



# BenchNOTES

## Newsletter

April 2021

### OATH NEWS

**City Council passes new press credential bill:** On March 25, the City Council passed Introduction 2118 by a vote of 43-6. If signed by the Mayor or enacted into law without signature, the bill will reassign the responsibility for the management of press credentialing from the NYPD to the Mayor's Office for Media and Entertainment, with challenges to credential application denials, suspensions, and revocations assigned to be heard in the OATH Trials Division.

[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.](#)

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### Trials Division

#### Worker protection

**Employer retaliated against employee for taking off from work to care for her son.**

An OATH ALJ recommended penalties against an employer for violating the City's Earned Safe and Sick Time Act for firing an electrical assistant providing care for her son.

**[Dep't of Consumer and Worker Protection v. Reteq Electric Inc.](#)**,

OATH Index No. 1186/20 (Mar. 29, 2021).

**[Read more about Dep't of Consumer and Worker Protection v. Reteq Electric Inc., OATH Index No. 1186/20 \(Mar. 29, 2021\).](#)**

## **Licensing**

**ALJ recommends loss of self-certification and limited review filing privileges.**

ALJ Faye Lewis rejected the Department of Buildings' request for revocation of all of an architect's filing privileges as excessive.

**[Dep't of Buildings v. Han](#)**, OATH Index No. 1277/19 (Mar. 19, 2021).

**[Read more about Dep't of Buildings v. Han, OATH Index No. 1277/19 \(Mar. 19, 2021\).](#)**

## **Vehicle Retention**

**ALJ determines that NYPD is not entitled to retain seized vehicle.**

ALJ Kevin F. Casey determined that the NYPD was not entitled to retain a seized vehicle where they failed to comply with the dual notice requirement to the vehicle's owner.

**[Police Dep't v. Cole](#)**, OATH Index No. 1428/21, mem.dec. (Mar. 15, 2021).

**[Read more about Police Dep't v. Cole, OATH Index No. 1428/21, mem.dec. \(Mar. 15, 2021\).](#)**

## **Real Property**

## **ALJ finds harassment occurred at Pilot Program building.**

In the tribunal's first case involving a building on the Pilot Program List, the Department of Housing Preservation & Development ("HPD") proved that the owners of a premises harassed lawful occupants of the building during the inquiry period and therefore the ALJ recommended that the Certificate of No Harassment ("CONH") application should be denied.

[\*Dep't of Housing Preservation & Development v. Barbanel\*](#), OATH Index No. 2652/19 (Mar. 5, 2021), *adopted*, Comm'r Dec. (Mar. 9, 2021).

[Read more about \*Dep't of Housing Preservation & Development v. Barbanel\*, OATH Index No. 2652/19 \(Mar. 5, 2021\), \*adopted\*, Comm'r Dec. \(Mar. 9, 2021\).](#)

## **Appeals Division decisions (appeals from the Hearings Division)**

The Appeals Division vacated five decisions by a Hearing Officer finding a building owner had illegally created single room occupancy subleases within an apartment.

[\*Dep't of Buildings v. 50 MacDonough Street Property Owner LLC\*](#), Appeal No. 2001296 (March 17, 2021).

[Read more about \*Dep't of Buildings v. 50 MacDonough Street Property Owner LLC\*, Appeal No. 2001296 \(March 17, 2021\)](#)

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