



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Dismissal Report November 2020

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



JONI KLETTER

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

December 20th, 2020

- **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, 2020.**
- **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 21 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	35	50	139	171	147								542
	Dismissed No Jurisdiction			1	6	17								24
	Dismissed Defective Service		1	1	2	3								7
	Dismissed Defective Summons/charge (defective on its face)	30	29	28	73	151								311
	Dismissed - Failure to Prosecute			1	6	12								19
	Dismissed - Successfully Disputed Ownership		1	1										2
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	6	12	33	45	51								147
	Withdrawal			6	10	17								33
	Dismissed - Administrative Dismissal													-
TLC	Total Dismissed	71	93	210	313	398	-	-	-	-	-	-	-	1,085
NYPD	Dismissed No Violation/On the Merits		1	2	4									7
	Dismissed No Jurisdiction													-
	Dismissed Defective Service			1										1
	Dismissed Defective Summons/charge (defective on its face)		7	4	1	1								13
	Dismissed - Failure to Prosecute													-
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case			1	1	1								3
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
NYPD	Total Dismissed	-	8	8	6	2	-	-	-	-	-	-	-	24
Port Authority	Dismissed No Violation/On the Merits													-
	Dismissed No Jurisdiction													-
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)		1											1
	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		71	102	218	319	400	-	-	-	-	-	-	-	1,110

*by charge

FY 21 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	255	354	382	473	433								1,897
	Dismissed No Jurisdiction	5			3	1								9
	Dismissed Defective Service	14	17	26	48	15								120
	Dismissed Defective Summons/charge (defective on its face)		5	8	9	27								49
	Dismissed - Failure to Prosecute		1		1	5								7
	Dismissed - Successfully Disputed Ownership	1	6	1	6	7								21
	Dismissed - Wrong Party Named	4	3	11	8	6								32
	Dismissed - No Prima Facie Case	23	18	34	57	42								174
	Withdrawal	2			1									3
	Dismissed - Administrative Dismissal													-
	Grand Total		304	404	462	606	536	-	-	-	-	-	-	-

*by charge

FY 21 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	23	14	26	27								102	
	Dismissed No Jurisdiction													-	
	Dismissed Defective Service				5									5	
	Dismissed Defective Summons/charge (defective on its face)				1	2								3	
	Dismissed - Failure to Prosecute	4	3	1	3	4								15	
	Dismissed - Successfully Disputed Ownership														-
	Dismissed - Wrong Party Named		1	1											2
	Dismissed - No Prima Facie Case	1		2	1	3									7
	Withdrawal	4	6	27	20	11									68
	Dismissed - Administrative Dismissal														-
	Grand Total		21	33	45	56	47	-	-	-	-	-	-	-	202

*by charge

FY 21 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	24	24	30	24								111			
		DEFECTIVE NOV	18	18	38	22	33								129			
		DEFECTIVE SERVICE	51	58	55	69	146									379		
		DISPUTED OWNERSHIP	36	35	26	18	26									141		
		IMPROPER PARTY CITED	50	47	55	63	62									277		
		NO ECB JURISDICTION	1	2		1	1									5		
		NO VIOL. DISMISS ON MERITS	344	422	400	458	686									2310		
		PROSECUTION WITHDRAWN	224	87	118	86	70									585		
		UNASSIGNED REASON							1							1		
		WORK DONE BY PREV. OWNER	1			1										2		
		DATA CORRECTION																
		FAILURE TO PROSECUTE	3	7	20	17	11									58		
		NO PRIMA FACIA CASE	25	34	45	44	62									210		
		WITHDRAWAL AFTER ADJUDICATE	43	1	1	4	1									50		
		INTEREST OF JUSTICE																
		DOB-DEPT OF BUILDINGS Total			805	735	783	812	1123								4258	
		810-DEPT OF BUILDINGS 810		ADMIN. DISMISSAL ECB	11												11	
				IMPROPER PARTY CITED														
				DEFECTIVE NOV														
				DEFECTIVE SERVICE														
NO VIOL. DISMISS ON MERITS																		
NO PRIMA FACIA CASE																		
810-DEPT OF BUILDINGS 810 Total			11											11				
BUILDINGS(DOB) Total			816	735	783	812	1123								4269			
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB																
		DEFECTIVE NOV																
		DEFECTIVE SERVICE																
		DISPUTED OWNERSHIP																
		IMPROPER PARTY CITED																
		NO VIOL. DISMISS ON MERITS																
		PROSECUTION WITHDRAWN	3						1							4		
		DATA CORRECTION																
		NO PRIMA FACIA CASE																
		824-DEP - IWC Total			3					1						4		
		825-DEP - BUREAU OF CUST SRV		ADMIN. DISMISSAL ECB		2	2				3						7	
				DEFECTIVE NOV				1									1	
				DEFECTIVE SERVICE					2								2	
				DISPUTED OWNERSHIP														
				IMPROPER PARTY CITED														
				FAILURE TO PROSECUTE														
				NO VIOL. DISMISS ON MERITS	1	1		2	2									6
				PROSECUTION WITHDRAWN	1													1
				WORK DONE BY PREV. OWNER														
				NO PRIMA FACIA CASE						1								1
825-DEP - BUREAU OF CUST SRV Total			2	3	3	5	5							18				
826-DEP - BUREAU OF ENV. COMP		ADMIN. DISMISSAL ECB																
		DEFECTIVE SERVICE																
		DISPUTED OWNERSHIP																
		IMPROPER PARTY CITED																
		NO VIOL. DISMISS ON MERITS				1										1		
		PROSECUTION WITHDRAWN																
NO PRIMA FACIA CASE																		
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	3												3			
		DEFECTIVE NOV							2						2			
		DEFECTIVE SERVICE																
		DISPUTED OWNERSHIP																
		IMPROPER PARTY CITED				1	1									2		
		FAILURE TO PROSECUTE	1	1		4	9	5								20		
		NO VIOL. DISMISS ON MERITS	3	2	5	2	7									19		
		PROSECUTION WITHDRAWN				1	3	2								6		
		DATA CORRECTION																
		NO PRIMA FACIA CASE							3							3		
ASB-ASBESTOS CONTROL PROGRAM Total			7	3	11	15	19							55				

