



BenchNOTES Newsletter

April 2023

OATH NEWS

Job opportunities at OATH: OATH regularly posts employment opportunities on the NYC Jobs portal and on its website. [View current openings.](#)

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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. In-person appearances are also available. For more information, visit OATH's website at www.nyc.gov/oath.

Trials Division

Personnel

Suspension recommended for caseworker charged with discourteous and threatening conduct.

ALJ Tiffany Hamilton recommended a 3-day suspension for a caseworker found to have engaged in discourteous conduct towards her supervisor.

[***Dep't of Social Services \(Dep't of Homeless Services\) v. McCain,***](#)

OATH Index No. 1141/23 (Mar. 21, 2023).

[**Read more about *Dep't of Social Services \(Dep't of Homeless Services\) v. McCain***](#)

Licensing

ALJ recommends continued suspension of taxi driver's license.

ALJ Jonathan Fogel recommended continued suspension of a taxi driver's license during the pendency of his criminal case for assault in the third degree.

[***Taxi & Limousine Comm'n v. Lomidze,***](#) OATH Index No. 1994/23 (Mar. 3, 2023), *adopted*, Comm'r Dec. (Mar. 14, 2023).

[**Read more about *Taxi & Limousine Comm'n v. Lomidze* and other Licensing cases**](#)

Real Property

ALJ recommends granting Loft Law protection.

ALJ Noel R. Garcia recommended granting protected occupancy status to a tenant residing in a unit covered by the Loft Law, finding that the unit has not been deregulated by a prior sale of rights.

[***Matter of Smulktis***](#), OATH Index No. 327/21 (Mar. 10, 2023).

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

Appeals Division Decisions

(Appeals from the Hearings Division)

Building code violation reversed based on lack of proper service.

The Appeals Division reversed a hearing decision sustaining a violation against a building owner for failure to maintain the building in a safe and code-compliant manner.

[***DOB v. Franklin Avenue Estates LLC***](#), Appeal No. 2201441 (March 23, 2023).

[**Read more about *DOB v. Franklin Avenue Estates LLC*, and other Appeals Division cases**](#)

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