



BenchNOTES Newsletter

February 2025

OATH News

Job opportunities at OATH:

OATH is hiring Law Clerks and a Chief Law Clerk. Working directly with OATH's Administrative Law Judges, Law Clerks engage in legal research and writing on cases involving 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. These jobs are a great way to promote access to justice in NYC. For more details visit <https://cityjobs.nyc.gov/> and search for Job ID 695171 (Law Clerk) & 695172 (Chief Law Clerk).

Training on Adjudicating Cases at OATH:

The Administrative Judicial Institute at OATH invites you to attend a CLE-accredited program entitled Adjudicating Cases at OATH's Hearing Division. The program will be presented by Deputy Commissioner and Chief Clerk Maria Marchiano, Deputy Commissioner for Adjudications Kelly Corso, and Deputy Commissioner for Appeals Peter Schulman. The program will include an overview of OATH as the City's independent

administrative law court, a review of key Hearings Division procedural rules, and an overview of the appeals process.

The program will be held virtually on Tuesday evening, **February 25, 2025, from 6:00 p.m. to 7:30 p.m.** The free program will provide 1.5 CLE credits in Areas of Professional Practice (transitional and non-transitional) to participants. Please share this announcement with your legal staff and colleagues. You may register for the program [here](#).

Trials Division

Licensing

Lifting of license suspension recommended.

ALJ Joycelyn McGeachy-Kuls recommended lifting the license suspension of a taxi driver arrested for assault of another driver. [***Taxi & Limousine Comm'n v. Goni***](#), OATH Index 1238/25 (Jan. 24, 2025).

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

Real Property

Granting protected occupancy application recommended.

ALJ Christine Stecura recommended granting the protected occupancy application of tenants residing in a unit covered under the Loft Law. [***Matter of Wharton-Bickley***](#), OATH Index No. 2654/23 (Jan. 15, 2025).

[Read more about *Matter of Wharton-Bickley*.](#)

Vehicle Seizure

Police Department may retain a seized vehicle.

ALJ Seon J. Lee determined that the Police Department may retain a vehicle seized as an alleged instrumentality of a crime. [***Police Dep't v. Brown***](#), OATH Index No. 1241/25 mem. dec. (Jan. 28, 2025).

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

Contracts

Granting motion to dismiss.

The Contract Dispute Resolution Board, chaired by ALJ Christine Stecura, granted the Department of Environmental Protection's motion to dismiss a contractor's claim for extra work it performed in connection with a supply and service contract for gas turbine generators at a wastewater treatment plants because it was time-barred. [***Acme Industrial Inc., LLC v. Dep't of Environmental Protection***](#), OATH Index No. 287/50, mem. dec. (Jan. 22, 2025).

[**Read more about *Acme Industrial Inc., LLC v. Dep't of Environmental Protection*.**](#)

Appeals from the Hearings Division

Decision reversed.

An appeals decision reversed a hearing decision that sustained a violation of 15 RCNY § 1-38(b), which states that an asbestos investigator is required to either (1) assume that some or all of the areas affected by the scope of investigated renovation work contained asbestos-containing material (“ACM”), or (2) collect and submit bulk samples of each area not assumed to contain ACM for analysis. [***DEP v. Gerald O Nwanji, Appeal No. 2401815 \(Jan. 30, 2025\).***](#)

[**Read more about *DEP v. Gerald O Nwanji* and other appeals from the Hearings Division.**](#)

This is the NYC.gov news you requested for:
BenchNOTES

[Unsubscribe](#) or [Manage your email preferences](#)

[Comment on this news service](#)

PLEASE DO NOT REPLY TO THIS MESSAGE!