

# BenchNOTES Newsletter

**February 2019**

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

## Licensing

**Car dealers fined \$3,164,875 for deceptive practices.**

The Department of Consumer Affairs ("DCA") brought a license revocation proceeding against respondents, affiliated car dealers, alleging that they engaged in deceptive and illegal practices designed to profit from low-income and non-English speaking consumers, while saddling them with overpriced loans and defective cars.

[\*Dep't of Consumer Affairs v. Major World\*](#), OATH Index No. 1897/17, mem. dec. (Jan. 24, 2019).

[Read more about \*Dep't of Consumer Affairs v. Major World\*](#)

## Real Property

**SRO building owner denied certificate of no harassment.**

Under the single room occupancy ("SRO") anti-harassment law, the owner of an SRO building must obtain a certificate of no harassment ("CONH") before it may legally renovate the building.

[\*Dep't of Housing Preservation & Development v. Stavrou\*](#), OATH Index No. 2226/18 (Jan. 15, 2019), *adopted*, Comm'r Dec. (Jan. 29, 2019).

[Read more about \*Dep't of Housing Preservation & Development v. Stavrou\*](#)

## Personnel

**Excessive absence, medical incompetence.**

Petitioner sought to terminate the employment of a captain for medical incompetence under section 75 of the Civil Service Law due to excessive use of sick leave based upon job-related injuries.

[\*Dep't of Correction v. Knupp\*](#), OATH Index No. 1774/18 (Jan. 4, 2018).

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

## Vehicle Retention

**Police Department lacked probable cause for trunk search. Car returned.**

Petitioner, the Police Department, sought to retain a car that it had seized in connection with the driver's arrest for criminal possession of a weapon and criminal possession of marijuana.

[\*Police Dep't v. Arthurs\*](#), OATH Index No. 1261/19, mem. dec. (Jan. 30, 2019).

[Read more about \*Police Dep't v. Arthurs\*](#)

**Bench News**

**ALJ Zorgniotti retires from OATH.**

Alessandra F. Zorgniotti retired from OATH this January, after 13 years of distinguished service as an administrative law judge with the OATH Trials Division.

[Read more about \*Bench News\*](#)

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