BenchNOTES Newsletter

September 2018

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

Personnel

Dismissal of unauthorized force charge recommended.

A correction captain was charged with using unauthorized force against an inmate and making false statements.

[Dep't of Correction v. Virola,](#) OATH Index No. 181/18 (Aug. 31, 2018).

[Read more about *Dep't of Correction v. Virola*](#)

Licensing

Dismissal of drug charge recommended.

Taxi driver was charged with unfitness based upon a positive drug test result.

[Taxi & Limousine Comm'n v. Diaw,](#) OATH Index No. 267/19 (Aug. 22, 2018).

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

Earned Safe and Sick Time Act

Violation of Act found.

A company was charged with not providing its employees with notice of their rights, not maintaining a written sick leave policy, not complying with record-keeping requirements and with not paying sick leave to, and retaliating against, two workers.

[Dep't of Consumer Affairs v. Excel Interior Contracting, Inc.,](#) OATH Index No. 174/18 (Aug. 2, 2018).

[Read more about *Dep't of Consumer Affairs v. Excel Interior Contracting, Inc.*](#)

Campaign Finance

Repayment of matching funds recommended.

Candidate, campaign committee, and treasurer were charged with violating campaign finance law and rules.

Campaign Finance Bd. v. Sierra, OATH Index No. 1030/18 (Aug. 2, 2018).

Read more about *Campaign Finance Bd. v. Sierra*

Real Property

Pre-trial motion to dismiss application denied.

Property owner moved pre-trial for summary judgment and dismissal of Loft Law coverage application on the ground that the application was defectively filed because it did not include proof of service on all affected parties before the statutory limitation period for coverage applications had expired.

Matter of Marticorena, OATH Index No. 576/18, letter to counsel (Aug. 1, 2018).

Read more about *Matter of Marticorena*