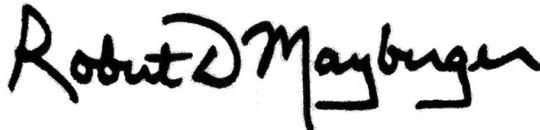


Respondent concedes, and we agree, that pervasive inaudible gaps in the disciplinary hearing transcript preclude meaningful review. Therefore, the determination must be annulled and the matter remitted for a new hearing (see Matter of Caldwell v Annucci, 140 AD3d 1248, 1248-1249 [2016]; Matter of Barnes v Fischer, 108 AD3d 990, 990-991 [2013], lv denied 22 NY3d 855 [2013]; Matter of La Van v New York State Dept. of Correctional Servs., 47 AD3d 1153, 1153 [2008]).

Peters, P.J., Garry, Rose, Clark and Rumsey, JJ., concur.

ADJUDGED that the determination is annulled, without costs, and matter remitted to respondent for further proceedings not inconsistent with this Court's decision.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court