

**Matter of Santer v Board of Educ. of E. Meadow  
Union Free School Dist.**

2010 NY Slip Op 33915(U)

October 7, 2010

Supreme Court, Nassau County

Docket Number: 1997/2010

Judge: R. Bruce Cozzens

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This opinion is uncorrected and not selected for official publication.

SHORT FORM ORDER

**SUPREME COURT - STATE OF NEW YORK**

PRESENT: HON. R. BRUCE COZZENS, JR.  
Justice.

TRIAL/IAS PART 6  
NASSAU COUNTY

\_\_\_\_\_  
In the Matter of the Application of  
RICHARD SANTER,

Petitioner(s),

-against-

BOARD OF EDUCATION OF EAST MEADOW  
UNION FREE SCHOOL DISTRICT, LOUIS  
D'ANGELO, SUPERINTENDENT OF EAST  
MEADOW UNION FREE SCHOOL DISTRICT,

Respondent(s).

MOTION #001  
INDEX#1997/2010  
MOTION DATE:  
July 20, 2010

The following papers read on this motion:

Notice of Petition.....	1
Answer.....	1
Reply.....	1
Respondent's Affirmation.....	1
Briefs: Petitioner's.....	2
Respondent's.....	1

\_\_\_\_\_  
Upon the foregoing papers, it is ordered that petitioner's application pursuant to CPLR 7511 vacating an arbitrator's award is determined as hereinafter set forth.

The instant application arises out of a Hearing Officer's Decision dated January 8, 2010 imposing a penalty on petitioner of \$500 for intentionally creating a health and safety risk by purposely situating his vehicle along side the curb on Wenwood Drive in front of the Woodland Middle School in order to preclude children from being dropped off at curbside.

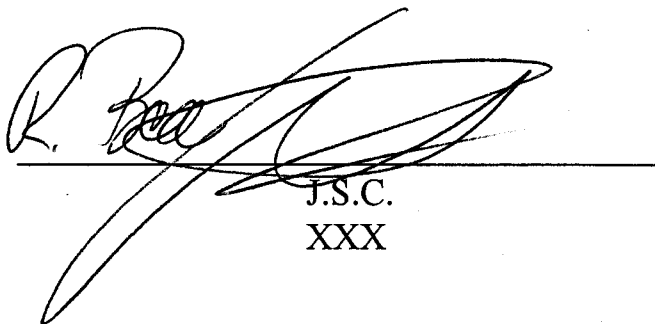
In support of the petition, it is asserted that the decision was irrational, and not based on adequate or substantial evidence.

"An arbitration award can be vacated by a Court pursuant to CPLR 7511 [b] on only three narrow grounds: if it is clearly violative of strong public policy, if it is totally or completely irrational, or if it manifestly exceeds a specific enumerated limitation on the arbitrator's power [citations omitted]." *Shnitkin v Healthplex IPA, Inc.*, 71 AD3d 979, 896 NYS2d 467, 468 [2nd Dept., 2010].

In the instant matter, the Court finds the Hearing Officer's Decision dated January 8, 2010 is not clearly violative of a strong public policy, not completely irrational or exceeds a specific enumerated limitation of the arbitrator's power.

As such, the petition is denied.

Dated: **OCT 7 2010**



J.S.C.  
XXX

**ENTERED**  
OCT 13 2010  
NASSAU COUNTY  
COUNTY CLERK'S OFFICE