



Dismissal Report

October 2018

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



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

November 20th , 2018

- **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 October, 2018.**
- **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 19 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	361	391	293	311									1,356
	Dismissed No Jurisdiction		3	2	1									6
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)	12	8	6	7									33
	Dismissed - Failure to Prosecute	10	16	11	17									54
	Dismissed - Successfully Disputed Ownership		1											1
	Dismissed - Wrong Party Named		5		6									11
	Dismissed - No Prima Facie Case	31	31	19	27									108
	Withdrawal	19	39	24	28									110
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
TLC	Total Dismissed	433	494	355	397	-	-	-	-	-	-	-	-	1,679
NYPD	Dismissed No Violation/On the Merits	11	19	10	38									78
	Dismissed No Jurisdiction		1											1
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)	21	17	14	15									67
	Dismissed - Failure to Prosecute				1									1
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	7	6	3	9									25
	Withdrawal													-
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
NYPD	Total Dismissed	39	43	27	63	-	-	-	-	-	-	-	-	172
Port Authority	Dismissed No Violation/On the Merits	3	1	6	6									16
	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		4	1	2									7
	Withdrawal													-
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
Port Authority	Total Dismissed	3	5	7	8	-	-	-	-	-	-	-	-	23
Grand Total		475	542	389	468	-	-	-	-	-	-	-	-	1,874

*by charge

FY 19 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	2,748	2,747	2,550	3,057									11,102
	Dismissed No Jurisdiction	15	3	6	24									48
	Dismissed Defective Service	15	37	10	25									87
	Dismissed Defective Summons/charge (defective on its face)	13	28	28	24									93
	Dismissed - Failure to Prosecute	11	-	1	2									14
	Dismissed - Successfully Disputed Ownership	1	5	-	-									6
	Dismissed - Wrong Party Named	10	11	17	13									51
	Dismissed - No Prima Facie Case	216	256	148	205									825
	Withdrawal	4	7	9	1									21
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
	Grand Total	3,033	3,094	2,769	3,351	-	-	-	-	-	-	-	-	12,247

*by charge

FY 19 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	24	39	39	33									135
	Dismissed No Jurisdiction	-	1	1	-									2
	Dismissed Defective Service	-	4	2	1									7
	Dismissed Defective Summons/charge (defective on its face)	1	1	3	9									14
	Dismissed - Failure to Prosecute	-	-	2	7									9
	Dismissed - Successfully Disputed Ownership	-	-	-	-									-
	Dismissed - Wrong Party Named	1	-	6	-									7
	Dismissed - No Prima Facie Case	-	-	-	1									1
	Withdrawal	19	28	21	39									107
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
	Grand Total	45	73	74	90	-	-	-	-	-	-	-	-	282

*by charge

FY 19 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		6	4										10		
		DEFECTIVE NOV	29	41	33	41									144		
		DEFECTIVE SERVICE	73	92	61	121										347	
		DISPUTED OWNERSHIP	42	45	37	42										166	
		IMPROPER PARTY CITED	85	102	70	96										353	
		NO ECB JURISDICTION	2	1		2										5	
		NO V.IOL. DISMISS ON MERITS	616	644	506	677										2443	
		PROSECUTION WITHDRAWN	130	151	239	120										640	
		UNASSIGNED REASON	2		9	4										15	
		WORK DONE BY PREV. OWNER	54	51	40	45										190	
		DATA CORRECTION	2	11	8	18										39	
		FAILURE TO PROSECUTE	2	3	3	4										12	
		NO PRIMA FACIA CASE	29	66	30	58										183	
		WITHDRAWAL AFTER ADJUDICATE	5	10	7	8										30	
		INTEREST OF JUSTICE			1											1	
		DOB-DEPT OF BUILDINGS Total		1071	1224	1047	1236										4578
		810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB				1										1
	IMPROPER PARTY CITED																
	DEFECTIVE NOV																
	DEFECTIVE SERVICE																
	NO V.IOL. DISMISS ON MERITS			2		2										4	
	810-DEPT OF BUILDINGS 810 Total	NO PRIMA FACIA CASE		1	1											2	
				3	1	3										7	
BUILDINGS(DOB) Total		1071	1227	1048	1239										4585		
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB	1												1		
		DEFECTIVE NOV		1	4	8									13		
		DEFECTIVE SERVICE	2			1									3		
		DISPUTED OWNERSHIP															
		NO V.IOL. DISMISS ON MERITS	1	2		1									4		
		PROSECUTION WITHDRAWN	4	2	12	1									19		
		824-DEP - IWC Total		8	5	16	11									40	
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB	30	5	4	23									62		
		DEFECTIVE NOV		1											1		
		DEFECTIVE SERVICE	5	3	1	1									10		
		DISPUTED OWNERSHIP	1		2	1									4		
		IMPROPER PARTY CITED			2	2									4		
		NO ECB JURISDICTION															
		NO V.IOL. DISMISS ON MERITS	4	8	2	5									19		
		PROSECUTION WITHDRAWN			1										1		
		WORK DONE BY PREV. OWNER															
		NO PRIMA FACIA CASE	2	2		2									6		
	825-DEP - BUREAU OF CUST SRV Total		42	19	12	34									107		
	826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB			1										1		
		DEFECTIVE NOV															
		DEFECTIVE SERVICE		2	1										3		
		DISPUTED OWNERSHIP															
		IMPROPER PARTY CITED	1												1		
		NO V.IOL. DISMISS ON MERITS	1	1	1										3		
		PROSECUTION WITHDRAWN	2												2		
		NO PRIMA FACIA CASE															
	826-DEP - BUREAU OF ENV. COMP Total		4	3	3										10		
	989-DEP POLICE	ADMIN. DISMISSAL ECB															
		DEFECTIVE NOV															
		DEFECTIVE SERVICE															
		DISPUTED OWNERSHIP															
		NO V.IOL. DISMISS ON MERITS				1									1		
	989-DEP POLICE Total					1									1		
	999-MISCELLANEOUS AGENCIES	DEFECTIVE SERVICE															
		ADMIN. DISMISSAL ECB															
		PROSECUTION WITHDRAWN															
		DEFECTIVE NOV															
		IMPROPER PARTY CITED															
		DISPUTED OWNERSHIP															
		NO V.IOL. DISMISS ON MERITS															
	999-MISCELLANEOUS AGENCIES Total																
ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB	1													1		
	DEFECTIVE NOV		2	1											3		
	DEFECTIVE SERVICE																
	DISPUTED OWNERSHIP				1										1		
	IMPROPER PARTY CITED	2			1										3		
	NO ECB JURISDICTION																
	NO V.IOL. DISMISS ON MERITS	4	14	8	7										33		
	PROSECUTION WITHDRAWN	5	7	8	6										26		
	DATA CORRECTION																
	NO PRIMA FACIA CASE		2												2		
	ASB-ASBESTOS CONTROL PROGRAM Total		12	25	17	15										69	

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