

BenchNOTES Newsletter

August 2020

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Trials Division – COVID-19 Update

COVID-19 Update

Pursuant to an order of the Chief Administrative Law Judge, all conferences and trials before the OATH Trials Division are being conducted by telephone or video conference call, except that a conference or trial may be conducted in-person if the assigned Administrative Law Judge determines that 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. Parties with questions or concerns about scheduling and phone and video-conferencing should email OATHCalunit@oath.nyc.gov and continue to check the OATH website at nyc.gov/oath for more information and updates.

[Read more about Trials Division – COVID-19 Update](#)

Practice and Procedure

Requests for in-person trials during pandemic denied.

In two recent letter decisions, ALJ Astrid B. Gloade and ALJ Faye Lewis denied applications by respondents to hold in-person trials, rather than trials through videoconferencing.

[Dep't of Sanitation v. Gilchrist](#), OATH Index No. 1897/20, letter to counsel (July 27, 2020); [Dep't of Sanitation v. Garcia](#), OATH Index No. 2051/20, letter to counsel (July 20, 2020).

[Read more about Dep't of Sanitation v. Gilchrist](#)

Licensing

DOB did not prove charges against hoist machine operator.

Petitioner, the Department of Buildings, sought revocation of respondent's hoist machine operator license and registrations alleging that he was negligent, lacked knowledge of or disregarded applicable laws by leaving a crane unattended and unsupervised.

[Dep't of Buildings v. Kunkel](#), OATH Index No. 2113/18 (July 28, 2020).

[Read more about Dep't of Buildings v. Kunkel](#)

Vehicle Retention

Driver is beneficial owner, PD may retain seized car.

Petitioner, the New York City Police Department, sought to retain a vehicle seized as the alleged instrumentality of a crime.

[Police Dep't v. Francis](#), OATH Index No. 2210/20, mem. dec. (July 6, 2020).

[Read more about Police Dep't v. Francis](#)

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