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Last Month's OATH Decisions

The documents below are in PDF format. [Download the Adobe Reader now.](#)

Personnel

ALJ recommends dismissal of charges against captain and officers.

A captain was charged with using excessive force against an inmate and making false statements. Two officers were charged with making false statements, and one of the officers was also charged with failing to arrange a mental health referral. [Dep't of Correction v. Williams](#), OATH Index Nos. 2174/15, 2175/15 & 2176/15 (Aug. 24, 2015).

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Contracts

CDRB dismisses all claims as delay damages except one.

Electrical contractor who executed a \$29.4 million contract with the Department of Environmental Protection (DEP) to perform rehabilitation work and upgrades at the Wards Island Pollution Control Plant sought an additional \$8,642,044 for costs incurred due to alleged acts and omissions by DEP. [Siemens Electrical, LLC v. Dep't of Environmental Protection](#), OATH Index No. 962/15, mem. dec. (Aug. 14, 2015).

[Read more](#)

Licensing

Revocation of mobile food vendor permit recommended.

A mobile food vending permittee was charged with falsifying renewal applications by stating that only he would operate the cart, committing more than four violations of the Administrative or Health Code within a two year period, and failing to pay associated fines. [Dep't of Health & Mental Hygiene v. Argyros](#), OATH Index No. 2579/15 (Aug. 19, 2015), *adopted*, Comm'r Dec. (Sept. 1, 2015).

[Read more](#)

Vehicle Retention

ALJ orders release of car to owner.

The Police Department seized a car in connection with the car owner's arrest for menacing and possession of a loaded firearm. The car owner sought release of the car, alleging that the Police Department had failed to serve him with notice of his right to a hearing as required by federal court order in *Krimstock v. Kelly*. [Police Dep't v. Norman](#), OATH Index No. 237/16, mem. dec. (Aug. 14, 2015).

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Human Rights

ALJ finds ad violated Human Rights Law.

After a contested trial, respondent was found to have violated the City Human Rights Law when he posted a Craig's List advertisement for a restaurant manager, seeking "Eastern European waitress and female bartender/phone person." [Comm'n on Human Rights v. Aksoy](#), OATH Index No. 1617/15 (Aug. 24, 2015).

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Real Property

Tenant not entitled to Loft Law protection.

Applicant sought a finding from the Loft Board that she is the protected residential occupant of the entire first floor. ALJ Zorogniotti recommended that the application be

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denied. [Matter of Zhao](#), OATH Index No. 2225/14 (Aug. 12, 2015).

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