

BenchNOTES Newsletter

June 2018

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Hoist machine operator was found negligent.

Following a crane collapse at 60 Hudson Street in lower Manhattan on February 5, 2016, which resulted in one fatality, injuries and significant property damage, respondent crane operator was charged with failing to comply with regulations and manufacturer's instructions regarding proper stowage of the crane in anticipation of a wind event.

[*Dep't of Buildings v. Reilly*](#), OATH Index No. 1116/17 (Apr. 10, 2018), *adopted*, Comm'r Dec. (May 1, 2018).

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

Personnel

Whistleblower defense raised.

A claims examiner raised a whistleblower defense to misconduct charges pursuant to section 75-b of the Civil Service Law.

[*Office of the Comptroller v. Gonzalez*](#), OATH Index No. 1883/17 (Apr. 13, 2018), *adopted*, Comptroller's Dec. (Apr. 30, 2018).

[Read more about *Office of the Comptroller v. Gonzalez*.](#)

Contracts

Extra work claim denied.

On a contract to renovate the McCarren Park Pool in Brooklyn, the contractor sought extra compensation for the installation of platforms to cure a problem with water ponding on an access tunnel floor.

[*Commodore Construction Corp. v. Dep't of Parks & Recreation*](#), OATH Index No. 503/18, mem. dec. (Apr. 27, 2018).

[Read more about *Dep't of Parks & Recreation*.](#)

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