



# BenchNOTES

## Newsletter

July 2021

### OATH NEWS

**New pro bono provider:** The New York Legal Assistance Group has begun providing representation to pro se respondents in certain cases before the OATH Hearings Division. NYLAG attorneys represent one-, two-, and three-family homeowners facing summonses issued by the Department of Buildings in Queens and the Bronx. NYLAG joins the Brooklyn Bar Association Volunteer Lawyers Project, Mobilization for Justice, and Staten Island Legal Services as regular pro bono legal services providers in cases at OATH, coordinated by OATH Special Counsel Vincent Gentile.

[Read more about new pro bono provider](#)

### COVID-19 Update

Pursuant to an order of the Chief Administrative Law Judge, all hearings, trials, and other OATH operations are being conducted by telephone, videoconferencing, online, or mail, and OATH will only allow in-person appearances in limited, pre-approved circumstances.

[Read more about COVID-19 update](#)

### OATH Trials Recommendation on Review

The New York City Civil Service Commission ("CSC") affirmed decisions from the Department of Correction ("DOC") which imposed thirty-day

suspensions against three correction officers found to have written incomplete and inaccurate use of force reports which failed to include a captain's retaliatory use of force against an inmate.

[Dep't of Correction v. Royster](#), OATH Index Nos. 156/20, 157/20, 460/20 (June 26, 2020), *adopted in part, rejected in part*, Comm'r Dec. (Sept. 8, 2020), *aff'd*, NYC Civ. Serv. Comm'n Case Nos. 2020-0643, 2020-0644, 2020-0645 (July 9, 2020)

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

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## **Trials Division**

### **Personnel**

**Correction officer used excessive force on an inmate.**

ALJ Kevin F. Casey recommended a penalty of 60-day suspension without pay for a correction officer's excessive use of force against an inmate who failed to comply with an order, stepped towards the officer, and threatened to knock him out.

[Dep't of Correction v. Fontane](#), OATH Index No. 694/21 (June 18, 2021).

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

### **Contracts**

**Contract Dispute Resolution Board denies claim.**

The Conflict Dispute Resolution Board, chaired by ALJ Kevin F. Casey, denied two claims for payment filed by a construction company against the Department of Transportation.

[John Civetta & Sons, Inc. v. Dep't of Transportation](#), OATH Index  
No. 1184/20, mem. dec. (June 11, 2021).

[Read more about John Civetta & Sons, Inc. v. Dep't of  
Transportation](#)

## **Appeals Division decisions (appeals from the Hearings Division)**

**Outdoor advertising: failure to register charge dismissed.**

The Appeals Division reversed a hearing officer's decision and dismissed a charge that a company had failed to obtain an outdoor advertising company registration.

[DOB v. Overall Mural](#), Appeal No. 2100380 (June 24, 2021).

[Read more about DOB v. Overall Mural](#)

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