

**SUPREME COURT OF THE STATE OF NEW YORK**  
*Appellate Division, Fourth Judicial Department*

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**OP 11-00539**

PRESENT: CENTRA, J.P., FAHEY, CARNI, AND LINDLEY, JJ.

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IN THE MATTER OF DANIEL T. WARREN, PETITIONER,

V

MEMORANDUM AND ORDER

ROBERT J. BIELECKI, COMPTROLLER, TOWN OF WEST  
SENECA AND WALLACE C. PIOTROWSKI, BUDGET OFFICER  
AND SUPERVISOR, TOWN OF WEST SENECA, RESPONDENTS.

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DANIEL T. WARREN, PETITIONER PRO SE.

PAUL M. MICHALEK, JR., WEST SENECA, FOR RESPONDENT ROBERT J. BIELECKI,  
COMPTROLLER, TOWN OF WEST SENECA.

PHILLIPS LYTTLE LLP, BUFFALO (TIMOTHY W. HOOVER OF COUNSEL), FOR  
RESPONDENT WALLACE C. PIOTROWSKI, BUDGET OFFICER AND SUPERVISOR, TOWN  
OF WEST SENECA.

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Proceeding pursuant to Public Officers Law § 36 (commenced in the  
Appellate Division of the Supreme Court in the Fourth Judicial  
Department) for the removal of respondents from public office.

It is hereby ORDERED that said petition is unanimously dismissed  
without costs as moot.

Memorandum: Petitioner commenced this proceeding to remove  
respondents from public office pursuant to Public Officers Law § 36.  
Inasmuch as respondents no longer hold public office, the proceeding  
is moot (*see Matter of Copp v Lankford*, 283 AD2d 980; *Matter of  
McCoach v Maine*, 247 AD2d 784; *Matter of DeFalco v Doetsch*, 208 AD2d  
1047, 1048). In any event, we note that, based on the findings of  
fact made by the Referee appointed by this Court, there would be  
insufficient grounds upon which to remove either respondent from  
office pursuant to Public Officers Law § 36, which requires evidence  
of "self-dealing, corrupt activities, conflict of interest, moral  
turpitude, intentional wrongdoing or violation of a public trust"  
(*Matter of Jones v Filkins*, 238 AD2d 954 [internal quotation marks  
omitted]; *see also Matter of Morin v Gallagher*, 221 AD2d 765).

Entered: February 10, 2012

Frances E. Cafarell  
Clerk of the Court