



BenchNOTES Newsletter

August 2024

OATH News

Job opportunities at OATH: OATH regularly posts employment opportunities on the NYC Jobs portal and on its website. [View current openings.](#)

Trials Division Personnel

Termination recommended.

ALJ Tiffany Hamilton recommended termination of employment for a correction officer who struck a restrained person in custody three times in the face with a closed fist.

[***Dep't of Correction v. Lovelace***](#), OATH Index No. 3501/24 (July 30, 2024).

[Read more about ***Dep't of Correction v. Lovelace***.](#)

Licensing

Dismissal recommended.

ALJ Orlando Rodriguez recommended dismissing, on collateral estoppel grounds, the second of two fitness proceedings brought by TLC against a licensee for his conviction of indecent assault in Pennsylvania in 2015.

[***Taxi & Limousine Comm’n v. Saini***](#), OATH Index No. 2260/24 (July 25, 2024), *rejected*, Comm’r Dec. (Aug. 5, 2024).

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

Human Rights

Dismissal recommended.

ALJ Michael D. Turilli denied petitioner’s request to preclude self-represented respondents, a real estate brokerage firm and its owner, from participating in the trial due to their failure to file an answer to the complaint, and recommended dismissal of the complaint based on petitioner’s failure to establish that respondents discriminated against complainant based on lawful source of income.

[***Comm’n on Human Rights ex rel. Miller v. New American Realty Corp.***](#), OATH Index No. 2253/24 (July 31, 2024).

[Read more about ***Comm’n on Human Rights ex rel. Miller v. New American Realty Corp.***](#).

Procedure

Request to postpone proceeding denied.

ALJ Kevin F. Casey denied a request to postpone a prevailing wage proceeding pending the outcome of a related state court action.

[**Office of the Comptroller v. LN Pro Services, LLC & Fleetwash, Inc.,**](#)
OATH Index Nos. 2376/24, 2377/24 (July 11, 2024).

[Read more about **Office of the Comptroller v. LN Pro Services, LLC & Fleetwash, Inc..**](#)

Appeals from the Hearings Division

Building code violation sustained.

An appeals decision reversed a hearing decision dismissing a Building Code violation for failing to comply with a Commissioner's order which directed respondent to submit an engineer's report concerning a building's structurally deficient conditions.

[**DOB v. Deihl Rlty Co Inc,**](#) Appeal No. 2400669 (July 25, 2024).

[Read more about **DOB v. Deihl Rlty Co Inc, and other Appeals from the Hearings Division cases.**](#)

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