



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Dismissal Report October 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

November 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 October, 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									395	
	Dismissed No Jurisdiction			1	6									7	
	Dismissed Defective Service		1	1	2									4	
	Dismissed Defective Summons/charge (defective on its face)	30	29	28	73									160	
	Dismissed - Failure to Prosecute			1	6									7	
	Dismissed - Successfully Disputed Ownership		1	1										2	
	Dismissed - Wrong Party Named													-	
	Dismissed - No Prima Facie Case	6	12	33	45									96	
	Withdrawal			6	10										16
	Dismissed - Administrative Dismissal														-
TLC	Total Dismissed	71	93	210	313	-	-	-	-	-	-	-	-	687	
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									12	
	Dismissed - Failure to Prosecute													-	
	Dismissed - Successfully Disputed Ownership													-	
	Dismissed - Wrong Party Named													-	
	Dismissed - No Prima Facie Case			1	1									2	
	Withdrawal													-	
	Dismissed - Administrative Dismissal													-	
NYPD	Total Dismissed	-	8	8	6	-	-	-	-	-	-	-	-	22	
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	-	-	-	-	-	-	-	-	710	

*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									1,464
	Dismissed No Jurisdiction	5			3									8
	Dismissed Defective Service	14	17	26	48									105
	Dismissed Defective Summons/charge (defective on its face)		5	8	9									22
	Dismissed - Failure to Prosecute		1		1									2
	Dismissed - Successfully Disputed Ownership	1	6	1	6									14
	Dismissed - Wrong Party Named	4	3	11	8									26
	Dismissed - No Prima Facie Case	23	18	34	57									132
	Withdrawal	2			1									3
	Dismissed - Administrative Dismissal													-
	Grand Total		304	404	462	606	-	-	-	-	-	-	-	-

*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									75	
	Dismissed No Jurisdiction													-	
	Dismissed Defective Service				5									5	
	Dismissed Defective Summons/charge (defective on its face)				1									1	
	Dismissed - Failure to Prosecute	4	3	1	3									11	
	Dismissed - Successfully Disputed Ownership														-
	Dismissed - Wrong Party Named		1	1											2
	Dismissed - No Prima Facie Case	1		2	1										4
	Withdrawal	4	6	27	20										57
	Dismissed - Administrative Dismissal														-
	Grand Total	21	33	45	56	-	-	-	-	-	-	-	-	-	155

*by charge

FY 21 ECB Hearings

		BAR-DEP BUREAU OF ENV COMPL	ADMIN. DISMISSAL ECB	39	6	6	5					56
			DATA CORRECTION									
			DEFECTIVE NOV	2	2	3	6					13
			DEFECTIVE SERVICE	3	4	85	67					159
			DISPUTED OWNERSHIP		1	2	1					4
			IMPROPER PARTY CITED	1	2	9	3					15
			NO ECB JURISDICTION			1	5					6
			NO VIOL. DISMISS ON MERITS	41	38	97	108					284
			PROSECUTION WITHDRAWN			1	1					2
			FAILURE TO PROSECUTE		3	76	49					128
			NO PRIMA FACIA CASE	3	3	4	7					17
		BAR-DEP BUREAU OF ENV COMPL Total		89	59	284	252					684
		803-DEP RIGHT TO KNOW	ADMIN. DISMISSAL ECB									
			DEFECTIVE NOV				1					1
			DISPUTED OWNERSHIP									
			IMPROPER PARTY CITED									
			NO VIOL. DISMISS ON MERITS				1					1
			PROSECUTION WITHDRAWN									
			UNASSIGNED REASON									
		803-RIGHT TO KNOW Total					2					2
		804-DEP - HAZARDOUS MATERIALS	DEFECTIVE SERVICE									
		804-DEP - HAZARDOUS MATERIALS Total										
		822-DEP - BWSO	ADMIN. DISMISSAL ECB	4	1							5
			DEFECTIVE NOV				2					2
			DEFECTIVE SERVICE				3					3
			DISPUTED OWNERSHIP	1			3					4
			IMPROPER PARTY CITED	1		1	1					3
			NO VIOL. DISMISS ON MERITS	5	2	4	14					25
			PROSECUTION WITHDRAWN				1					1
			FAILURE TO PROSECUTE	1	2	2	6					11
			NO PRIMA FACIA CASE		2							2
			WITHDRAWAL AFTER ADJUDICATE									
		822-DEP - BWSO Total		12	7	7	30					56
		ENVIRONMENTAL PROTECTION(DEP) Total		113	72	306	304					795
		FIRE(FDNY)										
		FIR-FIRE DEPARTMENT NYC	ADMIN. DISMISSAL ECB	1	61	16	32					110
			DEFECTIVE NOV	1	1	2	5					9
			DEFECTIVE SERVICE	5	10	20	11					46
			DISPUTED OWNERSHIP	13	1	6	4					24
			IMPROPER PARTY CITED	9	11	20	22					62
			NO ECB JURISDICTION									
			NO VIOL. DISMISS ON MERITS	19	26	48	38					131
			PROSECUTION WITHDRAWN	1		1	6					8
			UNASSIGNED REASON		1							1
			FAILURE TO PROSECUTE	3	4	7	16					30
			NO PRIMA FACIA CASE		1	3	4					8
			WITHDRAWAL AFTER ADJUDICATE									
		FIR-FIRE DEPARTMENT NYC Total		52	116	123	138					429
		823-FIRE DEPARTMENT 823	NO VIOL. DISMISS ON MERITS									
		823-FIRE DEPARTMENT 823 Total										
		FIRE(FDNY) Total		52	116	123	138					429
		HEALTH(DOHMH)										
		816-DOHMENTAL HEALTH	ADMIN. DISMISSAL ECB				3					3
			DEFECTIVE NOV	1	2							3
			DEFECTIVE SERVICE		2		3					5
			DISPUTED OWNERSHIP									
			IMPROPER PARTY CITED									
			NO ECB JURISDICTION									
			NO VIOL. DISMISS ON MERITS	5	3	3	4					15
			PROSECUTION WITHDRAWN									
			UNASSIGNED REASON									
			FAILURE TO PROSECUTE									
			NO PRIMA FACIA CASE				2					2
			WITHDRAWAL AFTER ADJUDICATE	1								1
			INTEREST OF JUSTICE									
		816-DOHMENTAL HEALTH Total		7	7	6	9					29
		812-VETERINARY DOHMH	DEFECTIVE NOV									
			ADMIN. DISMISSAL ECB									
			DEFECTIVE SERVICE									
			DISPUTED OWNERSHIP									
			IMPROPER PARTY CITED			1	1					2
			WITHDRAWAL AFTER ADJUDICATE									
			NO VIOL. DISMISS ON MERITS	2	5	1	1					9
			PROSECUTION WITHDRAWN									
			NO PRIMA FACIA CASE									
		812-VETERINARY DOHMH Total		2	6	1	2					11

FY 21 ECB Hearings

MARKET CASES(BIC)	850-BIC	ADMIN. DISMISSAL ECB							
		DEFECTIVE NOV							
		DEFECTIVE SERVICE			1	1			
		DISPUTED OWNERSHIP							
		IMPROPER PARTY CITED							
		NO VIOL. DISMISS ON MERITS							
		PROSECUTION WITHDRAWN	3	2	10	1			
		FAILURE TO PROSECUTE							
		NO PRIMA FACIA CASE							
			850-BIC Total		3	2	11	2	
MARKET CASES(BIC) Total			3	2	11	2		18	
PARKS(DPR)	846-DEPT OF PARKS	ADMIN. DISMISSAL ECB	1	2					3
		DEFECTIVE NOV		2					5
		DEFECTIVE SERVICE				1			1
		DISPUTED OWNERSHIP		1					1
		IMPROPER PARTY CITED							
		NO ECB JURISDICTION						1	1
		NO VIOL. DISMISS ON MERITS	11	12	18	19			60
		WORK DONE BY PREV. OWNER							
		FAILURE TO PROSECUTE	1	3	5	4			1
		NO PRIMA FACIA CASE							
	846-DEPT OF PARKS Total		13	20	24	28		85	
PARKS(DPR) Total			13	20	24	28		85	
POLICE	055-NYPD TRANSPORT INTELL DIV	ADMIN. DISMISSAL ECB							
		DEFECTIVE NOV	2	2	6	3			13
		DEFECTIVE SERVICE	2	1	2	3			8
		DISPUTED OWNERSHIP							
		IMPROPER PARTY CITED		2					2
		NO ECB JURISDICTION							
		FAILURE TO PROSECUTE				1			1
		NO VIOL. DISMISS ON MERITS	29	33	31	47			140
		PROSECUTION WITHDRAWN							
		UNASSIGNED REASON							
	NO PRIMA FACIA CASE	2	4		5			11	
	WITHDRAWAL AFTER ADJUDICATE								
	INTEREST OF JUSTICE								
		055-NYPD TRANSPORT INTELL DIV Total		35	42	40	58		175
	056-POLICE DEPT	ADMIN. DISMISSAL ECB	2	8	2	3			15
		DEFECTIVE NOV	27	16	18	38			99
		DEFECTIVE SERVICE	327	142	130	412			1011
		DISPUTED OWNERSHIP							
		IMPROPER PARTY CITED			1	5			6
		NO ECB JURISDICTION	6		2	12			20
NO VIOL. DISMISS ON MERITS		11	13	58	65			147	
PROSECUTION WITHDRAWN					26			26	
UNASSIGNED REASON		1						1	
WORK DONE BY PREV. OWNER									
DATA CORRECTION									
FAILURE TO PROSECUTE	2		1				3		
NO PRIMA FACIA CASE	10	13	17	33			73		
INTEREST OF JUSTICE									
	056-POLICE DEPT Total		386	192	229	594		1401	
985-SEAGATE POLICE	ADMIN. DISMISSAL ECB								
	DEFECTIVE NOV								
	DEFECTIVE SERVICE								
	NO ECB JURISDICTION								
	NO VIOL. DISMISS ON MERITS								
NO PRIMA FACIA CASE									
	985-SEAGATE POLICE Total								
002-OFF OF SPECIAL ENFORCMNT	DEFECTIVE SERVICE								
	ADMIN. DISMISSAL ECB								
	DEFECTIVE NOV								
	IMPROPER PARTY CITED								
	NO VIOL. DISMISS ON MERITS				1			1	
	PROSECUTION WITHDRAWN								
NO PRIMA FACIA CASE		1					1		
	002-OFF OF SPECIAL ENFORCMNT Total			1	1			2	
POLICE Total			421	235	270	652		1578	

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					
		PROSECUTION WITHDRAWN													
		NO PRIMA FACIA CASE							25	17				42	
		858-DOITT Total									25	18			43
		PUBLIC TELEPHONE(DOITT) Total									25	18			43
SANITATION(DSNY)	827-DOS - ENFORCEMENT A GENTS	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV								1	4				
		DEFECTIVE SERVICE								9	13	18		8	
		DISPUTED OWNERSHIP								5	25	5		16	
		IMPROPER PARTY CITED									6	3		9	
		NO ECB JURISDICTION													
		NO VIOL. DISMISS ON MERITS								95	85	91	130		401
		PROSECUTION WITHDRAWN										461	48		509
		UNASSIGNED REASON													
		DATA CORRECTION													
		FAILURE TO PROSECUTE													
		NO PRIMA FACIA CASE									1	4			5
		WITHDRAWAL AFTER ADJUDICATE													
		INTEREST OF JUSTICE													
827-DOS - ENFORCEMENT A GENTS Total									110	134	582	211		1037	
828-SANITATION POLICE	828-SANITATION POLICE	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV									1	3		4	
		DEFECTIVE SERVICE								1	1			2	
		DISPUTED OWNERSHIP									4	4		5	
		IMPROPER PARTY CITED									2	6		1	
		NO ECB JURISDICTION													
		NO VIOL. DISMISS ON MERITS								28	24	19	20		91
		PROSECUTION WITHDRAWN										1			1
		DATA CORRECTION													
		FAILURE TO PROSECUTE												9	9
		INTEREST OF JUSTICE													
		NO PRIMA FACIA CASE									2	1	1		4
		828-SANITATION POLICE Total									33	37	28	35	
829-SANITATION OTHERS	829-SANITATION OTHERS	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV										7	2	11	
		DEFECTIVE SERVICE									40	44	58	40	
		DISPUTED OWNERSHIP									50	45	65	62	
		IMPROPER PARTY CITED									31	47	65	76	
		NO ECB JURISDICTION									12	17	39	33	
		NO VIOL. DISMISS ON MERITS									1	3	1	1	
		PROSECUTION WITHDRAWN									555	679	762	903	
		DATA CORRECTION									3	5	185	30	
		UNASSIGNED REASON													
		FAILURE TO PROSECUTE												2	2
		NO PRIMA FACIA CASE									51	74	99	90	314
		INTEREST OF JUSTICE													
829-SANITATION OTHERS Total									743	921	1278	1246		4188	
830-SANITATION PIU	830-SANITATION PIU	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV													
		DEFECTIVE SERVICE													
		DISPUTED OWNERSHIP													
		IMPROPER PARTY CITED													
		NO VIOL. DISMISS ON MERITS									2				2
PROSECUTION WITHDRAWN															
NO PRIMA FACIA CASE															
830-SANITATION PIU Total									2					2	

FY 21 ECB Hearings

	831-SANITATION RECYCLING	ADMIN. DISMISSAL ECB								
		DEFECTIVE NOV	1	1		3			5	
		DEFECTIVE SERVICE	2	1	1	2			6	
		DISPUTED OWNERSHIP	3	6	4	4			17	
		IMPROPER PARTY CITED		4	1	4			9	
		NO ECB JURISDICTION								
		NO VIOL. DISMISS ON MERITS	47	51	37	62			197	
		PROSECUTION WITHDRAWN				2			2	
		UNASSIGNED REASON								
		FAILURE TO PROSECUTE			1				1	
		NO PRIMA FACIA CASE	1	2	1	1			5	
		831-SANITATION RECYCLING Total		54	65	45	78			242
			832-SANITATION ENVR POLICE	DEFECTIVE NOV						
DEFECTIVE SERVICE										
PROSECUTION WITHDRAWN	1					1			2	
DISPUTED OWNERSHIP										
FAILURE TO PROSECUTE										
NO VIOL. DISMISS ON MERITS										
NO PRIMA FACIA CASE										
832-SANITATION ENVR POLICE Total		1			1			2		
SANITATION(DSNY) Total			943	1157	1933	1571		5604		
TRANSPORTATION(DOT)	841-DEPT OF TRANSPORTATION	ADMIN. DISMISSAL ECB								
		DEFECTIVE NOV	8	14	1	1			24	
		DEFECTIVE SERVICE	1			2			3	
		DISPUTED OWNERSHIP				1			1	
		IMPROPER PARTY CITED		1	1	4			6	
		NO ECB JURISDICTION								
		NO VIOL. DISMISS ON MERITS	29	68	93	139			329	
		PROSECUTION WITHDRAWN	53	20	47	92			212	
		UNASSIGNED REASON								
		FAILURE TO PROSECUTE		19	3	5			27	
		WORK DONE BY PREV. OWNER								
		DATA CORRECTION								
		NO PRIMA FACIA CASE	19	27	6	38			90	
		WITHDRAWAL AFTER ADJUDICATE								
		INTEREST OF JUSTICE								
841-DEPT OF TRANSPORTATION Total		110	149	151	282			692		
TRANSPORTATION(DOT) Total			110	149	151	282		692		
96MISCELLANEOUS AGENCIES(999)	999-MISCELLANEOUS AGENCIES	ADMIN. DISMISSAL ECB				2		2		
		DEFECTIVE NOV	2					2		
		DEFECTIVE SERVICE		4		2			6	
		DISPUTED OWNERSHIP								
		IMPROPER PARTY CITED								
		PROSECUTION WITHDRAWN				7			7	
		NO VIOL. DISMISS ON MERITS				3			3	
		NO PRIMA FACIA CASE			2	3			5	
		999-MISCELLANEOUS AGENCIES Total		2	4	2	17		25	
		96MISCELLANEOUS AGENCIES(999) Total			2	4	2	17		25
97AGENCY CODE MISSING OR INVALID	000-AGENCY CODE MISSING	ADMIN. DISMISSAL ECB								
		DEFECTIVE NOV								
		DEFECTIVE SERVICE								
		DISPUTED OWNERSHIP								
		IMPROPER PARTY CITED								
		FAILURE TO PROSECUTE								
		NO VIOL. DISMISS ON MERITS								
		PROSECUTION WITHDRAWN								
NO PRIMA FACIA CASE										
000-AGENCY CODE MISSING Total										
97AGENCY CODE MISSING OR INVALID Total										
DOF TOBACCO	837-DOF TOBACCO	NO PRIMA FACIA CASE								
		DEFECTIVE SERVICE								
		NO VIOL. DISMISS ON MERITS								
		ADMIN. DISMISSAL ECB								
837-DOF TOBACCO Total										
DOF TOBACCO Total										
2020 Total			2539	2573	3771	4042		12925		
Grand Total			2539	2573	3771	4042		12925		