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DEPUTY TO RECEIVE \$125,000 SETTLEMENT

MICHELE MORGAN BOLTON Staff writer

Rensselaer County will pay \$125,000 to a road patrol deputy who claimed in a federal lawsuit to have been fired and charged with a crime in 1999 after he openly criticized management overtime practices.

Authorities said he misused a sick day and fired him shortly after he made the remarks.

The \$5 million action filed by Sheriff's Deputy Tony D'Agostino was settled in a conference this week with U.S. Magistrate David Homer.

In July, Sheriff Dan Keating and Undersheriff Larry Walraed said in sworn depositions that they knew they hadn't followed correct procedure when they fired D'Agostino, who is the Police Benevolent Association vice president.

Although D'Agostino, his attorney Bob **Keach** and the county's attorney Betsy Dumas would not reveal the award amount, a source close to the case confirmed it was \$125,000.

"It's certainly a fair settlement," **Keach** said. "It's less than what I would have liked for Tony, but there is a value in resolution."

On Wednesday, D'Agostino said he was relieved to put the issue to rest.

"The money clearly indicates full acceptance of blame," he said. "They were wrong, and they're paying me for what they did. I think Keating and Walraed should go the way of the dodo bird."

D'Agostino faced criminal charges after allegedly calling in sick April 17, 1999, to attend a defensive driving class. He was rehired in April 2000 after a county grand jury refused to indict him on misdemeanor and felony charges.

This was after D'Agostino criticized the almost 600 hours of overtime Walraed received annually as a former road patrol captain at the same time he was denying officers' vacation and pay requests, according to the claim.

In his deposition, Walraed admitted he set up surveillance outside the driving class and arranged for the deputy to be secretly photographed. He and Keating then admitted they allowed D'Agostino to file a false timecard two weeks later without confronting him.

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