



BenchNOTES Newsletter

September 2022

OATH NEWS

Commissioner Rehman formally sworn-in by the Mayor: On July 7, Mayor Adams held a swearing-in ceremony for Commissioner and Chief Administrative Law Judge Asim Rehman. To read the New York Law Journal's coverage, [click here](#). To listen to the remarks by Chief Counsel to the Mayor Brendan McGuire, Mayor Adams, and Commissioner Rehman, click [here](#) to view a recording of the event.

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COVID-19 Update

Pursuant to an order of the Chief Administrative Law Judge, hearings, trials, and other OATH operations are available 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

Personnel

ALJ recommends termination of employment for one correction officer and 50 to 60 days' suspension for the other officers for misconduct.

ALJ Kevin F. Casey found that three correction officers drank alcohol while on duty, two officers tampered with evidence, one officer used an unauthorized cell phone, and two officers made false statements to interviewers by denying that they consumed alcohol on duty.

[Dep't of Correction v. Wilson, Cameron, Williams, and Winfrey,](#)

OATH Index Nos. 117/22, 118/22, 119/22, 349/22, 415/22, and 487/22 (Mar. 4, 2022), *adopted in part*, modified on penalty in part, Comm'r Dec. (May 11, 2022).

[Read more about Dep't of Correction v. Wilson, Cameron, Williams, and Winfrey](#)

Vehicle Seizure

ALJ ordered agency to return seized vehicles pending civil forfeiture action.

ALJ Faye Lewis ordered the Department of Health and Mental Hygiene to return three Weed World Candies-branded trucks to their owners.

[Dep't of Health & Mental Hygiene v. Weed World Candies, Inc., et al.](#), OATH Index No. 1110/21, mem. dec. (June 30, 2022).

[Read more about Dep't of Health & Mental Hygiene v. Weed World Candies, Inc., et al.](#)

Licensing

ALJ recommends revocation of a construction superintendent license.

ALJ Joan R. Salzman recommended revocation of a construction superintendent license, and the Commissioner of the Department of Buildings adopted her recommendation.

[***Dep't of Buildings v. Nobel***](#), OATH Index No. 35/22 (Mar. 15, 2022), *adopted*, Comm'r Dec. (Apr. 8, 2022).

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

Human Rights

Respondents found to have discriminated by failing to provide an accessible entrance and a reasonable accommodation.

ALJ Ingrid M. Addison found that respondents H&M and a property management company discriminated against a disabled complainant by failing to provide an accessible entrance that afforded full and equal enjoyment, on equal terms and conditions as able-bodied persons, and by failing to provide complainant and other disabled persons with a reasonable accommodation, in violation of the New York City Human Rights Law.

[***Comm'n on Human Rights ex rel. McKnight v. H & M Hennes & Mauritz L.P. & BJW Realty LLC et al.***](#), OATH Index No. 905/20 (Mar. 31, 2022).

[**Read more about *Comm'n on Human Rights ex rel. McKnight v. H & M Hennes & Mauritz L.P. & BJW Realty LLC et al.***](#)

Real Property

ALJ recommended granting a tenant’s application for protected occupancy.

ALJ Kevin F. Casey recommended granting a tenant’s application for protected occupancy because the building’s owner failed to prove that the former tenant sold her rights to the unit.

[**Matter of Herman**](#), OATH Index No. 1984/21 (May 13, 2022).

[**Read more about Matter of Herman**](#)

Contract

CDRB lifts contract suspension.

A panel of the Contract Dispute Resolution Board, chaired by ALJ Joycelyn McGeachy-Kuls, found that the City’s decision to indefinitely suspend a vendor’s moving services contract shortly after it was awarded was arbitrary.

[**Sunrise Office Services, Inc. v. Dep’t of Citywide Administrative Services**](#), OATH Index No. 742/21, mem. dec. (May 10, 2022).

[**Read more about Sunrise Office Services, Inc. v. Dep’t of Citywide Administrative Services**](#)

Appeals Division decisions (appeals from the Hearings Division)

Moving company not in violation of unlawfully idling a motor vehicle.

The Appeals Division reversed a hearing officer’s decision and found that a moving company was not in violation of unlawfully idling a motor vehicle’s engine adjacent to a school for longer than one minute.

[**DEP v. Atlas Van Lines**](#), Appeal No. 2200023 (March 24, 2022).

[**Read more about DEP v. Atlas Van Lines, Appeal No. 2200023
\(March 24, 2022\)**](#)

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