



# BenchNOTES Newsletter

October 2022

## OATH NEWS

The Mayor's Management Report illustrates OATH's special initiatives and effectiveness in delivering services. On September 16, 2022, Mayor Adams released the Report for Fiscal Year 2022.

**Job opportunities at OATH:** OATH regularly posts employment opportunities on the NYC Jobs portal and on its website. Click [here](#) to view current openings.

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### COVID-19 Update

Pursuant to an order of the Chief Administrative Law Judge, hearings, trials, and other OATH operations are available by telephone, videoconferencing, online, or mail. In-person appearances are also available. For more information, visit OATH's website at [www.nyc.gov/oath](http://www.nyc.gov/oath).

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## Trials Division

### Personnel

**ALJ finds marine engineers on Staten Island Ferry should be paid wages and supplemental benefits commensurate with private-sector marine engineers on U.S.-flag cargo ships.**

ALJ Lewis found that the marine engineers and chief engineers on the Staten Island Ferry should be paid wages and benefits commensurate with the wages and supplemental benefits of chief engineers and first assistant engineers aboard U.S.-flag cargo ships operated by Maersk Line Ltd.

**[Office of the Comptroller, ex rel. District No. 1 v. Office of Labor Relations](#)**, OATH Index No. 1667/21 (Aug. 23, 2022).

**[Read more about Office of the Comptroller, ex rel. District No. 1 v. Office of Labor Relations](#)**

## **Vehicle Seizure**

**ALJs approve seizure in over 50 dangerous vehicle cases.**

In August 2022, the Trials Division published Memorandum Decisions in over 50 vehicle seizure proceedings brought by the Department of Transportation under the Dangerous Vehicle Abatement Law. In one case, ALJ Lee held that the city was entitled impound the vehicle after the evidence showed that the vehicle had accumulated eight red light camera violations and the registered owner failed to complete the safety course.

**[Dep't of Transportation v. Davis](#)**, OATH Index No. 2223/22, mem. dec. (Aug. 18, 2022).

**[Read more about Dep't of Transportation v. Davis](#)**

## **Licensing**

**ALJ recommends suspension for contractor with 118 violations.**

ALJ Gloade recommended a three-year license suspension for a general contractor who accumulated over 100 violations in a two-year period.

[\*Dep't of Buildings v. Zhuo\*](#), OATH Index No. 1809/21 (Aug. 12, 2022), *adopted*, Comm'r Dec. (Aug. 19, 2022).

[Read more about \*Dep't of Buildings v. Zhuo\*](#)

## **Human Rights**

**ALJ recommends \$90,000 penalty for employer in discrimination case.**

ALJ Addison found that a supervisor at one of respondent's stores, made inappropriate and sexist comments to complainant and other female employees over a two-month period, and recommended \$30,000 in mental anguish damages, a civil penalty of \$60,000, and ordered respondent to develop new anti-discrimination policies.

[\*Comm'n on Human Rights ex rel. Brehshiek Marquez v. Fresh & Co.\*](#), OATH Index No. 434/22 (Aug. 9, 2022).

[Read more about \*Comm'n on Human Rights ex rel. Brehshiek Marquez v. Fresh & Co.\*](#)

## **Appeals Division decisions (appeals from the Hearings Division)**

Appeals Division affirms finding that officer made a reasonable attempt to effect personal service.

The Appeals Division affirmed a hearing decision finding that an issuing officer made a reasonable attempt to personally serve a summons prior to resorting to “affix and mail” service permitted by the New York City Charter.

[\*\*DOB v. Delsham Capital LLC\*\*](#), Appeal No. 2200560 (August 25, 2022).

[\*\*Read more about DOB v. Delsham Capital LLC\*\*](#)

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