



BenchNOTES Newsletter

February 2021

OATH NEWS

OATH announced 100,000 cases heard remotely during the COVID-19 pandemic: On February 12, OATH announced that the agency has conducted hearings in over 100,000 cases by phone since its offices were closed to the public in March 2020 due to the COVID-19 public health emergency.

[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.

[Read more about COVID-19 update.](#)

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

The Appeals Division reversed a hearing officer's decision finding that a charge of failure to maintain a premises in a code-compliant manner could not be based on a violation of the City's zoning laws.

[***Dep't of Buildings v. Murad Sardar, Appeal No. 2001059 \(Jan. 14, 2021\).***](#)

[**Read more about Dep't of Buildings v. Murad Sardar, Appeal No. 2001059 \(Jan. 14, 2021\).**](#)

Trials Division

Featured agency decision

Penalty reduced due to unusual nature of violation.

The New York City Conflicts of Interest Board ("COIB") adopted ALJ Faye Lewis' findings of fact and conclusions of law but imposed a lower penalty against a former Community Coordinator at the Department of Parks and Recreation charged with violation of the City's conflicts of interest law.

[**Conflicts of Interest Bd v. Peterson., Conflicts of Interest Bd.**](#) Case No. 2016-126 (Jan. 29, 2021), *adopting*, OATH Index No. 2275/19 (May. 14, 2020).

[**Read more about Conflicts of Interest Bd v. Peterson., Conflicts of Interest Bd. Case No. 2016-126 \(Jan. 29, 2021\), adopting, OATH Index No. 2275/19 \(May. 14, 2020\).**](#)

Human Rights

Laundromat owner discriminated against attendant on basis of sex.

The New York City Commission on Human Rights brought claims on behalf of a former laundry attendant who alleged that she was discriminated against in violation of the Human Rights Law by her employer, the owner of Park Slope Laundry Corporation ("PSL").

[Comm'n on Human Rights ex rel. McGinn v. Park Slope Laundry and Ambioris Garcia Lugo](#), OATH Index No. 1021/19 (Jan. 27, 2021).

[Read more about Comm'n on Human Rights ex rel. McGinn v. Park Slope Laundry and Ambioris Garcia Lugo, OATH Index No. 1021/19 \(Jan. 27, 2021\).](#)

Personnel

Supervisor made unauthorized payments to 25 workers.

ALJ Susan J. Pogoda recommended termination of a Sanitation Department employee charged with making unauthorized payments to 25 sanitation workers for overtime or differential work not performed, and failing to maintain accurate records.

[Dep't of Sanitation v. Perez](#), OATH Index No. 1479/19 (Jan. 22, 2021), *adopted*, Comm'r Dec. (Jan. 25, 2021).

[Read more about Dep't of Sanitation v. Perez, OATH Index No. 1479/19 \(Jan. 22, 2021\), adopted, Comm'r Dec. \(Jan. 25, 2021\).](#)

Licensing

Lifting of taxi license suspension recommended.

ALJ Astrid B. Gloade recommended that suspension of a Taxi and Limousine Commission driver's license be lifted, finding continued licensure pending the outcome of criminal charges did not pose a direct and substantial threat to public health or safety.

[*Taxi & Limousine Comm'n v. Camara*](#), OATH Index No. 1015/21 (Jan. 12, 2021), *adopted*, Comm'r Dec. (Jan. 14, 2021).

[Read more about *Taxi & Limousine Comm'n v. Camara*, OATH Index No. 1015/21 \(Jan. 12, 2021\), *adopted*, Comm'r Dec. \(Jan. 14, 2021\).](#)

Vehicle Retention

ALJ orders PD to return seized car to owner.

ALJ Faye Lewis determined that the Police Department was not entitled to retain a seized vehicle pending the outcome of a forfeiture proceeding, and ordered the vehicle released because the respondent was an "innocent owner."

[*Police Dep't v. Clark*](#), OATH Index No. 1101/21, mem. dec. (Jan. 8, 2021).

[Read more about *Police Dep't v. Clark*, OATH Index No. 1101/21, mem. dec. \(Jan. 8, 2021\).](#)

Real Property

ALJ recommends dismissal of loft tenant's applications for most part.

ALJ Faye Lewis recommended that the Loft Board dismiss most of the applications filed by a building occupant, but recommended a decision in the occupant's favor related to gaps in a skylight.

[**Matter of Chapin**](#), OATH Index Nos. 237/18, 2114/18, 2115/18 (Jan. 21, 2021).

[**Read more about Matter of Chapin, OATH Index Nos. 237/18, 2114/18, 2115/18 \(Jan. 21, 2021\).**](#)

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