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October 7, 2022

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COUNTY APPELLATE COURT RULES THAT CITY COURT JUDGE JEFFREY D. WAIT'S "SUA SPONTE DISMISSAL OF THE ACCUSATORY INSTRUMENT WAS IMPROPER."

SARATOGA SPRINGS, NY --- On or about January 24, 2022, the City, via Mayor Ron Kim, who had recently taken office and was in the process of selecting a City Attorney, requested a routine adjournment of a Code Administrative matter before City Court. The matter entitled The People of the City of Saratoga Springs vs. Church Street Trust had been pending since early 2021, and adjournments of this type are routinely granted.

Surprisingly, and without notice to Kim, who is a practicing attorney in New York State, Judge Wait dismissed the entire action without allowing Kim to appear before the Court, or otherwise represent the City's interests in this code enforcement action. The City of Saratoga Springs appealed this ex parte, sua sponte dismissal by Judge Wait to the Appellate County Court. Judge Chad W. Brown, recognizing the fundamental importance of allowing all parties to appear whenever a Judge addresses the rights of litigants summarily reversed the Waite's order stating: "dismissal of the accusatory instrument was improper."

Upon reviewing the Appellate County Court's decision, Kim commented: "while Judge Wait's order and decision was shocking in its disregard of the City's rights to properly enforce its Code, the Appellate Judge's reversal is not, since Wait's decision, without allowing the City to appear, and without any party even requesting judicial action was clearly inappropriate." Kim emphasized "allowing all parties to state their position prior to a decision or order is at the very foundation of our adversarial system, and I am glad Judge Brown recognized this and restored this matter, so the City can enforce its laws and codes."

Full Decision is attached.