



# BenchNOTES Newsletter

September 2021

## OATH NEWS

**MEND NYC webinar:** On July 21, Commissioner and Chief Administrative Law Judge Joni Kletter co-hosted an online presentation and Q&A session on the MEND NYC mediation program, in partnership with OATH Administrative Law Judge and director of the Center for Creative Conflict Resolution Ray Kramer and NYC Office of Nightlife executive director Ariel Palitz.

[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

### Vehicle Retention

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. Bull\*\*\*](#), OATH Index No. 2231/21, mem. dec. (July 14, 2021).

[\*\*\*Read more about Police Dep't v. Bull\*\*\*](#)

## **Licensing**

**Continued suspension of taxi license recommended.**

ALJ Lee recommended that suspension of a Taxi and Limousine Commission ("TLC") driver's license continue, finding that the respondent's pending criminal case for conspiracy to commit money laundering posed a direct and substantial threat to public health or safety.

[\*\*\*Taxi & Limousine Comm'n v. Ault\*\*\*](#), OATH Index No. 2261/21 (July 15, 2021).

[\*\*\*Read more about Taxi & Limousine Comm'n v. Ault\*\*\*](#)

## **Personnel**

**Investigator "double dipped" working outside job while on sick leave from his City job.**

ALJ Joan R. Salzman recommended termination of employment for a medicolegal investigator at the City's Office of the Chief Medical Examiner ("OCME") who engaged in "double dipping" when he worked a

second job in Nassau County, on at least six dates, while he was on paid sick leave at his City job.

[\*\*Dep't of Health & Mental Hygiene/Office of Chief Medical Examiner v. Czvekus\*\*](#), OATH Index No. 1558/21 (July 22, 2021).

[\*\*Read more about Dep't of Health & Mental Hygiene/Office of Chief Medical Examiner v. Czvekus\*\*](#)

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

**For-hire car; illegal U-turn in business district.**

The Appeals Division reversed a hearing officer's decision dismissing a summons charging a for-hire vehicle driver with making an illegal U-turn in a business district and remanded the matter for a new hearing.

[\*\*Taxi & Limousine Comm. v. Junfa Lin\*\*](#), Appeal No. 74140115A (July 30, 2021).

[\*\*Read more about Taxi & Limousine Comm. v. Junfa Lin\*\*](#)

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