



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Dismissal Report December 2022

- Vehicle For Hire & Taxi Hearings
- Health & Restaurant Hearings
- DCA Hearings
- ECB Hearings



ASIM REHMAN

COMMISSIONER & CHIEF ADMINISTRATIVE LAW JUDGE
THE CITY OF NEW YORK
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

January 20th, 2023

- **Pursuant to New York City Local Law No. 64, attached is the Monthly Report Relating to Dismissals of Civil Penalty Violations in the Tribunals within the jurisdiction of OATH for the month of December 2022.**
- **Please be advised that the numbers for OATH's Health, DCA and Taxi & Limousine Tribunals reflect the number of charges rather than the number of summonses, dismissed. There may be multiple charges on each summons.**

FY 23 Vehicle for Hire & Taxi Hearings*

| AGENCY | Dismissals | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Grand Total |
|--------------------------------------|--|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------------|
| TLC | Dismissed No Violation/On the Merits | 126 | 130 | 162 | 133 | 144 | 120 | | | | | | | 815 |
| | Dismissed No Jurisdiction | | | | | | | | | | | | | - |
| | Dismissed Defective Service | | | | 4 | 2 | 1 | | | | | | | 7 |
| | Dismissed Defective Summons/charge (defective on its face) | 10 | 19 | 38 | 19 | 15 | 22 | | | | | | | 123 |
| | Dismissed - Failure to Prosecute | 23 | 7 | 18 | 4 | 10 | 3 | | | | | | | 65 |
| | Dismissed - Successfully Disputed Ownership | | | | | | | | | | | | | - |
| | Dismissed - Wrong Party Named | | | | | | | | | | | | | - |
| | Dismissed - No Prima Facie Case | 31 | 38 | 46 | 29 | 40 | 46 | | | | | | | 230 |
| | Withdrawal | 4 | 3 | 12 | 11 | 7 | 3 | | | | | | | 40 |
| | Dismissed - Administrative Dismissal | | | | | | | | | | | | | - |
| TLC | Total Dismissed | 194 | 197 | 276 | 200 | 218 | 195 | - | - | - | - | - | - | 1,280 |
| NYPD | Dismissed No Violation/On the Merits | 1 | 5 | 8 | | | | | | | | | | 14 |
| | Dismissed No Jurisdiction | | 1 | | | | | | | | | | | 1 |
| | Dismissed Defective Service | | 1 | | | 1 | 1 | | | | | | | 3 |
| | Dismissed Defective Summons/charge (defective on its face) | 7 | 8 | 12 | 3 | 13 | 15 | | | | | | | 58 |
| | Dismissed - Failure to Prosecute | | | | | | | | | | | | | - |
| | Dismissed - Successfully Disputed Ownership | | | | | | 1 | | | | | | | 1 |
| | Dismissed - Wrong Party Named | | | | | | | | | | | | | - |
| | Dismissed - No Prima Facie Case | | 2 | 1 | 1 | 5 | 1 | | | | | | | 10 |
| | Withdrawal | | | | | | | | | | | | | - |
| Dismissed - Administrative Dismissal | | | | | | | | | | | | | - | |
| NYPD | Total Dismissed | 8 | 17 | 21 | 4 | 19 | 18 | - | - | - | - | - | - | 87 |
| Port Authority | Dismissed No Violation/On the Merits | | 1 | | | | | | | | | | | 1 |
| | Dismissed No Jurisdiction | | | | | | | | | | | | | - |
| | Dismissed Defective Service | | | | | | | | | | | | | - |
| | Dismissed Defective Summons/charge (defective on its face) | | | | | | | | | | | | | - |
| | Dismissed - Failure to Prosecute | | | | | | | | | | | | | - |
| | Dismissed - Successfully Disputed Ownership | | | | | | | | | | | | | - |
| | Dismissed - Wrong Party Named | | | | | | | | | | | | | - |
| | Dismissed - No Prima Facie Case | | | | | | | | | | | | | - |
| | Withdrawal | | | | | | | | | | | | | - |
| | Dismissed - Administrative Dismissal | | | | | | | | | | | | | - |
| Port Authority | Total Dismissed | - | 1 | - | - | - | - | - | - | - | - | - | - | 1 |
| Grand Total | | 202 | 215 | 297 | 204 | 237 | 213 | - | - | - | - | - | - | 1,368 |

*by charge

FY 23 Health & Restaurant Hearings*

| AGENCY | Dismissals | July | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Grand Total | |
|--------|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|----------|----------|----------|----------|----------|-------------|--------------|
| DOHMH* | Dismissed No Violation/On the Merits | 1,012 | 1,110 | 1,143 | 934 | 1,098 | 1,082 | | | | | | | 6,379 | |
| | Dismissed No Jurisdiction | 1 | 1 | 4 | 5 | 1 | 1 | | | | | | | 13 | |
| | Dismissed Defective Service | 122 | 135 | 185 | 162 | 362 | 455 | | | | | | | 1,421 | |
| | Dismissed Defective Summons/charge (defective on its face) | 34 | 25 | 17 | 23 | 35 | 28 | | | | | | | 162 | |
| | Dismissed - Failure to Prosecute | 9 | | 3 | 1 | 3 | 5 | | | | | | | 21 | |
| | Dismissed - Successfully Disputed Ownership | 12 | 22 | 22 | 13 | 20 | 11 | | | | | | | 100 | |
| | Dismissed - Wrong Party Named | 27 | 31 | 28 | 23 | 11 | 16 | | | | | | | 136 | |
| | Dismissed - No Prima Facie Case | 275 | 230 | 150 | 69 | 87 | 104 | | | | | | | 915 | |
| | Withdrawn prior to hearing | 10 | 30 | 9 | 9 | 7 | 8 | | | | | | | 73 | |
| | Dismissed - Administrative Dismissal | | | | | | | | | | | | | | - |
| | Grand Total | 1,502 | 1,584 | 1,561 | 1,239 | 1,624 | 1,710 | 1,710 | - | - | - | - | - | - | 9,220 |

*by charge

FY 23 DCA Hearings

| AGENCY | Dismissals | July | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Grand Total | |
|--------|--|------|-----------|-----------|------------|-----------|-----------|-----------|----------|----------|----------|----------|----------|-------------|------------|
| DCA* | Dismissed No Violation/On the Merits | 12 | 11 | 50 | 29 | 29 | 32 | | | | | | | 163 | |
| | Dismissed No Jurisdiction | | 4 | 5 | | | | | | | | | | 9 | |
| | Dismissed Defective Service | 3 | | | | 1 | | | | | | | | 4 | |
| | Dismissed Defective Summons/charge (defective on its face) | 2 | | 1 | 1 | 1 | 1 | | | | | | | 6 | |
| | Dismissed - Failure to Prosecute | 1 | | | | | | | | | | | | 1 | |
| | Dismissed - Successfully Disputed Ownership | 3 | | | | | | | | | | | | 3 | |
| | Dismissed - Wrong Party Named | | 2 | 3 | | | | | | | | | | 5 | |
| | Dismissed - No Prima Facie Case | 1 | 2 | 2 | | 2 | | | | | | | | 7 | |
| | Withdrawn prior to hearing | 77 | 57 | 41 | 8 | 14 | 21 | | | | | | | 218 | |
| | Dismissed - Administrative Dismissal | | | | | | | | | | | | | | - |
| | Grand Total | | 99 | 76 | 102 | 38 | 47 | 54 | - | - | - | - | - | - | 416 |

*by charge

FY 23 ECB Hearings

| Agency Group | Issuing Agency | Dismissal Reason | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June | Grand Total | |
|-------------------------------------|------------------------------|-----------------------------|------|------|------|------|------|------|-----|-----|-----|-----|-----|------|-------------|------|
| BUILDINGS(DOB) | DOB-DEPT OF BUILDINGS | ADMIN. DISMISSAL ECB | 9 | 15 | 3 | 2 | | 6 | 11 | | | | | | 46 | |
| | | DEFECTIVE NOV | 35 | 39 | 43 | 38 | | 24 | 32 | | | | | | 211 | |
| | | DEFECTIVE SERVICE | 97 | 205 | 103 | 93 | | 123 | 105 | | | | | | 726 | |
| | | DISPUTED OWNERSHIP | 17 | 18 | 13 | 6 | | 20 | 15 | | | | | | 89 | |
| | | IMPROPER PARTY CITED | 91 | 88 | 87 | 83 | | 100 | 56 | | | | | | 505 | |
| | | NO ECB JURISDICTION | | 4 | 5 | 2 | | 1 | 23 | | | | | | 35 | |
| | | NO VIOL. DISMISS ON MERITS | 710 | 854 | 641 | 537 | | 622 | 537 | | | | | | 3901 | |
| | | PROSECUTION WITHDRAWN | 120 | 130 | 195 | 111 | | 63 | 58 | | | | | | 677 | |
| | | UNASSIGNED REASON | | | 1 | | | | | | | | | | 1 | |
| | | WORK DONE BY PREV. OWNER | | | | | | | | | | | | | | |
| | | DATA CORRECTION | | | | | | | | | | | | | | |
| | | FAILURE TO PROSECUTE | 9 | 14 | 16 | 5 | | 3 | 5 | | | | | | 52 | |
| | | NO PRIMA FACIA CASE | 72 | 105 | 47 | 46 | | 61 | 44 | | | | | | 375 | |
| | | WITHDRAWAL AFTER ADJUDICATE | | | | | | | 1 | | | | | | 1 | |
| | | INTEREST OF JUSTICE | | | | | | | | | | | | | | |
| | DOB-DEPT OF BUILDINGS Total | | | 1160 | 1472 | 1154 | 923 | 1023 | 887 | | | | | | | 6619 |
| | 810-DEPT OF BUILDINGS 810 | ADMIN. DISMISSAL ECB | | | | | | | | | | | | | | |
| | | IMPROPER PARTY CITED | | | | | | | | | | | | | | |
| | | DEFECTIVE NOV | 1 | 1 | 1 | | | 1 | | | | | | | 4 | |
| | | DEFECTIVE SERVICE | 1 | | 1 | 3 | | | 1 | | | | | | 6 | |
| NO PRIMA FACIA CASE | | 3 | 1 | | 1 | | | | | | | | | 5 | | |
| FAILURE TO PROSECUTE | | | 1 | 1 | | | | | | | | | | 2 | | |
| NO VIOL. DISMISS ON MERITS | | 7 | 8 | 5 | 6 | | 6 | 3 | | | | | | 35 | | |
| DISPUTED OWNERSHIP | | 1 | | | | | | | | | | | 1 | | | |
| 810-DEPT OF BUILDINGS 810 Total | | | 12 | 12 | 8 | 10 | 7 | 4 | | | | | | 53 | | |
| 774-BUILDINGS DEPT | ADMIN. DISMISSAL ECB | | | | | | | | | | | | | | | |
| 774-BUILDINGS DEPT Total | | | | | | | | | | | | | | | | |
| BUILDINGS(DOB) Total | | | 1172 | 1484 | 1162 | 933 | 1030 | 891 | | | | | | | 6672 | |
| ENVIRONMENTAL PROTECTION(DEP) | 824-DEP - MVC | ADMIN. DISMISSAL ECB | | | | | | | | | | | | | | |
| | | DEFECTIVE NOV | | | | | | | | | | | | | | |
| | | DEFECTIVE SERVICE | | | | | | | | | | | | | | |
| | | DISPUTED OWNERSHIP | | | | | | | | | | | | | | |
| | | IMPROPER PARTY CITED | | | | | | | | | | | | | | |
| | | NO VIOL. DISMISS ON MERITS | | | | | | 4 | | | | | | | 5 | |
| | | PROSECUTION WITHDRAWN | | | 1 | | | | | | | | | | 2 | |
| | FAILURE TO PROSECUTE | | | | 2 | | | | | | | | | 1 | | |
| | NO PRIMA FACIA CASE | | 1 | | | | | | | | | | | 1 | | |
| | 824-DEP - MVC Total | | | 2 | | 6 | | | | | | | | | 8 | |
| | 825-DEP - BUREAU OF CUST SRV | ADMIN. DISMISSAL ECB | | 2 | 1 | 7 | | | 1 | | | | | | 11 | |
| | | DEFECTIVE NOV | | | | | | | | | | | | | | |
| | | DEFECTIVE SERVICE | | | | | | | 1 | | | | | | 1 | |
| | | DISPUTED OWNERSHIP | | | | | | | | | | | | | | |
| | | IMPROPER PARTY CITED | 1 | 1 | | 1 | | | | | | | | | 3 | |
| | | FAILURE TO PROSECUTE | | | | | | | 2 | | | | | | 2 | |
| | | NO VIOL. DISMISS ON MERITS | 3 | 3 | 17 | 7 | | 9 | 11 | | | | | | 50 | |
| | | PROSECUTION WITHDRAWN | | | | | | | | | | | | | | |
| | WORK DONE BY PREV. OWNER | | 2 | 2 | | | | 1 | | | | | | 5 | | |
| | NO PRIMA FACIA CASE | | | | | | | | | | | | | | | |
| 825-DEP - BUREAU OF CUST SRV Total | | | 6 | 8 | 18 | 15 | 9 | 16 | | | | | | 72 | | |
| 826-DEP - BUREAU OF ENV. COMP | ADMIN. DISMISSAL ECB | | | | | | | | | | | | | | | |
| | DEFECTIVE SERVICE | | | | | | | | | | | | | | | |
| | DISPUTED OWNERSHIP | | | | | | | | | | | | | | | |
| | IMPROPER PARTY CITED | | | | | | | | | | | | | | | |
| | NO VIOL. DISMISS ON MERITS | | | | | | | | | | | | | | | |
| PROSECUTION WITHDRAWN | | | | | | | | | | | | | 1 | | | |
| NO PRIMA FACIA CASE | | | | 1 | | | | | | | | | 1 | | | |
| 826-DEP - BUREAU OF ENV. COMP Total | | | | | 1 | | | | | | | | | 1 | | |
| 989-DEP POLICE | ADMIN. DISMISSAL ECB | | | | | | | | | | | | | | | |
| | DEFECTIVE NOV | | | | | | | | | | | | | | | |
| | NO VIOL. DISMISS ON MERITS | | | | | | | | | | | | | | | |
| NO PRIMA FACIA CASE | | | | | | | | | | | | | | | | |
| 989-DEP POLICE Total | | | | | | | | | | | | | | | | |
| ASB-ASBESTOS CONTROL PROGRAM | ADMIN. DISMISSAL ECB | | | | | | | | | | | | | | | |
| | DEFECTIVE NOV | | | | | | | | | | | | | | | |
| | DEFECTIVE SERVICE | | | | | | | 1 | | | | | | 1 | | |
| | DISPUTED OWNERSHIP | | | | | | | | | | | | | | | |
| | IMPROPER PARTY CITED | | 1 | | 1 | 1 | | | | | | | | 3 | | |
| | FAILURE TO PROSECUTE | | 2 | 2 | 1 | 1 | | | | | | | | 6 | | |
| | NO VIOL. DISMISS ON MERITS | 17 | 9 | 16 | 5 | 5 | 1 | | | | | | | 53 | | |
| | PROSECUTION WITHDRAWN | 3 | 3 | 1 | 3 | | | 4 | | | | | | 14 | | |
| | NO ECB JURISDICTION | | | | | | | | | | | | | | | |
| | NO PRIMA FACIA CASE | | 1 | | | | | | | | | | | 1 | | |
| ASB-ASBESTOS CONTROL PROGRAM Total | | | 20 | 16 | 19 | 10 | 7 | 6 | | | | | | 78 | | |

