

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

D27799
O/kmg

_____AD3d_____

Submitted - May 24, 2010

WILLIAM F. MASTRO, J.P.
JOSEPH COVELLO
ARIEL E. BELEN
L. PRISCILLA HALL, JJ.

2010-02828

DECISION & JUDGMENT

In the Matter of Bartolini Landscaping Inc., petitioner,
v Gary S. Brown, etc., et al., respondents.

(Index No. 9177/09)

Lovett & Bellantoni, LLP, Hawthorne, N.Y., for petitioner.

Robert F. Meehan, County Attorney, White Plains, N.Y. (Stacy Dolgin-Kmetz and
Thomas S. Gardiner of counsel), for respondents.

Proceeding pursuant to CPLR article 78 to review a determination of the Westchester County Department of Consumer Affairs, dated March 27, 2009, which, after a hearing, found that the petitioner violated Administrative Code of the County of Westchester §§ 863.319(1)(f), 863.319(1)(c), 863.111(1)(a), and 863.61, and imposed a civil penalty in the sum of \$4,000.

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

Judicial review of a determination rendered by an administrative body after a quasi-judicial hearing required by law is limited to whether the determination is supported by substantial evidence (*see Matter of Halperin v City of New Rochelle*, 24 AD3d 768, 769-770; CPLR 7803[4]). Here, the challenged determination was supported by substantial evidence in the record, that is, “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).

June 15, 2010

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The petitioner's remaining contentions are without merit.

MASTRO, J.P., COVELLO, BELEN and HALL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court