



# Dismissal Report

## November 2016

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



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**FIDEL F. DEL VALLE**

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

**December 20<sup>th</sup> , 2016**

- **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 November, 2016.**
- **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 17 Vehicle for Hire & Taxi Hearings\***

| <b>FY 2017</b> | <b>AGENCY</b>         | <b>Dismissals</b>  | <b>Jul</b> | <b>Aug</b> | <b>Sep</b> | <b>Oct</b> | <b>Nov</b> | <b>Dec</b> | <b>Jan</b> | <b>Feb</b> | <b>Mar</b> | <b>Apr</b> | <b>May</b> | <b>Jun</b> | <b>Grand Total</b> |
|----------------|-----------------------|--|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------------|
|                | <b>TLC</b>            | Dismissed No Violation/On the Merits                       | 208        | 219        | 276        | 313        | 315        |            |            |            |            |            |            |            | 1,331              |
|                |                       | Dismissed No Jurisdiction                                  | 0          | 5          | 0          | 0          | 2          |            |            |            |            |            |            |            | 7                  |
|                |                       | Dismissed Defective Service                                | 6          | 2          | 6          | 3          | 2          |            |            |            |            |            |            |            | 19                 |
|                |                       | Dismissed Defective Summons/charge (defective on its face) | 2          | 6          | 4          | 43         | 60         |            |            |            |            |            |            |            | 115                |
|                |                       | Dismissed - Failure to Prosecute                           | 9          | 9          | 17         | 9          | 11         |            |            |            |            |            |            |            | 55                 |
|                |                       | Dismissed - Successfully Disputed Ownership                | 0          | 0          | 0          | 0          | 0          |            |            |            |            |            |            |            | -                  |
|                |                       | Dismissed - Wrong Party Named                              | 0          | 2          | 0          | 3          | 0          |            |            |            |            |            |            |            | 5                  |
|                |                       | Dismissed - No Prima Facie Case                            | 38         | 50         | 47         | 37         | 11         |            |            |            |            |            |            |            | 183                |
|                |                       | Withdrawal   | 22         | 43         | 90         | 103        | 101        |            |            |            |            |            |            |            | 359                |
|                |                       | Dismissed - Administrative Dismissal                       | 0          | 0          | 0          | 0          | 0          |            |            |            |            |            |            |            | -                  |
|                | <b>TLC</b>            | <b>Total Dismissed</b>                                     | <b>285</b> | <b>336</b> | <b>440</b> | <b>511</b> | <b>502</b> | <b>-</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>2,074</b>       |
|                | <b>NYPD</b>           | Dismissed No Violation/On the Merits                       | 15         | 15         | 12         | 21         | 18         |            |            |            |            |            |            |            | 81                 |
|                |                       | Dismissed No Jurisdiction                                  | 0          | 0          | 0          | 0          | 0          |            |            |            |            |            |            |            | -                  |
|                |                       | Dismissed Defective Service                                | 0          | 4          | 2          | 1          | 0          |            |            |            |            |            |            |            | 7                  |
|                |                       | Dismissed Defective Summons/charge (defective on its face) | 1          | 8          | 11         | 9          | 4          |            |            |            |            |            |            |            | 33                 |
|                |                       | Dismissed - Failure to Prosecute                           | 2          | 5          | 0          | 3          | 0          |            |            |            |            |            |            |            | 10                 |
|                |                       | Dismissed - Successfully Disputed Ownership                | 0          | 0          | 0          | 0          | 0          |            |            |            |            |            |            |            | -                  |
|                |                       | Dismissed - Wrong Party Named                              | 1          | 0          | 0          | 0          | 0          |            |            |            |            |            |            |            | 1                  |
|                |                       | Dismissed - No Prima Facie Case                            | 5          | 4          | 6          | 3          | 11         |            |            |            |            |            |            |            | 29                 |
|                |                       | Withdrawal   | 0          | 0          | 0          | 0          | 101        |            |            |            |            |            |            |            | 101                |
|                |                       | Dismissed - Administrative Dismissal                       | 0          | 0          | 0          | 0          | 0          |            |            |            |            |            |            |            | -                  |
|                | <b>NYPD</b>           | <b>Total Dismissed</b>                                     | <b>24</b>  | <b>36</b>  | <b>31</b>  | <b>37</b>  | <b>134</b> | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>262</b>         |
|                | <b>Port Authority</b> | Dismissed No Violation/On the Merits                       | 2          | 3          | 0          | 14         | 23         |            |            |            |            |            |            |            | 42                 |
|                |                       | Dismissed No Jurisdiction                                  | 0          | 0          | 0          | 0          | 0          |            |            |            |            |            |            |            | -                  |
|                |                       | Dismissed Defective Service                                | 0          | 0          | 0          | 0          | 0          |            |            |            |            |            |            |            | -                  |
|                |                       | Dismissed Defective Summons/charge (defective on its face) | 0          | 2          | 0          | 0          | 1          |            |            |            |            |            |            |            | 3                  |
|                |                       | Dismissed - Failure to Prosecute                           | 1          | 0          | 3          | 1          | 0          |            |            |            |            |            |            |            | 5                  |
|                |                       | Dismissed - Successfully Disputed Ownership                | 0          | 0          | 0          | 0          | 0          |            |            |            |            |            |            |            | -                  |
|                |                       | Dismissed - Wrong Party Named                              | 0          | 0          | 0          | 0          | 0          |            |            |            |            |            |            |            | -                  |
|                |                       | Dismissed - No Prima Facie Case                            | 3          | 1          | 1          | 10         | 0          |            |            |            |            |            |            |            | 15                 |
|                |                       | Withdrawal   | 0          | 0          | 0          | 1          | 0          |            |            |            |            |            |            |            | 1                  |
|                |                       | Dismissed - Administrative Dismissal                       | 0          | 0          | 0          | 0          | 0          |            |            |            |            |            |            |            | -                  |
|                | <b>Port Authority</b> | <b>Total Dismissed</b>                                     | <b>6</b>   | <b>6</b>   | <b>4</b>   | <b>26</b>  | <b>24</b>  | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>66</b>          |
|                | <b>Grand Total</b>    |  | <b>315</b> | <b>378</b> | <b>475</b> | <b>574</b> | <b>660</b> | <b>-</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>2,402</b>       |

\*by charge

**FY 17 Health & Restaurant Hearings\***

| <b>FY2017</b> | <b>AGENCY</b> | <b>Dismissals</b>  | <b>July</b>  | <b>Aug</b>   | <b>Sep</b>   | <b>Oct</b>   | <b>Nov</b>   | <b>Dec</b> | <b>Jan</b> | <b>Feb</b> | <b>Mar</b> | <b>Apr</b> | <b>May</b> | <b>Jun</b> | <b>Grand Total</b> |
|---------------|---------------|--|--------------|--------------|--------------|--------------|--------------|------------|------------|------------|------------|------------|------------|------------|--------------------|
|               | <b>DOHMH*</b> | Dismissed No Violation/On the Merits                       | 2,513        | 2,706        | 2,664        | 2,551        | 2,379        |            |            |            |            |            |            |            | 12,813             |
|               |               | Dismissed No Jurisdiction                                  | -            | 4            | 1            | 1            | 7            |            |            |            |            |            |            |            | 13                 |
|               |               | Dismissed Defective Service                                | 1            | 4            | 9            | 7            | 17           |            |            |            |            |            |            |            | 38                 |
|               |               | Dismissed Defective Summons/charge (defective on its face) | 57           | 31           | 36           | 15           | 30           |            |            |            |            |            |            |            | 169                |
|               |               | Dismissed - Failure to Prosecute                           | -            | 4            | 15           | 74           | 12           |            |            |            |            |            |            |            | 105                |
|               |               | Dismissed - Successfully Disputed Ownership                | 2            | -            | -            | 8            | -            |            |            |            |            |            |            |            | 10                 |
|               |               | Dismissed - Wrong Party Named                              | -            | 18           | 2            | 7            | 2            |            |            |            |            |            |            |            | 29                 |
|               |               | Dismissed - No Prima Facie Case                            | 253          | 325          | 228          | 203          | 176          |            |            |            |            |            |            |            | 1,185              |
|               |               | Withdrawal   | 98           | 31           | 9            | 6            | 20           |            |            |            |            |            |            |            | 164                |
|               |               | Dismissed - Administrative Dismissal                       | -            | -            | -            | -            | -            |            |            |            |            |            |            |            | -                  |
|               |               | <b>Grand Total</b>   | <b>2,924</b> | <b>3,123</b> | <b>2,964</b> | <b>2,872</b> | <b>2,643</b> | <b>-</b>   | <b>-</b>   | <b>-</b>   | <b>-</b>   | <b>-</b>   | <b>-</b>   | <b>-</b>   | <b>14,526</b>      |

\*by charge





FY 17 ECB Hearings

| FYR                                 | Agency Group               | Issuing Agency                | Dismissal Reason                | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June | Grand Total |     |     |
|-------------------------------------|----------------------------|-------------------------------|---------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|-------------|-----|-----|
| 2017                                | LANDMARKS(LPC)             | LPC-LANDMARK PRESERVATION     | DEFECTIVE SERVICE               |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
|                                     |                            |                               | DISPUTED OWNERSHIP              |     |     |     |     | 1   |     |     |     |     |     |     |      |             |     |     |
|                                     |                            |                               | NO VIOL. DISMISS ON MERITS      |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
|                                     |                            |                               | FAILURE TO PROSECUTE            |     |     |     |     |     |     | 1   |     |     |     |     |      |             |     |     |
|                                     |                            |                               | LPC-LANDMARK PRESERVATION Total |     |     |     |     |     | 1   | 1   |     |     |     |     |      |             |     |     |
|                                     | LANDMARKS(LPC) Total       |                               |                                 |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
|                                     | MARKET CASES(BIC)          | 850-BIC                       | ADMIN. DISMISSAL ECB            |     | 1   |     |     |     |     |     |     |     |     |     |      |             | 1   |     |
|                                     |                            |                               | DEFECTIVE NOV                   |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
|                                     |                            |                               | IMPROPER PARTY CITED            |     |     | 1   |     |     |     |     |     |     |     |     |      |             |     | 1   |
|                                     |                            |                               | NO VIOL. DISMISS ON MERITS      |     |     |     |     |     | 1   | 2   |     |     |     |     |      |             |     |     |
|                                     |                            |                               | PROSECUTION WITHDRAWN           |     |     | 2   | 1   |     |     |     |     |     |     |     |      |             |     | 3   |
|                                     |                            |                               | FAILURE TO PROSECUTE            |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
|                                     | 850-BIC Total              |                               |                                 |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
|                                     | MARKET CASES(BIC) Total    |                               |                                 |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
|                                     | PARKS(DPR)                 | 846-DEPT OF PARKS             | ADMIN. DISMISSAL ECB            |     |     |     | 1   |     |     |     |     |     |     |     |      |             | 1   |     |
|                                     |                            |                               | DEFECTIVE NOV                   | 26  | 28  | 15  | 19  | 25  |     |     |     |     |     |     |      |             |     | 69  |
|                                     |                            |                               | DEFECTIVE SERVICE               | 1   |     | 2   | 10  |     |     |     |     |     |     |     |      |             |     | 3   |
|                                     |                            |                               | DISPUTED OWNERSHIP              |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
|                                     |                            |                               | IMPROPER PARTY CITED            |     | 3   | 4   |     |     |     |     |     |     |     |     |      |             |     | 7   |
|                                     |                            |                               | NO ECB JURISDICTION             |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
|                                     |                            |                               | NO VIOL. DISMISS ON MERITS      | 52  | 92  | 46  | 78  | 91  |     |     |     |     |     |     |      |             |     | 190 |
|                                     |                            |                               | PROSECUTION WITHDRAWN           | 1   |     |     |     |     |     |     |     |     |     |     |      |             |     | 1   |
|                                     | 846-DEPT OF PARKS Total    |                               |                                 |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
|                                     | PARKS(DPR) Total           |                               |                                 |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
|                                     | POLICE                     | 055-NYPD TRANSPORT INTELL DIV | ADMIN. DISMISSAL ECB            | 2   |     |     |     |     |     |     |     |     |     |     |      |             | 2   |     |
|                                     |                            |                               | DEFECTIVE NOV                   | 11  | 6   | 9   | 14  | 4   |     |     |     |     |     |     |      |             | 26  |     |
|                                     |                            |                               | DISPUTED OWNERSHIP              |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
| IMPROPER PARTY CITED                |                            |                               | 3                               | 2   |     | 3   |     |     |     |     |     |     |     |     |      |             | 5   |     |
| NO ECB JURISDICTION                 |                            |                               |                                 |     |     | 1   | 1   |     |     |     |     |     |     |     |      |             |     |     |
| NO VIOL. DISMISS ON MERITS          |                            |                               | 53                              | 50  | 46  | 75  | 64  |     |     |     |     |     |     |     |      |             | 149 |     |
| PROSECUTION WITHDRAWN               |                            |                               |                                 |     | 2   |     |     |     |     |     |     |     |     |     |      |             | 2   |     |
| 055-NYPD TRANSPORT INTELL DIV Total |                            |                               |                                 |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
| 056-POLICE DEPT                     |                            | ADMIN. DISMISSAL ECB          | 17                              | 64  | 13  | 41  | 8   |     |     |     |     |     |     |     |      |             | 94  |     |
|                                     |                            | DEFECTIVE NOV                 | 97                              | 142 | 138 | 148 | 143 |     |     |     |     |     |     |     |      |             | 377 |     |
|                                     |                            | DEFECTIVE SERVICE             | 88                              | 63  | 116 | 182 | 99  |     |     |     |     |     |     |     |      |             | 267 |     |
|                                     |                            | DISPUTED OWNERSHIP            |                                 |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
|                                     |                            | IMPROPER PARTY CITED          |                                 | 1   |     |     | 2   |     |     |     |     |     |     |     |      |             | 1   |     |
|                                     |                            | NO ECB JURISDICTION           | 1                               | 3   |     | 2   | 1   |     |     |     |     |     |     |     |      |             | 4   |     |
|                                     |                            | NO VIOL. DISMISS ON MERITS    | 104                             | 132 | 161 | 147 | 120 |     |     |     |     |     |     |     |      |             | 397 |     |
|                                     | UNASSIGNED REASON          |                               | 1                               | 1   |     |     |     |     |     |     |     |     |     |     |      | 2           |     |     |
| DATA CORRECTION                     |                            |                               |                                 |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
| 056-POLICE DEPT Total               |                            |                               |                                 |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
| 985-SEAGATE POLICE                  | ADMIN. DISMISSAL ECB       |                               |                                 |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
|                                     | DEFECTIVE NOV              |                               |                                 |     |     |     |     | 1   |     |     |     |     |     |     |      |             |     |     |
|                                     | DEFECTIVE SERVICE          |                               |                                 |     |     |     |     | 30  |     |     |     |     |     |     |      |             |     |     |
|                                     | NO ECB JURISDICTION        |                               |                                 |     |     |     |     | 1   |     |     |     |     |     |     |      |             |     |     |
|                                     | NO VIOL. DISMISS ON MERITS |                               | 1                               | 5   |     | 4   |     |     |     |     |     |     |     |     |      | 6           |     |     |
| 985-SEAGATE POLICE Total            |                            |                               |                                 |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |
| POLICE Total                        |                            |                               |                                 |     |     |     |     |     |     |     |     |     |     |     |      |             |     |     |







