



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

## Dismissal Report April 2020

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

\*Note: data is affected by the coronavirus pandemic



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**JONI KLETTER**

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

**May 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 April, 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 20 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	521	428	394	588	556	509	471	428	229	1			4,125
	Dismissed No Jurisdiction		12			10	1	2	1					26
	Dismissed Defective Service	3	3	1	2			1	2					12
	Dismissed Defective Summons/charge (defective on its face)	112	49	33	43	30	47	31	48	25				418
	Dismissed - Failure to Prosecute	29	7	17	29	20	9	2	12					125
	Dismissed - Successfully Disputed Ownership			1				2						3
	Dismissed - Wrong Party Named	1	1	2			4	1						9
	Dismissed - No Prima Facie Case	116	37	68	62	46	94	83	52	44				602
	Withdrawal	9	11	13	43	55	33	51	15	4				234
Dismissed - Administrative Dismissal														-
<b>TLC</b>	<b>Total Dismissed</b>	<b>791</b>	<b>548</b>	<b>529</b>	<b>767</b>	<b>717</b>	<b>697</b>	<b>644</b>	<b>558</b>	<b>302</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>5,554</b>
<b>NYPD</b>	Dismissed No Violation/On the Merits	49	16	15	31	43	47	35	20	15				271
	Dismissed No Jurisdiction	1												1
	Dismissed Defective Service					5		2	1	1				9
	Dismissed Defective Summons/charge (defective on its face)	27	27	20	26	52	56	21	22	14				265
	Dismissed - Failure to Prosecute							1	2					3
	Dismissed - Successfully Disputed Ownership						1							1
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	13	15	16	10	6	21	19	6	4				110
	Withdrawal													-
Dismissed - Administrative Dismissal													-	
<b>NYPD</b>	<b>Total Dismissed</b>	<b>90</b>	<b>58</b>	<b>51</b>	<b>67</b>	<b>106</b>	<b>125</b>	<b>78</b>	<b>51</b>	<b>34</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>660</b>
<b>Port Authority</b>	Dismissed No Violation/On the Merits	7	3		7	1	8	5	6	1				38
	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			2	4	6	2	2						16
	Withdrawal													-
Dismissed - Administrative Dismissal													-	
<b>Port Authority</b>	<b>Total Dismissed</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>11</b>	<b>7</b>	<b>10</b>	<b>8</b>	<b>6</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>55</b>
<b>Grand Total</b>		<b>888</b>	<b>609</b>	<b>582</b>	<b>845</b>	<b>830</b>	<b>832</b>	<b>730</b>	<b>615</b>	<b>337</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>6,269</b>

\*by charge

**FY 20 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	3,043	2,556	2,462	2,705	2,183	2,119	2,356	2,144	1,240	79			<b>20,887</b>	
	Dismissed No Jurisdiction	13	12	10	10	2	4	5	6	3				<b>65</b>	
	Dismissed Defective Service	7	13	27	4	3	4	10	6	6	7			<b>87</b>	
	Dismissed Defective Summons/charge (defective on its face)	21	35	16	29	19	7	8	12	15				<b>162</b>	
	Dismissed - Failure to Prosecute	9	7	4	3	2	2		2	6				<b>35</b>	
	Dismissed - Successfully Disputed Ownership			1	1			2	1		3				<b>8</b>
	Dismissed - Wrong Party Named	4		1	3			6	2						<b>16</b>
	Dismissed - No Prima Facie Case	216	142	166	167	121	124	163	161	77	9				<b>1,346</b>
	Withdrawal	8	33	19	16	6	4	10	3	6					<b>105</b>
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-	<b>-</b>
	<b>Grand Total</b>	<b>3,321</b>	<b>2,798</b>	<b>2,706</b>	<b>2,938</b>	<b>2,336</b>	<b>2,264</b>	<b>2,560</b>	<b>2,337</b>	<b>1,353</b>	<b>98</b>	<b>-</b>	<b>-</b>	<b>22,711</b>	

\*by charge

FY 20 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	40	33	28	36	41	30	28	34	12	1			283	
	Dismissed No Jurisdiction	1					1							2	
	Dismissed Defective Service	3				5		3						11	
	Dismissed Defective Summons/charge (defective on its face)	20	22	17	7	1	3	2	2					74	
	Dismissed - Failure to Prosecute	3		3										6	
	Dismissed - Successfully Disputed Ownership		7											7	
	Dismissed - Wrong Party Named	3	2		1	1	6			1				14	
	Dismissed - No Prima Facie Case	3		4	1	3		1	3					15	
	Withdrawal	7	23	30	31	29	8	37	32	32	13			242	
	Dismissed - Administrative Dismissal														-
	<b>Grand Total</b>		<b>80</b>	<b>87</b>	<b>82</b>	<b>76</b>	<b>80</b>	<b>48</b>	<b>71</b>	<b>71</b>	<b>45</b>	<b>14</b>	<b>-</b>	<b>-</b>	<b>654</b>

\*by charge

FY 20 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	27	11	22	8	4	13	28	25	1				139			
		DEFECTIVE NOV	116	146	126	132	123	122	166	74	27	7				1039		
		DEFECTIVE SERVICE	174	117	134	112	171	182	221	187	158	31				1487		
		DISPUTED OWNERSHIP	39	60	37	54	18	40	52	70	36	12				418		
		IMPROPER PARTY CITED	114	118	85	96	101	103	128	122	91	13				971		
		NO ECB JURISDICTION	2	6	2	3	4	7	8	3	1	2				38		
		NO VIOL. DISMISS ON MERITS	917	927	805	776	792	991	1170	1101	687	183				8349		
		PROSECUTION WITHDRAWN	107	374	179	152	190	190	218	139	172	275				1996		
		UNASSIGNED REASON				1				2							3	
		WORK DONE BY PREV. OWNER	53	47	53	53	36	44	54	42	38	2					422	
		DATA CORRECTION	30	25	27	23	41	42	54	32	49						323	
		FAILURE TO PROSECUTE	2	5	1				1		2	2					13	
		NO PRIMA FACIA CASE	70	87	104	108	74	114	117	115	74	9					872	
		WITHDRAWAL AFTER ADJUDICATE	5	19	10	11	15	5		3	6	34					108	
		INTEREST OF JUSTICE				1						1					2	
		<b>DOB-DEPT OF BUILDINGS Total</b>			<b>1656</b>	<b>1942</b>	<b>1585</b>	<b>1530</b>	<b>1569</b>	<b>1853</b>	<b>2219</b>	<b>1913</b>	<b>1343</b>	<b>570</b>			<b>16180</b>	
		810-DEPT OF BUILDINGS 810		ADMIN. DISMISSAL ECB														
				IMPROPER PARTY CITED		1												1
				DEFECTIVE NOV							1							1
				DEFECTIVE SERVICE		2												2
NO VIOL. DISMISS ON MERITS				3	3	1	4			2	1					14		
NO PRIMA FACIA CASE				1												1		
<b>810-DEPT OF BUILDINGS 810 Total</b>					<b>7</b>	<b>3</b>	<b>1</b>	<b>4</b>		<b>1</b>	<b>2</b>	<b>1</b>					<b>19</b>	
<b>BUILDINGS(DOB) Total</b>			<b>1656</b>	<b>1949</b>	<b>1588</b>	<b>1531</b>	<b>1573</b>	<b>1853</b>	<b>2220</b>	<b>1915</b>	<b>1344</b>	<b>570</b>			<b>16199</b>			
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB							1						1			
		DEFECTIVE NOV		1						2						3		
		DEFECTIVE SERVICE																
		DISPUTED OWNERSHIP																
		IMPROPER PARTY CITED																
		NO VIOL. DISMISS ON MERITS							1							1		
		PROSECUTION WITHDRAWN			8	4		4	7		5					28		
		DATA CORRECTION	1													1		
		NO PRIMA FACIA CASE																
		<b>824-DEP - IWC Total</b>			<b>1</b>	<b>1</b>	<b>8</b>	<b>4</b>		<b>5</b>	<b>8</b>	<b>2</b>	<b>5</b>				<b>34</b>	
		825-DEP - BUREAU OF CUST SRV		ADMIN. DISMISSAL ECB	14	5	9	16	6	29	19	15	4	2			119	
				DEFECTIVE NOV		3	1	1	3	3	7	1	1	1			21	
				DEFECTIVE SERVICE	1	1	1											3
				DISPUTED OWNERSHIP	1	1				1	1	1	1					6
				IMPROPER PARTY CITED		1			2		1			1				5
				FAILURE TO PROSECUTE														
				NO VIOL. DISMISS ON MERITS	6	3	10	10	5	1	2	5	6	4				52
				PROSECUTION WITHDRAWN	1	1	1	1										3
				WORK DONE BY PREV. OWNER														
				NO PRIMA FACIA CASE	2	3	1			2	3	3	6					20
<b>825-DEP - BUREAU OF CUST SRV Total</b>					<b>24</b>	<b>18</b>	<b>23</b>	<b>28</b>	<b>16</b>	<b>36</b>	<b>33</b>	<b>25</b>	<b>18</b>	<b>8</b>			<b>229</b>	
826-DEP - BUREAU OF ENV. COMP		ADMIN. DISMISSAL ECB	1												1			
		DEFECTIVE SERVICE																
		DISPUTED OWNERSHIP								1						1		
		IMPROPER PARTY CITED																
		NO VIOL. DISMISS ON MERITS																
		PROSECUTION WITHDRAWN									1					1		
		NO PRIMA FACIA CASE	1													1		
<b>826-DEP - BUREAU OF ENV. COMP Total</b>			<b>2</b>							<b>2</b>					<b>4</b>			
989-DEP POLICE		ADMIN. DISMISSAL ECB																
		DEFECTIVE NOV																
		NO VIOL. DISMISS ON MERITS				1										1		
		NO PRIMA FACIA CASE																
<b>989-DEP POLICE Total</b>					<b>1</b>										<b>1</b>			
ASB-ASBESTOS CONTROL PROGRAM		ADMIN. DISMISSAL ECB									11				11			
		DEFECTIVE NOV							5	13	4					23		
		DEFECTIVE SERVICE		1														
		DISPUTED OWNERSHIP				1	1		1							2		
		IMPROPER PARTY CITED		2		1	1		3	1	2	1				11		
		FAILURE TO PROSECUTE																
		NO VIOL. DISMISS ON MERITS	6	1	12	5	11	10	7	10	4					66		
		PROSECUTION WITHDRAWN	10	4	9	6	1	22	4	1						57		
		DATA CORRECTION																
		NO PRIMA FACIA CASE	3	2	1	2	1	2	2			7				20		
		<b>ASB-ASBESTOS CONTROL PROGRAM Total</b>			<b>19</b>	<b>10</b>	<b>22</b>	<b>15</b>	<b>14</b>	<b>35</b>	<b>21</b>	<b>25</b>	<b>28</b>	<b>1</b>			<b>190</b>	











