



BenchNOTES Newsletter

June 2021

OATH NEWS

New ECB appointee approved: Mayor de Blasio's nomination of Matthew Schneid for appointment to the ECB, as the real estate specialist, was approved by the City Council on May 27.

[Read more about New ECB appointee approved.](#)

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

Licensing

Taxi license suspension should be lifted.

ALJ recommended lifting the suspension of a Taxi and Limousine Commission driver's license, finding that while recovering from COVID-

19, he consumed oxycodone believing that it was similar to codeine, which his doctor had instructed him to take.

[***Taxi & Limousine Comm'n v. Zurashvili***](#), OATH Index No. 1905/21 (May 27, 2021).

[**Read more about *Taxi & Limousine Comm'n v. Zurashvili*, OATH Index No. 1905/21 \(May 27, 2021\).**](#)

Vehicle retention

Applying new cannabis law ALJ orders PD to return seized car.

ALJ ordered the NYPD to release a car that it seized as the alleged instrumentality of a crime.

[***Police Dep't v. Young***](#), OATH Index No. 2033/21, mem. dec. (May 26, 2021).

[**Read more about *Police Dep't v. Young*, OATH Index No. 2033/21, mem. dec. \(May 26, 2021\).**](#)

Personnel

Firefighter found to have offered bribe to investigator.

ALJ recommended termination of a firefighter's employment for offering an \$800 bribe to an investigator to take a urine test required prior to returning to duty after a voluntary alcohol use treatment program.

[***Fire Dep't v. Anonymous***](#), OATH Index No. 1318/20 (May 25, 2021),
adopted, Comm'r Dec. (June 9, 2021).

[**Read more about *Fire Dep't v. Anonymous*, OATH Index No. 1318/20 \(May 25, 2021\), *adopted*, Comm'r Dec. \(June 9, 2021\).**](#)

Appeals Division decisions (appeals from the Hearings Division)

Appeals Division affirms fines imposed on tobacco dealer for flavored electronic cigarette sales.

The Appeals Division affirmed a hearing officer's decision finding a tobacco retail dealer committed three violations for selling flavored electronic cigarettes and imposing a \$1,000 fine for each violation.

[***Dep't of Consumer and Worker Protection v. New York's Best Deli, Inc.***](#), Appeal No. 20T00502 (June 4, 2021)

[**Read more about *Dep't of Consumer and Worker Protection v. New York's Best Deli, Inc.*, Appeal No. 20T00502 \(June 4, 2021\)**](#)

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