

51 N.Y.2d 810

Court of Appeals of New York.

In the Matter of POLICE CONFERENCE
OF NEW YORK, INC. et al., Respondents,

v.

MUNICIPAL POLICE
TRAINING COUNCIL, Appellant.

Oct. 9, 1980.

Nonprofit membership corporation brought action to compel municipal police training council to promulgate rules and regulations establishing certain height requirements for selection of police officers. The Supreme Court at Special Term, Albany County, Edward S. Conway, J., dismissed the application, and corporation appealed. The Supreme Court, Appellate Division, 75 A.D.2d 712, 422 N.Y.S.2d 776, reversed, and police training council appealed. The Court of Appeals, held that municipal police training council did not abuse its discretion in initiating five-year study to determine relevancy of height standards for police officers rather than promulgating such standards.

Reversed and judgment of Special Term reinstated.

Attorneys and Law Firms

*811 ***96 **1321 Robert Abrams, Atty. Gen., (Peter Bienstock, Shirley Adelson Siegel, Barbara E. Levy, Myrna

M. Martinez and Arnold D. Fleischer, New York City, of counsel), for appellant.

Arthur J. Harvey, Albany, for respondents.

OPINION OF THE COURT

MEMORANDUM.

[1] [2] [3] The order of the Appellate Division, 75 A.D.2d 712, 422 N.Y.S.2d 776, should be reversed and the judgment of Special Term reinstated, with costs, on the reasoning of the dissenting memorandum of Mr. Justice Michael E. Sweeney at the Appellate Division, to which we add only that in adopting subdivision j of section 6000.1 of its regulations respondent has adopted such regulation as to height "as it deems necessary and proper" and has, therefore, conformed to its obligation under subdivision 2 of section 840 of the Executive Law.

COOKE, C. J., and JASEN, GABRIELLI, JONES, WACHTLER, FUCHSBERG and MEYER, JJ., concur.
Order reversed, with costs, and the judgment of Supreme Court, Albany County, reinstated in a memorandum.

Parallel Citations

51 N.Y.2d 810, 412 N.E.2d 1321, 433 N.Y.S.2d 95, 25 Empl. Prac. Dec. P 31,748