



# Dismissal Report

## September 2017

- 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

**October 20<sup>th</sup> , 2017**

- **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 September, 2017.**
- **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 18 Vehicle for Hire & Taxi Hearings\***

AGENCY	Dismissals	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Grand Total
<b>TLC</b>	Dismissed No Violation/On the Merits	350	416	387										1,153
	Dismissed No Jurisdiction	3	-	2										5
	Dismissed Defective Service	5	5	4										14
	Dismissed Defective Summons/charge (defective on its face)	4	6	5										15
	Dismissed - Failure to Prosecute	14	14	6										34
	Dismissed - Successfully Disputed Ownership	-	-	-										-
	Dismissed - Wrong Party Named	-	-	-										-
	Dismissed - No Prima Facie Case	17	33	23										73
	Withdrawal	1	15	12										28
	Dismissed - Administrative Dismissal	-	-											-
<b>TLC</b>	Total Dismissed	394	489	439	-	-	-	-	-	-	-	-	-	1,322
<b>NYPD</b>	Dismissed No Violation/On the Merits	29	7	18										54
	Dismissed No Jurisdiction	-	-	-										-
	Dismissed Defective Service	-	1	1										2
	Dismissed Defective Summons/charge (defective on its face)	11	10	24										45
	Dismissed - Failure to Prosecute	-	-	1										1
	Dismissed - Successfully Disputed Ownership	-	-	-										-
	Dismissed - Wrong Party Named	-	-	-										-
	Dismissed - No Prima Facie Case	3	2	24										29
	Withdrawal	-	-	-										-
	Dismissed - Administrative Dismissal	-	-											-
<b>NYPD</b>	Total Dismissed	43	20	68	-	-	-	-	-	-	-	-	-	131
<b>Port Authority</b>	Dismissed No Violation/On the Merits	17	2	17										36
	Dismissed No Jurisdiction	0	0	0										-
	Dismissed Defective Service	-	-	-										-
	Dismissed Defective Summons/charge (defective on its face)	-	-	6										6
	Dismissed - Failure to Prosecute	-	-	3										3
	Dismissed - Successfully Disputed Ownership	-	-	-										-
	Dismissed - Wrong Party Named	-	-	-										-
	Dismissed - No Prima Facie Case	-	1	3										4
	Withdrawal	-	-	-										-
	Dismissed - Administrative Dismissal	-	-											-
<b>Port Authority</b>	Total Dismissed	17	3	29	-	-	-	-	-	-	-	-	-	49
<b>Grand Total</b>		454	512	536	-	-	-	-	-	-	-	-	-	1,502

\*by charge

**FY 18 Health & Restaurant Hearings\***

<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	1,874	1,989	1,843										5,706
	Dismissed No Jurisdiction	2	4	-										6
	Dismissed Defective Service	17	7	10										34
	Dismissed Defective Summons/charge (defective on its face)	24	52	27										103
	Dismissed - Failure to Prosecute	-	-	1										1
	Dismissed - Successfully Disputed Ownership	1	-	-										1
	Dismissed - Wrong Party Named	2	1	3										6
	Dismissed - No Prima Facie Case	188	211	165										564
	Withdrawal	13	1	4										18
	Dismissed - Administrative Dismissal	-	-	-										-
	<b>Grand Total</b>	<b>2,121</b>	<b>2,265</b>	<b>2,053</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>6,439</b>

\*by charge

## 1

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	13	16	4										33	
		DEFECTIVE NOV	45	51	69										165	
		DEFECTIVE SERVICE	61	68	109											238
		DISPUTED OWNERSHIP	97	47	45											189
		IMPROPER PARTY CITED	56	54	50											160
		NO ECB JURISDICTION	2	1	1											4
		NO VIOL. DISMISS ON MERITS	418	503	425											1346
		PROSECUTION WITHDRAWN	97	85	98											280
		UNASSIGNED REASON	1													1
		WORK DONE BY PREV. OWNER	35	40	47											122
		DATA CORRECTION	13	6	3											22
		FAILURE TO PROSECUTE	2	5	4											11
		NO PRIMA FACIA CASE	25	33	54											112
		WITHDRAWAL AFTER ADJUDICATE	1	3	1											5
	INTEREST OF JUSTICE	4	3	1											8	
	DOB-DEPT OF BUILDINGS Total		870	915	911											2696
	810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB			1											1
		DEFECTIVE SERVICE														
		NO VIOL. DISMISS ON MERITS	3	2	1											6
	810-DEPT OF BUILDINGS 810 Total		3	3	1											7
	BUILDINGS(DOB) Total			873	918	912										2703
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IVC	DEFECTIVE NOV														
		DEFECTIVE SERVICE			2										2	
		DISPUTED OWNERSHIP	3	1											4	
		IMPROPER PARTY CITED														
		NO VIOL. DISMISS ON MERITS														
		PROSECUTION WITHDRAWN			1	1									2	
		FAILURE TO PROSECUTE														
	824-DEP - IVC Total		3	2	3										8	
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB			1	10										11
		DEFECTIVE NOV	1	1												2
		DEFECTIVE SERVICE			2	5										7
		DISPUTED OWNERSHIP	2	5												7
		IMPROPER PARTY CITED		1												1
		NO ECB JURISDICTION														
		NO VIOL. DISMISS ON MERITS	9	12	4											25
		PROSECUTION WITHDRAWN														
		WORK DONE BY PREV. OWNER														
		825-DEP - BUREAU OF CUST SRV Total		12	22	19										
	826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB														
		DEFECTIVE NOV	2		1											3
		DEFECTIVE SERVICE	1	1	1											3
		DISPUTED OWNERSHIP	2													2
		IMPROPER PARTY CITED	4		1											5
		NO VIOL. DISMISS ON MERITS	4	3	1											8
		PROSECUTION WITHDRAWN	6	8	11											25
		FAILURE TO PROSECUTE														
		NO PRIMA FACIA CASE	1													1
		WITHDRAWAL AFTER ADJUDICATE		3	1											4
	826-DEP - BUREAU OF ENV. COMP Total		20	15	16											51
	989-DEP POLICE	ADMIN. DISMISSAL ECB			3											3
		DEFECTIVE NOV	2	4												6
		DEFECTIVE SERVICE			4											4
		DISPUTED OWNERSHIP	3	4												7
NO VIOL. DISMISS ON MERITS		1	4	2											7	
NO PRIMA FACIA CASE			1												1	
989-DEP POLICE Total		6	13	9											28	
ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB															
	DEFECTIVE NOV															
	DEFECTIVE SERVICE															
	DISPUTED OWNERSHIP			1											1	
	IMPROPER PARTY CITED															
	NO VIOL. DISMISS ON MERITS	4	2	2											8	
	PROSECUTION WITHDRAWN	3	3	1											7	
	NO PRIMA FACIA CASE			3											3	
ASB-ASBESTOS CONTROL PROGRAM Total		7	5	7											19	



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[illegible]

## 4

[illegible]



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[illegible]

## 5

[illegible]

**FY 18 DCA Hearings**

<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>DCA*</b>	Dismissed No Violation/On the Merits	52	28	63										143
	Dismissed No Jurisdiction	1	-	-										1
	Dismissed Defective Service	6	3	12										21
	Dismissed Defective Summons/charge (defective on its face)	-	1	1										2
	Dismissed - Failure to Prosecute	1	2	-										3
	Dismissed - Successfully Disputed Ownership	1	-	-										1
	Dismissed - Wrong Party Named	1	13	2										16
	Dismissed - No Prima Facie Case	-	-	2										2
	Withdrawal	12	27	41										80
	Dismissed - Administrative Dismissal	-	-											-
	<b>Grand Total</b>	<b>74</b>	<b>74</b>	<b>121</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>269</b>

\*by charge