

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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_____AD3d_____

Argued - November 15, 2007

DAVID S. RITTER, J.P.
ANITA R. FLORIO
HOWARD MILLER
MARK C. DILLON, JJ.

2007-00890

DECISION & JUDGMENT

In the Matter of Lorraine Steward, appellant,
v Gerard Mulligan, etc., et al., respondents.

(Index No. 9104/06)

Barbara Finkelstein, Yonkers, N.Y. (Nancy J. Marrone, Judith B. Studebaker, and Andrea Taber of counsel), for appellant.

Charlene M. Indelicato, County Attorney, White Plains, N.Y. (Stacey Dolgin-Kmetz and Thomas G. Gardiner of counsel), for respondents.

Proceeding pursuant to CPLR article 78 to review a determination of the Westchester County Department of Planning, dated February 14, 2006, which, after a hearing, confirmed the termination of the petitioner's participation in the Section 8 Housing Choice Voucher Program (*see* 42 USC § 1437f[b][1]).

ADJUDGED that the determination is confirmed, the petition is denied, and the proceeding is dismissed on the merits, without costs or disbursements.

Substantial evidence "means such relevant proof as a reasonable mind may accept as adequate to support a conclusion or ultimate fact" (*300 Gramatan Ave. Assoc. v State Div. of Human Rights*, 45 NY2d 176, 180; *see Matter of Lynnann P. v Suffolk County Dept. of Social Servs.*, 28 AD3d 484, 485).

The record provides substantial evidence to support the respondents' determination to terminate the petitioner's participation in the Section 8 Housing Choice Voucher Program (*see*

Matter of Pell v Board of Educ. of Union Free School Dist. No. 1 of Towns of Scarsdale & Mamaroneck, Westchester County, 34 NY2d 222, 231; *Matter of Friend v Mulligan*, 16 AD3d 685; *Matter of Langton v Rutkoske*, 252 AD2d 504). While the bulk of the respondents' proof constituted hearsay, it was sufficient to serve as the basis for the determination (see *Matter of BiCounty Brokerage S. Corp. v State of N.Y. Ins. Dept.*, 4 AD3d 470, 471; *Matter of Bullock v State of N.Y. Dept. of Social Servs.*, 248 AD2d 380, 381; *Matter of Nieto v DeBuono*, 231 AD2d 573). Additionally, the notice of termination adequately apprised the petitioner of the violation upon which her termination from the program was based (see *Matter of Block v Ambach*, 73 NY2d 323, 333; *Matter of Douglas v Lannert*, 272 AD2d 327; *Matter of Colon v Blum*, 81 AD2d 637, 638).

The petitioner's remaining contentions are without merit.

RITTER, J.P., FLORIO, MILLER and DILLON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court