

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D16140
C/hu

_____AD3d_____

Argued - June 11, 2007

HOWARD MILLER, J.P.
GLORIA GOLDSTEIN
STEVEN W. FISHER
JOSEPH COVELLO, JJ.

2006-08217

DECISION & JUDGMENT

In the Matter of Joy Solangi, petitioner, v
Rocco A. Pozzi, etc., et al., respondents.

(Index No. 2921/06)

Lovett & Gould, LLP, White Plains, N.Y. (Kim Berg and Jonathan Lovett of counsel), for petitioner.

Charlene Indelicato, County Attorney, White Plains, N.Y. (Stacey Dolgin-Kmetz and Linda M. Trentacoste of counsel), for respondents.

Proceeding pursuant to CPLR article 78 to review a determination of the respondent Rocco A. Pozzi, Commissioner of the Westchester County Department of Public Safety, dated December 1, 2005, which adopted the recommendation of a hearing officer dated November 4, 2005, made after a hearing, finding the petitioner guilty of misconduct and terminating her employment as a Probation Officer.

ADJUDGED that the determination is confirmed, the petition is denied, and the proceeding is dismissed on the merits, with costs.

Contrary to the petitioner's contention, the determination that she was guilty of misconduct was supported by substantial evidence at the hearing (*see* CPLR 7803[4]; *Matter of Lahey v Kelly*, 71 NY2d 135, 140; *People ex rel. Vega v Smith*, 66 NY2d 130, 139). Furthermore, the penalty imposed was not so disproportionate to the petitioner's conduct as to be shocking to

September 18, 2007

Page 1.

MATTER OF SOLANGI v POZZI

one's sense of fairness (*see Matter of Kelly v Safir*, 96 NY2d 32, 38; *Matter of Pell v Board of Educ. of Union Free School Dist. No. 1 of Towns of Scarsdale & Mamaroneck, Westchester County*, 34 NY2d 222, 234-235).

The petitioner's remaining contentions are without merit.

MILLER, J.P., GOLDSTEIN, FISHER and COVELLO, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court