



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Dismissal Report September 2019

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



TYNIA D. RICHARD

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

October 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 September, 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 20 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	521	428	394										1,343
	Dismissed No Jurisdiction		12											12
	Dismissed Defective Service	3	3	1										7
	Dismissed Defective Summons/charge (defective on its face)	112	49	33										194
	Dismissed - Failure to Prosecute	29	7	17										53
	Dismissed - Successfully Disputed Ownership			1										1
	Dismissed - Wrong Party Named	1	1	2										4
	Dismissed - No Prima Facie Case	116	37	68										221
	Withdrawal	9	11	13										33
	Dismissed - Administrative Dismissal													-
TLC	Total Dismissed	791	548	529	-	-	-	-	-	-	-	-	-	1,868
NYPD	Dismissed No Violation/On the Merits	49	16	15										80
	Dismissed No Jurisdiction	1												1
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)	27	27	20										74
	Dismissed - Failure to Prosecute													-
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	13	15	16										44
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
NYPD	Total Dismissed	90	58	51	-	-	-	-	-	-	-	-	-	199
Port Authority	Dismissed No Violation/On the Merits	7	3											10
	Dismissed No Jurisdiction													-
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)													-
	Dismissed - Failure to Prosecute													-
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case			2										2
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
Port Authority	Total Dismissed	7	3	2	-	-	-	-	-	-	-	-	-	12
Grand Total		888	609	582	-	-	-	-	-	-	-	-	-	2,079

*by charge

FY 20 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	3,043	2,556	2,462										8,061	
	Dismissed No Jurisdiction	13	12	10										35	
	Dismissed Defective Service	7	13	27										47	
	Dismissed Defective Summons/charge (defective on its face)	21	35	16										72	
	Dismissed - Failure to Prosecute	9	7	4										20	
	Dismissed - Successfully Disputed Ownership			1										1	
	Dismissed - Wrong Party Named	4		1										5	
	Dismissed - No Prima Facie Case	216	142	166										524	
	Withdrawal	8	33	19										60	
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Grand Total	3,321	2,798	2,706	-	-	-	-	-	-	-	-	-	-	8,825

*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										101	
	Dismissed No Jurisdiction	1												1	
	Dismissed Defective Service	3												3	
	Dismissed Defective Summons/charge (defective on its face)	20	22	17										59	
	Dismissed - Failure to Prosecute	3		3										6	
	Dismissed - Successfully Disputed Ownership		7											7	
	Dismissed - Wrong Party Named	3	2											5	
	Dismissed - No Prima Facie Case	3		4										7	
	Withdrawal	7	23	30										60	
	Dismissed - Administrative Dismissal														-
	Grand Total	80	87	82	-	-	-	-	-	-	-	-	-	-	249

*by charge

FY 20 ECB Hearings

BAR-DEP BUREAU OF ENV COMPL	ADMIN. DISMISSAL ECB									
	DEFECTIVE NOV	5	5	4					14	
	DEFECTIVE SERVICE		2	13					15	
	DISPUTED OWNERSHIP		1						1	
	IMPROPER PARTY CITED	4	7	2					13	
	NO ECB JURISDICTION									
	NO VIOL. DISMISS ON MERITS	54	63	40					157	
	PROSECUTION WITHDRAWN	1		8					9	
	DATA CORRECTION									
	FAILURE TO PROSECUTE									
	NO PRIMA FACIA CASE	3	1	2					6	
	BAR-DEP BUREAU OF ENV COMPL Total	67	79	69					215	
	803-DEP RIGHT TO KNOW	ADMIN. DISMISSAL ECB								
		DEFECTIVE NOV								
		DEFECTIVE SERVICE								
DISPUTED OWNERSHIP		1							1	
INTEREST OF JUSTICE										
IMPROPER PARTY CITED										
NO ECB JURISDICTION										
NO VIOL. DISMISS ON MERITS										
NO PRIMA FACIA CASE										
PROSECUTION WITHDRAWN										
UNASSIGNED REASON				1					1	
803-RIGHT TO KNOW Total	1	1						2		
804-DEP - HAZARDOUS MATERIALS	DEFECTIVE SERVICE									
	PROSECUTION WITHDRAWN									
	NO VIOL. DISMISS ON MERITS									
804-DEP - HAZARDOUS MATERIALS Total										
822-DEP - BWSO	ADMIN. DISMISSAL ECB	15	8	8					31	
	DEFECTIVE NOV	6	3	3					12	
	DEFECTIVE SERVICE			1					1	
	DISPUTED OWNERSHIP									
	IMPROPER PARTY CITED	1	3	4					8	
	NO VIOL. DISMISS ON MERITS	11	21	13					45	
	PROSECUTION WITHDRAWN	29	17	33					79	
	UNASSIGNED REASON									
	NO PRIMA FACIA CASE									
	WITHDRAWAL AFTER ADJUDICATE	1	6	2					9	
	822-DEP - BWSO Total	63	58	64					185	
ENVIRONMENTAL PROTECTION(DEF) Total	177	166	188					531		
FIRE(FDNY)	FIR-FIRE DEPARTMENT NYC	ADMIN. DISMISSAL ECB	1	5	2				8	
		DEFECTIVE NOV	17	17	14				48	
		DEFECTIVE SERVICE	49	51	26				126	
		DISPUTED OWNERSHIP	11	14	13				38	
		IMPROPER PARTY CITED	27	20	23				70	
		NO ECB JURISDICTION	2	2	2				6	
		NO VIOL. DISMISS ON MERITS	50	40	52				142	
		PROSECUTION WITHDRAWN	23	12	13				48	
		UNASSIGNED REASON		2					2	
		DATA CORRECTION								
		FAILURE TO PROSECUTE	2	3	1				6	
		NO PRIMA FACIA CASE	7	10	7				24	
		WITHDRAWAL AFTER ADJUDICATE								
		FIR-FIRE DEPARTMENT NYC Total	189	176	153					518
		823-FIRE DEPARTMENT 823	NO VIOL. DISMISS ON MERITS							
823-FIRE DEPARTMENT 823 Total										
FIRE(FDNY) Total	189	176	153					518		
HEALTH(DOHMH)	816-DOHMENTAL HEALTH	ADMIN. DISMISSAL ECB	3						3	
		DEFECTIVE NOV	16	16	17				49	
		DEFECTIVE SERVICE	4	17	6				27	
		DISPUTED OWNERSHIP								
		IMPROPER PARTY CITED			1				1	
		NO ECB JURISDICTION								
		NO VIOL. DISMISS ON MERITS	91	76	109				276	
		PROSECUTION WITHDRAWN	11	3	3				17	
		UNASSIGNED REASON								
		FAILURE TO PROSECUTE								
		NO PRIMA FACIA CASE	16	9	26				51	
		WITHDRAWAL AFTER ADJUDICATE	1	1	1				3	
		INTEREST OF JUSTICE		2					2	
		816-DOHMENTAL HEALTH Total	142	124	163					429
		812-VETERINARY DOHMH	DEFECTIVE NOV	1		7				8
ADMIN. DISMISSAL ECB										
DEFECTIVE SERVICE										
DISPUTED OWNERSHIP										
IMPROPER PARTY CITED				1				1		
NO VIOL. DISMISS ON MERITS	33		19	32				84		
PROSECUTION WITHDRAWN	1		1					2		
NO PRIMA FACIA CASE	3		4	2				9		
812-VETERINARY DOHMH Total	38	24	42					104		

FY 20 ECB Hearings

PUBLIC TELEPHONE(DOITT)	858-DOITT	ADMIN. DISMISSAL ECB									
		DEFECTIVE NOV	5							5	
		DEFECTIVE SERVICE			16					16	
		DISPUTED OWNERSHIP									
		NO ECB JURISDICTION									
		NO VIOL. DISMISS ON MERITS	7	5					12		
858-DOITT Total			12	21					33		
PUBLIC TELEPHONE(DOITT) Total											
			12	21					33		
SANITATION(DSNY)	827-DOS - ENFORCEMENT AGENTS	ADMIN. DISMISSAL ECB			3					3	
		DEFECTIVE NOV	19	22	18					59	
		DEFECTIVE SERVICE	44	54	37					135	
		DISPUTED OWNERSHIP	122	76	101					299	
		IMPROPER PARTY CITED	15	25	27					67	
		NO ECB JURISDICTION			5					5	
		NO VIOL. DISMISS ON MERITS	585	977	630					2192	
		PROSECUTION WITHDRAWN	48	132	13					193	
		UNASSIGNED REASON	1							1	
		DATA CORRECTION									
		FAILURE TO PROSECUTE									
		NO PRIMA FACIA CASE	14	13	9					36	
		WITHDRAWAL AFTER ADJUDICATE INTEREST OF JUSTICE									
		827-DOS - ENFORCEMENT AGENTS Total			848	1299	843				2990
		828-SANITATION POLICE	828-SANITATION POLICE	ADMIN. DISMISSAL ECB							
DEFECTIVE NOV	5			2	2					9	
DEFECTIVE SERVICE	1			1	1					3	
DISPUTED OWNERSHIP	35			28	10					73	
IMPROPER PARTY CITED	1			5	8					14	
NO ECB JURISDICTION	2									2	
NO VIOL. DISMISS ON MERITS	102			74	86					262	
PROSECUTION WITHDRAWN	2				3					5	
DATA CORRECTION											
FAILURE TO PROSECUTE											
INTEREST OF JUSTICE											
NO PRIMA FACIA CASE	7			8	6					21	
828-SANITATION POLICE Total			155	118	116				389		
829-SANITATION OTHERS	829-SANITATION OTHERS	ADMIN. DISMISSAL ECB	16	9	14					39	
		DEFECTIVE NOV	136	116	150					402	
		DEFECTIVE SERVICE	49	61	67					177	
		DISPUTED OWNERSHIP	187	130	105					422	
		IMPROPER PARTY CITED	32	50	22					104	
		NO ECB JURISDICTION			8					8	
		NO VIOL. DISMISS ON MERITS	1185	1073	1007					3265	
		PROSECUTION WITHDRAWN	79	6	4					89	
		DATA CORRECTION									
		UNASSIGNED REASON	1		3					4	
		FAILURE TO PROSECUTE									
		NO PRIMA FACIA CASE	45	64	55					164	
INTEREST OF JUSTICE			1					1			
829-SANITATION OTHERS Total			1730	1510	1435				4675		
830-SANITATION PIU	830-SANITATION PIU	ADMIN. DISMISSAL ECB									
		DEFECTIVE NOV	2	2	1					5	
		DEFECTIVE SERVICE									
		DISPUTED OWNERSHIP									
		IMPROPER PARTY CITED									
		NO VIOL. DISMISS ON MERITS	2	1	1					4	
PROSECUTION WITHDRAWN	1							1			
NO PRIMA FACIA CASE	1	2						3			
830-SANITATION PIU Total			6	5	2				13		

FY 20 ECB Hearings

831-SANITATION RECYCLING	ADMIN. DISMISSAL ECB				
	DEFECTIVE NOV	6	11	1	18
	DEFECTIVE SERVICE	6	4	5	15
	DISPUTED OWNERSHIP	24	25	24	73
	IMPROPER PARTY CITED	4	6	5	15
	NO ECB JURISDICTION				
	NO VIOL. DISMISS ON MERITS	210	175	162	547
	PROSECUTION WITHDRAWN	2		8	10
	UNASSIGNED REASON			1	1
	FAILURE TO PROSECUTE				
	NO PRIMA FACIA CASE	1	7	6	14
	831-SANITATION RECYCLING Total	253	228	212	693
832-SANITATION ENVR POLICE	DEFECTIVE NOV				
	DEFECTIVE SERVICE				
	PROSECUTION WITHDRAWN				
	DISPUTED OWNERSHIP				
	FAILURE TO PROSECUTE				
	NO VIOL. DISMISS ON MERITS	1	1	2	4
832-SANITATION ENVR POLICE Total	1	1	2	4	
SANITATION(DSNY) Total	2993	3161	2610	8764	
TRANSPORTATION(DOT)	ADMIN. DISMISSAL ECB				
	DEFECTIVE NOV	8	17	14	39
	DEFECTIVE SERVICE			1	1
	DISPUTED OWNERSHIP				
	IMPROPER PARTY CITED	6	4	4	14
	NO ECB JURISDICTION		17	8	25
	NO VIOL. DISMISS ON MERITS	439	247	408	1094
	PROSECUTION WITHDRAWN	16	19	38	73
	UNASSIGNED REASON				
	FAILURE TO PROSECUTE				
	DATA CORRECTION				
	NO PRIMA FACIA CASE	23	18	74	115
	WITHDRAWAL AFTER ADJUDICATE				
	INTEREST OF JUSTICE				
841-DEPT OF TRANSPORTATION Total	492	322	547	1361	
TRANSPORTATION(DOT) Total	492	322	547	1361	
96MISCELLANEOUS AGENCIES(999)	ADMIN. DISMISSAL ECB	1		2	3
	DEFECTIVE NOV		2	3	5
	DEFECTIVE SERVICE	1	1	10	12
	NO ECB JURISDICTION				
	NO VIOL. DISMISS ON MERITS	1			1
	PROSECUTION WITHDRAWN	2	1		3
	NO PRIMA FACIA CASE	5	4	15	24
999-MISCELLANEOUS AGENCIES Total	5	4	15	24	
96MISCELLANEOUS AGENCIES(999) Total	5	4	15	24	
97A AGENCY CODE MISSING OR INVALID	ADMIN. DISMISSAL ECB				
	DEFECTIVE NOV				
	DEFECTIVE SERVICE		2		2
	DISPUTED OWNERSHIP				
	IMPROPER PARTY CITED		1		1
	NO ECB JURISDICTION				
	NO VIOL. DISMISS ON MERITS	2	4	1	7
	PROSECUTION WITHDRAWN	4		1	5
	UNASSIGNED REASON				
	FAILURE TO PROSECUTE	1			1
000-AGENCY CODE MISSING Total	7	7	2	16	
97A AGENCY CODE MISSING OR INVALID Total	7	7	2	16	
DOF TOBACCO	NO PRIMA FACIA CASE				
	DEFECTIVE SERVICE				
	NO VIOL. DISMISS ON MERITS	1	1		2
837-DOF TOBACCO Total	1	1		2	
DOF TOBACCO Total	1	1		2	
2020 Total	8383	8663	8315	25361	
Grand Total	8383	8663	8315	25361	