



BenchNOTES Newsletter

March 2021

OATH NEWS

New ALJ appointed and ALJ re-appointed: On March 15, Chief Administrative Law Judge Joni Kletter appointed Julia Lee to a five-year term as an ALJ.

[Read more about OATH News](#)

COVID-19 Update

Pursuant to an order of the Chief Administrative Law Judge, all hearings, trials, and other OATH operations are being conducted by telephone, videoconferencing, online, or mail, and OATH will only allow in-person appearances in limited, pre-approved circumstances.

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

Trials Division

Contracts

Contract Dispute Resolution Board denies additional compensation in dispute between NYPD and document restoration company.

The CDRB denied a contractor's request for additional compensation, finding the contractor was not entitled to additional money under the contract.

[*Total Environmental Restoration Solution Inc. v. New York City Police Dep't*](#), OATH Index No. 1195/20, mem. dec. (Feb. 4, 2021).

[Read more about *Total Environmental Restoration Solution Inc. v. New York City Police Dep't*, OATH Index No. 1195/20, mem. dec. \(Feb. 4, 2021\).](#)

Licensing

Architect should lose filing privileges due to false filings.

ALJ McGeachy-Kuls recommended stripping an architect's filing privilege due to his lack of knowledge.

[*Dep't of Buildings v. Klein*](#), OATH Index No. 1380/20 (Feb. 16, 2021).

[Read more about *Dep't of Buildings v. Klein*, OATH Index No. 1380/20 \(Feb. 16, 2021\).](#)

Vehicle Retention

ALJ allows NYPD to retain seized vehicle.

ALJ Joan R. Salzman determined that the NYPD was entitled to retain a seized vehicle where the driver, who was also the registered owner, was arrested for shooting a man in the thigh and using his vehicle as a getaway car to flee the scene of the shooting.

[*Police Dep't v. Thompson*](#), OATH Index No. 1308/21, mem. dec. (Feb. 10, 2021).

[Read more about *Police Dep't v. Thompson*, OATH Index No. 1308/21, mem.dec. \(Feb. 10, 2021\).](#)

Real Property

ALJ recommends denial of Loft Law applications.

ALJ Noel R. Garcia found that a unit was not covered under the Loft Law, as the applicants did not prove that the unit was used residentially during the window period.

[**Matter of Kim**](#), OATH Index Nos. 199/18 & 279/18 (Feb. 4, 2021).

[**Read more about Matter of Kim, OATH Index Nos. 199/18 & 279/18 \(Feb. 4, 2021\).**](#)

Appeals Division decisions (appeals from the Hearings Division)

The Appeals Division reversed a hearing officer's decision, finding instead that a respondent, Consolidated Edison, had not violated the terms and conditions of a Department of Transportation permit.

[**DOT v. Consolidated Edison, Appeal No. 2001386 \(February 11, 2021\).**](#)

[**Read more about DOT v. Consolidated Edison, Appeal No. 2001386 \(February 11, 2021\).**](#)

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