

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

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**CA 24-01427**

PRESENT: WHALEN, P.J., CURRAN, GREENWOOD, AND KEANE, JJ.

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IN THE MATTER OF STEPHEN F. GUTHMANN,  
RESPONDENT-APPELLANT,

MEMORANDUM AND ORDER

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ONONDAGA COUNTY SHERIFF'S DEPARTMENT,  
PETITIONER-RESPONDENT.

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STEPHEN F. GUTHMANN, RESPONDENT-APPELLANT PRO SE.

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Appeal from an order of the Onondaga County Court (Michael L. Dwyer, A.J.), dated February 20, 2024. The order, inter alia, revoked the pistol license of respondent.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: Respondent appeals from an order that, inter alia, revoked respondent's pistol license. "The appropriate procedure for the review of a determination of a County Court Judge, acting in [their] administrative capacity as the firearms licensing officer for the County of [Onondaga] under Penal Law § 400.00 (11) and § 265.00 (10), is not a direct appeal, but the commencement of a CPLR article 78 proceeding in this Court" (*Matter of Shuler*, 67 AD3d 1020, 1020 [2d Dept 2009]; see CPLR 506 [b] [1]; 7801; *Matter of Wiegand v Crandall*, 118 AD3d 1355, 1356 [4th Dept 2014]; *Matter of Dalton v Drago*, 72 AD3d 1243, 1243 [3d Dept 2010]). The appeal "cannot be converted into an original proceeding commenced in this Court since the County Court Judge who made the determination is a necessary party and was not named or served" (*Shuler*, 67 AD3d at 1020; see *Matter of Panaro [County of Westchester]*, 250 AD2d 616, 616-617 [2d Dept 1998]; *Matter of County of Westchester v D'Ambrosio*, 244 AD2d 334, 334-335 [2d Dept 1997]). We therefore dismiss the appeal (see *Shuler*, 67 AD3d at 1020; *Panaro*, 250 AD2d at 617; *D'Ambrosio*, 244 AD2d at 334).

Entered: April 25, 2025

Ann Dillon Flynn  
Clerk of the Court