

=====
This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 228 SSM 37
In the Matter of Jerry Delakas,
Appellant,
v.
Jonathan Mintz, &c.,
Respondent.

Submitted by Gil Santamarina, for appellant.
Submitted by Alyse Fiori, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed,
with costs.

The determination of the New York City Department of
Consumer Affairs to deny petitioner's license to operate a

newsstand because petitioner was not financially dependent on the licensee within the meaning of 6 RCNY §2-64 (a) (12) had a rational basis and was not arbitrary or capricious.

* * * * *

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided October 23, 2012