

BenchNOTES Newsletter

February 2018

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

Contracts

Extra work claim denied.

A contractor filed claims arising out of a contract to clean and rehabilitate the High Bridge, a stone bridge over the Harlem River.

[Schivone Constr. Co., LLC v. Dep't of Design and Constr.](#), OATH Index No. 2251/17, mem. dec. (Dec. 15, 2017).

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Licensing

Client of lobbyist fined.

Any client who retains a lobbyist for an amount in excess of \$5,000 must file a termination notice with the City Clerk's office within thirty days after the lobbyist ceases activity on behalf of the client.

[Office of the City Clerk v. Javar Corp.](#), OATH Index 1105/18 (Dec. 28, 2017), *adopted*, City Clerk's Dec. (Jan. 16, 2018).

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Personnel

False statement charge dismissed.

The Department of Correction ("DOC") charged a captain with submitting a false use of force report.

[Dep't of Correction v. Frederick](#), OATH Index No. 1988/17 (Dec. 5, 2017).

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Real Property

Denial of variance upheld.

An owner of a property within the New York City Watershed sought to build a three-bedroom, single-family home, with a septic system.

[Zappico Construction, LLC v. Dep't of Environmental Protection](#), OATH Index No. 523/18 (Dec. 6, 2017), *adopted*, Comm'r Dec. (Dec. 21, 2017).

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Vehicle Retention

Police Department may retain seized car.

A car was seized following the owner's arrest for driving while under the influence of alcohol and/or drugs, reckless driving, unlawful possession of marijuana and driving onto a public sidewalk.

[Police Dep't v. Santana](#), OATH Index No. 1117/18, mem. dec. (Dec. 8, 2017).

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