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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 175 SSM 19
In the Matter of Manuel Gomez,
Respondent,
v.
Raymond W. Kelly, &c., et al.,
Appellants.

Submitted by Scott Shorr, for appellants.
Submitted by Howard B. Sterinbach, for respondent.

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On review of submissions pursuant to section 500.11 of the Rules,
order, insofar as appealed from, reversed, with costs, and
petition dismissed in its entirety. We cannot say that "the
penalty . . . imposed by the Commissioner shocks the judicial
conscience" (Matter of Kelly v Safir, 96 NY2d 32, 40 [2001]).
Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.
Chief Judge Lippman took no part.

Decided June 24, 2009