

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

D33414
G/prt

_____AD3d_____

Submitted - December 8, 2011

MARK C. DILLON, J.P.
RUTH C. BALKIN
JOHN M. LEVENTHAL
CHERYL E. CHAMBERS, JJ.

2011-02838

DECISION & JUDGMENT

In the Matter of R. Bertil Peterson, petitioner, v State
of New York Department of Motor Vehicles, et al.,
respondents.

(Index No. 20549/10)

R. Bertil Peterson, Lake Success, N.Y., petitioner pro se.

Eric T. Schneiderman, Attorney General, New York, N.Y. (Michael S. Belohlavek
and Marion R. Buchbinder of counsel), for respondents.

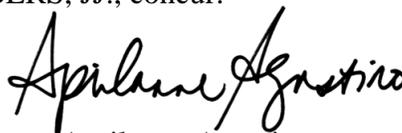
Proceeding pursuant to CPLR article 78 to review a determination of the State of New
York Department of Motor Vehicles Appeals Board dated October 12, 2010, affirming a
determination of an administrative law judge dated May 14, 2010, which, after a hearing, found that
the petitioner violated Vehicle and Traffic Law § 1225-c, and imposed a fine in the sum of \$130.

ADJUDGED that the determination dated October 12, 2010, is confirmed, the petition
is denied, and the proceeding is dismissed on the merits, with costs.

The determination that the petitioner violated Vehicle and Traffic Law § 1225-c is
supported by substantial evidence. The petitioner's challenge to the administrative determination
rests upon an issue of credibility which was primarily for the factfinder to resolve, and we see no
basis to overturn the factfinder's determination (*see Matter of Hildreth v New York State Dept. of
Motor Vehs. Appeals Bd.*, 83 AD3d 838).

DILLON, J.P., BALKIN, LEVENTHAL and CHAMBERS, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

December 27, 2011

MATTER OF PETERSON v STATE OF NEW YORK DEPARTMENT OF MOTOR VEHICLES