



BenchNOTES Newsletter

January 2022

OATH NEWS

Former Mayor de Blasio signed special education executive order: On December 27, former Mayor de Blasio signed an [executive order](#) to assign OATH jurisdiction to adjudicate special education impartial hearings, following the agreement between OATH, the NYC Department of Education, and the NYS Education Department in early December.

[Read more about OATH News](#)

COVID-19 Update

Pursuant to an order of the Chief Administrative Law Judge, hearings, trials, and other OATH operations are being conducted by telephone, videoconferencing, online, or mail, and in-person appearances are also available. For more information, visit OATH's website at www.nyc.gov/oath.

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

Trials Division

Featured agency decision

Fine imposed for use of fake City parking placards.

The Conflicts of Interest Board adopted in full ALJ Susan J. Pogoda's recommendation that a former Special Officer with the NYC Health and Hospitals Corporation North Central Bronx Hospital receive a \$2,500 fine for using fake City parking placards.

[**Conflicts of Interest Board v. Aponte**](#), OATH Index No. 2218/20 (June 10, 2021), *adopted*, COIB Case No. 2018-108b (Nov. 23, 2021).

[**Read more about Conflicts of Interest Board v. Aponte**](#)

Personnel

Correction officer's use of chemical agent found improper.

ALJ Faye Lewis recommended a ten-day suspension for a correction officer who discharged chemical spray at an inmate in the absence of exigent circumstances without first using other de-escalation techniques.

[**Dep't of Correction v. Estevez**](#), OATH Index Nos. 1568/21 & 1569/21 (Nov. 3, 2021).

[**Read more about Dep't of Correction v. Estevez**](#)

Licensing

Lifting of taxi license suspension recommended.

ALJ Noel R. Garcia recommended lifting the suspension of a driver's TLC license.

[***Taxi & Limousine Comm’n v. Mamun***](#), OATH Index No. 769/22 (Nov. 17, 2021).

[**Read more about *Taxi & Limousine Comm’n v. Mamun***](#)

Vehicle Retention

ALJ orders return of seized vehicle.

ALJ Julia H. Lee ordered the NYPD to release a car that it seized as the alleged instrumentality of a crime.

[***Police Dep’t v. Ridges***](#), OATH Index No. 661/22, mem. dec. (Nov. 3, 2021).

[**Read more about *Police Dep’t v. Ridges***](#)

Appeals Division decisions (appeals from the Hearings Division)

Recycling violation reversed on appeal.

The Appeals Division reversed a hearing officer’s decision that had found a building owner liable for a recycling violation as a repeat offender.

[***Dep’t of Sanitation v. 51 Buchanan Associates LLC, Appeal No. 2100929 \(November 18, 2021\).***](#)

[**Read more about *Dep’t of Sanitation v. 51 Buchanan Associates LLC, Appeal No. 2100929 \(November 18, 2021\).***](#)

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