

# BenchNOTES Newsletter

October 2020

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

## OATH News

**OATH and the Office of Nightlife expand MEND NYC mediation program:** The MEND NYC program, a joint initiative of OATH and its Center for Creative Conflict Resolution and the Office of Nightlife, has been expanded to handle disputes between hospitality industry businesses and their landlords.

[Read more about OATH News](#)

## COVID-19 Update

Pursuant to an order of the Chief Administrative Law Judge, all hearings, trials, and other OATH operations are being conducted by telephone, videoconferencing, online, or mail, and OATH will only allow in-person appearances in limited, pre-approved circumstances. Individuals may only enter OATH offices if the agency has approved your or your representative's request because there is a compelling need for an in-person proceeding and the proceeding can be conducted while providing sufficient social distancing and other public health protections to comply with state and local government public health guidelines. For more information, read [OATH's public flyer](#).

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

In a case concerning price gouging in the sale of N95 masks, the Appeals Division reversed a hearing officer's decision and sustained eleven violations filed by the Department of Consumer and Worker Protection ("DCWP").

[DCA v. 260 Nassau Ave Corp., DCA v. 260 Nassau Ave Corp.](#), Appeal No. 05443235 (Sept. 14, 2020).

[Read more about DCA v. 260 Nassau Ave Corp., Appeal No. 05443235 \(Sept. 14, 2020\).](#)

## Trials Division

### Practice and procedure

**Pre-trial motion to compel response to discovery.**

In a proceeding filed by the Commission on Human Rights against Respondent, a sports bar, for allegedly denying a complainant access to its establishment on the basis of gender and disability, ALJ Faye Lewis issued a decision granting the Commission's motion to compel the Respondent to reply to interrogatories and document demands, and denying the Commission's request for sanctions.

[Comm'n on Rights ex rel Ramirez v. 27 Sports Bar & Café](#), OATH Index No. 2547/19, mem. dec. (Sept. 29, 2020)

[Read more about Comm'n on Human Rights ex rel Ramirez v. 27 Sports Bar & Café](#), OATH Index No. 2547/19, mem. dec. (Sept. 29, 2020).

## **Contracts**

### **Claim denied because it was untimely filed.**

A construction company, which had contracted with the Administration for Children's Services to perform painting and maintenance work at several of the City's early learning centers, filed a petition with the Contract Dispute Resolution Board ("CDRB"), seeking review of 37 invoices that were denied payment.

[Kaas Construction v. Admin. for Children's Services](#), OATH Index No. 1491/20, mem. dec. (Sept. 24, 2020).

[Read more about Kaas Construction v. Admin. for Children's Services](#), OATH Index No. 1491/20, mem. dec. (Sept. 24, 2020).

## **Real property**

### **Owner's application to access loft denied.**

A loft building owner filed an application seeking access to a loft unit to perform legalization work.

[Matter of American Package Co. Inc.](#), OATH Index No. 1971/20 (Sept. 24, 2020).

[Read more about Matter of American Package Co. Inc.](#), OATH Index No. 1971/20 (Sept. 24, 2020).

[Unsubscribe](#) or [Manage your email preferences](#)

[Comment on this news service](#)

PLEASE DO NOT REPLY TO THIS MESSAGE!