



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

## Dismissal Report December 2020

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



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**JONI KLETTER**

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

**January 20<sup>th</sup>, 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 December, 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\***

<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	35	50	139	171	147	177							719
	Dismissed No Jurisdiction			1	6	17	3							27
	Dismissed Defective Service		1	1	2	3	51							58
	Dismissed Defective Summons/charge (defective on its face)	30	29	28	73	151	800							1,111
	Dismissed - Failure to Prosecute			1	6	12	6							25
	Dismissed - Successfully Disputed Ownership		1	1			2							4
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	6	12	33	45	51	120							267
	Withdrawal			6	10	17	17							50
	Dismissed - Administrative Dismissal													-
<b>TLC</b>	<b>Total Dismissed</b>	<b>71</b>	<b>93</b>	<b>210</b>	<b>313</b>	<b>398</b>	<b>1,176</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,261</b>
<b>NYPD</b>	Dismissed No Violation/On the Merits		1	2	4		3							10
	Dismissed No Jurisdiction													-
	Dismissed Defective Service			1										1
	Dismissed Defective Summons/charge (defective on its face)		7	4	1	1	6							19
	Dismissed - Failure to Prosecute													-
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case			1	1	1	3							6
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
<b>NYPD</b>	<b>Total Dismissed</b>	<b>-</b>	<b>8</b>	<b>8</b>	<b>6</b>	<b>2</b>	<b>12</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>36</b>
<b>Port Authority</b>	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													-
<b>Port Authority</b>	<b>Total Dismissed</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>
<b>Grand Total</b>		<b>71</b>	<b>102</b>	<b>218</b>	<b>319</b>	<b>400</b>	<b>1,188</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,298</b>

\*by charge

**FY 21 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	255	354	382	473	433	537							<b>2,434</b>
	Dismissed No Jurisdiction	5			3	1	1							<b>10</b>
	Dismissed Defective Service	14	17	26	48	15	19							<b>139</b>
	Dismissed Defective Summons/charge (defective on its face)		5	8	9	27	22							<b>71</b>
	Dismissed - Failure to Prosecute		1		1	5	1							<b>8</b>
	Dismissed - Successfully Disputed Ownership	1	6	1	6	7	3							<b>24</b>
	Dismissed - Wrong Party Named	4	3	11	8	6	2							<b>34</b>
	Dismissed - No Prima Facie Case	23	18	34	57	42	61							<b>235</b>
	Withdrawal	2			1									<b>3</b>
	Dismissed - Administrative Dismissal													<b>-</b>
<b>Grand Total</b>		<b>304</b>	<b>404</b>	<b>462</b>	<b>606</b>	<b>536</b>	<b>646</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,958</b>

\*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	35							137	
	Dismissed No Jurisdiction													-	
	Dismissed Defective Service				5		1							6	
	Dismissed Defective Summons/charge (defective on its face)				1	2	1							4	
	Dismissed - Failure to Prosecute	4	3	1	3	4	2							17	
	Dismissed - Successfully Disputed Ownership														-
	Dismissed - Wrong Party Named		1	1											2
	Dismissed - No Prima Facie Case	1		2	1	3	2								9
	Withdrawal	4	6	27	20	11	46								114
	Dismissed - Administrative Dismissal														-
	<b>Grand Total</b>		<b>21</b>	<b>33</b>	<b>45</b>	<b>56</b>	<b>47</b>	<b>87</b>	-	-	-	-	-	-	<b>289</b>

\*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	28							139			
		DEFECTIVE NOV	18	18	38	22	33	42							171			
		DEFECTIVE SERVICE	51	58	55	69	146	181								560		
		DISPUTED OWNERSHIP	36	35	26	18	26	20								161		
		IMPROPER PARTY CITED	50	47	55	63	62	104								381		
		NO ECB JURISDICTION	1	2		1	1	2								7		
		NO VIOL. DISMISS ON MERITS	344	422	400	458	686	875								3185		
		PROSECUTION WITHDRAWN	224	87	118	86	70	181								766		
		UNASSIGNED REASON					1	5								6		
		WORK DONE BY PREV. OWNER	1		1											2		
		DATA CORRECTION																
		FAILURE TO PROSECUTE	3	7	20	17	11	12								70		
		NO PRIMA FACIA CASE	25	34	45	44	62	62								272		
		WITHDRAWAL AFTER ADJUDICATE	43	1	1	4	1	3								53		
		INTEREST OF JUSTICE																
		<b>DOB-DEPT OF BUILDINGS Total</b>			<b>805</b>	<b>735</b>	<b>783</b>	<b>812</b>	<b>1123</b>	<b>1515</b>						<b>5773</b>		
		810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB	IMPROPER PARTY CITED	11												11	
				DEFECTIVE NOV														
				DEFECTIVE SERVICE														
				NO VIOL. DISMISS ON MERITS							1						1	
NO PRIMA FACIA CASE																		
<b>810-DEPT OF BUILDINGS 810 Total</b>			<b>11</b>					<b>1</b>						<b>12</b>				
<b>BUILDINGS(DOB) Total</b>			<b>816</b>	<b>735</b>	<b>783</b>	<b>812</b>	<b>1123</b>	<b>1516</b>						<b>5785</b>				
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																
		<b>824-DEP - IWC Total</b>			<b>3</b>				<b>1</b>							<b>4</b>		
		825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB	DEFECTIVE NOV		2	2			3	3						10	
				DEFECTIVE SERVICE			1										1	
				DISPUTED OWNERSHIP					2								2	
				IMPROPER PARTY CITED								1					1	
				FAILURE TO PROSECUTE														
				NO VIOL. DISMISS ON MERITS	1	1		2	2	1							7	
				PROSECUTION WITHDRAWN	1												1	
				WORK DONE BY PREV. OWNER														
				NO PRIMA FACIA CASE					1								1	
				<b>825-DEP - BUREAU OF CUST SRV Total</b>			<b>2</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>5</b>	<b>5</b>						<b>23</b>
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																
<b>826-DEP - BUREAU OF ENV. COMP Total</b>						<b>1</b>								<b>1</b>				
989-DEP POLICE	ADMIN. DISMISSAL ECB	DEFECTIVE NOV																
		NO VIOL. DISMISS ON MERITS																
		NO PRIMA FACIA CASE																
<b>989-DEP POLICE Total</b>																		
ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB	DEFECTIVE NOV	3					1							4			
		DEFECTIVE SERVICE						2							2			
		DISPUTED OWNERSHIP																
		IMPROPER PARTY CITED			1	1									2			
		FAILURE TO PROSECUTE	1	1	4	9	5	6							26			
		NO VIOL. DISMISS ON MERITS	3	2	5	2	7	10							29			
		PROSECUTION WITHDRAWN			1	3	2	6							12			
		NO ECB JURISDICTION						1							1			
		NO PRIMA FACIA CASE						3	2						5			
		<b>ASB-ASBESTOS CONTROL PROGRAM Total</b>			<b>7</b>	<b>3</b>	<b>11</b>	<b>15</b>	<b>19</b>	<b>26</b>						<b>81</b>		









# FY 21 ECB Hearings

PUBLIC TELEPHONE(DOITT)	858-DOITT	ADMIN. DISMISSAL ECB																	
		DEFECTIVE NOV																	
		DEFECTIVE SERVICE																	
		DISPUTED OWNERSHIP																	
		NO ECB JURISDICTION																	
		NO VIOL. DISMISS ON MERITS							1		1							2	
		PROSECUTION WITHDRAWN																	
		NO PRIMA FACIA CASE					25	17										42	
		<b>858-DOITT Total</b>						25	18		1								44
<b>PUBLIC TELEPHONE(DOITT) Total</b>						25	18		1								44		
SANITATION(DSNY)	827-DOS - ENFORCEMENT A GENTS	ADMIN. DISMISSAL ECB																	
		DEFECTIVE NOV			1	4			1									6	
		DEFECTIVE SERVICE	9	13	18	8	5	2										55	
		DISPUTED OWNERSHIP	5	25	5	16	13	8										72	
		IMPROPER PARTY CITED		6	3	9	7	5										30	
		NO ECB JURISDICTION									1							1	
		NO VIOL. DISMISS ON MERITS	95	85	91	130	84	105										590	
		PROSECUTION WITHDRAWN			461	48	15	3										527	
		UNASSIGNED REASON																	
		DATA CORRECTION																	
		FAILURE TO PROSECUTE																	
		NO PRIMA FACIA CASE	1	4				5										10	
		WITHDRAWAL AFTER ADJUDICATE							99									99	
		INTEREST OF JUSTICE																	
		<b>827-DOS - ENFORCEMENT A GENTS Total</b>			110	134	582	211	229	124									1390
		828-SANITATION POLICE	828-SANITATION POLICE	ADMIN. DISMISSAL ECB															
DEFECTIVE NOV					1	3			1									5	
DEFECTIVE SERVICE	1			1														2	
DISPUTED OWNERSHIP				4	4	5	1	2										16	
IMPROPER PARTY CITED	2			6		1	1											10	
NO ECB JURISDICTION								1										1	
NO VIOL. DISMISS ON MERITS	28			24	19	20	22	22										135	
PROSECUTION WITHDRAWN					1													1	
DATA CORRECTION																			
FAILURE TO PROSECUTE							9	1											10
WITHDRAWAL AFTER ADJUDICATE											1								1
NO PRIMA FACIA CASE	2			1	1		1	2										7	
<b>828-SANITATION POLICE Total</b>			33	37	28	35	27	28									188		
829-SANITATION OTHERS	829-SANITATION OTHERS	ADMIN. DISMISSAL ECB			7	2	11	4	8								32		
		DEFECTIVE NOV	40	44	58	40	46	67										295	
		DEFECTIVE SERVICE	50	45	65	62	54	62										338	
		DISPUTED OWNERSHIP	31	47	65	76	63	132										414	
		IMPROPER PARTY CITED	12	17	39	33	41	27										169	
		NO ECB JURISDICTION	1	3	1	1	2	3										11	
		NO VIOL. DISMISS ON MERITS	555	679	762	903	994	1159										5052	
		PROSECUTION WITHDRAWN	3	5	185	30	10	10										243	
		DATA CORRECTION																	
		UNASSIGNED REASON																	
		FAILURE TO PROSECUTE				2													2
		NO PRIMA FACIA CASE	51	74	99	90	94	115										523	
INTEREST OF JUSTICE																			
<b>829-SANITATION OTHERS Total</b>			743	921	1278	1246	1308	1583									7079		
830-SANITATION PIU	830-SANITATION PIU	ADMIN. DISMISSAL ECB																	
		DEFECTIVE NOV																	
		DEFECTIVE SERVICE																	
		DISPUTED OWNERSHIP																	
		PROSECUTION WITHDRAWN									1							1	
		NO VIOL. DISMISS ON MERITS	2								1							3	
		FAILURE TO PROSECUTE									1							1	
		NO PRIMA FACIA CASE																	
<b>830-SANITATION PIU Total</b>			2					1	2								5		

