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

No. 16

In the Matter of Robert B.
Bernstein,

Appellant,

v.

Paul J. Feiner, &c., et al.,

Respondents,

Jay Leon, &c., et al.,

Intervenors-Respondents.

Appellant Robert B. Bernstein, Esq., pro se.
Timothy W. Lewis, Esq., for respondents.
Nicholas M. Ward-Willis, Esq., for intervenors-
respondents.

MEMORANDUM:

The appeal should be dismissed, without costs, upon the
ground that no substantial constitutional question is directly
involved.

Although petitioner's facial and as-applied challenges
to the Finneran Law (L 1982, ch 891) were addressed by the

Appellate Division, they are not substantial. Petitioner's facial challenge, insofar as it is predicated on New York Constitution article VIII, § 3, was not raised at the Appellate Division and therefore was not directly involved.

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Appeal dismissed, without costs, in a memorandum. Acting Chief Judge Ciparick and Judges Graffeo, Read, Smith, Pigott and Jones concur.

Decided January 22, 2009