

Matter of Romano v Romano
2026 NY Slip Op 31525(U)
April 7, 2026
Supreme Court, Kings County
Docket Number: Index No. 504571/2024
Judge: Richard Velasquez
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At an IAS Term, Part 66 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at 360 Adams Street, Brooklyn, New York, on the 7TH day of APRIL, 2026

P R E S E N T:
HON. RICHARD VELASQUEZ
Justice.

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In the Matter of the Application of

JACQUES ROMANO.,

-against- Petitioner,

Index No.: 504571/2024
Decision and Order
Mot. Seq. No. 1, 2

EDGAR N. RAMANO and SANDRA AZIZO,

Responents,

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The following papers NYSCEF Doc #'s to read on this motion:

<u>Papers</u>	<u>NYSCEF DOC NO.'s</u>
Notice of Motion/Order to Show Cause	
Affidavits (Affirmations) Annexed _____	
Opposing Affidavits (Affirmations) _____	
Reply Affidavits _____	

After having come before the Court and the court having heard Oral Argument on FEBRURY 26, 2025, and after reviewing the foregoing papers the court finds as follows:

Petitioner moves pursuant to New York General Obligations Law §§ 5-1505(1) and 5-1510 for an order (A) Compelling Edgar N. Romano and Sandra Azizo to provide Petitioner with a judicial accounting of all receipts, disbursements and transactions entered into on behalf of Jacqueline Romano for the period of December 14, 2015 through present pursuant to the Power of Attorney executed on December 14, 2015; and (B) For such other and further relief as this Court may deem just and proper. (MS#1)

Respondents cross-move by petition for an order (A) Dismissing Petitioner Jacques Romano's Petition for a judicial accounting in its entirety; (B) Removing Petitioner Jacques Romano as a co-agent of the principal, Jacqueline Romano, pursuant to General Obligations Law § 5-1510(2)(f); or in the alternative (C) Determining how Petitioner and Respondents, as multiple co-agents of Jacqueline Romano, must act pursuant to General Obligations Law § 5-1510(2)(g); (D) Awarding compensatory damages to Jacqueline Romano and Respondents resulting from Petitioner's improper conduct; (E) Awarding costs and attorneys' fees to Respondents; and (F) Granting such other and further relief as this Court deems just and proper. (MS#2)

Petitioner and Respondents are the children of Jacqueline Romano ("Jacqueline"). It is undisputed on December 14, 2015, Jacqueline executed a Durable Power of Attorney appointing Petitioner and Respondents as her co-agents and attorneys-in-fact.

It is alleged by Petitioner that Respondents have utilized Jacqueline's assets for their own personal use and benefit. A demand for an accounting pursuant to NY General Obligations Law §5-1510(1) was previously made by Petitioner upon each of Respondents. Specifically, Petitioner demanded that Respondents provide him with a record of all receipts, disbursements, and transactions entered into by Respondents, as agent, on behalf of Jacqueline, as principal, since the effective date of the Power of Attorney through present. To date, Respondents have failed to provide an accounting, or any response to Petitioner's demand pursuant to NY General Obligations Law §5-1510(1).

ANALYSIS

The Power of Attorney is governed by Article 5, Title 15 of the New York General

Obligations Law. 13. Pursuant to § 5-1510(1) of the New York General Obligations Law, If the agent has failed to make available a copy of the power of attorney and/or a record of all receipts, disbursements, and transactions entered into by the agent on behalf of a principal to a person who may request such record pursuant to subparagraph three of paragraph (a) of subdivision two of section 5-1505 of this title, that person may commence a special proceeding to compel the agent to produce a copy of the power of attorney and such record. See Gen. Oblig. § 5-1510(1). Under New York General Obligations Law § 5-1510(3), a special proceeding under § 5-1510(1) may be commenced by a co-agent or successor agent acting under the power of attorney. See Gen. Oblig. § 5-1510(3). In addition to the powers enumerated in the Power of Attorney, Respondents have the statutory duty and standard level of care to, (i) "act according to any instructions from the principal or, where there are no instructions, in the best interest of the principal, and to avoid conflicts of interest"; (ii) "[t]o keep the principal's property separate and distinct from any other property owned or controlled by the agent..."; and (iii) "[t]o keep a record of all receipts, disbursements, and transactions entered into by the agent on behalf of the principal and to make such record and power of attorney available to the principal or to third parties at the request of the principal." See Gen. Oblig. § 5-1505(2)(1)-(3) Further under NY General Obligations Law § 5-1505(2)(2) "[t]he agent may not make gifts of the principal's property to himself or herself without specific authorization in a power of attorney."

Petitioner is entitled to an accounting pursuant to the Power of Attorney dated December 14, 2015, as such petitioners request for an order Compelling Edgar N. Romano and Sandra Azizo to provide Petitioner with a judicial accounting of all receipts,

disbursements and transactions entered into on behalf of Jacqueline Romano for the period of December 14, 2015 through present pursuant to the Power of Attorney executed on December 14, 2015; is hereby granted. Respondents to provide the same within 60 days of service with notice of entry of this order.

Respondents cross-petition is hereby denied, without prejudice. As for the alternative relief requests in the cross-petition such requests seek the ultimate relief in the matter and as such are hereby denied. Any other requests for relief not specifically addressed are hereby denied, without prejudice.

Accordingly, petitioners petition is granted, Edgar N. Romano and Sandra Azizo to provide Petitioner with a judicial accounting of all receipts, disbursements and transactions entered into on behalf of Jacqueline Romano for the period of December 14, 2015 through present pursuant to the Power of Attorney executed on December 14, 2015.(MS#1) Respondents cross-petition is hereby denied for the above stated reasons.

(MS#2)

This constitutes the Decision/Order of the court.

Dated: Brooklyn, New York
April 7, 2026

ENTER FORTHWITH:



HON. RICHARD VELASQUEZ

Hon. Richard Velasquez, JSC

2026 APR 10 A 9:59
KINGS COUNTY CLERK