



Home

About OATH

News

**Trials Division**

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

Health and Consumer 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

***Correction officer had inappropriate relationship with minor.***

ALJ Alessandra F. Zornotti found that a correction officer had engaged in an inappropriate relationship with a minor. [Dep't of Correction v. Campos](#), OATH Index No. 1227/15 (Mar. 23, 2015).

[Read more](#)

#### Prevailing Wage

***ALJ recommends City riggers be paid like private millwrights.***

Carpenters union sought a determination from the Comptroller of the prevailing wages and benefits to be paid to City workers in eight civil service titles. The Comptroller conducted an investigation and made preliminary determinations of the trade classifications for each title. [Office of the Comptroller v. Office of Labor Relations](#), OATH Index No. 2445/14 (Mar. 5, 2015).

[Read more](#)

#### Practice and Procedure

***Informal, speedy discovery encouraged by OATH rules.***

In disciplinary proceedings at OATH, some parties engage in informal discovery, although OATH rules of practice provide broad guidelines for discovery practices. When a party fails to respond to discovery demands, the opposing party should make a pre-trial motion to compel production to the trial judge as soon as possible. [Dep't of Correction v. Bolanos](#), OATH Index No. 853/15 (Mar. 19, 2015).

[Read more](#)

#### Vehicle Retention

***Car owner showed he was an innocent owner.***

The police department seized a car in connection with the driver's arrest for gun possession and other charges. The car owner, who is the driver's father, sought return of the car as an innocent owner. ALJ Astrid B. Gloade ruled for the owner. [Police Dept v. Nickey](#), OATH Index No. 1826/15, mem. dec. (Mar. 12, 2015).

[Read more](#)

#### Human Rights Law

***Tenants are entitled to keep their emotional support dogs.***

Housing cooperative was charged with discriminating against two tenants based on their disability by failing to waive no-dog rule to permit the tenants to keep their dog, who they contend is a companion or emotional support animal. [Comm'n on Human Rights ex rel. Carol T. v. Mutual Apartments, Inc.](#), OATH Index No. 2399/14 (Mar. 13, 2015).

[Read more](#)

#### Licensing

***Cab driver penalized for slapping passenger's hand.***

Taxi driver was charged with hitting passenger's hand several times, cursing at and threatening the passenger. The complaint arose out of a disagreement over the route. [Taxi & Limousine Comm'n v. Hossen](#), OATH Index No. 721/15 (Mar. 9, 2015), *adopted*, Comm'r Dec. (Apr. 8, 2015).

## Resources

[Search OATH Decisions](#)

[Search OATH Decisions \(Issued After 2004\) Using OATH Tribunal Database](#)

[Forfeiture Cases: Information on Seized Cars](#)

[BenchNOTES Archive](#)

## OATH Recent Decisions

[OATH Launches New Website in Partnership with Columbia Law School.](#)

1 of 8

**Administrative Judicial Institute**

[Read more](#)

## Real Property

### ***Motion to file answer denied.***

In a Loft Law coverage case, the applicants reached an agreement with the owner to withdraw the application with prejudice. A non-applicant who leased a unit with one of the applicants, but was out of possession, moved to file an answer. [Matter of Fiscina](#), OATH Index No. 357/15 (Mar. 16, 2015).

[Read more](#)