

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

Matter of Watson v. New York State Office of Children and Family
Services

2019 NY Slip Op 03792 (App. Div. 2019) (Supreme Court of the State of New York Appellate Division Second
Judicial Department 2019) · No. 2017-00068 · Decided May 15, 2019

SUMMARY

The Appellate Division, Second Department, reviewed an Article 78 proceeding challenging the revocation of the petitioner's license to operate a group family day care home. The court confirmed the determination of the New York State Office of Children and Family Services, finding substantial evidence that the petitioner violated applicable regulations, including child-supervision requirements, and dismissed the proceeding.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Alan D. Scheinkman, P.J.; Mark C. Dillon, J.; Joseph J. Maltese, J.; Hector D. LaSalle, J.
JURISDICTION	New York
DECIDED	May 15, 2019
DOCKET	2017-00068
DISPOSITION	dismissed
PROCEDURAL POSTURE	CPLR article 78 proceeding to review an administrative determination affirming the revocation of petitioner's license to operate a group family day care home.
STANDARD OF REVIEW	Whether the administrative determination is supported by substantial evidence in the record; credibility determinations of the administrative law judge are not disturbed when supported by the record.
PRECEDENTIAL VALUE	Published intermediate appellate decision
PARTIES	Yolande Watson v. New York State Office of Children and Family Services

TOPICS

judicial review of agency action

agency adjudication

administrative law

standard of review

appellate procedure

PRACTICE AREAS

administrative law

appellate procedure

child-care licensing

QUESTIONS PRESENTED

1. Whether substantial evidence supported the administrative determination that petitioner violated regulations governing operation and supervision of children in her group family day care home.
2. Whether the court should disturb the administrative law judge's credibility determinations.

HOLDINGS

1. The determination that petitioner violated certain regulations, including regulations concerning supervision of children in her group family day care home, was supported by substantial evidence in the record.
2. There was no basis to disturb the credibility determinations of the administrative law judge.

FACTUAL BACKGROUND

Petitioner operated a group family day care home under a license issued by the New York State Office of Children and Family Services. The agency determined that she violated certain regulations, including regulations concerning supervision of children, and revoked her license. Following a hearing, the agency's designee affirmed the revocation.

PROCEDURAL HISTORY

The New York State Office of Children and Family Services revoked petitioner's license to operate a group family day care home. After a hearing, the designee of the Commissioner's March 21, 2016 determination affirmed the revocation. Petitioner commenced a CPLR article 78 proceeding, and the Appellate Division confirmed the determination, denied the petition, and dismissed the proceeding on the merits.

DISPOSITION

dismissed

CASES CITED

- Matter of Faponnle v New York State Off. of Children & Family Servs., 160 AD3d 950
- Matter of Liddell v New York State Off. of Children & Family Servs., 117 AD3d 742
- Matter of Singleton v New York State Off. of Children & Family Servs., 70 AD3d 706
- Matter of Malak v State of New York, 116 AD3d 587

OPINION

PER CURIAM.

Matter of Watson v New York State Off. of Children & Family Servs. (2019 NY Slip Op 03792)
Matter of Watson v New York State Off. of Children & Family Servs. 2019 NY Slip Op 03792
Decided on May 15, 2019 Appellate Division, Second Department Published by New York State
Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to
revision before publication in the Official Reports.

Decided on May 15, 2019 SUPREME COURT OF THE STATE OF NEW YORK Appellate
Division, Second Judicial Department ALAN D. SCHEINKMAN, P.J. MARK C. DILLON
JOSEPH J. MALTESE HECTOR D. LASALLE, JJ. 2017-00068 (Index No. 4798/16) [*1]In the
Matter of Yolande Watson, petitioner, vNew York State Office of Children and Family Services,
respondent. Lipman & Booth, LLC, New York, NY (Christopher Booth of counsel), for petitioner.

Letitia James, Attorney General, New York, NY (Anisha S. Dasgupta and Linda Fang of counsel),
for respondent. DECISION & JUDGMENT Proceeding pursuant to CPLR article 78 to review a
determination of the designee of the Commissioner of the respondent, the New York State Office
of Children and Family Services, dated March 21, 2016, which, after a hearing, affirmed a
determination of the New York State Office of Children and Family Services to revoke the
petitioner's license to operate a group family day care home.

ADJUDGED that the determination dated March 21, 2016, is confirmed, the petition is denied,
and the proceeding is dismissed on the merits, with costs. Contrary to the petitioner's contention,
the determination that she violated certain regulations, including regulations pertaining to the
supervision of children in her group family day care home, is supported by substantial evidence in
the record (see Matter of Faponnle v New York State Off. of Children & Family Servs., 160 AD3d
950; Matter of Liddell v New York State Off. of Children & Family Servs., 117 AD3d 742; Matter
of Singleton v New York State Off. of Children & Family Servs., 70 AD3d 706).

There is no basis to disturb the credibility determinations of the administrative law judge (see
Matter of Malak v State of New York, 116 AD3d 587). SCHEINKMAN, P.J., DILLON,
MALTESE and LASALLE, JJ., concur. ENTER: Aprilanne Agostino Clerk of the Court