

BenchNOTES Newsletter

November 2018

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

Licensing

Suspension of pedicab license was proper.

A pedicab owner's license was suspended without a prior hearing based upon an incident in Central Park where he allegedly defied orders from parks enforcement officers to stop, resulting in one of the officers being dragged behind the pedicab.

[*Dep't of Consumer Affairs v. Greenberg*](#), OATH Index No. 0018/19, mem. dec. (Oct. 19, 2018).

[Read more about *Dep't of Consumer Affairs v. Greenberg*](#)

Personnel

Use of City van for personal purposes.

A civil engineer with the Bridge Inspection Unit was charged with repeatedly using a Department van for non-work related purposes, altering trip log sheets, misrepresenting his use of the vehicle by omitting entries on the trip log sheets, and failing to follow the directives of his supervisor.

[*Dep't of Transportation v. Mirhosseini*](#), OATH Index No. 916/18 (Oct. 12, 2018), *adopted*, Comm'r Dec. (Oct. 26, 2018)

[Read more about *Dep't of Transportation v. Mirhosseini*](#)

Contracts

Changed conditions claim denied.

A contractor sought additional compensation arising from two contracts for the construction of sanitary and storm sewers and the installation of water mains in Queens and Staten Island.

[*Inter Contracting Corp v. Dep't of Design and Construction*](#), OATH Index No. 2207/18, mem. dec. (Oct. 26, 2018).

[Read more about *Inter Contracting Corp v. Dep't of Design and Construction*](#)

Vehicle retention

ALJ orders return of seized car.

Following the arrest of the car owner for criminal possession of a weapon, the Police Department seized the car as the alleged instrumentality of a crime.

[Police Dep't v. Wellington](#), OATH Index No. 301/19, mem. dec. (Oct. 2, 2018)

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

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