



BenchNOTES Newsletter

June 2025

OATH News

Job opportunities at OATH: OATH Trial Division is hiring a Chief Law Clerk to head its legal research unit and help promote access to justice in New York City. The unit consists of Law Clerks who perform legal research and draft court documents for the OATH Administrative Law Judges. The Chief Law Clerk works directly with OATH's Administrative Law Judges on all matters that come before the Trials Division, including civil servant discipline, consumer and worker protection matters, taxi and rideshare licensing, contract disputes involving the city, as well as cases falling under the Campaign Finance Law, Human Rights Law, Conflict of Interest Law, and more. The Chief Law Clerk has a supervisory role. For more details visit <https://cityjobs.nyc.gov/> and search for Job ID 710250 (Chief Law Clerk).

The job requires admission to the New York State Bar; four years of recent full-time responsible, relevant, satisfactory legal experience following admission to any bar, 18 months of which must have been in the supervision of other attorneys, in an administrative, managerial or executive capacity. Experience handling highly complex and significant legal work is a plus. Incumbents must remain members of the New York State Bar in good standing for the duration of this employment.

Trials Division

Personnel

Dismissal of charges recommended.

ALJ Kara J. Miller recommended dismissal of charges against respondent, a child protective specialist supervisor, after petitioner, the Administration for Children's Services, failed to prove that respondent engaged in misconduct. [*Admin. for Children's Services v. Ally*](#), OATH Index No. 782/23 (May 30, 2025).

[Read more about *Admin. for Children's Services v. Ally*.](#)

Human Rights

Civil penalty, back pay, and emotional distress damages recommended.

ALJ Orlando Rodriguez recommended awarding \$60,000 in emotional distress damages, \$6,850 in backpay, and a \$50,000 civil penalty against a physical therapy provider for engaging in religious discrimination in violation of the City Human Rights Law. [*Comm'n of Human Rights ex rel. Rahman v. Revival Physical Therapy & Rehabilitation Services*](#), OATH Index No. 1796/24 (May 22, 2025).

[Read more about *Comm'n of Human Rights ex rel. Rahman v. Revival Physical Therapy & Rehabilitation Services*.](#)

Vehicle Seizures

Police Department may not retain a seized vehicle.

ALJ Julia Davis determined that the Police Department may not retain a vehicle seized as an alleged instrumentality of a crime after petitioner failed to prove it would prevail in a civil action for forfeiture of the vehicle. [*Police Dep't v. Fortes*](#), OATH Index No. 2022/25, mem. dec. (May 9, 2025).

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

Procedure

Denying application to take judicial notice.

ALJ Joycelyn McGeachy-Kuls denied respondent's application to take judicial notice of, or admit as evidence, transcripts from a prior proceeding. [*Dep't of Sanitation v. Guiseppone*](#), OATH Index No. 789/25 (May 7, 2025).

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

Appeals from the Hearings Division

Decision reversed in part.

An appellate decision reversed part of a hearing decision dismissing charges under the New York City Zoning Resolution for use of a prohibited illuminated/flashing advertising sign in an M2 district while acting as an outdoor advertising company ("OAC") and of the New York City Administrative Code for failure to register as an OAC. [*DOB v. Geometria NY Inc, Appeal No. 2500393 \(May 29, 2025\)*](#).

[Read more about *DOB v. Geometria NY Inc.* and other Appeals from Hearings Division cases.](#)

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