

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

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_____AD3d_____

Argued - December 5, 2008

ROBERT A. SPOLZINO, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2008-02318

DECISION & JUDGMENT

In the Matter of Yehuda Herskovic, petitioner,
v New York State Department of Motor Vehicles,
respondent.

(Index No. 37990/07)

Yehuda Herskovic, Brooklyn, N.Y., petitioner pro se.

Andrew M. Cuomo, Attorney General, New York, N.Y. (Michael S. Belohlavek,
Robert C. Weisz, and Richard Jackson of counsel), for respondent.

Proceeding pursuant to CPLR article 78 to review a determination of the New York State Department of Motor Vehicles Appeals Board dated August 29, 2007, which affirmed the determination of an Administrative Law Judge dated September 29, 2006, after a hearing, that the petitioner violated Vehicle and Traffic Law § 1110(a) and § 1229-c(3-a), and imposed a penalty.

ADJUDGED that the determination dated August 29, 2007, is confirmed, the petition is denied, and the proceeding is dismissed on the merits, with costs.

The determination that the petitioner violated certain provisions of the Vehicle and Traffic Law is supported by substantial evidence and, therefore, must be confirmed (*see* CPLR 7803[4]; *Matter of Grossberg v Christian*, 245 AD2d 118; *Matter of Schwartz v Traffic Violations Appeals Bd. of N.Y. State Dept. of Motor Vehs.*, 189 AD2d 876, 877).

The petitioner's remaining contentions are without merit.

SPOLZINO, J.P., COVELLO, BALKIN and BELEN, JJ., concur.

ENTER:

A handwritten signature in cursive script that reads "James Edward Pelzer".

James Edward Pelzer
Clerk of the Court