

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

D32574
H/prt

_____AD3d_____

Argued - September 30, 2011

WILLIAM F. MASTRO, J.P.
DANIEL D. ANGIOLILLO
ARIEL E. BELEN
PLUMMER E. LOTT, JJ.

2010-11819

DECISION & JUDGMENT

In the Matter of Stephen I. Zwerin, petitioner, v
New York State Department of Motor Vehicles,
respondent.

(Index No. 34051/10)

Lester Schwab Katz & Dwyer, LLP, New York, N.Y. (Harry Steinberg of counsel),
for petitioner.

Eric T. Schneiderman, Attorney General, New York, N.Y. (Benjamin Gutman,
Richard O. Jackson, and Leslie B. Dubeck 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 July 27, 2010, affirming a determination of an administrative law judge dated December 3, 2009, which, after a hearing, found that the petitioner had violated Vehicle and Traffic Law § 1141 and suspended his driver's license for a stated period of time.

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

Contrary to the petitioner's contention, the determination that he violated Vehicle and Traffic Law § 1141 by failing to yield the right of way is supported by substantial evidence (*see*

October 18, 2011

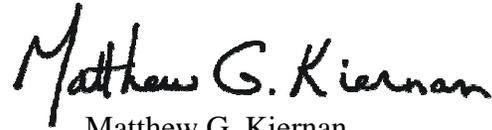
Page 1.

MATTER OF ZWERIN v NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES

Matter of Ridge Rd. Fire Dist. v Schiano, 16 NY3d 494, 499; *Matter of Rosenhauch v Swarts*, 85 AD3d 1187, 1187-1188; *Matter of Kobel v State of N.Y. Dept. of Motor Vehs. Appeals Bd.*, 85 AD3d 916, 916-917).

MASTRO, J.P., ANGIOLILLO, BELEN and LOTT, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive style with a large, prominent initial "M".

Matthew G. Kiernan
Clerk of the Court