

# New York Law Journal



Asim Rehman, commissioner and chief administrative law judge of New York's Office of Administrative Trials and Hearings. Courtesy photo

COMMENTARY

## Rulings From NYC's Administrative Law Court to Be Published in the Law Journal

Given the broad scope and the impact of its decisions, the work of the Office of Administrative Trials and Hearings has great relevance to the New York legal community, the court's Chief Administrative Law Judge writes.

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Administrative Law



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With recent developments in the U.S. Supreme Court bringing increased attention to the area of administrative law, questions may emerge regarding how administrative law disputes are handled in New York City. The answer is the NYC Office of Administrative Trials and Hearings, and we are happy to announce that the New York Law Journal will now include OATH administrative law cases in the "Decisions of Interest" section.

OATH is New York City's central, independent administrative law tribunal. Our mission is to ensure that everyone who appears before us receives both a fair opportunity to be heard and a timely resolution of their case. The decisions issued by OATH's adjudicators affect many aspects of everyday life in New York City, from those involving individuals and businesses challenging civil summonses issued by city enforcement agencies (Health, Sanitation, Environmental Protection, Buildings, etc.), to city workers contesting disciplinary charges filed by their employer agencies, to complaints alleging violations of the New York City Human Rights Law or Conflicts of Interest Law, to matters concerning a wide variety of license revocations, to owners seeking the return of vehicles seized by the New York City Police Department via civil forfeiture actions, to parents challenging Department of Education decisions regarding

special-education services for their children, and more. OATH also houses the city's Center for Creative Conflict Resolution, which facilitates mediation and other alternative dispute resolution services.

Administrative law cases falling outside of OATH's jurisdiction are handled by tribunals such as the Office of Administrative Tax Appeals (for tax disputes), the Department of Finance (for parking violations), and the NYPD Deputy Commissioner for Trials (for police officer disciplinary matters).

Furthermore, while OATH remains part of the executive branch (as all administrative law tribunals do), we are separate and independent from the agencies that file cases with OATH. As documented in 1989 by the 1988 Charter Revision Commission and reaffirmed by the 2003 commission, OATH was established to be "an independent adjudicative body that can be a resource to agencies in conducting their adjudications, while at the same time establishing an independent structure outside of the agency to provide an unbiased assessment of the matters to be adjudicated." (NYC Charter Revision Comm'n Final Report at 118 (Sept. 4, 2003), quoted in *Matter of Victor v. N.Y.C. Off. of Administrative Trials & Hearings*, Index No. 100890/15 at 6 (N.Y. Co. Sup. Ct. 2018)). This independence helps ensure that matters heard at OATH are fair, impartial and without influence from other arms of government.

OATH is also a high-volume tribunal. In 2023 alone we processed almost 590,000 summonses, held more than 220,000 hearings, issued close to 2,500 appeals decisions related to those hearings, and conducted more than 625 trials in our Trials Division. This is a tremendous volume of work, and it is a testament to the amazing public servants who are part of the OATH team. In each of these thousands of cases, the tireless and committed staff at OATH take great care to ensure that every party who appears before us is treated impartially and is accorded due process.

The agency was created in 1979 by Mayoral Executive Order No. 32 and became a city charter agency in 1988 pursuant to a public ballot initiative.

That year also saw the adoption of the City Administrative Procedure Act, which sets forth the bedrock principles of due process of law that OATH judges uphold, including notice and a full and fair opportunity to be heard in administrative adjudications (see New York City Charter §1046). What began as a small group of administrative law judges handling primarily disciplinary cases has now grown to an agency of notable size whose jurisdiction has expanded in various ways over the past four decades. Most recently, in 2024 the state tasked OATH with hearing cases relating to the closure and sealing of unlicensed cannabis shops in New York City.

Cases at OATH are handled by several divisions: the Hearings Division, the Appeals Division, the Special Education Hearings Division, and the Trials Division. In the Trials Division, OATH's experienced, trained and independent cadre of professional administrative law judges are subject to the Code of Judicial Conduct, the same rules of ethics that apply to state court judges. The Trials Division ALJs are selected after a rigorous merit selection process, including a writing competition, and they are appointed to five-year terms pursuant to the city charter. Those terms provide insulation from changes in administrations and political influence.

For every case tried at OATH's Trials Division, the presiding ALJ writes a decision that explains outcomes and provides guidance for future proceedings. Like the docket of many executive branch administrative courts, OATH's work is governed by statute, rules and regulations, case law from city, state and federal courts, and OATH's own precedents. These decisions, made openly and publicly, explicate the law, and contain valuable information about the rights and obligations of the parties. Decisions are posted on a website with full disclosure, naming the parties and detailing the facts and recommended findings. The majority of decisions from OATH's Trials Division are recommendations to agency heads, who may then adopt or reject decisions.

Given our broad scope and the impact of our decisions, OATH's work has great relevance to the New York legal community. We see housing court lawyers in loft law cases, the criminal defense bar in vehicle forfeiture and TLC license suspension cases, and commercial litigators in Contract Dispute Resolution Board cases and any number of cases involving economic or individual rights. Accordingly, we are excited that the New York Law Journal will now start publishing select decisions from the OATH Trials Division. You can read these and more by [visiting OATH's website](#), where you can also subscribe to our monthly BenchNOTES newsletter.

We hope that these highlights of OATH's work are both useful and informative and that they will build a greater understanding of the mechanisms by which rights are protected in our city.

**Asim Rehman** *is the commissioner and chief administrative law judge of New York's Office of Administrative Trials and Hearings.*

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