



BenchNOTES Newsletter

May 2021

OATH NEWS

City Council passes multiple bills assigning adjudications to

OATH: On April 29, the City Council passed Introductions [888](#) and [901](#), establishing a mandatory auto-enrollment payroll deduction IRA program for certain private-sector employees whose employers do not offer a retirement plan and creating a NYC Retirement Savings Board to administer the program.

[Read more about City Counsel passes multiple bills](#)

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

Vehicle Retention

New Cannabis Law applied to car search.

ALJ Joan R. Salzman ordered the Police Department to release a car it seized pursuant to an arrest. The case involved a novel issue concerning the application of the new Cannabis Law to an arrest that occurred before that law was enacted.

[Police Dep't v. Williams](#), OATH Index No. 1623/21, mem. dec. (Apr. 30, 2021).

[Read more about Police Dep't v. Williams, OATH Index No. 1623/21, mem. dec. \(Apr. 30, 2021\).](#)

Worker Protection

ALJ recommends dismissal of deceptive practices charges.

ALJ Ingrid M. Addison found that the Department of Consumer and Worker Protection failed to prove its charges against a debt collection agency for deceptive trade practices.

[Dep't of Consumer and Worker Protection v. Professional Claims Bureau, Inc.](#), OATH Index No. 1311/20 (Apr. 19, 2021).

[Read more about *Dep't of Consumer and Worker Protection v. Professional Claims Bureau, Inc.*, OATH Index No. 1311/20 \(Apr. 19, 2021\).](#)

Personnel

ALJ recommends dismissal of conflicts of interest charge.

ALJ Faye Lewis recommended that disciplinary charges against a Human Resources Administration employee be dismissed for failure to establish that the employee used his agency position for personal or financial gain.

[*Dep't of Social Services \(Human Resources Admin.\) v. Kassem*, OATH Index No. 1456/20 \(Apr. 14, 2021\).](#)

[Read more about *Dep't of Social Services \(Human Resources Admin.\) v. Kassem*, OATH Index No. 1456/20 \(Apr. 14, 2021\).](#)

Real Property

Loft Law, denial of access application recommended.

ALJ Kara J. Miller recommended denial of a building owner's access application for failure to properly serve the occupant with written notice of the visit, as required by the Loft Board's rules.

[*Matter of SMCB Associates, LLC.*, OATH Index No. 2040/20 \(Apr. 21, 2021\).](#)

[Read more about *Matter of SMCB Associates, LLC.*, OATH Index No. 2040/20 \(Apr. 21, 2021\).](#)

Appeals Division decisions (appeals from the Hearings Division)

Appeals Division affirms dismissal of charges of price gauging.

The Appeals Division affirmed the dismissal of price gouging charges for selling 121-oz. bottles of Clorox bleach at an excessive price during a public health crisis.

[*DCWP v. Moonlite Discount Inc.*, Appeal No. 05448772 \(April 22, 2021\).](#)

[Read more about *DCWP v. Moonlite Discount Inc.*, Appeal No. 05448772 \(April 22, 2021\).](#)

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