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BenchNOTES

Last Month's OATH Decisions

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

Personnel

ALJ recommends dismissal of plagiarism charge.

Computer systems manager who was assigned the task of developing a technical design document for the agency's new training application, was charged with plagiarism after he submitted a template which he had downloaded from the internet and modified in part. ALJ Ingrid M. Addison recommended dismissal of the charge. *Office of Payroll Management v. Hassan*, OATH Index No. 308/15 (Jan. 26, 2015).

[Read more](#)

Licensing

Assault charge dismissed due to unreliable identification.

Respondent taxi driver was charged with assaulting another taxi driver. ALJ Spooner credited the complaining witness's testimony that he was assaulted by another taxi driver after an argument over a parking space. *Taxi & Limousine Comm'n v. Hassan*, OATH Index No. 170/15 (Jan. 14, 2015), *adopted*, Comm'r Dec. (Feb. 23, 2015).

[Read more](#)

Contracts

Contractor not entitled to additional incentive payment.

Contractor who had performed emergency home repairs following Hurricane Sandy, and had received \$1,500,000 bonus under a bonus incentive provision in the contract, sought an additional \$2,500,000 bonus payment for work completed prior to the start of the bonus incentive period. *Gilbane Building Co., Inc. v. Dep't of Environmental Protection*, OATH Index No. 108/15, mem. dec. (Dec. 10, 2014).

[Read more](#)

Real Property

Building owner harassed SRO tenants.

Owner of a hotel located on the Upper West Side, applied for a certificate of no harassment (CONH). At the time of the application, 150 units were occupied by single room occupancy (SRO) tenants and 75 other units were occupied by market rate tenants. *Dep't of Housing Preservation & Development v. Bezzant*, OATH Index No. 1529/14 (Jan. 5, 2014), *adopted*, Comm'r Dec. (Jan. 7, 2015).

[Read more](#)

Vehicle Retention

ALJ orders return of seized car.

Police Department seized a car in connection with the owner's arrest. Owner moved for return of the car on the ground that the Department did not serve her with notice of her right to a hearing at the time of seizure or by mail thereafter as required by the federal court order in *Krimstock v. Kelly*. *Police Dep't v. Davis*, OATH Index No. 1297/15, mem. dec. (Dec. 26, 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

