

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

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CA 09-01337

PRESENT: SCUDDER, P.J., MARTOCHE, FAHEY, GREEN, AND GORSKI, JJ.

IN THE MATTER OF ANDREW OPHARDT,
PETITIONER-PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

JULIO VASQUEZ, COMMISSIONER, COMMUNITY
DEVELOPMENT OF CITY OF ROCHESTER, AND CITY OF
ROCHESTER, RESPONDENTS-DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

DAVIDSON FINK LLP, ROCHESTER (MICHAEL A. BURGER OF COUNSEL), FOR
PETITIONER-PLAINTIFF-APPELLANT.

THOMAS S. RICHARDS, CORPORATION COUNSEL, ROCHESTER (JOHN M. CAMPOLIETO
OF COUNSEL), FOR RESPONDENTS-DEFENDANTS-RESPONDENTS.

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Harold L. Galloway, J.), entered February 19, 2009 in a proceeding pursuant to CPLR article 78 and a declaratory judgment action. The order and judgment, among other things, determined that the Municipal Code Violations Bureau has jurisdiction to adjudicate violations of the New York State Uniform Fire Prevention and Building Code.

It is hereby ORDERED that the order and judgment so appealed from is unanimously affirmed without costs.

Same Memorandum as in *Matter of Ophardt v Vasquez* ([proceeding No. 1] ___ AD3d ___ [June 11, 2010]).

Entered: June 11, 2010

Patricia L. Morgan
Clerk of the Court