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[HOME](#)

[ABOUT OATH](#)

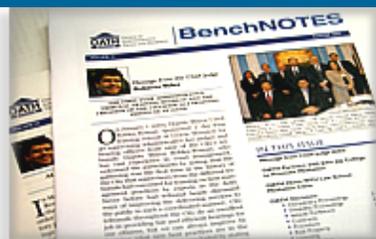
[DESCRIPTION](#)
[MESSAGE FROM
THE CHIEF JUDGE](#)
[OUR JUDGES](#)
[▶ BENCHNOTES](#)
[CONTACT US](#)

[HEARINGS](#)

[RULES OF PRACTICE](#)
[FORFEITURE](#)
[RECENT DECISIONS](#)
[FORMS](#)

[MEDIATION CENTER](#)

[ADMINISTRATIVE JUDICIAL INSTITUTE](#)



BenchNOTES

Meet the OATH Staff:

THE LEGAL RESEARCH UNIT

This is the first of a series of brief profiles aimed at introducing members of OATH's staff to our readers. The legal research unit is the first group to be featured.

Under the direction of Martin Rainbow, Senior Law Clerk, and with the able assistance of Law Clerks Jeremy Freedman and Peter Schulman, the legal research unit provides support to OATH's administrative law judges by performing legal research, summarizing trial records and proofreading all decisions.

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Harassment by attorney brings 30-day suspension.

ALJ Kevin Casey ruled that an agency attorney engaged in unprofessional and improper conduct when he approached another attorney outside of the courtroom, placed his hand on her arm and asked for a kiss. The recommended penalty was a thirty-day suspension without pay.

Dep't of Housing Preservation & Development v. Brannon, OATH Index No. 1723/08 (May 23, 2008).

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Contracts

Drains shown in contract drawings not extra work.

The Contract Dispute Resolution Board, chaired by ALJ Ingrid Addison, denied a claim brought on behalf of a roofing subcontractor in the amount of \$17,065 for the fabrication and installation of ten scupper drains.

The Board found that the depiction of the drains in contract drawings was sufficient to hold the subcontractor responsible for the installation and denied any additional compensation.

A.J. Pegno Construction Corp./Tully Construction Co., Inc., for Titan Roofing, Inc. v. Dep't of Environmental Protection, OATH Index No. 1436/08, mem. dec. (May 21, 2008).

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License and Regulatory

Vendor's license revoked for transferring permit decal.

ALJ Zorgniotti found that a mobile food vendor unlawfully transferred a permit decal from one cart to another. The licensee also committed at least six violations of the Administrative Code and Health Code within a two year period.

Revocation of license and permit recommended. *Dep't of Health & Mental Hygiene v. Kostianis*, OATH Index No. 2266/08 (May 19, 2008).

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Vehicle Retention

Car returned to innocent co-owner for critical life activities.

ALJ Casey ruled that co-owner of seized 2001 Ford Expedition was entitled to return of the vehicle pending subsequent forfeiture hearing. He credited co-owner's claim that she did not know that the driver would use the vehicle for criminal purposes.

Co-owner made requisite showing under *Property Clerk v. Harris*, 9 N.Y.2d 237 (2007), that continued impoundment would substantially interfere with critical life activities based upon her testimony that she needed it late at night to drive home from work and in the morning to take her child to school.

Police Dep't v. Miller, OATH Index No. 2420/08, mem. dec. (May 21, 2008).

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