

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

D31887
Y/ct

_____AD3d_____

Submitted - May 26, 2011

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
RANDALL T. ENG, JJ.

2010-10885

DECISION, ORDER & JUDGMENT

In the Matter of Anthony Futia, petitioner, v William
Weaver, etc., et al., respondents.

Anthony Futia, North White Plains, N.Y., petitioner pro se.

Stephens, Baroni, Reilly & Lewis, LLP, Armonk, N.Y., and Keane & Beane, P.C.,
White Plains, N.Y. (Richard L. O'Rourke and Edward J. Phillips of counsel), for
respondents (one brief filed).

Proceeding pursuant to Public Officers Law § 36, inter alia, to remove the respondents
William Weaver, Rebecca Kittredge, Michael Schiliro, and Rich Fon from public office in the Town
of North Castle, Westchester County. Motion by the respondents to dismiss the petition for failure
to state a cause of action and to impose sanctions upon the petitioner pursuant to 22 NYCRR 130-1.1

ORDERED that the branch of the motion which was to dismiss the petition is granted;
and it is further,

ORDERED that the branch of the motion which was to impose sanctions upon the
petitioner pursuant to 22 NYCRR 130-1.1 is denied; and it is further,

ADJUDGED that the proceeding is dismissed, on the merits; and it is further,

ORDERED that one bill of costs is awarded to the respondents.

The allegations in the petition do not rise to the level of misconduct,
maladministration, malfeasance, or malversation necessary to justify the extreme remedy of removal
from office pursuant to Public Officers Law § 36 (*see Matter of Salvador v Naylor*, 222 AD2d 931;

June 28, 2011

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Matter of Deats v Carpenter, 61 AD2d 320, 322; *Matter of Pisciotta v Dendievel*, 41 AD2d 949).

We decline the respondents' request for the imposition of sanctions against the petitioner in connection with this proceeding (*see* 22 NYCRR 130-1.1).

RIVERA, J.P., FLORIO, DICKERSON and ENG, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court