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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 214 SSM 23
Rezplex, L.L.C.,
Respondent,

v.

The New York City Department of
Housing Preservation and
Development, et al.,
Appellants.

Submitted by Larry A. Sonnenshein, for appellants.
Submitted by Howard B. Leopold, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed,
with costs, and its certified question answered in the
affirmative.

Petitioner's non-ownership of the property where the

City repaired a collapsing retaining wall was adequately raised in Petitioner's December 11, 2001 protest, which stated: "We are not aware of any emergency repair done at [Petitioner's] premises." Thus we need not decide whether the issue was one that could be raised for the first time after the administrative ruling.

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On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question answered in the affirmative, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided June 28, 2011