



Ramirez v. New York State Division of Human Rights

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MEMORANDUM:

The order of the Appellate Division should be reversed, with costs, and the judgment of Supreme Court dismissing the petition reinstated.

The Appendix the Division of Human Rights submitted to the Appellate Division properly contained documents that petitioner left out of the "Record on Appeal." These documents specifically detail conferences between the Division and petitioner, and demonstrate that a meaningful investigation of petitioner's complaint occurred. Based on that investigation, the Division's finding of no probable cause was not arbitrary, capricious or lacking a rational basis (see *Washington Sq. Inst. for Psychotherapy & Mental Health v New York Human Rights Appeal Bd.*, 67 NY2d 699, 701 [1986]).

On review of submissions pursuant to section 500.4 of the Rules, order reversed, with costs, and judgment of Supreme Court, New York County, reinstated, in a memorandum. Chief Judge Kaye and Judges Smith, Ciparick, Rosenblatt, Graffeo, Read and Smith concur.

Decided February 22, 2005

