinary Committee for the First Judicial Department, by Thomas J. Cahill, its Chief Counsel, having moved this Court on July 12, 2004, for an order granting movant permission to transfer the investigation and disposition of complaints under Docket Numbers 531 and 532/03 to a Grievance Committee in another Judicial Department, or to any other disciplinary jurisdiction this Court deems appropriate (M-2820),

And the motion papers executed by Eliot I. Bernstein and P. Stephen Lamont, dated July 8, 2004, seeking immediate investigation of complaints against certain specified attorneys, the striking of the Departmental Disciplinary Committee's motion, and for related relief, having been deemed a cross motion (M-3212),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is unanimously

Ordered that the motion is granted and the complaints under Docket Numbers 531/03 and 532/02 are transferred to the Appellate Division, Second Judicial Department, for investigation and disposition. The cross motion is granted only to the extent of transferring the complaints under Numbers in said manner and is otherwise denied.
APPELLATE DIVISION SUPREME COURT FIRST DEPARTMENT
STATE OF NEW YORK

I, CATHERINE O'HAGAN WOLFE, Clerk of the Appellate Division of the Supreme Court First Judicial Department, do hereby certify that I have compared this copy with the original thereof filed in said office on 8/11/04 and that the same is a correct transcript thereof, and of the whole of said original.
IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on 8/11/04.

David Anthony
Clerk.
DEPUTY CLERK

Catherine O'Hagan Wolfe
CLERK