

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, THIRD DEPARTMENT

Matter of Novello v. New York State Educ. Dept. Off. of Architectural Licensing

2025 N.Y. Slip Op. 07261 · No. CV-24-1842 · Decided December 24, 2025

SUMMARY

The Appellate Division, Third Department, confirmed the Committee on the Professions' determination denying John Novello's application for an architectural license based on his lack of good moral character following two grand larceny convictions. The court held that the Committee properly applied the statutory factors and that its determination was supported by substantial evidence.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Ceresia, J.; Clark, J.P.; Reynolds Fitzgerald, J.; Lynch, J.; Powers, J.
JURISDICTION	New York Supreme Court, Appellate Division, Third Department
DECIDED	December 24, 2025
DOCKET	CV-24-1842
DISPOSITION	dismissed
PROCEDURAL POSTURE	CPLR article 78 proceeding transferred from Supreme Court, Albany County, to the Appellate Division after Supreme Court found an issue of substantial evidence; petitioner sought review of the Committee on the Professions' denial of his application for an architectural license.
STANDARD OF REVIEW	The court reviewed whether the licensing agency's determination was supported by substantial evidence and stated that a determination supported by substantial evidence would not be disturbed.
PRECEDENTIAL VALUE	Published opinion

TOPICS

- judicial review of agency action
- administrative law
- appellate procedure
- standard of review
- civil procedure

PRACTICE AREAS

administrative law

professional licensing

judicial review of agency action

appellate procedure

QUESTIONS PRESENTED

1. Whether the Committee on the Professions properly denied Novello's architectural-license application based on his criminal convictions and lack of good moral character.
2. Whether the Committee on the Professions' determination was supported by substantial evidence after consideration of the factors required by Correction Law § 753.

HOLDINGS

1. A licensing agency may deny a license application based on prior criminal convictions or a finding of lack of good moral character based on those convictions when there is a direct relationship between the offenses and the specific license sought or issuance would pose an unreasonable risk to the safety or welfare of specific individuals or the general public.
2. The Committee on the Professions' determination that Novello lacked good moral character was supported by substantial evidence and therefore would not be disturbed.

KEY QUOTATIONS

*“Under Correction Law § 752, a license application shall not be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of good moral character when such finding is based upon the prior convictions, unless: (1) there is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or (2) the issuance of the license would involve an unreasonable risk to the safety or welfare of specific individuals or the general public” ([*1])*

*“In sum, given that COP assessed the statutory factors and its findings are supported by substantial evidence in the record, its determination will not be disturbed” ([*2])*

FACTUAL BACKGROUND

Novello applied to become a licensed architect, a profession requiring good moral character. He had pleaded guilty to two counts of second-degree grand larceny, including stealing more than \$50,000 over three years from a political committee he led and obtaining an approximately \$900,000 construction loan under false pretenses. Although a State Board for Architecture hearing panel recommended licensure, the Committee on the Professions found that the seriousness and recency of the crimes, Novello's minimization of his culpability, lack of rehabilitative activities, and limited character-witness evidence established that he lacked the requisite character.

PROCEDURAL HISTORY

John Novello applied for an architectural license after pleading guilty to two counts of grand larceny in the second degree. A hearing panel of the State Board for Architecture found that he met the good-moral-character requirement and recommended granting the application, but the Committee on the Professions rejected that

recommendation and denied licensure. Novello commenced a CPLR article 78 proceeding, and Supreme Court transferred it to the Appellate Division under CPLR 7804 (g).

DISPOSITION

dismissed

CASES CITED

- Matter of Carbonell v. New York State Educ. Dept. Off. of Professional Discipline State Bd. for Nursing, 233 A.D.3d 1152, 1153-1154 (3d Dep't 2024)
- Matter of Wunderlich v. New York State Educ. Dept., Comm. on the Professions, 82 A.D.3d 1345, 1347 (3d Dep't 2011), lv denied 17 N.Y.3d 715 (2011)
- Matter of Carbonell v. New York State Educ. Dept. Off. of Professional Discipline State Bd. for Nursing, 233 A.D.3d 1152, 1154-1155 (3d Dep't 2024)
- Matter of Al Turi Landfill v. New York State Dept. of Envtl. Conservation, 98 N.Y.2d 758, 761 (2002)
- Matter of Levy v. New York State Educ. Dept., 172 A.D.3d 1674, 1675 (3d Dep't 2019)