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BenchNOTES

Last Month's OATH Decisions

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Licensing

ALJ recommends dismissal of charges against taxi driver.

A taxicab driver was charged with threatening, cursing, shouting racial slurs and hitting another motorist with his taxicab following a minor car accident on the Williamsburg Bridge. [Taxi & Limousine Comm'n v. Merisier](#), OATH Index No. 70/16 (Jan. 27, 2016).

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Personnel

Drug test failure to provide sample.

A sanitation worker was charged with refusing to undergo a drug test after he could not provide sufficient urine within the requisite three hour period for the test. The respondent argued that his blood pressure medication limited his ability to produce urine. [Dep't of Sanitation v. E. V.](#), OATH Index No. 805/16 (Jan. 29, 2016).

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Vehicle Retention

Police Department may retain seized car.

ALJ Alessandra F. Zorogniotti held that the Police Department was entitled to retain a vehicle seized in connection with an arrest for possession of a weapon. Respondent argued that he was the innocent owner of the vehicle and had lent the car to his cousin without any knowledge of his cousin's criminal activity. [Police Dep't v. McFadden](#), OATH Index No. 1280/16, mem. dec. (Jan. 26, 2016).

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