

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

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CA 11-01226

PRESENT: SCUDDER, P.J., SMITH, FAHEY, CARNI, AND SCONIERS, JJ.

IN THE MATTER OF THE ARBITRATION BETWEEN
BOARD OF EDUCATION OF DUNDEE CENTRAL SCHOOL
DISTRICT, PETITIONER-RESPONDENT,

AND

MEMORANDUM AND ORDER

DOUGLAS COLEMAN, RESPONDENT-APPELLANT.
(APPEAL NO. 2.)

RICHARD E. CASAGRANDE, LATHAM (PAUL D. CLAYTON OF COUNSEL), FOR
RESPONDENT-APPELLANT.

FERRARA, FIORENZA, LARRISON, BARRETT & REITZ, P.C., EAST SYRACUSE
(ERIC J. WILSON OF COUNSEL), FOR PETITIONER-RESPONDENT.

O'HARA, O'CONNELL & CIOTOLI, FAYETTEVILLE (STEPHEN CIOTOLI OF
COUNSEL), FOR NEW YORK STATE ASSOCIATION OF MANAGEMENT ADVOCATES FOR
SCHOOL LABOR AFFAIRS, AMICUS CURIAE.

TIMOTHY G. KREMER, EXECUTIVE DIRECTOR, LATHAM (JAY WORONA OF COUNSEL),
FOR NEW YORK STATE SCHOOL BOARDS ASSOCIATION, INC., AMICUS CURIAE.

Appeal from a judgment of the Supreme Court, Yates County (W. Patrick Falvey, A.J.), dated April 29, 2011. The judgment granted the petition to vacate that part of the Hearing Officer's award imposing a penalty of a suspension of six months and remitted the matter to a different hearing officer for the determination of an appropriate penalty.

It is hereby ORDERED that the judgment so appealed from is affirmed without costs.

Same Memorandum as in *Matter of Board of Educ. of Dundee Cent. School Dist. [Coleman]* ([appeal No. 1] ____ AD3d ____ [June 15, 2012]).

Entered: June 15, 2012

Frances E. Cafarell
Clerk of the Court