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BenchNOTES

Last Month's OATH Decisions

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

Licensing

ALJ recommends revocation of taxi driver's license.

A taxicab driver was charged with taking a passenger's cell phone in a fare dispute, hitting her in the face, keeping her cell phone and credit card, driving off at a high speed while she was holding the door causing her to fall and sustain injuries, and using her credit card. ALJ Alessandra F. Zorghiotti credited the passenger's testimony and she sustained the charges. *Taxi and Limousine Comm'n v. Reza*, OATH Index No. 1648/16 (June 14, 2016).

[Read more](#)

Personnel

Officer charged with false report.

A correction officer was charged with making false and misleading statements in a written report concerning force used by another officer against an inmate. Video showed that the other officer pulled the inmate's arm through the food slot and hit the inmate at least once. *Dep't. of Correction v. Lozada*, OATH Index No. 1619/16 (June 23, 2016).

[Read more](#)

Vehicle Retention

Respondent did not have standing to seek return of truck.

ALJ Ingrid M. Addison ruled that the Police Department is entitled to retain a Chevrolet Box Truck seized in connection with respondent's arrest for possession of forged instruments and unlicensed driving. The police stopped the truck after an officer noticed a fraudulent license plate, the number of which was printed on a plastic sticker. *Police Dep't v. Kaba*, OATH Index No. 2211/16, mem. dec. (June 27, 2016).

[Read more](#)

Contracts

CDRB denies claim for extra compensation.

On a contract to rebuild the Coney Island Steeplechase Pier, which had been destroyed by Hurricane Sandy, the contractor sought an additional \$676,154 for the installation of shims to allow the pier decking to rest flush on top of the structural concrete beams as depicted in contract drawings. Due to variances in fabrication, the decking rested on raised plates used to distribute the load around anchoring screws. *Triton Structural Concrete, Inc. v. Dep't. of Design and Construction*, OATH Index No. 1184/15, mem. dec. (June 28, 2016).

[Read more](#)

Human Rights

Landlord refused accommodation for disabled tenant.

Commission on Human Rights alleged that landlord failed to accommodate a tenant's disability and retaliated against her by bringing a bad faith eviction action. Commission moved for summary judgment. ALJ Spooner granted the Commission's motion for summary judgment in part, finding no issue of material fact regarding the accommodation

Resources

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Information on Seized Cars](#)

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OATH Recent Decisions

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



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**Administrative Judicial
Institute**

claim. [Comm'n on Human Rights ex. rel. Blue v. Jovic](#), OATH Index No. 1624/16, mem. dec. (June 30, 2016).

[Read more](#)

Real Property

Tenants entitled to Loft Law coverage.

Five tenants living in three units in a Brooklyn building applied for Loft Law coverage and protected occupancy status. ALJ Casey recommended that the application be granted.

[Matter of Tenants of 130 Palmetto St., Brooklyn](#), OATH Index No. 114/15 (June 15, 2016).

[Read more](#)