



Dismissal Report

May 2018

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



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

June 20th , 2018

- **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 May, 2018.**
- **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 18 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	350	416	387	403	350	363	346	311	305	306	456		3,993	
	Dismissed No Jurisdiction	3	-	2	1	1	-	2	-	1	3	3		16	
	Dismissed Defective Service	5	5	4	6	-	4	-	1	-	1	-		26	
	Dismissed Defective Summons/charge (defective on its face)	4	6	5	3	5	5	4	3	12	8	9		64	
	Dismissed - Failure to Prosecute	14	14	6	34	16	19	20	25	18	13	13		192	
	Dismissed - Successfully Disputed Ownership	-	-	-	-	-	-	1	-	-	-	-	6		7
	Dismissed - Wrong Party Named	-	-	-	2	-	-	-	-	-	-	-	4		6
	Dismissed - No Prima Facie Case	17	33	23	26	14	45	35	23	54	22	33		325	
	Withdrawal	1	15	12	14	31	31	42	19	9	39	8		221	
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-		-
TLC	Total Dismissed	394	489	439	489	417	467	450	382	399	392	532	-	4,850	
NYPD	Dismissed No Violation/On the Merits	29	7	18	15	5	10	4	5	6	11	16		126	
	Dismissed No Jurisdiction	-	-	-	-	-	-	-	-	-	-	-		-	
	Dismissed Defective Service	-	1	1	1	-	-	-	-	1	-	-		4	
	Dismissed Defective Summons/charge (defective on its face)	11	10	24	13	3	30	13	22	17	9	14		166	
	Dismissed - Failure to Prosecute	-	-	1	-	-	-	-	-	-	1	-		2	
	Dismissed - Successfully Disputed Ownership	-	-	-	-	-	-	-	-	-	-	-		-	
	Dismissed - Wrong Party Named	-	-	-	-	-	-	-	1	-	-	-		1	
	Dismissed - No Prima Facie Case	3	2	24	9	-	8	2	5	2	5	9		69	
	Withdrawal	-	-	-	-	-	-	-	-	-	-	-		-	
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-		-	
NYPD	Total Dismissed	43	20	68	38	8	48	19	33	26	26	39	-	368	
Port Authority	Dismissed No Violation/On the Merits	17	2	17	12	2	7	3	20	8	9	1		98	
	Dismissed No Jurisdiction	0	-	0	-	-	-	-	-	-	-	-		-	
	Dismissed Defective Service	-	-	-	-	-	4	-	-	-	-	-		4	
	Dismissed Defective Summons/charge (defective on its face)	-	-	6	-	-	5	-	2	-	1	-		14	
	Dismissed - Failure to Prosecute	-	-	3	-	-	19	2	2	-	-	-		26	
	Dismissed - Successfully Disputed Ownership	-	-	-	-	-	-	-	-	-	-	-		-	
	Dismissed - Wrong Party Named	-	-	-	-	-	-	2	-	-	-	-		2	
	Dismissed - No Prima Facie Case	-	1	3	1	1	45	2	-	2	1	-		56	
	Withdrawal	-	-	-	-	-	31	-	1	-	-	-		32	
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-		-	
Port Authority	Total Dismissed	17	3	29	13	3	111	9	25	10	11	1	-	232	
Grand Total		454	512	536	540	428	626	478	440	435	429	572	-	5,450	

*by charge

FY 18 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	1,874	1,989	1,843	2,099	2,028	1,834	1,920	2,154	2,360	2,670	2,900		23,671
	Dismissed No Jurisdiction	2	4	-	2	1	-	1	2	2	5	3		22
	Dismissed Defective Service	17	7	10	18	17	3	6	11	15	32	66		202
	Dismissed Defective Summons/charge (defective on its face)	24	52	27	20	24	17	29	22	21	19	24		279
	Dismissed - Failure to Prosecute	-	-	1	1	1	-	12	-	11	3	2		31
	Dismissed - Successfully Disputed Ownership	1	-	-	-	-	2	-	13	-	-	17		33
	Dismissed - Wrong Party Named	2	1	3	2	12	3	2	1	6	12	13		57
	Dismissed - No Prima Facie Case	188	211	165	195	160	208	188	178	238	197	187		2,115
	Withdrawal	13	1	4	18	7	15	4	4	7	6	7		86
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-		-
	Grand Total	2,121	2,265	2,053	2,355	2,250	2,082	2,162	2,385	2,660	2,944	3,219	-	26,496

*by charge

FY 18 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	13	16	4	3	29	3	9	5	4	2	4		92			
		DEFECTIVE NOV	45	51	69	49	45	58	57	54	54	52	49		583			
		DEFECTIVE SERVICE	61	68	109	91	88	90	109	88	90	109	158		1061			
		DISPUTED OWNERSHIP	97	47	45	26	33	31	43	45	80	72	44		563			
		IMPROPER PARTY CITED	56	54	50	53	54	101	104	73	70	104	115		834			
		NO ECB JURISDICTION	2	1	1			1	4	4	11	3	2	3		32		
		NO VIOL. DISMISS ON MERITS	418	503	425	541	520	539	662	669	732	865	925		6799			
		PROSECUTION WITHDRAWN	97	85	98	886	132	175	137	121	135	167	154		2187			
		UNASSIGNED REASON	1			1	2	1			1	1		1		8		
		WORK DONE BY PREV. OWNER	35	40	47	53	53	36	66	38	54	46	53		521			
		DATA CORRECTION	13	6	3	3	6	6	6	5	6	10	7		71			
		FAILURE TO PROSECUTE	2	5	4	3	1	6	4	1	2	2	1		31			
		NO PRIMA FACIA CASE	25	33	54	32	40	48	39	57	55	76	62		521			
		WITHDRAWAL AFTER ADJUDICATE	1	3	1	2	1	1	3	1	1	2			16			
		INTEREST OF JUSTICE	4	3	1	1										9		
		DOB-DEPT OF BUILDINGS Total			870	915	911	1744	1005	1099	1243	1169	1287	1509	1576		13328	
		810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB				1	1						2	2	10	
				IMPROPER PARTY CITED						1							1	
				DEFECTIVE NOV					1	1							2	
				DEFECTIVE SERVICE			1			1	2	3					7	
				NO VIOL. DISMISS ON MERITS	3	2	1	4	6	6	4	2			1	4		33
				NO PRIMA FACIA CASE						1							1	2
				WITHDRAWAL AFTER ADJUDICATE														2
		810-DEPT OF BUILDINGS 810 Total			3	3	1	5	10	10	7	6		4	6		55	
BUILDINGS(DOB) Total			873	918	912	1749	1015	1109	1250	1175	1287	1513	1582		13383			
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IVC	ADMIN. DISMISSAL ECB					1	1					1		3			
		DEFECTIVE NOV							1						1			
		DEFECTIVE SERVICE			2	1				1	1	1		1		7		
		DISPUTED OWNERSHIP	3	1					1							5		
		NO VIOL. DISMISS ON MERITS								1	3					4		
		PROSECUTION WITHDRAWN		1	1	3	7	2		4		14	3			35		
		824-DEP - IVC Total			3	2	3	4	8	4	3	8	1	15	4		55	
		825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB		1	10	7	10	4	16	3	12	12	10		85	
				DEFECTIVE NOV	1	1					2				1		5	
				DEFECTIVE SERVICE		2	5	1			2	4		1		2		17
				DISPUTED OWNERSHIP	2	5										1		8
				IMPROPER PARTY CITED		1				1					1			3
				NO ECB JURISDICTION														
				NO VIOL. DISMISS ON MERITS	9	12	4	2	2	1		4	2	1	1			38
				PROSECUTION WITHDRAWN				1		1						2		4
				WORK DONE BY PREV. OWNER											1			1
				NO PRIMA FACIA CASE									1	1				2
				825-DEP - BUREAU OF CUST SRV Total			12	22	19	11	12	9	22	8	16	16	16	
		826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB						1					4	1	6	
				DEFECTIVE NOV	2		1		4			1		1			9	
				DEFECTIVE SERVICE	1	1	1		3							1		7
				DISPUTED OWNERSHIP	2													2
				IMPROPER PARTY CITED	4		1						1	2				8
				NO VIOL. DISMISS ON MERITS	4	3	1	15	8	2	5	2	2	5				47
PROSECUTION WITHDRAWN	6			8	11	7	9	9	1	3	2	1				57		
NO PRIMA FACIA CASE	1															1		
WITHDRAWAL AFTER ADJUDICATE				3	1											4		
826-DEP - BUREAU OF ENV. COMP Total					20	15	16	22	24	12	6	7	6	11	2		141	
989-DEP POLICE	ADMIN. DISMISSAL ECB			ADMIN. DISMISSAL ECB			3										3	
		DEFECTIVE NOV	2	4			2								8			
		DEFECTIVE SERVICE			4		1								5			
		DISPUTED OWNERSHIP	3	4												7		
		NO VIOL. DISMISS ON MERITS	1	4	2				1							8		
		NO PRIMA FACIA CASE		1												1		
989-DEP POLICE Total			6	13	9	2	1		1						32			
999-MISCELLANEOUS AGENCIES	DEFECTIVE SERVICE	DEFECTIVE SERVICE									1		1		2			
		ADMIN. DISMISSAL ECB										1		6	7			
		PROSECUTION WITHDRAWN											4	6	10			
		DEFECTIVE NOV												1	1			
		DISPUTED OWNERSHIP													2	2		
999-MISCELLANEOUS AGENCIES Total											4	5	19		29			
ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB							2						2			
		DEFECTIVE NOV							1				1		3			
		DEFECTIVE SERVICE				1					2				3			
		DISPUTED OWNERSHIP			1											7		
		IMPROPER PARTY CITED				2	3	1			1					7		
		NO ECB JURISDICTION								1						1		
		NO VIOL. DISMISS ON MERITS	4	2	2	5	5	3	2	8	18	4	4			57		
		PROSECUTION WITHDRAWN	3	3	1	3	2	1	3	4	1	6	7			34		
		DATA CORRECTION					1									1		
		NO PRIMA FACIA CASE			3	4	3	1	4	1	2	1	1			20		
		ASB-ASBESTOS CONTROL PROGRAM Total			7	5	7	15	14	6	15	14	21	11	13		128	

FY 18 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	52	28	63	50	41	34	61	39	25	33	65		491
	Dismissed No Jurisdiction	1	-	-	-	-	-	-	-	1	-	-		2
	Dismissed Defective Service	6	3	12	9	4	13	1	3	1	1	1		54
	Dismissed Defective Summons/charge (defective on its face)	-	1	1	3	2	1	7	3	2	5	-		25
	Dismissed - Failure to Prosecute	1	2	-	3	1	2	17	7	15	26	3		77
	Dismissed - Successfully Disputed Ownership	1	-	-	-	-	-	-	-	-	-	-		1
	Dismissed - Wrong Party Named	1	13	2	-	2	1	-	1	-	-	-		20
	Dismissed - No Prima Facie Case	-	-	2	1	5	3	5	3	2	2	-		23
	Withdrawal	12	27	41	29	23	30	7	5	17	16	9		216
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-		-
	Grand Total	74	74	121	95	78	84	98	61	63	83	78	-	909

*by charge