



Dismissal Report

January 2018

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



FIDEL F. DEL VALLE

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

February 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 January, 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 18 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	350	416	387	403	350	363	346						2,615
	Dismissed No Jurisdiction	3	-	2	1	1	-	2						9
	Dismissed Defective Service	5	5	4	6	-	4	-						24
	Dismissed Defective Summons/charge (defective on its face)	4	6	5	3	5	5	4						32
	Dismissed - Failure to Prosecute	14	14	6	34	16	19	20						123
	Dismissed - Successfully Disputed Ownership	-	-	-	-	-	-	1						1
	Dismissed - Wrong Party Named	-	-	-	2	-	-	-						2
	Dismissed - No Prima Facie Case	17	33	23	26	14	45	35						193
	Withdrawal	1	15	12	14	31	31	42						146
	Dismissed - Administrative Dismissal	-	-											-
TLC	Total Dismissed	394	489	439	489	417	467	450	-	-	-	-	-	3,145
NYPD	Dismissed No Violation/On the Merits	29	7	18	15	5	10	4						88
	Dismissed No Jurisdiction	-	-	-	-	-	-	-						-
	Dismissed Defective Service	-	1	1	1	-	-	-						3
	Dismissed Defective Summons/charge (defective on its face)	11	10	24	13	3	30	13						104
	Dismissed - Failure to Prosecute	-	-	1	-	-	-	-						1
	Dismissed - Successfully Disputed Ownership	-	-	-	-	-	-	-						-
	Dismissed - Wrong Party Named	-	-	-	-	-	-	-						-
	Dismissed - No Prima Facie Case	3	2	24	9	-	8	2						48
	Withdrawal	-	-	-	-	-	-	-						-
	Dismissed - Administrative Dismissal	-	-											-
NYPD	Total Dismissed	43	20	68	38	8	48	19	-	-	-	-	-	244
Port Authority	Dismissed No Violation/On the Merits	17	2	17	12	2	7	3						60
	Dismissed No Jurisdiction	0	0	0	-	-	-	-						-
	Dismissed Defective Service	-	-	-	-	-	4	-						4
	Dismissed Defective Summons/charge (defective on its face)	-	-	6	-	-	5	-						11
	Dismissed - Failure to Prosecute	-	-	3	-	-	19	2						24
	Dismissed - Successfully Disputed Ownership	-	-	-	-	-	-	-						-
	Dismissed - Wrong Party Named	-	-	-	-	-	-	2						2
	Dismissed - No Prima Facie Case	-	1	3	1	1	45	2						53
	Withdrawal	-	-	-	-	-	31	-						31
	Dismissed - Administrative Dismissal	-	-					-						-
Port Authority	Total Dismissed	17	3	29	13	3	111	9	-	-	-	-	-	185
Grand Total		454	512	536	540	428	626	478	-	-	-	-	-	3,574

*by charge

FY 18 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	1,874	1,989	1,843	2,099	2,028	1,834	1,920						13,587
	Dismissed No Jurisdiction	2	4	-	2	1	-	1						10
	Dismissed Defective Service	17	7	10	18	17	3	6						78
	Dismissed Defective Summons/charge (defective on its face)	24	52	27	20	24	17	29						193
	Dismissed - Failure to Prosecute	-	-	1	1	1	-	12						15
	Dismissed - Successfully Disputed Ownership	1	-	-	-	-	2	-						3
	Dismissed - Wrong Party Named	2	1	3	2	12	3	2						25
	Dismissed - No Prima Facie Case	188	211	165	195	160	208	188						1,315
	Withdrawal	13	1	4	18	7	15	4						62
	Dismissed - Administrative Dismissal	-	-	-	-	-								-
	Grand Total	2,121	2,265	2,053	2,355	2,250	2,082	2,162	-	-	-	-	-	15,288

*by charge

FY 18 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	13	16	4	3	29	3	9						77
		DEFECTIVE NOV	45	51	69	49	45	58	57						374
		DEFECTIVE SERVICE	61	68	109	91	88	90	109						616
		DISPUTED OWNERSHIP	97	47	45	26	33	31	43						322
		IMPROPER PARTY CITED	56	54	50	53	54	101	104						472
		NO ECB JURISDICTION	2	1	1		1	4	4						13
		NO VIOL. DISMISS ON MERITS	418	503	425	541	520	539	662						3608
		PROSECUTION WITHDRAWN	97	85	98	886	132	175	137						1610
		UNASSIGNED REASON	1			1	2	1							5
		WORK DONE BY PREV. OWNER	35	40	47	53	53	36	66						330
		DATA CORRECTION	13	6	3	3	6	6	6						43
		FAILURE TO PROSECUTE	2	5	4	3	1	6	4						25
		NO PRIMA FACIA CASE	25	33	54	32	40	48	39						271
		WITHDRAWAL AFTER ADJUDICATE	1	3	1	2	1	1	3						12
		INTEREST OF JUSTICE	4	3	1	1									9
	DOB-DEPT OF BUILDINGS Total		870	915	911	1744	1005	1099	1243						7787
	810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB				1	1								2
		IMPROPER PARTY CITED						1							1
		DEFECTIVE NOV					1	1							2
		DEFECTIVE SERVICE		1			1	2	3						7
		NO VIOL. DISMISS ON MERITS	3	2	1	4	6	6	4						26
		NO PRIMA FACIA CASE					1								1
	810-DEPT OF BUILDINGS 810 Total		3	3	1	5	10	10	7						39
BUILDINGS(DOB) Total			873	918	912	1749	1015	1109	1250					7826	
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB					1	1							2
		DEFECTIVE NOV							1						1
		DEFECTIVE SERVICE			2	1			1						4
		DISPUTED OWNERSHIP	3	1				1							5
		NO VIOL. DISMISS ON MERITS							1						1
		PROSECUTION WITHDRAWN		1	1	3	7	2							14
	824-DEP - IWC Total		3	2	3	4	8	4	3						27
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB		1	10	7	10	4	16						48
		DEFECTIVE NOV	1	1					2						4
		DEFECTIVE SERVICE		2	5	1		2	4						14
		DISPUTED OWNERSHIP	2	5											7
		IMPROPER PARTY CITED		1				1							2
		NO VIOL. DISMISS ON MERITS	9	12	4	2	2	1							30
		PROSECUTION WITHDRAWN				1		1							2
	825-DEP - BUREAU OF CUST SRV Total		12	22	19	11	12	9	22						107
	826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB						1							1
		DEFECTIVE NOV	2		1		4								7
		DEFECTIVE SERVICE	1	1	1		3								6
		DISPUTED OWNERSHIP	2												2
		IMPROPER PARTY CITED	4		1										5
		NO VIOL. DISMISS ON MERITS	4	3	1	15	8	2	5						38
		PROSECUTION WITHDRAWN	6	8	11	7	9	9	1						51
		NO PRIMA FACIA CASE	1												1
		WITHDRAWAL AFTER ADJUDICATE		3	1										4
	826-DEP - BUREAU OF ENV. COMP Total		20	15	16	22	24	12	6						115
	989-DEP POLICE	ADMIN. DISMISSAL ECB			3										3
		DEFECTIVE NOV	2	4		2									8
		DEFECTIVE SERVICE			4		1								5
		DISPUTED OWNERSHIP	3	4											7
		NO VIOL. DISMISS ON MERITS	1	4	2				1						8
		NO PRIMA FACIA CASE		1											1
	989-DEP POLICE Total		6	13	9	2	1		1						32
	ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB													
DEFECTIVE NOV								2						2	
DEFECTIVE SERVICE					1			1						2	
DISPUTED OWNERSHIP				1				2						3	
IMPROPER PARTY CITED					2	3	1							6	
NO ECB JURISDICTION								1						1	
NO VIOL. DISMISS ON MERITS		4	2	2	5	5	3	2						23	
PROSECUTION WITHDRAWN		3	3	1	3	2	1	3						16	
DATA CORRECTION						1								1	
NO PRIMA FACIA CASE				3	4	3	1	4						15	
ASB-ASBESTOS CONTROL PROGRAM Total		7	5	7	15	14	6	15							

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FY 18 ECB Hearings

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	831-SANITATION RECYCLING	ADMIN. DISMISSAL ECB			1	1		1								3
		DEFECTIVE NOV	5	8	4	6	5	5	1							34
		DEFECTIVE SERVICE	2	1	7	5		1	1							17
		DISPUTED OWNERSHIP	15	30	10	9	13	29	44							150
		IMPROPER PARTY CITED	6	10	3	5	3	2	1							30
		NO ECB JURISDICTION			1											1
		NO VIOL. DISMISS ON MERITS	233	184	139	172	141	150	159							1178
		PROSECUTION WITHDRAWN	1	3		7		2	10							23
		UNASSIGNED REASON		1												1
		FAILURE TO PROSECUTE					1									1
		NO PRIMA FACIA CASE	8	6	2	7	9	8	2							42
		WITHDRAWAL AFTER ADJUDICATE						1								1
		INTEREST OF JUSTICE		1	1											2
	831-SANITATION RECYCLING Total		270	244	168	212	172	198	219							1483
	832-SANITATION ENV R POLICE	DEFECTIVE NOV														
		DEFECTIVE SERVICE		1		1			1							3
		DISPUTED OWNERSHIP							1							1
		NO VIOL. DISMISS ON MERITS	3						1							4
		PROSECUTION WITHDRAWN		1		1										2
832-SANITATION ENV R POLICE Total		3	2		2			3							10	
SANITATION(DSNY) Total		3688	3690	2950	3318	2947	3105	3448							23146	
TRANSPORTATION(DOT)	841-DEPT OF TRANSPORTATION	ADMIN. DISMISSAL ECB	1	2			1									4
		DEFECTIVE NOV	19	16	9	17	10	7	7							85
		DEFECTIVE SERVICE	4	6	3	1	3	13	1							31
		DISPUTED OWNERSHIP	12	3			1		2							18
		IMPROPER PARTY CITED	4	7	4	6	4	7	13							45
		NO ECB JURISDICTION	10				2	2								14
		NO VIOL. DISMISS ON MERITS	250	196	195	207	288	336	370							1842
		PROSECUTION WITHDRAWN	22	12	10	14	6	19	4							87
		UNASSIGNED REASON					2	2	1							5
		FAILURE TO PROSECUTE				1		1								2
		WORK DONE BY PREV. OWNER						1								1
		NO PRIMA FACIA CASE	5	13	15	5	9	8	4							59
		WITHDRAWAL AFTER ADJUDICATE		1	1	1										3
		INTEREST OF JUSTICE		1												1
	841-DEPT OF TRANSPORTATION Total		327	257	237	252	326	396	402							2197
TRANSPORTATION(DOT) Total		327	257	237	252	326	396	402							2197	
96MISCELLANEOUS AGENCIES(999)	999-MISCELLANEOUS AGENCIES	ADMIN. DISMISSAL ECB				1		1								2
		DEFECTIVE NOV		1		4	1	1	1							8
		DEFECTIVE SERVICE			5	6	5	4	4							24
		DISPUTED OWNERSHIP	5	8												13
		NO ECB JURISDICTION	1													1
		NO VIOL. DISMISS ON MERITS	4	5		4	2	3	4							22
		NO PRIMA FACIA CASE			1											1
	999-MISCELLANEOUS AGENCIES Total		10	14	6	15	8	9	9							71
96MISCELLANEOUS AGENCIES(999) Total		10	14	6	15	8	9	9							71	
97AGENCY CODE MISSING OR INVALID	000-AGENCY CODE MISSING	ADMIN. DISMISSAL ECB	1		2		1									4
		DEFECTIVE NOV	3	1	2		2	5								13
		DEFECTIVE SERVICE			2		5	27	1							35
		DISPUTED OWNERSHIP		2		3										5
		NO VIOL. DISMISS ON MERITS	5	5	2	3	2	7	1							25
		NO PRIMA FACIA CASE							1							1
	000-AGENCY CODE MISSING Total		9	8	8	6	10	39	3							83
97AGENCY CODE MISSING OR INVALID Total		9	8	8	6	10	39	3							83	
DOF TOBACCO		837-DOF TOBACCO						1							1	
		837-DOF TOBACCO Total						1							1	
DOF TOBACCO Total								1							1	
2018 Total		6729	7985	8717	10314	9390	9276	10003							62414	
Grand Total		6729	7985	8717	10314	9390	9276	10003							62414	

FY 18 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	52	28	63	50	41	34	61						329
	Dismissed No Jurisdiction	1	-	-	-	-	-	-						1
	Dismissed Defective Service	6	3	12	9	4	13	1						48
	Dismissed Defective Summons/charge (defective on its face)	-	1	1	3	2	1	7						15
	Dismissed - Failure to Prosecute	1	2	-	3	1	2	17						26
	Dismissed - Successfully Disputed Ownership	1	-	-	-	-	-	-						1
	Dismissed - Wrong Party Named	1	13	2	-	2	1	-						19
	Dismissed - No Prima Facie Case	-	-	2	1	5	3	5						16
	Withdrawal	12	27	41	29	23	30	7						169
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-						-
	Grand Total	74	74	121	95	78	84	98	-	-	-	-	-	624

*by charge