

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

M243687  
E/afa

WILLIAM F. MASTRO, J.P.  
REINALDO E. RIVERA  
MARK C. DILLON  
RUTH C. BALKIN  
JOHN M. LEVENTHAL, JJ.

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2017-08328

DECISION & ORDER ON MOTION

In the Matter of Peter V. Spagnuolo,  
admitted as Peter Vincent Spagnuolo,  
an attorney and counselor-at-law.

Grievance Committee for the Ninth  
Judicial District, petitioner;  
Peter V. Spagnuolo, respondent

(Attorney Registration No. 2547669)

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Motion by the Grievance Committee for the Ninth Judicial District, pursuant to Judiciary Law § 90(4)(f) and 22 NYCRR §§ 1240.12(b)(2) to suspend the respondent from the practice of law based on his conviction, upon his plea of guilty, on July 5, 2017, in the County Court, County of Westchester, of petit larceny, in violation of Penal Law § 155.25, a misdemeanor, which is a serious crime, as defined in Judiciary Law § 90(4)(d), and pursuant to 22 NYCRR § 1240.12(c)(2)(i), to direct him to show cause why a final order of discipline should not be made based on his conviction of a serious crime. The respondent was sentenced on July 5, 2017, to a one-year conditional discharge and ordered to pay a \$50 DNA fee. In an affirmation in opposition to the motion, the respondent's counsel concedes that petit larceny is a serious crime pursuant to Judiciary Law § 90(4)(d) but asks the Court, in the exercise of its discretion under 22 NYCRR § 1240.12(c)(2)(ii), not to suspend the respondent until he has been afforded a hearing in mitigation. The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on April 14, 1993, under the name Peter Vincent Spagnuolo.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted; and it is further

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ORDERED that the respondent, Peter V. Spagnuolo, admitted as Peter Vincent Spagnuolo, is immediately suspended from the practice of law in the State of New York, pursuant to Judiciary Law § 90(4)(f) and 22 NYCRR §§ 1240.12(c)(2)(ii), as a result of his conviction of a serious crime, continuing until further order of this Court; and it is further,

ORDERED that the respondent, Peter V. Spagnuolo, admitted as Peter Vincent Spagnuolo, shall promptly comply with this Court's rules governing the conduct of disbarred or suspended attorneys (*see* 22 NYCRR 1240.15); and it is further,

ORDERED that pursuant to Judiciary Law § 90, during the period of suspension and until further order of this Court, the respondent, Peter V. Spagnuolo, admitted as Peter Vincent Spagnuolo, is commanded 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 pursuant to 22 NYCRR 1240.12(c)(2)(i), the respondent, Peter V. Spagnuolo, admitted as Peter Vincent Spagnuolo, is directed to show cause at a hearing pursuant to 22 NYCRR 1240.12(c)(2)(iii) before a Special Referee, appointed herein, why a final order of suspension, censure, or disbarment should not be made, based on his conviction of a serious crime as defined in Judiciary Law § 90(4); and it is further,

ORDERED that this matter is referred to the Hon. Alfred J. Weiner, c/o Mandel Katz & Brosnan LLP, 210 Route 303, Valley Cottage, NY 10989, as Special Referee, to hear and report, with the hearing to be completed within 60 days of the date of this decision and order on motion, or as soon as practicable, and to submit a report, which contains his findings on any mitigating or aggravating factors, and a recommendation as to whether the respondent has demonstrated why a final order of public discipline should not be made, within 60 days after the conclusion of the hearing or the submission of post-hearing memoranda; and it is further,

ORDERED that if the respondent, Peter V. Spagnuolo, admitted as Peter Vincent Spagnuolo, 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 1240.15(f).

MASTRO, J.P., RIVERA, DILLON, BALKIN and LEVENTHAL, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court