

# Dismissal Report July 2017

- 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

August 18th, 2017

- 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 July, 2017.
- Please be advised that the numbers for OATH's Health, DCA and Taxi & Limousine Tribunals reflect the <u>number</u> 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												350
	Dismissed No Jurisdiction	3										1		3
	Dismissed Defective Service	5												5
	Dismissed Defective Summons/charge													
	(defective on its face)	4												4
	Dismissed - Failure to Prosecute	14												14
	Dismissed - Successfully Disputed													
	Ownership	-												-
	Dismissed - Wrong Party Named	-												-
	Dismissed - No Prima Facie Case	17												17
	Withdrawal	1												1
	Dismissed - Administrative Dismissal	_										<u> </u>		_
	Distriissed - Administrative Distriissar	_												-
TLC	Total Dismissed	394	-	-	-	-	-	-	-	-	-	-	-	394
NYPD	Dismissed No Violation/On the Merits	29												29
	Dismissed No Jurisdiction	_										1		_
	Dismissed Defective Service	_												-
	Dismissed Defective Summons/charge													
	(defective on its face)	11												11
	Dismissed - Failure to Prosecute	-												-
	Dismissed - Successfully Disputed													
	Ownership	-												-
	Dismissed - Wrong Party Named	-												-
	Dismissed - No Prima Facie Case	3												3
	Mish droved	_												_
	Withdrawal Dismissed - Administrative Dismissal											<u> </u>	1	
	Dismissed - Administrative Dismissar	-												-
NYPD	Total Dismissed	43	-	-	-	-	-	-	-	-	-	-	-	43
Port Authority	Dismissed No Violation/On the Merits	17												17
-	Dismissed No Jurisdiction	0												-
	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	-												-
	Withdrawal	-												-
	Dismissed - Administrative Dismissal	-											1	-
Port Authority	Total Dismissed	17	-	_	-	-	-	-	-	-	-	-	-	17
Grand Total		454	_	_	_	_	_	_	_	_	_	_	_	454

# 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												1,874
	Dismissed No Jurisdiction	2												2
	Dismissed Defective Service	17												17
	Dismissed Defective Summons/charge (defective on its face)	24												24
	Dismissed - Failure to Prosecute	-												-
	Dismissed - Successfully Disputed Ownership	1												1
	Dismissed - Wrong Party Named	2												2
	Dismissed - No Prima Facie Case	188												188
	Withdrawal	13												13
	Dismissed - Administrative Dismissal	-												-
	Grand Total	2,121	-	-	-	-	-	-	-	-	-	-	-	2,121

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												13
		DEFECTIVE NOV	45												45
		DEFECTIVE SERVICE	61												61
		DISPUTED OWNERSHIP	97												97
		IMPROPER PARTY CITED	56												56
		NO ECB JURISDICTION	2												2
		NO VIOL. DISMISS ON MERITS	418												418
		PROSECUTION WITHDRAWN	97												97
		UNA SSIGNED REASON	1												1
		WORK DONE BY PREV. OWNER	35												35
		DATA CORRECTION	13												13
		FAILURE TO PROSECUTE	2												2
		NO PRIMA FACIA CASE	25												25
		WITHDRAWAL AFTER ADJUDICATE	1							-					1
		INTEREST OF JUSTICE	4					-		_					4
	DOD DEDT OF DUIL DINOC Tatal	INTEREST OF JUSTICE													•
	DOB-DEPT OF BUILDINGS Total	A DI MIL DIOLMOOA L FOD	870												870
	810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB	-							-					
	010 0505 05 01 11 5 11 2 2 2 2 2 2	NO VIOL. DISMISS ON MERITS	3												3
	810-DEPT OF BUILDINGS 810 Total		3												3
BUILDINGS(DOB) Total			873												873
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - WC	DEFECTIVE NOV													
		DISPUTED OWNERSHIP	3												3
	824-DEP - IWC Total		3												3
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV	1												1
		DISPUTED OWNERSHIP	2												2
		NO VIOL. DISMISS ON MERITS	9												9
	825-DEP - BUREAU OF CUST SRV Total		12												12
	826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV	2												2
		DEFECTIVE SERVICE	1												1
		DISPUTED OWNERSHIP	2												2
		IMPROPER PARTY CITED	4												4
		NO VIOL. DISMISS ON MERITS	4												4
		PROSECUTION WITHDRAWN	6												6
		NO PRIMA FACIA CASE	1												1
	826-DEP - BUREAU OF ENV. COMP Total	THO THURST THOUSE OF COL	20												20
	989-DEP POLICE	DEFECTIVE NOV	20												2
	909-DLF FOLIOL	DISPUTED OWNERSHIP	3												3
		NO VIOL. DISMISS ON MERITS	1							_					
	090 DED DOLICE Total	NO VIOL. DISIVISS ON WERTS													
	989-DEP POLICE Total	ADMIN. DISMISSAL ECB	6												6
	ASB-ASBESTOS CONTROL PROGRAM		-		-					-					
		NO VIOL. DISMISS ON MERITS	4		-		-	-			-				4
	100 100 00 00 00 00 00 00 00 00 00 00 00	PROSECUTION WITHDRAWN	3												3
	ASB-ASBESTOS CONTROL PROGRAM Total		7												7
	BAR-DEP BUREAU OF ENV COMPL	ADMIN. DISMISSAL ECB					_				_				
		DEFECTIVE NOV	2			_									2
		IMPROPER PARTY CITED	4												4
		NO VIOL. DISMISS ON MERITS	22												22
		PROSECUTION WITHDRAWN	1												1
		NO PRIMA FACIA CASE	1												1
	BAR-DEP BUREAU OF ENV COMPL Total		30												30
	803-RIGHT TO KNOW	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV	100												100
		NO ECB JURISDICTION	1		İ										1
	803-RIGHT TO KNOW Total		101												101
	804-DEP - HAZARDOUS MATERIALS	DEFECTIVE SERVICE													
	804-DEP - HAZARDOUS MATERIALS Total														

Agency Group	Issuing Agency	Dismissal Reason	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Grand Total
IRE(FDNY)	FIR-FIRE DEPARTMENT NY C	ADMIN DISMISSALECB	3												
		DEFECTIVE NOV	10												1
		DEFECTIVE SERVICE	25												2
		DISPUTED OWNERSHP	34												3
		IMPROPER PARTY OTED	20		_										2
		NO ECB JURISDICTION	20												
											-				
		NO VIOL. DISMISS ON MERTS	41		-						-				4
		PROSECUTIONWITHDRAWN	5								_				
		NO PRIMA FACIA CASE	3												;
	FIR-FIRE DEPARTMENT NY C Total		143												14
	823-FIRE DEPARTMENT 823	ADMIN DISMISSALECB													
	823-FIRE DEPARTMENT 823 Total														
RE(FDNY) Total			143												14
EALTH(DOHMH)	816-DOH/MENTAL HEALTH	ADMIN DISMISSALECB													
,		DEFECTIV E NOV	11												1
		DEFECTIVE SERVICE	5												
		DISPUTED OWNERSHP	3												
		IMPROPER PARTY CITED	1		_						-				
					-						_				
		NO VIOL. DISMISS ON MERITS	128												12
		NO PRIMA FACIA CASE	14												1
	816-DOH/MENTAL HEALTH Total		162												16
	812-VETERINARY DOMMH	DEFECTIVE NOV													
		DEFECTIVE SERVICE	2												
		IMPROPER PARTY CITED	3												
		NO VIOL. DISMISS ON MERITS	35												3
		PROSECUTION WITHDRAWN	1												
		NO PRIMA FACIA CASE	2												
	942 VETEDINIA DV DOLIMILI Tatal	IND FININA TAGA GASE	43												4
	812-VETERINARY DOHMH Total	A PMINI DIGHIGOAL FOR													4
	813-VECTOR DOHMH	ADMIN DISMISSALECB	2												
		DEFECTIVE SERVICE	1												
		DISPUTED OWNERSHP	4												
		IMPROPER PARTY CITED	2												
		NO VIOL. DISMISS ON MERITS	12												1
	813-VECTOR DOHMH Total		21												2
	814-BED BUGS DOHMH	ADMIN DISMISSAL ECB													
	814-BED BUGS DOHMH Total														
	815-PCS DOHMH	ADMIN DISMISSAL ECB													
	0131 CO DOI MILL	DEFECTIVE NOV	8												
		DEFECTIVE SERVICE	9		-						-				
					-						-				
		DISPUTED OWNERSHIP	20												2
		IMPROPER PARTY CITED	8												
		NO ECB JURISDICTION	3												
		NO VIOL. DISMISS ON MERITS	295												29
		PROSECUTION WITHDRAWN	13												1
		NO PRIMA FACIA CASE	4												
	815-PCS DOHMH Total	, , , , , , , , , , , , , , , , , , , ,	360												36
	818-COOLING TWRDOHMH	DEFECTIVE NOV	1												
	S IS SOCIAL THEOREM	DEFECTIVE SERVICE	27												2
		DISPUTED OWNERSHP	1		-						-				
		IMPROPER PARTY CITED	1												
		NO VIOL. DISMISS ON MERITS	36												3
		NO PRIMA FACIA CASE	50												5
	818-COOLING TWRDOHMH Total		116												11
	998-PETER COOPER VLG STY TWN	DEFECTIVE NOV	3												
		DISPUTED OWNERSHIP	4												
	998-PETER COOPER VLG STY TWN Total		7												

Agency Group	Issuing Agency	Dismissal Reason	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	<b>Grand Total</b>
LANDMARKS(LPC)	LPC-LANDMARK PRESERVATION	DEFECTIVE NOV													
	LPC-LANDMARK PRESERVATION Total														
LANDMARKS(LPC) Total															
MARKET CASES(BIC)	850-BIC	ADMIN. DISMISSAL ECB													
		PROSECUTION WITHDRAWN	1												
	850-BIC Total		1												
MARKET CASES(BIC) Total			1												
PARKS(DPR)	846-DEPT OF PARKS	ADMIN. DISMISSAL ECB	1												
		DEFECTIVE NOV	27												2
		DEFECTIVE SERVICE	2												
		DISPUTED OWNERSHIP	1	_											
		NO VIOL. DISMISS ON MERITS	65												6
		NO PRIMA FACIA CASE	17												1
	846-DEPT OF PARKS Total	110 114111 117 107 107	113												11
PARKS(DPR) Total	040 BELL OI TANKO TOTAL		113												11
POLICE	055-NYPD TRANSPORT INTELL DIV	ADMIN. DISMISSAL ECB	110												
T OEIGE	OGG-IVIT B TIVATION OVER INTELE BIV	DEFECTIVE NOV	5												
		DEFECTIVE SERVICE	1								-				
		DISPUTED OWNERSHIP	2												
		IMPROPER PARTY CITED	7												
		NO ECB JURISDICTION	1												
		NO VIOL. DISMISS ON MERITS	76								-				7
											-				- 1
	ASS ANAPO TO A MODORT INTELL DRIVE-1-1	NO PRIMA FACIA CASE	7												
	055-NYPD TRANSPORT INTELL DIV Total	A DAVINA DAVINGO A A FOR	99												9
	056-POLICE DEPT	ADMIN. DISMISSAL ECB	23												2
		DEFECTIVE NOV	299												29
		DEFECTIVE SERVICE	51												5
		DISPUTED OWNERSHIP	77												7
		NO ECB JURISDICTION	6												
		NO VIOL. DISMISS ON MERITS	59												5
		NO PRIMA FACIA CASE	40												4
	056-POLICE DEPT Total		555												55
	985-SEAGATE POLICE	ADMIN. DISMISSAL ECB													
		DISPUTED OWNERSHIP	5												
	985-SEAGATE POLICE Total		5												
	002-MAYORS OFF OF MIDTOWN ENF	DEFECTIVE NOV	1												
	002-MAYORS OFF OF MIDTOWN ENF Total	ıl	1												
POLICE Total			660												66
		NO VIOL. DISMISS ON MERITS	17												1
	858-DOITT Total		17												1
PUBLIC TELEPHONE(DOITT) Total	SSS DOTT TOTAL		17												1

Agency Group	Issuing Agency	Dismissal Reason	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Grand Total
SANITATION(DSNY)	827-DOS - ENFORCEMENT AGENTS	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV	17												
		DEFECTIVE SERVICE	12												
		DISPUTED OWNERSHIP	72												
		IMPROPER PARTY CITED	26												
		NO ECB JURISDICTION	4												
		NO VIOL. DISMISS ON MERITS	807												
		PROSECUTION WITHDRAWN	418												
		NO PRIMA FACIA CASE	12												
		WITHDRAWAL AFTER ADJUDICATE	1												
	827-DOS - ENFORCEMENT AGENTS Total		1369												1
	828-SANITATION POLICE	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV	2												
		DEFECTIVE SERVICE	1												
		DISPUTED OWNERSHIP	8												
		IMPROPER PARTY CITED	3												
		NO VIOL. DISMISS ON MERITS	75												
		NO PRIMA FACIA CASE	2												
	828-SANITATION POLICE Total	110 114111/11/10/10/10/	91												
	829-SANITATION OTHERS	ADMIN. DISMISSAL ECB	4												
	025 57 4417 411511 5 1112115	DEFECTIVE NOV	392												
		DEFECTIVE SERVICE	31												
		DISPUTED OWNERSHIP	186												
		IMPROPER PARTY CITED	32												
		NO VIOL. DISMISS ON MERITS	1247												
		PROSECUTION WITHDRAWN	3												
		NO PRIMA FACIA CASE	59												
		INTEREST OF JUSTICE	1								-				
	829-SANITATION OTHERS Total	INTEREST OF BUSTICE	1955												
	830-SANITATION PIU	DEFECTIVE NOV	1300												
	830-SANITATION PIU Total	DEFECTIVE NOV													
	831-SANITATION RECYCLING	ADMIN, DISMISSAL ECB													
	031-SANITATION RECTCLING	DEFECTIVE NOV	5								-				
											-				
		DEFECTIVE SERVICE DISPUTED OWNERSHIP	2								-				
			15 6								-				
		IMPROPER PARTY CITED													
		NO VIOL. DISMISS ON MERITS	233								-				
	204 CANEATION BEOVER NO TAL	PROSECUTION WITHDRAWN	1												
	831-SANITATION RECYCLING Total	DESCRIPTION (S. MON)	270												
	832-SANITATION ENVR POLICE	DEFECTIVE NOV													
		NO VIOL. DISMISS ON MERITS	3												
	832-SANITATION ENVR POLICE Total		3												
ANITATION(DSNY) Total			3688												3

## FY 18 ECB Hearings

Agency Group	Issuing Agency	Dismissal Reason	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Grand Total
TRANSPORTA TION(DOT)	841-DEPT OF TRANSPORTATION	ADMIN. DISMISSAL ECB	1												1
		DEFECTIVE NOV	19												19
		DEFECTIVE SERVICE	4												4
		DISPUTED OWNERSHIP	12												12
		IMPROPER PARTY CITED	4												4
		NO ECB JURISDICTION	10												10
		NO VIOL. DISMISS ON MERITS	250												250
		PROSECUTION WITHDRAWN	22												22
		NO PRIMA FACIA CASE	5												5
	841-DEPT OF TRANSPORTATION Total		327												327
TRANSPORTATION(DOT) Total			327												327
96MISCELLANEOUS AGENCIES(999)	999-MISCELLANEOUS A GENCIES	ADMIN. DISMISSAL ECB													
		DISPUTED OWNERSHIP	5												5
		NO ECB JURISDICTION	1												
		NO VIOL. DISMISS ON MERITS	4												4
	999-MISCELLANEOUS A GENCIES Total		10												10
96MISCELLANEOUS AGENCIES(999) Total			10												10
97AGENCY CODE MISSING OR INVALID	000-AGENCY CODE MISSING	ADMIN. DISMISSAL ECB	1												1
		DEFECTIVE NOV	3												3
		NO VIOL. DISMISS ON MERITS	5												5
	000-AGENCY CODE MISSING Total		9												9
97AGENCY CODE MISSING OR INVALID Total			9												9
2017 Total			6729		-		•	1	7		1	1	1		6729
Grand Total			6729												6729

## 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												52
	Dismissed No Jurisdiction	1												1
	Dismissed Defective Service	6												6
	Dismissed Defective Summons/charge (defective on its face)	-												-
	Dismissed - Failure to Prosecute	1												1
	Dismissed - Successfully Disputed Ownership	1												1
	Dismissed - Wrong Party Named	1												1
	Dismissed - No Prima Facie Case	-												-
	Withdrawal	12												12
	Dismissed - Administrative Dismissal											_		-
	Grand Total	74	-	-	-	-	-	-	-	-	-	-	-	74