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

\* \* \* \* \*

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