

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

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A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
PETER B. SKELOS
STEVEN W. FISHER, JJ.

2009-06121

OPINION & ORDER

In the Matter of Eric G. Oster, a suspended attorney.

Grievance Committee for the Tenth Judicial District,
petitioner; Eric G. Oster, respondent.

(Attorney Registration No. 2148559)

DISCIPLINARY proceeding instituted by the Grievance Committee for the Tenth Judicial District. The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on December 12, 1984.

Rita E. Adler, Hauppauge, N.Y. (Michael J. Kearsse of counsel), for petitioner.

PER CURIAM.

By decision and order on motion of this Court dated September 30, 2009, the respondent was suspended from the practice of law pursuant to 22 NYCRR 691.4(l)(1)(i) and (iii), upon a finding that he was guilty of professional misconduct immediately threatening the public interest based on his failure to cooperate, and uncontroverted evidence of his failure to re-register with the Office of Court Administration for four consecutive registration periods; the Grievance Committee for the Tenth Judicial District (hereinafter the Grievance Committee) was authorized to institute and prosecute a disciplinary proceeding against the respondent based on a

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petition dated June 3, 2009; the respondent was directed to serve and file an answer to the petition within 20 days, and the issues were referred to Peter T. Affatato, Esq., as Special Referee to hear and report. The respondent was previously publicly censured by opinion and order of this Court dated April 15, 2002, as result of a prior unrelated disciplinary proceeding based on his failure to re-register (*see Matter of Oster*, 292 AD2d 78).

The Grievance Committee now moves to impose discipline against the respondent upon his default in answering the petition within the time frame set forth by the Court in its order of September 30, 2009.

On June 11, 2009, the respondent was personally served with a copy of the initial motion by order to show cause, along with a copy of the verified petition dated June 3, 2009, seeking his suspension and authorization to institute a disciplinary proceeding against him. The petition contains three charges of professional misconduct.

On October 27, 2009, the respondent was personally served with a copy of the decision and order of this Court dated September 30, 2009, together with a copy of the verified petition.

To date, the respondent has failed to submit an answer to the petition or make an application for an extension of time in which to answer.

The instant motion to impose discipline was personally served on the respondent on February 9, 2010. To date, no response or request for an extension of time in which to respond has been received.

Accordingly, the Grievance Committee's motion is granted, the charges in the petition must be deemed established, and effective immediately, the respondent is disbarred upon his default, and his name is stricken from the roll of attorneys and counselors-at-law.

PRUDENTI, P.J., MASTRO, RIVERA, SKELOS, and FISHER, JJ., concur.

ORDERED that the petitioner's motion is granted upon the respondent's default; and it is further,

ORDERED that, pursuant to Judiciary Law § 90, effective immediately, the respondent, Eric G. Oster, is disbarred and his name is stricken from the roll of attorneys and counselors-at-law; and it is further,

ORDERED that the respondent, Eric G. Oster, shall continue to comply with this Court's rules governing the conduct of disbarred, suspended, and resigned attorneys (*see* 22 NYCRR 691.10); and it is further,

ORDERED that pursuant to Judiciary Law § 90, the respondent, Eric G. Oster, is commanded to continue to desist and refrain from (1) practicing law in any form, either as principal or agent, clerk, or employee of another, (2) appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding himself out in any way as an attorney and counselor-at-law; and it is further,

ORDERED that if the respondent, Eric G. Oster, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency and the respondent shall certify to the same in his affidavit of compliance pursuant to 22 NYCRR 691.10(f).

ENTER:

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

James Edward Pelzer
Clerk of the Court