



OFFICE OF  
ADMINISTRATIVE  
TRIALS AND HEARINGS

# Dismissal Report

## October 2015

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



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**FIDEL F. DEL VALLE**

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

**November 18, 2015**

- **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, 2015**
- **Please be advised that the numbers for OATH's Health and Taxi & Limousine Tribunals reflect the number of charges rather than the number of summonses, dismissed. There may be multiple charges on each summons.**

**Vehicle for Hire & Taxi Hearings\***

FY 2016	AGENCY	Dismissals	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Grand Total
	<b>TLC</b>	Dismissed No Violation/On the Merits	158	111									269
		Dismissed No Jurisdiction	0	1									1
		Dismissed Defective Service	0	1									1
		Dismissed Defective Summons/charge (defective on its face)	8	5									13
		Dismissed - Failure to Prosecute	7	11									18
		Dismissed - Successfully Disputed Ownership	0	0									0
		Dismissed - Wrong Party Named	0	0									0
		Dismissed - No Prima Facie Case	50	63									113
		Withdrawal	0	4									0
		Dismissed - Administrative Dismissal	0	0									0
	<b>TLC</b>	<b>Total Dismissed</b>	<b>232</b>	<b>196</b>									<b>428</b>
	<b>NYPD</b>	Dismissed No Violation/On the Merits	4	1									5
		Dismissed No Jurisdiction	1	2									3
		Dismissed Defective Service	0	0									0
		Dismissed Defective Summons/charge (defective on its face)	2	3									5
		Dismissed - Failure to Prosecute	30	26									56
		Dismissed - Successfully Disputed Ownership	0	0									0
		Dismissed - Wrong Party Named	0	0									0
		Dismissed - No Prima Facie Case	0	4									4
		Withdrawal	0	0									0
		Dismissed - Administrative Dismissal	0	0									0
	<b>NYPD</b>	<b>Total Dismissed</b>	<b>37</b>	<b>36</b>									<b>73</b>
	<b>Port Authority</b>	Dismissed No Violation/On the Merits	14	27									41
		Dismissed No Jurisdiction	0	4									4
		Dismissed Defective Service	0	1									1
		Dismissed Defective Summons/charge (defective on its face)	3	8									11
		Dismissed - Failure to Prosecute	1	35									36
		Dismissed - Successfully Disputed Ownership	0	0									0
		Dismissed - Wrong Party Named	0	2									2
		Dismissed - No Prima Facie Case	16	7									23
		Withdrawal	0	0									0
		Dismissed - Administrative Dismissal	0	0									0
	<b>Port Authority</b>	<b>Total Dismissed</b>	<b>34</b>	<b>84</b>									<b>118</b>
	<b>Grand Total</b>		<b>303</b>	<b>316</b>									<b>619</b>

\*by charge

**Health & Restaurant Hearings\***

<b>FY2016</b>	<b>AGENCY</b>	<b>Dismissals</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	3390	3475									6865
		Dismissed No Jurisdiction	8	6									14
		Dismissed Defective Service	1	3									4
		Dismissed Defective Summons/charge (defective on its face)	54	40									94
		Dismissed - Failure to Prosecute	4	3									7
		Dismissed - Successfully Disputed Ownership	0	0									0
		Dismissed - Wrong Party Named	5	4									9
		Dismissed - No Prima Facie Case	312	318									630
		Withdrawal	0	8									8
		Dismissed - Administrative Dismissal	0	0									0
		<b>Grand Total</b>	<b>3775</b>	<b>3857</b>									<b>7632</b>

\*by charge

## 1

FY	Agency Group	Issuing Agency	Dismissal Reason	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	(blank)	Grand Total	
2016	BUILDINGS(DOB)	DOB-DEPT OF BUILDINGS	ADMIN. DISMISSAL ECB	3											3	
			DEFECTIVE NOV	6	8									14		
			DEFECTIVE SERVICE	31	22										53	
			DISPUTED OWNERSHIP	27	27										54	
			IMPROPER PARTY CITED	52	67										119	
			NO ECB JURISDICTION												0	
			NO VIOL. DISMISS ON MERITS	245	183										428	
			PROSECUTION WITHDRAWN	28	92										120	
			UNASSIGNED REASON												0	
			WORK DONE BY PREV. OWNER	33	29										62	
			DATA CORRECTION	1	7										8	
			FAILURE TO PROSECUTE	1	1										2	
			DOB-DEPT OF BUILDINGS Total	427	436	0	0	0	0	0	0	0	0	0	0	863
		810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB												0	
			DEFECTIVE NOV												0	
			DEFECTIVE SERVICE												0	
			NO VIOL. DISMISS ON MERITS		1										1	
			PROSECUTION WITHDRAWN												0	
		810-DEPT OF BUILDINGS 810 Total		1											1	
		BUILDINGS(DOB) Total			427	437	0	0	0	0	0	0	0	0	0	864
		ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	DEFECTIVE NOV												0
				IMPROPER PARTY CITED												0
				NO VIOL. DISMISS ON MERITS												0
				PROSECUTION WITHDRAWN	3	7										10
				FAILURE TO PROSECUTE												0
			824-DEP - IWC Total		3	7	0	0	0	0	0	0	0	0	0	10
			825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB	4											
	DEFECTIVE NOV															0
	DEFECTIVE SERVICE			1												1
	DISPUTED OWNERSHIP			1												1
IMPROPER PARTY CITED				1											1	
NO ECB JURISDICTION	1														1	
NO VIOL. DISMISS ON MERITS	1			3											4	
PROSECUTION WITHDRAWN															0	
825-DEP - BUREAU OF CUST SRV Total			8	8	0	0	0	0	0	0	0	0	0	16		
826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB		1												1	
	DEFECTIVE NOV			1											1	
	DEFECTIVE SERVICE														0	
	DISPUTED OWNERSHIP														0	
	IMPROPER PARTY CITED		1												1	
	NO ECB JURISDICTION														0	
	NO VIOL. DISMISS ON MERITS		5	8											13	
PROSECUTION WITHDRAWN	11		11											22		
826-DEP - BUREAU OF ENV. COMP Total			18	20	0	0	0	0	0	0	0	0	0	38		
ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB		1												1	
	DEFECTIVE NOV			1											1	
	DEFECTIVE SERVICE														0	
	DISPUTED OWNERSHIP														0	
	IMPROPER PARTY CITED		2												2	
	NO ECB JURISDICTION														0	
	NO VIOL. DISMISS ON MERITS		8	9											17	
	PROSECUTION WITHDRAWN		1	1											1	
ASB-ASBESTOS CONTROL PROGRAM Total			11	14	0	0	0	0	0	0	0	0	0	25		
BAR-DEP BUREAU OF ENV COMPL	DEFECTIVE NOV	1	2											3		
	DEFECTIVE SERVICE													0		
	DISPUTED OWNERSHIP		1											1		
	IMPROPER PARTY CITED	3	1											4		
	NO ECB JURISDICTION													0		
	NO VIOL. DISMISS ON MERITS	9	9											18		
	PROSECUTION WITHDRAWN	2												2		
	FAILURE TO PROSECUTE													0		
BAR-DEP BUREAU OF ENV COMPL Total		15	13	0	0	0	0	0	0	0	0	0	28			
803-RIGHT TO KNOW	ADMIN. DISMISSAL ECB													0		
	DEFECTIVE NOV	1	1											2		
	DEFECTIVE SERVICE													0		
	IMPROPER PARTY CITED	1												1		
	NO VIOL. DISMISS ON MERITS	5	1											6		
	PROSECUTION WITHDRAWN	2	1											3		
803-RIGHT TO KNOW Total		9	3	0	0	0	0	0	0	0	0	0	12			
804-DEP - HAZARDOUS MATERIALS	DEFECTIVE SERVICE													0		
	NO VIOL. DISMISS ON MERITS													0		
804-DEP - HAZARDOUS MATERIALS Total			0	0	0	0	0	0	0	0	0	0	0	0		
ENVIRONMENTAL PROTECTION(DEP) Total			64	65	0	0	0	0	0	0	0	0	0	129		



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2016	Agency Group	Issuing Agency	Dismissal Reason	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	(blank)	Grand Total		
	PUBLIC TELEPHONE(DOITT)	858-DOITT	ADMIN. DISMISSAL ECB												0		
			DEFECTIVE NOV	1											1		
			DISPUTED OWNERSHIP													0	
			NO ECB JURISDICTION													0	
			NO VIOL. DISMISS ON MERITS	106	157												263
	858-DOITT Total			107	157	0	0	0	0	0	0	0	0	0	264		
	PUBLIC TELEPHONE(DOITT) Total															264	
	SANITATION(DSNY)	827-DOS - ENFORCEMENT AGENTS	ADMIN. DISMISSAL ECB	1												1	
			DEFECTIVE NOV	23	20												43
			DEFECTIVE SERVICE	11	8												19
			DISPUTED OWNERSHIP	89	154												243
			IMPROPER PARTY CITED	59	108												167
			NO ECB JURISDICTION	1	3												4
			NO VIOL. DISMISS ON MERITS	944	1006												1950
			PROSECUTION WITHDRAWN	26													26
			UNASSIGNED REASON	1	2												3
			FAILURE TO PROSECUTE														0
		827-DOS - ENFORCEMENT AGENTS Total			1155	1301	0	0	0	0	0	0	0	0	0	2456	
		828-SANITATION POLICE	ADMIN. DISMISSAL ECB														0
			DEFECTIVE NOV	1	1												2
			DEFECTIVE SERVICE														0
			DISPUTED OWNERSHIP	7	20												27
			IMPROPER PARTY CITED	8	10												18
			NO ECB JURISDICTION														0
			NO VIOL. DISMISS ON MERITS	34	58												92
		PROSECUTION WITHDRAWN	9													9	
828-SANITATION POLICE Total			59	89	0	0	0	0	0	0	0	0	0	148			
829-SANITATION OTHERS		ADMIN. DISMISSAL ECB	8	2												10	
		DEFECTIVE NOV	85	91												176	
		DEFECTIVE SERVICE	34	25												59	
		DISPUTED OWNERSHIP	162	110												272	
		IMPROPER PARTY CITED	65	53												118	
	NO ECB JURISDICTION		1												1		
	NO VIOL. DISMISS ON MERITS	1016	1133												2149		
	PROSECUTION WITHDRAWN	13													13		
	UNASSIGNED REASON		1												1		
	DATA CORRECTION														0		
FAILURE TO PROSECUTE														0			
829-SANITATION OTHERS Total			1383	1416	0	0	0	0	0	0	0	0	0	2799			
830-SANITATION PIU	DEFECTIVE NOV														0		
	DEFECTIVE SERVICE														0		
	DISPUTED OWNERSHIP														0		
	IMPROPER PARTY CITED														0		
	NO VIOL. DISMISS ON MERITS	1	2												3		
	PROSECUTION WITHDRAWN														0		
	FAILURE TO PROSECUTE														0		
830-SANITATION PIU Total			1	2			0	0	0	0	0	0	0	3			
831-SANITATION RECYCLING	ADMIN. DISMISSAL ECB														0		
	DEFECTIVE NOV	4	2												6		
	DEFECTIVE SERVICE	1	4												5		
	DISPUTED OWNERSHIP	23	54												77		
	IMPROPER PARTY CITED	1	3												4		
	NO ECB JURISDICTION		1												1		
	NO VIOL. DISMISS ON MERITS	105	127												232		
	PROSECUTION WITHDRAWN	3	2												5		
	FAILURE TO PROSECUTE														0		
831-SANITATION RECYCLING Total			137	193	0	0	0	0	0	0	0	0	0	330			
832-SANITATION ENVR POLICE	DEFECTIVE NOV														0		
	DISPUTED OWNERSHIP														0		
	IMPROPER PARTY CITED														0		
	NO VIOL. DISMISS ON MERITS	3	1												4		
	PROSECUTION WITHDRAWN														0		
832-SANITATION ENVR POLICE Total			3	1	0	0	0	0	0	0		0		4			
842-DCAS		NO VIOL. DISMISS ON MERITS		1											1		
842-DCAS Total				1											1		
SANITATION(DSNY) Total				2738	3003	0	0	0	0	0	0	0	0		5741		



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