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Administrative Law—Denial of Permission for Relocation of Liquor Store Not Unreasonable—Per Curiam

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retirement law.⁴⁹ Therefore the Comptroller was authorized to modify petitioner's prior service certificate, within one year of its issuance, by disallowing credit for such employment.⁵⁰

Discretion Not Abused in Denial of Liquor License—Per Curiam

In *Wager v. State Liquor Authority*,⁵¹ the Court found no abuse of discretion by the Authority in denying petitioner a renewal of his solicitor's permit because of his relationship with liquor retailers as a vending machine operator and automobile dealer. In the course of this relationship petitioner had made substantial advances to the retailers. The fact that this relationship was not shown to involve any misconduct or violation of law or Authority regulation formed the basis of Judge Fuld's dissent.

Denial of Permission for Relocation of Liquor Store Not Unreasonable—Per Curiam

In *Rockower v. State Liquor Authority*,⁵² plaintiff instituted an Article 78 proceeding for the review of the authority's denial of his request to change the location of his retail liquor store. The authority justified its decision on the ground that it was not reasonably possible to determine at that time whether additional stores should be located in the area to which plaintiff sought removal because that area is undergoing substantial change in that numerous public and private housing developments therein were in various stages of planning and completion.

The Court of Appeals reversed the Appellate Division⁵³ and concluded that the Authority's action was not an abuse of its discretion.⁵⁴ Although the immediate area of the requested site had been completed as to the slum clearance and there were no other retail liquor stores in close proximity to the requested site, the Authority determined that existing liquor stores in adjacent areas still being redeveloped might require relocation.

49. See N. Y. Town Law §30(10), which provides that deputy clerk is to serve without compensation unless otherwise provided by the town board.

50. The former §60(h)(3) of the N. Y. Civil Service Law which controlled such action by the Comptroller is now §41(h)(3) of the N. Y. Retirement and Social Security Law.

51. 4 N.Y.2d 465, 176 N.Y.S.2d 311 (1958).

52. 4 N.Y.2d 128, 173 N.Y.S.2d 5 (1958).

53. 4 A.D.2d 783, 165 N.Y.S.2d 226 (2d Dep't 1957).

54. See *Stracquadanio v. Department of Health of the City of New York*, 285 N.Y. 93, 32 N.E.2d 806 (1941).

Sufficiency of Mandamus Proceeding—Per Curiam

A petition, in the nature of *mandamus*, under Article 78 of the Civil Practice Act, to compel town officials to enforce an "Ordinance Relating to Sand Bank and Pit, Topsoil Removal and Other Excavations" was held to state a good cause of action,⁵⁵ although, as pointed out by three justices dissenting, it was directed toward the prevention of illegal acts by third persons not customarily thought of as within the ambit of the *mandamus* remedy.⁵⁶

Dismissal of Complaint Before State Commission Against Discrimination

The dismissal by a single member of the State Commission Against Discrimination of a complaint for discrimination in hiring of stewardesses by an airline was reviewable by the courts and was upheld by the Court of Appeals, the actions of the official of the Commission not appearing from the record to have been arbitrary or capricious.⁵⁷

55. *Ciminera v. Sahn*, 4 N.Y.2d 400, 176 N.Y.S.2d 257 (1958).

56. *Walsh v. LaGuardia*, 269 N.Y. 437, 199 N.E. 652 (1936).

57. *Jeanpierre v. Arbury*, 4 N.Y.2d 238, 173 N.Y.S.2d 597 (1957).