



Home

About OATH

News

OATH Trials Division

- OATH Trials Division Data
- Rules of Practice
- Hearing Calendar
- Guides & Brochures
- Forms
- Administrative Judicial Institute
- BenchNOTES
- Contact OATH Trials Division

Health Hearings

Taxi & Vehicle for Hire Hearings

ECB Hearings

Contact OATH

BenchNOTES

Last Month's OATH Decisions

The documents below are in PDF format. [Download the Adobe Reader now.](#)

Personnel

Hospital technician performed wrong test on wrong patient.

An ultrasound technologist was charged with failing to properly identify a patient and performing the wrong examination on the patient. ALJ Kevin F. Casey sustained the charges. [Health & Hospitals Corp. \(Kings Co. Hospital Ctr.\) v. Kahn](#), OATH Index No. 1051/15 (July 15, 2015).

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Real Property

Denial of watershed variance was rational.

Watershed regulations require any new subsurface sewage treatment system (SSTS) be at least 100 feet from a wetland. A Putnam County property owner wanted to build a four-bedroom residence with a new SSTS which was only 46 feet from a wetland. [Solof v. Dep't of Environmental Protection](#), OATH Index No. 2371/15 (July 10, 2015).

[Read more](#)

Vehicle Retention

Police Department may retain seized car.

The Police Department sought to retain a car seized in connection with the driver's arrest for criminal possession of a controlled substance, criminal possession of a forged instrument, driving while intoxicated, resisting arrest, and related lesser charges. [Police Dep't v. Smith](#), OATH Index No. 2587/15, mem. dec. (July 1, 2015).

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Prevailing Wage

Contractor willfully violated prevailing wage law.

ALJ Tynia D. Richard found that a public works contractor and its president failed to pay prevailing wages and supplemental benefits to 21 employees on eight contracts to perform work on public schools. [Office of the Comptroller v. Reliance General Construction, Inc.](#), OATH Index No. 1767/15 (July 23, 2015).

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Licensing

Commission may continue suspension of taxi driver's license.

ALJ Alessandra F. Zorogniotti recommended the continuation of a suspension of a taxi driver's license during the pendency of criminal charges against the license holder. [Taxi & Limousine Comm'n v. Khouma](#), OATH Index No. 2550/15 (July 2, 2015), *adopted*, Comm'r Dec. (July 23, 2015).

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Information on Seized Cars](#)[BenchNOTES Archive](#)

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1 of 7

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