

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

D32316  
C/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - September 6, 2011

MARK C. DILLON, J.P.  
DANIEL D. ANGIOLILLO  
THOMAS A. DICKERSON  
JEFFREY A. COHEN, JJ.

2010-00848

DECISION & JUDGMENT

In the Matter of Clavor Schroeter, petitioner, v  
Yonkers City School District, et al., respondents.

(Index No. 2844/09)

Kieran J. Sullivan, White Plains, N.Y., for petitioner.

Donoghue, Thomas, Auslander & Drohan, Yonkers, N.Y. (Ana I. Gonzalez of  
counsel), for respondents.

Proceeding pursuant to CPLR article 78 to review a determination of the Yonkers City School District dated October 15, 2008, which, after a hearing pursuant to Civil Service Law § 75, found the petitioner guilty of charges of misconduct, insubordination, and incompetence, and terminated his employment.

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 he was guilty of misconduct, insubordination, and incompetence was supported by substantial evidence (*see Matter of Capone v Patchogue-Medford Union Free School Dist.*, 38 AD3d 770, 771-772; *Matter of Truss v Westchester County Health Care Corp.*, 301 AD2d 607, 607-608; *Matter of Grossman v Kralik*, 217 AD2d 625, 626; *Matter of A.J. & Taylor Rest. v New York State Liq. Auth.*, 214 AD2d 727; *Matter of Romano v Town Bd. of Town of Colonie*, 200 AD2d 934). Moreover, the petitioner was not deprived of due process during the course of the administrative hearing (*see Matter of A.J. & Taylor Rest. v New York State Liq. Auth.*, 214 AD2d 727; *see also Matter of Heisler v Scappaticci*,

September 27, 2011

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81 AD3d 954, 954-955; *Matter of Curto v Cosgrove*, 256 AD2d 407, 408).

The petitioner's remaining contention is without merit.

DILLON, J.P., ANGIOLILLO, DICKERSON and COHEN, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court