



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Dismissal Report May 2019

- 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

June 20th, 2019

- **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 May, 2019.**
- **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	308	317	348	279	331	347	452		3,738	
	Dismissed No Jurisdiction		3	2	1	1	5	2	1	19	5	2		41	
	Dismissed Defective Service					1	1	1	1	2				6	
	Dismissed Defective Summons/charge (defective on its face)	12	8	6	7	5	5	9	78	79	114	147		470	
	Dismissed - Failure to Prosecute	10	16	11	17	27	8	17	35	10	8	15		174	
	Dismissed - Successfully Disputed Ownership		1										3	4	
	Dismissed - Wrong Party Named		5		6			1							12
	Dismissed - No Prima Facie Case	31	31	19	27	7	24	43	43	64	59	32			380
	Withdrawal	19	39	24	28	64	40	76	38	13	30	10			381
	Dismissed - Administrative Dismissal														-
TLC	Total Dismissed	433	494	355	397	413	400	497	475	518	563	661	-	5,206	
NYPD	Dismissed No Violation/On the Merits	11	19	10	38	29	18	18	13	36	17	29		238	
	Dismissed No Jurisdiction		1									2		3	
	Dismissed Defective Service							3		2		1		6	
	Dismissed Defective Summons/charge (defective on its face)	21	17	14	15	13	7	12	8	38	20	25		190	
	Dismissed - Failure to Prosecute				1									1	
	Dismissed - Successfully Disputed Ownership													-	
	Dismissed - Wrong Party Named													-	
	Dismissed - No Prima Facie Case	7	6	3	9	3	6	10	3	16	7	13		83	
	Withdrawal													-	
	Dismissed - Administrative Dismissal													-	
NYPD	Total Dismissed	39	43	27	63	45	31	43	24	92	44	70	-	521	
Port Authority	Dismissed No Violation/On the Merits	3	1	6	6	6		3	1		3	2		31	
	Dismissed No Jurisdiction													-	
	Dismissed Defective Service													-	
	Dismissed Defective Summons/charge (defective on its face)													-	
	Dismissed - Failure to Prosecute							1						1	
	Dismissed - Successfully Disputed Ownership													-	
	Dismissed - Wrong Party Named													-	
	Dismissed - No Prima Facie Case		4	1	2	2						2		11	
	Withdrawal													-	
	Dismissed - Administrative Dismissal													-	
Port Authority	Total Dismissed	3	5	7	8	8	-	4	1	-	3	4	-	43	
Grand Total		475	542	389	468	466	431	544	500	610	610	735	-	5,770	

*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	2,591	2,172	2,598	2,108	2,525	2,570	2,857		28,523	
	Dismissed No Jurisdiction	15	3	6	24	3	3	3	6	24	10	12		109	
	Dismissed Defective Service	15	37	10	25	33	11	84	6	7	6	34		268	
	Dismissed Defective Summons/charge (defective on its face)	13	28	28	24	24	6	14	7	7	19	24		194	
	Dismissed - Failure to Prosecute	11	-	1	2	8	2	1	-	1	2	5		33	
	Dismissed - Successfully Disputed Ownership	1	5	-	-	-	-	3	-	-	-	-		9	
	Dismissed - Wrong Party Named	10	11	17	13	4	2	6	6	-	1	1		71	
	Dismissed - No Prima Facie Case	216	256	148	205	212	166	175	101	219	180	192		2,070	
	Withdrawal	4	7	9	1	3	5	2	8	4	9	28		80	
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-		-
	Grand Total	3,033	3,094	2,769	3,351	2,878	2,367	2,886	2,242	2,787	2,797	3,153	-	31,357	

*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	20	22	34	24	43	50	65		393	
	Dismissed No Jurisdiction	-	1	1	-	-	-	-	-	-	-	-		2	
	Dismissed Defective Service	-	4	2	1	-	2	3	10	-	13			35	
	Dismissed Defective Summons/charge (defective on its face)	1	1	3	9	-	1	2	1	-	-	1		19	
	Dismissed - Failure to Prosecute	-	-	2	7	-	3	-	-	4	-	-		16	
	Dismissed - Successfully Disputed Ownership	-	-	-	-	-	-	10	-	-	-	-		10	
	Dismissed - Wrong Party Named	1	-	6	-	-	3	1	5	1	2	11		30	
	Dismissed - No Prima Facie Case	-	-	-	1	1	1	-	20	-	-	2		25	
	Withdrawal	19	28	21	39	11	28	24	39	13	7	16		245	
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-		-
	Grand Total	45	73	74	90	32	60	74	99	61	72	95	-	775	

*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		8	14	6	2	4	14	39		97		
		DEFECTIVE NOV	29	41	33	41	56	76	43	90	78	58	76		621		
		DEFECTIVE SERVICE	73	92	61	121	118	147	127	151	139	155	124		1308		
		DISPUTED OWNERSHIP	42	45	37	42	32	45	25	58	41	54	38		459		
		IMPROPER PARTY CITED	85	102	70	96	91	85	109	64	117	126	114		1059		
		NO ECB JURISDICTION	2	1		2		2	17	3	2	1	3		33		
		NO VIOL. DISMISS ON MERITS	616	644	506	677	664	703	666	833	858	896	1001		8064		
		PROSECUTION WITHDRAWN	130	151	239	120	163	107	164	232	159	129	173		1767		
		UNASSIGNED REASON	2		9	4	2	1	1						19		
		WORK DONE BY PREV. OWNER	54	51	40	45	37	28	31	54	52	45	52		489		
		DATA CORRECTION	2	11	8	18	19	28	43	30	32	38	32		261		
		FAILURE TO PROSECUTE	2	3	3	4	8	3			3	3			29		
		NO PRIMA FACIA CASE	29	66	30	58	77	69	74	83	74	77	69		706		
		WITHDRAWAL AFTER ADJUDICATE INTEREST OF JUSTICE	5	10	7	8	5	8	6	3	11	12	10		85		
					1						1				2		
			DOB-DEPT OF BUILDINGS Total		1071	1224	1047	1236	1280	1316	1312	1604	1570	1608	1731		14999
			810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB				1	1								2
		DEFECTIVE NOV								1						1	
		DEFECTIVE SERVICE									2					2	
		NO VIOL. DISMISS ON MERITS				2		2		2	4		3	1	1	15	
		NO PRIMA FACIA CASE				1	1			1						3	
		810-DEPT OF BUILDINGS 810 Total			3	1	3	1	3	7		3	1	1		23	
	BUILDINGS(DOB) Total			1071	1227	1048	1239	1281	1319	1319	1604	1573	1609	1732		15022	
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB	1							1					2		
		DEFECTIVE NOV		1	4	8	2								15		
		DEFECTIVE SERVICE	2			1									3		
		NO VIOL. DISMISS ON MERITS	1	2		1							2		6		
		PROSECUTION WITHDRAWN	4	2	12	1	5	3		3	2	2	3		37		
									1				1		2		
																2	
		824-DEP - IWC Total		8	5	16	11	7	4	4	2	5	3		65		
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB	30	5	4	23	15	9	13	9	3			6		117	
		DEFECTIVE NOV		1				1	2	4	1					9	
		DEFECTIVE SERVICE	5	3	1	1	2	4	1	3						20	
		DISPUTED OWNERSHIP	1		2	1			1	2	2	2	1			12	
		IMPROPER PARTY CITED			2	2	1						4			9	
		FAILURE TO PROSECUTE					1									1	
		NO VIOL. DISMISS ON MERITS	4	8	2	5	8	4	8	6	8	6	7			66	
		PROSECUTION WITHDRAWN			1		1									3	
		WORK DONE BY PREV. OWNER					1			1						2	
			2	2		2	1	2	1	1	1	1				12	
		825-DEP - BUREAU OF CUST SRV Total		42	19	12	34	30	20	27	25	16	12	14		251	
	826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB				1										1	
		DEFECTIVE SERVICE			2	1				3						6	
		DISPUTED OWNERSHIP										3				3	
		IMPROPER PARTY CITED	1													1	
NO VIOL. DISMISS ON MERITS		1	1	1				2							5		
PROSECUTION WITHDRAWN		2									6				8		
											1				1		
	826-DEP - BUREAU OF ENV. COMP Total		4	3	3				5	1	9				25		
989-DEP POLICE	ADMIN. DISMISSAL ECB							1							1		
	DEFECTIVE NOV														2		
	NO VIOL. DISMISS ON MERITS					1			1						2		
	NO PRIMA FACIA CASE												1		1		
	989-DEP POLICE Total					1	1	1	1			1			4		
ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB	1									3				4		
	DEFECTIVE NOV			2	1			1		1			1		7		
	DISPUTED OWNERSHIP					1									1		
	IMPROPER PARTY CITED	2				1						1	3		7		
	FAILURE TO PROSECUTE											1			1		
	NO VIOL. DISMISS ON MERITS	4	14	8	7	7	2	6	17	8	11	13			97		
	PROSECUTION WITHDRAWN	5	7	8	6	6	5	6	3	20	4	6			76		
	DATA CORRECTION									3					3		
				2					2	1		4	1		10		
		ASB-ASBESTOS CONTROL PROGRAM Total		12	25	17	15	14	7	15	24	33	20	24		206	

FY 19 ECB Hearings

831-SANITATION RECYCLING	ADMIN. DISMISSAL ECB	1	5	1	4		108	1		1	1	1		123
	DEFECTIVE NOV	1	2	2			2	1	2		2	3	5	20
	DEFECTIVE SERVICE	17	1	1	8		3	5	4	5	9	4	4	61
	DISPUTED OWNERSHIP	9	10	10	31		16	10	17	15	13	38	25	194
	IMPROPER PARTY CITED	8	5		1		5			2	6	7	6	40
	NO ECB JURISDICTION	1			1									3
	NO VIOL. DISMISS ON MERITS	109	142	108	129	158	113	189	156	178	176	169		1627
	PROSECUTION WITHDRAWN	11			10		6		2		1	7		37
	UNASSIGNED REASON								1					1
	FAILURE TO PROSECUTE	1												1
	NO PRIMA FACIA CASE	4	2	1	4	2	1	4	7	8	10	4		47
	831-SANITATION RECYCLING Total		162	167	123	188	186	244	217	188	217	240	222	2154
	832-SANITATION ENVR POLICE	DEFECTIVE NOV												
DEFECTIVE SERVICE									1					1
DISPUTED OWNERSHIP		1								1				2
NO VIOL. DISMISS ON MERITS		1								1	1			3
NO PRIMA FACIA CASE								1						1
832-SANITATION ENVR POLICE Total		2				1			1	2	1		7	
SANITATION(DSNY) Total		3432	3295	2646	3566	3620	2935	3508	2899	3473	3415	3333		36122
TRANSPORTATION(DOT)	841-DEPT OF TRANSPORTATION	ADMIN. DISMISSAL ECB							2		1	2	1	6
	DEFECTIVE NOV	5	2	8	11		6	11	8	5	11	15	10	92
	DEFECTIVE SERVICE	2	5	3	7	10	4	6			7	2	1	47
	DISPUTED OWNERSHIP			1	1	1	1		2	2		1		9
	IMPROPER PARTY CITED	5	8	3	1	9	7	1	3	5	5	2		49
	NO ECB JURISDICTION			1				1		1	1			4
	NO VIOL. DISMISS ON MERITS	153	195	262	252	352	286	377	416	243	227	217		2980
	PROSECUTION WITHDRAWN	16	22	11	8	9	22	11	4	23	7	20		153
	UNASSIGNED REASON				1	1								2
	FAILURE TO PROSECUTE	1			1		1		3			4		10
	DATA CORRECTION					1		1						2
	NO PRIMA FACIA CASE	10	8	11	14	22	3	29	19	19	9	11		155
	WITHDRAWAL AFTER ADJUDICATE				1									1
INTEREST OF JUSTICE			1										1	
841-DEPT OF TRANSPORTATION Total		192	241	301	296	413	336	433	453	313	266	267		3511
TRANSPORTATION(DOT) Total		192	241	301	296	413	336	433	453	313	266	267		3511
96MISCELLANEOUS AGENCIES(999)	999-MISCELLANEOUS AGENCIES	ADMIN. DISMISSAL ECB	1	2	4	1					1			9
	DEFECTIVE NOV	2	1	4			5		2	1	1	1		17
	DEFECTIVE SERVICE	3	3	6	6	1	3	7	2	4	2	1		38
	NO ECB JURISDICTION										4			4
	NO VIOL. DISMISS ON MERITS	1	1	2	1	1	1	2	7		1	2		19
	NO PRIMA FACIA CASE		1				1	1	1	6	1	1	1	13
999-MISCELLANEOUS AGENCIES Total		7	8	16	8	8	5	12	16	10	5	5		100
96MISCELLANEOUS AGENCIES(999) Total		7	8	16	8	8	5	12	16	10	5	5		100
97A AGENCY CODE MISSING OR INVALID	000-AGENCY CODE MISSING	ADMIN. DISMISSAL ECB	1	1	1			35	2	32	3	6		81
	DEFECTIVE NOV		1	1					1		1	1		6
	DEFECTIVE SERVICE	2		1	2	1								6
	NO VIOL. DISMISS ON MERITS	1			1		1	1		2				6
	NO PRIMA FACIA CASE							1						1
000-AGENCY CODE MISSING Total		4	2	3	3	2	37	4	32	5	7	1		100
97A AGENCY CODE MISSING OR INVALID Total		4	2	3	3	2	37	4	32	5	7	1		100
DOF TOBACCO	837-DOF TOBACCO	NO PRIMA FACIA CASE		1							1			2
	DEFECTIVE SERVICE						1							1
	NO VIOL. DISMISS ON MERITS								3		1			4
837-DOF TOBACCO Total			1			1		3		2			7	
DOF TOBACCO Total			1			1		3		2			7	
2019 Total		9613	10660	9281	11042	10581	8591	8534	7643	8371	7970	8044		100330
Grand Total		9613	10660	9281	11042	10581	8591	8534	7643	8371	7970	8044		100330