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Last Month's OATH Decisions

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

Personnel

Juvenile counselor used unnecessary force against resident.

ALJ Tynia D. Richard sustained charges that a counselor at a juvenile detention center used excessive force against a resident and made a false report. A video showed respondent initiate force against the resident who was not complying with commands but was not physically resisting. [Admin. For Children Services v. Silva](#), OATH Index No. 1275/15 (June 26, 2015), *adopted*, Comm'r Dec.

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Vehicle Retention

Police Department may retain seized car.

Police Department sought to retain a car seized in connection with the driver's arrest for possession of a forged instrument, unlawful possession of personal ID, and driving with a suspended license. ALJ Richard found the Department entitled to retain the car. [Police Dep't v. Edmonds-Lawrence](#), OATH Index No. 2109/15 (June 16, 2015).

[Read more](#)

Real Property

Only occupant with rental agreement is entitled to Loft Law protection.

Following a coverage trial, the building owner stipulated that seven applicants were protected occupants of the first floor. [Matter of Stone](#), OATH Index No. 1945/14 (June 4, 2015).

[Read more](#)

Contracts

CDRB denied contractor's claim made on behalf of its subcontractors.

A contractor petitioned the Contract Dispute Resolution Board (CDRB), on behalf of three of its subcontractors, regarding a contract with the Department of Environmental Protection (DEP) to repair homes damaged by Hurricane Sandy. [Conti of New York, LLC v. Dep't of Environmental Protection](#), OATH Index No. 1203/15, mem. dec. (June 18, 2015).

[Read more](#)

Human Rights Law

Ad for "waitress" violated law.

After a default hearing, ALJ Richard found that a restaurant violated the City Human Rights Law when it placed an ad seeking a "waitress." [Comm'n on Human Rights v. Rozario](#), OATH Index No. 1273/15 (June 3, 2015).

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Practice and Procedure

Lawyer admonished for failure to meet deadlines, respond to discovery.

In a Loft Board proceeding, ALJ Spooner formally admonished an attorney who failed to meet ordered deadlines and refused to reply to repeated discovery requests. [Matter of Stone](#), OATH Index No. 1945/14, mem. dec. (June 8, 2015).

[Read more](#)

Resources

[Search OATH Decisions](#)

[Search OATH Decisions \(Issued After 2004\) Using OATH Tribunal Database](#)

[Forfeiture Cases: Information on Seized Cars](#)

[BenchNOTES Archive](#)

OATH Recent Decisions

[OATH Launches New Website in Partnership with Columbia Law School.](#)

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Administrative Judicial Institute

Licensing

ALJ recommends restoration of for-hire driver's license.

ALJ Casey recommended the lifting of a suspension of a for-hire vehicle driver because the Commission did not show that restoration of the license would pose a direct and substantial threat to public safety, as required under the Administrative Code. [Taxi & Limosine Comm'n v. Hawas](#), OATH Index No. 2255/15 (June 17, 2015).

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