



BenchNOTES Newsletter

March 2022

OATH NEWS

OATH Deputy Commissioner changes: In early 2022, two OATH deputy commissioners retired. Linda May, who served as Deputy Commissioner for Administration, and Susan Kassapian, who served as Deputy Commissioner for Appeals, were both longtime City employees who served at other agencies prior to joining OATH. Arnab Das has been appointed as the new Deputy Commissioner for Administration.

Law firm joins pro bono effort: International law firm Cleary Gottlieb Steen & Hamilton has joined the group of legal services providers volunteering their time to represent taxi drivers facing summonses issued by the NYC Taxi and Limousine Commission in their cases at OATH. The firm is partnering with the nonprofit Mobilization for Justice, which has been providing pro bono representation for vehicle-for-hire drivers at OATH since 2019. For more information about OATH referrals of unrepresented respondents for pro bono legal support, click [here](#).

[Read more about OATH News](#)

COVID-19 Update

Pursuant to an order of the Chief Administrative Law Judge, hearings, trials, and other OATH operations are being conducted by telephone,

videoconferencing, online, or mail, and in-person appearances are also available. For more information, visit OATH's website at

www.nyc.gov/oath.

Trials Division

Licensing

General contractor license and superintendent of construction license revoked.

ALJ Kara J. Miller recommended revocation of a construction contractor's general contractor and superintendent of construction licenses based on negligence, incompetence, and lack of knowledge or disregard for the Building Code.

[***Dep't of Buildings v. Zefi***](#), OATH Index No. 1579/20 (Dec. 15, 2021), *adopted*, Comm'r Dec. (Dec. 17, 2021).

[***Read more about Dep't of Buildings v. Zefi***](#)

Personnel

Health and safety exception to principle of "obey now, grieve later," established.

ALJ Gloade found that a DOT Highway repairer reasonably believed compliance with the order to clean the area behind a guardrail on an active roadway, without additional safeguards on a dark and rainy night, presented an immediate threat to his health and safety.

[*Dep't of Transportation v. Lee*](#), OATH Index No. 1056/21 (Dec. 13, 2021).

[Read more about *Dep't of Transportation v. Lee*](#)

Appeals Division decisions (appeals from the Hearings Division)

Dismissal of price charge reversed on appeal.

The Appeals Division reversed a hearing officer's decision that had dismissed a charge that a car sales business failed to conspicuously display the price of a used vehicle.

[**DCWP v. Gullwing Motor Cars LLC, Appeal No. 21Q00596
\(December 22, 2021\).**](#)

[Read more about *DCWP v. Gullwing Motor Cars LLC, Appeal No. 21Q00596 \(December 22, 2021\)*](#)

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