

BenchNOTES Newsletter

October 2019

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

Human Rights

Discrimination based on citizenship status

A landlord was charged with violating the City Human Rights Law when she sent her tenant a series of hostile text messages and e-mails stating that the tenant was an illegal immigrant and threatening to contact immigration enforcement in response to the tenant's failure to pay rent.

[*Comm'n on Human Rights ex rel. Ondaan v. Lysius*](#), OATH Index No. 2801/18 (Sept. 12, 2019).

[Read more about *Comm'n on Human Rights ex rel. Ondaan v. Lysius*](#)

Personnel

ALJ recommends dismissal of disciplinary charges

A sewage treatment worker was charged with failure to make required checks at the treatment plant and neglect of duty by sleeping in his car.

[*Dep't of Environmental Protection v. Brennan*](#), OATH Index No. 1451/19 (Sept. 12, 2019).

[Read more about *Dep't of Environmental Protection v. Brennan*](#)

Vehicle Retention

Return of seized car ordered

Petitioner, who seized respondent's vehicle following his arrest for criminal possession of a weapon in the second degree, sought to retain the vehicle as the instrumentality of a crime.

[*Police Dep't v. Chase*](#), OATH Index No. 354/20, mem. dec. (Sept. 4, 2019).

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

Licensing

License revocation recommended for repeated false or misleading filings

A master electrician was found to have negligently disregarded the electrical code, including repeatedly failing to send employees under his supervision to electrical inspections, failing to inspect electric signs and oversee installation, and allowing unsupervised non-employees to perform electrical work, and making material false or misleading statements in permit applications by allowing electrical work to be performed prior to issuance of electrical permits.

[*Dep't of Buildings v. Covello*](#), OATH Index No. 2290/18 (Sept. 3, 2019).

[Read more about *Dep't of Buildings v. Covello*](#)

Practice and Procedure

Request to block publication denied

At the close of a disciplinary trial, a correction officer moved to prohibit publication of the OATH report and recommendation, citing to section 50-a of the Civil Rights Law, which required personnel records under the control of the Department of Correction be kept confidential.

[*Dep't of Correction v. Johnson*](#), OATH Index No. 1663/19, mem. dec. (Sept. 12, 2019).

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

This is the NYC.gov News you requested for: BenchNOTES

To unsubscribe, please go to this link <https://www.nyc.gov/portal/signin.jsp>

Comment on this news service: http://www.nyc.gov/html/misc/html/news_feedback.html

PLEASE DO NOT REPLY TO THIS MESSAGE!