



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Dismissal Report April 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

May 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 April, 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			3,286
	Dismissed No Jurisdiction		3	2	1	1	5	2	1	19	5			39
	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			323
	Dismissed - Failure to Prosecute	10	16	11	17	27	8	17	35	10	8			159
	Dismissed - Successfully Disputed Ownership		1											1
	Dismissed - Wrong Party Named		5		6			1						12
	Dismissed - No Prima Facie Case	31	31	19	27	7	24	43	43	64	59			348
	Withdrawal	19	39	24	28	64	40	76	38	13	30			371
Dismissed - Administrative Dismissal														-
TLC	Total Dismissed	433	494	355	397	413	400	497	475	518	563	-	-	4,545
NYPD	Dismissed No Violation/On the Merits	11	19	10	38	29	18	18	13	36	17			209
	Dismissed No Jurisdiction		1											1
	Dismissed Defective Service							3		2				5
	Dismissed Defective Summons/charge (defective on its face)	21	17	14	15	13	7	12	8	38	20			165
	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			70
	Withdrawal													-
Dismissed - Administrative Dismissal													-	
NYPD	Total Dismissed	39	43	27	63	45	31	43	24	92	44	-	-	451
Port Authority	Dismissed No Violation/On the Merits	3	1	6	6	6		3	1		3			29
	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								9
	Withdrawal													-
Dismissed - Administrative Dismissal													-	
Port Authority	Total Dismissed	3	5	7	8	8	-	4	1	-	3	-	-	39
Grand Total		475	542	389	468	466	431	544	500	610	610	-	-	5,035

*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			25,666	
	Dismissed No Jurisdiction	15	3	6	24	3	3	3	6	24	10			97	
	Dismissed Defective Service	15	37	10	25	33	11	84	6	7	6			234	
	Dismissed Defective Summons/charge (defective on its face)	13	28	28	24	24	6	14	7	7	19			170	
	Dismissed - Failure to Prosecute	11	-	1	2	8	2	1	-	1	2			28	
	Dismissed - Successfully Disputed Ownership	1	5	-	-	-	-	3	-	-	-			9	
	Dismissed - Wrong Party Named	10	11	17	13	4	2	6	6	-	1			70	
	Dismissed - No Prima Facie Case	216	256	148	205	212	166	175	101	219	180			1,878	
	Withdrawal	4	7	9	1	3	5	2	8	4	9			52	
	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	-	-	28,204	

*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			328	
	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	-	-			18	
	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			19	
	Dismissed - No Prima Facie Case	-	-	-	1	1	1	-	20	-	-			23	
	Withdrawal	19	28	21	39	11	28	24	39	13	7			229	
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Grand Total	45	73	74	90	32	60	74	99	61	72	-	-	680	

*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			58		
		DEFECTIVE NOV	29	41	33	41	56	76	43	90	78	58			545		
		DEFECTIVE SERVICE	73	92	61	121	118	147	127	151	139	155			1184		
		DISPUTED OWNERSHIP	42	45	37	42	32	45	25	58	41	54			421		
		IMPROPER PARTY CITED	85	102	70	96	91	85	109	64	117	126			945		
		NO ECB JURISDICTION	2	1		2		2	17	3	2	1			30		
		NO VIOL. DISMISS ON MERITS	616	644	506	677	664	703	666	833	858	896			7063		
		PROSECUTION WITHDRAWN	130	151	239	120	163	107	164	232	159	129			1594		
		UNASSIGNED REASON	2		9	4	2	1	1						19		
		WORK DONE BY PREV. OWNER	54	51	40	45	37	28	31	54	52	45			437		
		DATA CORRECTION	2	11	8	18	19	28	43	30	32	38			229		
		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			637		
		WITHDRAWAL AFTER ADJUDICATE	5	10	7	8	5	8	6	3	11	12			75		
		INTEREST OF JUSTICE			1						1					2	
		DOB-DEPT OF BUILDINGS Total			1071	1224	1047	1236	1280	1316	1312	1604	1570	1608			13268
		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			14	
	NO PRIMA FACIA CASE			1	1				1							3	
	810-DEPT OF BUILDINGS 810 Total			3	1	3	1	3	7	3	7	3	1			22	
BUILDINGS(DOB) Total			1071	1227	1048	1239	1281	1319	1319	1604	1573	1609			13290		
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			34		
		NO PRIMA FACIA CASE							1				1			2	
	824-DEP - IWC Total			8	5	16	11	7	4	4	2	5			62		
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB	30	5	4	23	15	9	13	9	3					111	
		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				11	
		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				59	
		PROSECUTION WITHDRAWN				1	1					1				3	
		WORK DONE BY PREV. OWNER					1		1							2	
		NO PRIMA FACIA CASE	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			237	
	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		
NO PRIMA FACIA CASE									1					1			
826-DEP - BUREAU OF ENV. COMP Total			4	3	3				5	1	9				25		
989-DEP POLICE	ADMIN. DISMISSAL ECB																
	DEFECTIVE NOV						1								1		
	NO VIOL. DISMISS ON MERITS				1				1						2		
	NO PRIMA FACIA CASE												1		1		
989-DEP POLICE Total					1		1		1				1		4		
ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB	1									3				4		
	DEFECTIVE NOV		2	1			1		1		1				6		
	DISPUTED OWNERSHIP				1										1		
	IMPROPER PARTY CITED	2			1								1		4		
	FAILURE TO PROSECUTE										1				1		
	NO VIOL. DISMISS ON MERITS	4	14	8	7	7	2	6	17	8	11				84		
	PROSECUTION WITHDRAWN	5	7	8	6	6	5	6	3	20	4				70		
	DATA CORRECTION								3						3		
	NO PRIMA FACIA CASE		2						2	1		4			9		
ASB-ASBESTOS CONTROL PROGRAM Total			12	25	17	15	14	7	15	24	33	20			182		

FY 19 ECB Hearings

831-SANITATION RECYCLING	ADMIN. DISMISSAL ECB	1	5	1	4		108	1		1	1			122	
	DEFECTIVE NOV	1	2	2			2	1	2		2	3		15	
	DEFECTIVE SERVICE	17	1	1	8	3	5	4	5	9	4			57	
	DISPUTED OWNERSHIP	9	10	10	31	16	10	17	15	13	38			169	
	IMPROPER PARTY CITED	8	5		1	5			2	6	7			34	
	NO ECB JURISDICTION	1			1									2	
	NO VIOL. DISMISS ON MERITS	109	142	108	129	158	113	189	156	178	176			1458	
	PROSECUTION WITHDRAWN	11			10		6		2		1			30	
	UNASSIGNED REASON								1					1	
	FAILURE TO PROSECUTE	1												1	
	NO PRIMA FACIA CASE	4	2	1	4	2	1	4	7	8	10			43	
	831-SANITATION RECYCLING Total		162	167	123	188	186	244	217	188	217	240			1932
	832-SANITATION ENV R 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 ENV R POLICE Total		2					1		1	2	1			7	
SANITATION(DSNY) Total		3432	3295	2646	3566	3620	2935	3508	2899	3473	3415			32789	
TRANSPORTATION(DOT)	ADMIN. DISMISSAL ECB						2			1	2			5	
	DEFECTIVE NOV	5	2	8	11	6	11	8	5	11	15			82	
	DEFECTIVE SERVICE	2	5	3	7	10	4	6		7	2			46	
	DISPUTED OWNERSHIP			1	1	1	1		2	2				8	
	IMPROPER PARTY CITED	5	8	3	1	9	7	1	3	5	5			47	
	NO ECB JURISDICTION				1			1		1	1			4	
	NO VIOL. DISMISS ON MERITS	153	195	262	252	352	286	377	416	243	227			2763	
	PROSECUTION WITHDRAWN	16	22	11	8	9	22	11	4	23	7			133	
	UNASSIGNED REASON				1	1								2	
	FAILURE TO PROSECUTE	1			1	1		1	3					6	
	DATA CORRECTION					1		1						2	
	NO PRIMA FACIA CASE	10	8	11	14	22	3	29	19	19	9			144	
	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			3244	
TRANSPORTATION(DOT) Total		192	241	301	296	413	336	433	453	313	266			3244	
96MISCELLANEOUS AGENCIES(999)	ADMIN. DISMISSAL ECB	1	2	4	1					1				9	
	DEFECTIVE NOV	2	1	4		5		2	1		1			16	
	DEFECTIVE SERVICE	3	3	6	6	1	3	7	2	4	2			37	
	NO ECB JURISDICTION									4				4	
	NO VIOL. DISMISS ON MERITS	1	1	2	1	1	1	2	7		1			17	
	NO PRIMA FACIA CASE		1			1	1	1	6	1	1			12	
999-MISCELLANEOUS AGENCIES Total		7	8	16	8	8	5	12	16	10	5			95	
96MISCELLANEOUS AGENCIES(999) Total		7	8	16	8	8	5	12	16	10	5			95	
97A AGENCY CODE MISSING OR INVALID	ADMIN. DISMISSAL ECB	1	1	1			35	2	32	3	6			81	
	DEFECTIVE NOV		1	1			1				1			5	
	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-A AGENCY CODE MISSING Total		4	2	3	3	2	37	4	32	5	7			99	
97A AGENCY CODE MISSING OR INVALID Total		4	2	3	3	2	37	4	32	5	7			99	
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				3		2				7	
DOF TOBACCO Total				1				3		2				7	
2019 Total		9613	10660	9281	11042	10581	8591	8534	7643	8371	7970			92286	
Grand Total		9613	10660	9281	11042	10581	8591	8534	7643	8371	7970			92286	