

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FOURTH JUDICIAL DEPARTMENT

Matter of Scanlon v. Miller-Williams

Scanlon, 2026 NY Slip Op 02543 (Supreme Court of the State of New York Appellate Division Fourth Judicial Department 2026) · No. 213.1 CA 25-01798 · Decided April 24, 2026

SUMMARY

The Appellate Division, Fourth Department, affirmed a judgment granting a CPLR article 78 petition compelling the Buffalo Comptroller to issue and sell bonds authorized by the City Common Council. The court held that the Comptroller had no discretion over whether to issue the bonds and that her duty was ministerial, making mandamus appropriate. The court also rejected the argument that the Common Council had delegated its threshold authority to authorize bond issuance.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Lindley, J.P.; Bannister, J.; Greenwood, J.; Nowak, J.; Hannah, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
DECIDED	April 24, 2026
DOCKET	213.1 CA 25-01798
DISPOSITION	affirmed
PROCEDURAL POSTURE	Respondent comptroller appealed from a judgment of Supreme Court, Erie County, in a CPLR article 78 proceeding granting a petition for a writ of mandamus compelling her to issue and sell bonds authorized by resolutions of the Buffalo Common Council.
PRECEDENTIAL VALUE	Published intermediate appellate decision; currently uncorrected and subject to revision before publication in the Official Reports.
PARTIES	Barbara Miller-Williams, as Comptroller of City of Buffalo v. Hon. Christopher P. Scanlon, as Mayor of City of Buffalo, Hon. Mitchell P. Nowakowski, as Member of Common Council of City of Buffalo

TOPICS

- municipal finance
- municipal law
- remedies
- civil procedure
- appellate procedure

PRACTICE AREAS

municipal law

municipal finance

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether mandamus was available to compel the Buffalo comptroller to issue and sell bonds authorized by the Common Council.
2. Whether the Common Council delegated to the comptroller the authority to decide whether to authorize or prevent the issuance of bonds.
3. Whether the comptroller's duty to issue bonds pursuant to the Common Council's resolutions was discretionary or ministerial.

HOLDINGS

1. Mandamus to compel was available because the petitioners established a clear legal right to performance of a duty imposed by law, and the comptroller's duty to issue the authorized bonds was ministerial rather than discretionary.
2. The Common Council did not delegate to the comptroller the threshold authority to authorize or veto the issuance of bonds and notes.

KEY QUOTATIONS

*"Mandamus to compel lies 'only to enforce a clear legal right where the public official has failed to perform a duty enjoined by law . . . While [it] is an appropriate remedy to enforce the performance of a ministerial duty, . . . it will not be awarded to compel an act in respect to which [a public] officer may exercise judgment or discretion'" ([*1])*

*"'A discretionary act involve[s] the exercise of reasoned judgment which could typically produce different acceptable results whereas a ministerial act envisions direct adherence to a governing rule or standard with a compulsory result'" ([*1])*

*"In other words, the Common Council delegated certain powers to the comptroller relating to how to issue bonds but did not delegate the threshold power found in Local Finance Law § 30.00 regarding whether to issue them." ([*2])*

FACTUAL BACKGROUND

The Buffalo Common Council adopted resolutions authorizing the issuance of bonds for specific projects. The city comptroller argued that she had discretion, based on her fiscal responsibilities and prior delegations of authority, to prevent or decline to issue the bonds. The court concluded that the Common Council retained the threshold authority to decide whether bonds would be issued and that the comptroller's duty to issue bonds authorized by the Council was ministerial.

PROCEDURAL HISTORY

Supreme Court, Erie County, entered an order and judgment on September 25, 2025, granting the petition and compelling the comptroller to issue and sell certain bonds. The Appellate Division unanimously affirmed without costs.

DISPOSITION

affirmed

CASES CITED

- Alliance to End Chickens as Kaporos v New York City Police Dept., 32 NY3d 1091, 1093 (2018)
- Klostermann v Cuomo, 61 NY2d 525, 539-540 (1984)
- Matter of COR Van Rensselaer St. Co. III, Inc. v New York State Urban Dev. Corp., 221 AD3d 1524, 1528 (4th Dept 2023)
- New York Civ. Liberties Union v State of New York, 4 NY3d 175, 184 (2005)
- Matter of Cohalan v Caputo, 94 AD2d 742, 742-743 (2d Dept 1983)
- Holroyd v Town of Indian Lake, 180 NY 318, 324 (1905)

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