

At a Term of the Supreme Court held in and for the County of Monroe at the Hall of Justice, Rochester, New York, on the 13th day of March 2007

Present: Hon. Stephen K. Lindley
Justice Presiding

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF MONROE

[REDACTED]

Petitioner,

For a Judgment Pursuant to Article 78 of the Civil Practice Law and Rules,

STIPULATION & CONSENT ORDER
Index No.: 07/803

-vs-

NEW YORK STATE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES,

Respondent.

Petitioner has moved, by verified petition dated January 19, 2007 for an order reversing Respondent's denial of Petitioner's eligibility for employment in a facility regulated by Respondent, the New York State Office of Mental Retardation and Developmental Disabilities, based solely on a prior criminal conviction for resisting arrest.

Upon the foregoing papers filed in this action, the parties agree and stipulate: 1) that Petitioner's employment in facilities governed by Respondent is not barred by the Office of Mental Retardation and Developmental Disabilities Emergency Regulation Section 633.5 of June 23, 2006 or such present amended regulation; 2) that the denial of Petitioner's employment is not consistent with Article 23-A of the NY Correction Law; 3) that the parties agree and stipulate that Petitioner is legally entitled a presumption of rehabilitation

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by the previously issued Certificate of Relief from Disabilities in reference to her sole criminal conviction absent other evidence of criminal wrongdoing; and, 4) that Petitioner hereby releases Respondent from any and all claims arising out of the circumstances set forth in her Petition, dated January 19, 2007.

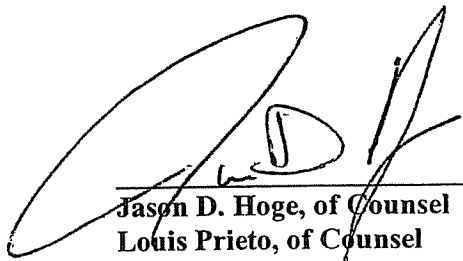
The parties, having reached an agreement settling this matter, it is hereby:

ORDERED, that Respondent's decision to deny Petitioner's employment by letter dated October 12, 2006 shall be reversed by a letter to be issued by Respondent to both the prospective employer, ~~here: American Action League, Inc. at 911 East Main Street, Rochester, NY 14609~~ and the Petitioner through her attorneys, Monroe County Legal Assistance Center at 19 West Main Street 4FL, Rochester, NY 14614;

ORDERED, that Respondent's letter reversing their October 12, 2006 decision shall state that the approval of Petitioner's employment with any facility governed by Respondent is consistent with Article 23-A of the NY Correction Law; and

ORDERED, that the effect of Respondent's letter reversing their October 12, 2006 decision shall remain valid and apply to any future review of Petitioner's prospective employment in reference to Respondent so long as Petitioner incurs no further criminal record.

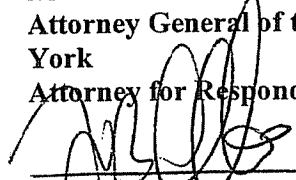
Dated: March 15, 2007



Jason D. Hoge, of Counsel
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Rochester, NY 14614

Dated: March 15, 2007

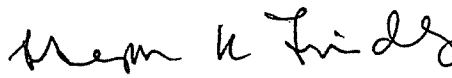
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3-19-07

ENTER:



HON. STEPHEN K. LINDLEY
Supreme Court Justice