

### **3.29. Inspection Certificate Issued by United States Department of Agriculture (CPLR 4529)**

**An inspection certificate issued by the authorized agents of the United States department of agriculture on file with the United States secretary of agriculture is prima facie evidence of the facts stated.**

#### **Note**

This rule restates verbatim CPLR 4529.

The statute provides that an inspection certificate issued by an authorized agent of the United States Department of Agriculture and on file with the Secretary of Agriculture of the United States is “prima facie evidence” of the “facts stated” therein.

CPLR 4529 thereby provides a hearsay exception for the inspection certificate. While the inspection certificate is thus admissible and is “prima facie evidence” of the facts stated, evidence may be introduced to rebut the accuracy of the facts stated or otherwise affect the weight of the evidence. (*Cf. Knox Vil. Assoc. v Town of New Windsor*, 219 AD2d 585, 586 [2d Dept 1995] [“the defendants overcame the presumption of accuracy afforded to the ancient documents produced by the plaintiff (*see*, CPLR 4522 . . .)”]; *Berman v Golden*, 131 AD2d 416, 417 [2d Dept 1987] [indicating that the terminology “prima facie evidence” in CPLR 4522 (Ancient filed maps, surveys and records affecting real property) created a rebuttable presumption of the accuracy of the documents]. *See* Vincent C. Alexander, Practice Commentaries, McKinney’s Cons Laws of NY, Book 7B, CPLR C4518:9.)