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BenchNOTES

Last Month's OATH Decisions

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Licensing

ALJ finds City trade waste law not preempted by federal or state laws.

The Business Integrity Commission (BIC) alleged that a data shredding contractor collected trade waste without a BIC license in violation of the city trade waste law. The contractor made a pre-trial motion to dismiss BIC's enforcement action under the city law as preempted by federal and state law. [Business Integrity Comm'n v. Data Shredding Service, Inc.](#), OATH Index No. 2204/15, mem. dec. (Oct. 14, 2015).

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Personnel

Correction officer used improper force against inmates.

ALJ Alessandra F. Zorogniotti found that a correction officer violated the Department's use of force directive on two occasions by using unnecessary force on inmates who were restrained and also filing a false report. [Dep't of Correction v. Dixon](#), OATH Index No. 156/16 (Oct. 23, 2015).

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Prevailing Wage

Electrical contractor did not pay prevailing wages on public school projects.

ALJ Spooner found that an electrical contractor willfully failed to pay 14 workers the prevailing rate of wages and supplementary benefits for work projects at three public schools. [Office of the Comptroller v. Scott Electrical Service LLC](#), OATH Index No. 2056/15 (Oct. 14, 2015), *adopted*, Comptrollers Determination & Order (Oct. 30, 2015).

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