

Supreme Court, Appellate Division, First Department, New York.
Carolyn R. GASKIN, Petitioner-Appellant,
v.
WESTBOURNE ASSOCIATES, L.P., Respondent-Respondent,
New York State Human Rights Commission, Respondent.
Feb. 26, 2009.

Carolyn R. Gaskin, appellant pro se.

Kellner Herlihy Getty & Friedman, LLP, New York (Jeanne-Marie Williams of counsel), for respondent.

TOM, J.P., ANDRIAS, NARDELLI, BUCKLEY, DeGRASSE, JJ.

*1 Order, Supreme Court, New York County (Marcy S. Friedman, J.), entered February 13, 2008, which dismissed the petition seeking to annul the determination of the New York State Division of Human Rights, unanimously affirmed, without costs.

The petition challenging the Division's finding that there was no probable cause to support her claims that respondent Westbourne Associates, L.P. engaged in unlawful discriminatory practices related to housing based on petitioner's race/color, creed or sex (*see* Executive Law § 296[5][a][2]) was properly dismissed for failure to allege facts sufficient to show that the Division's determination was arbitrary and capricious (*see McFarland v. New York State Division of Human Rights*, 241 A.D.2d 108 [1998]).

Petitioner's remaining arguments are unavailing.

N.Y.A.D. 1 Dept., 2009.

Gaskin v. Westbourne Associates, L.P.

--- N.Y.S.2d ----, 2009 WL 465994 (N.Y.A.D. 1 Dept.), 2009 N.Y. Slip Op. 01421

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