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Last Month's OATH Decisions

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Human Rights

Landlord violated HRL when he refused voucher.

ALJ John B. Spooner found that a landlord violated the City Human Rights Law (HRL) when he refused to accept a public assistance "security voucher" that the complainant had offered in lieu of a security deposit. [Comm'n on Human Rights ex. rel. Agosto v. American Construction Associates, LLC](#), OATH Index No. 1964/15 (Dec. 1, 2015).

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Licensing

ALJ recommends revocation of trade waste business' registration.

The Business Integrity Commission (BIC) alleged that respondent, a trade waste business and its principal, failed to notify BIC of their indictment for operating an illegal solid waste management facility and illegally dumping hazardous materials at a park in Suffolk County. [Business Integrity Comm'n v. 5 Brothers Farming Corp.](#), OATH Index No. 814/16 (Dec. 7, 2015).

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Personnel

Employee may be disciplined for excessive absences.

The Triborough Bridge and Tunnel Authority (TBTA) charged a Bridge and Tunnel Officer (BTO) with incompetency for excessive absenteeism under section 75 of the Civil Service Law. [Triborough Bridge & Tunnel Auth. v. Beverly](#), OATH Index No. 2238/15 (Nov. 30, 2015), *adopted*, Auth. Dec. (Dec. 28, 2015).

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Contracts

CDRB dismisses delay damages claims.

In an appeal before the Contract Dispute Resolution Board (CDRB), a contractor sought an additional \$318,124 for costs incurred when its elevator modernization and maintenance contract was extended for seven years beyond the scheduled completion date. [Centennial Elevator Industries, Inc. v. Dep't of Citywide Admin. Services](#), OATH Index No. 622/16, *mem. dec.* (Dec. 4, 2015).

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Prevailing Wage

Contractor failed to pay prevailing wages and benefits to security employees.

Services contractor admitted to failing to pay prevailing wages and benefits of \$1.8 million to 28 security employees working at the Health and Hospitals Corporation (HHC) offices. [Office of the Comptroller v. Paramount Security Group, Inc.](#), OATH Index No. 2553/15 (Dec. 2, 2015).

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Vehicle Retention

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perform job.](#)



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**Administrative Judicial
Institute**

Police Department may retain seized car.

A car owner moved for the return of his car on the ground that the Police Department did not serve him with notice of his right to a retention hearing at the time of seizure or by mail as required by *Krimstock v. Kelly*. [Police Dep't v. Rich](#), OATH Index No. 946/16, mem. dec. (Dec. 15, 2015).

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