

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: July 31, 2025

PM-173-25

In the Matter of ATTORNEYS
IN VIOLATION OF
JUDICIARY LAW § 468-a.

COMMITTEE ON PROFESSIONAL
STANDARDS, Now Known as
ATTORNEY GRIEVANCE
COMMITTEE FOR THE
THIRD JUDICIAL
DEPARTMENT,

DECISION AND ORDER
ON MOTION

Petitioner;

STACEY A. WILEY,

Respondent.

(Attorney Registration No. 3971843)

Calendar Date: June 16, 2025

*Monica A. Duffy, Attorney Grievance Committee for the Third Judicial
Department, Albany (Alison M. Coan of counsel), for petitioner.*

Foley Griffin, LLP, Garden City (Kelly Guthy of counsel), for respondent.

Motion by respondent for an order reinstating her to the practice of law following her suspension by January 2014 order of this Court (*Matter of Attorneys in Violation of Judiciary Law § 468-a*, 113 AD3d 1020, 1057 [3d Dept 2014]; see Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.16; Rules of App Div, 3d Dept [22 NYCRR] § 806.16).

Upon reading respondent's notice of motion and affidavit with exhibits sworn to April 28, 2025, respondent's supplemental affidavit sworn to April 28, 2025, the June 12, 2025 responsive correspondence from the Attorney Grievance Committee for the Third Judicial Department, and respondent's reply affidavit sworn to June 16, 2025, and having determined, by clear and convincing evidence, that (1) respondent has satisfied the requirements of Rules of the Appellate Division, Third Department (22 NYCRR) § 806.16 (c) (5),¹ (2) respondent has complied with the order of suspension and the rules of this Court, (3) respondent has the requisite character and fitness to practice law, and (4) it would be in the public interest to reinstate respondent to the practice of law (see Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.16 [a]), it is

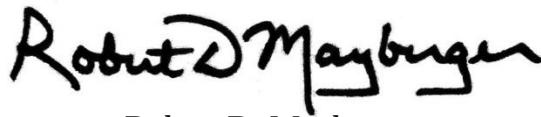
ORDERED that respondent's motion for reinstatement is granted; and it is further

¹ While the record overall demonstrates that respondent has been compliant with our Rules and the order of suspension during the period of suspension, we note that her affidavit of compliance is not in the correct form (see Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.15 [f]; Rules for Atty Disciplinary Matters [22 NYCRR] part 1240, appendix B). To this end, we remind counsel that the instructions accompanying appendix B specifically instruct the applicant to "not omit any passages" in drafting his or her own affidavit of compliance, but rather explicitly direct the applicant to provide any alternative facts and circumstances "relevant as to why the respondent is unable to swear to the statement" form (see *e.g. Matter of Attorneys in Violation of Judiciary Law § 468-a [Stairs]*, 235 AD3d 1085, 1085 n 1 [3d Dept 2025]; *Matter of Attorneys in Violation of Judiciary Law § 468-a [Cisse]*, 235 AD3d 1082, 1083 n 1 [3d Dept 2025]). Accordingly, respondent's presentation of her affidavit of compliance – which includes "line outs" of the relevant paragraphs and refers to a separate affidavit containing respondent's attestations – is extraneous and in contravention of the instructions accompanying appendix B.

ORDERED that respondent is reinstated as an attorney and counselor-at-law, effective immediately.

Garry, P.J., Clark, Pritzker, McShan and Mackey, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, flowing style with a large initial "R" and a stylized "D".

Robert D. Mayberger
Clerk of the Court