



# **OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**

## Dismissal Report January 2021

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



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**JONI KLETTER**

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

**February 20<sup>th</sup>, 2021**

- **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 January, 2021.**
- **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 21 Vehicle for Hire & Taxi Hearings\***

AGENCY	Dismissals	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Grand Total
<b>TLC</b>	Dismissed No Violation/On the Merits	35	50	139	171	147	177	209						928
	Dismissed No Jurisdiction			1	6	17	3	4						31
	Dismissed Defective Service		1	1	2	3	51	1						59
	Dismissed Defective Summons/charge (defective on its face)	30	29	28	73	151	800	355						1,466
	Dismissed - Failure to Prosecute			1	6	12	6	8						33
	Dismissed - Successfully Disputed Ownership		1	1			2	1						5
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	6	12	33	45	51	120	38						305
	Withdrawal			6	10	17	17	56						106
	Dismissed - Administrative Dismissal													-
<b>TLC</b>	Total Dismissed	71	93	210	313	398	1,176	672	-	-	-	-	-	2,933
<b>NYPD</b>	Dismissed No Violation/On the Merits		1	2	4		3	3						13
	Dismissed No Jurisdiction													-
	Dismissed Defective Service			1										1
	Dismissed Defective Summons/charge (defective on its face)		7	4	1	1	6	8						27
	Dismissed - Failure to Prosecute													-
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case			1	1	1	3	1						7
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
<b>NYPD</b>	Total Dismissed	-	8	8	6	2	12	12	-	-	-	-	-	48
<b>Port Authority</b>	Dismissed No Violation/On the Merits													-
	Dismissed No Jurisdiction													-
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)		1											1
	Dismissed - Failure to Prosecute													-
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case													-
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
<b>Port Authority</b>	Total Dismissed	-	1	-	-	-	-	-	-	-	-	-	-	1
<b>Grand Total</b>		71	102	218	319	400	1,188	684	-	-	-	-	-	2,982

\*by charge

**FY 21 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	255	354	382	473	433	537	564						<b>2,998</b>
	Dismissed No Jurisdiction	5			3	1	1							<b>10</b>
	Dismissed Defective Service	14	17	26	48	15	19	21						<b>160</b>
	Dismissed Defective Summons/charge (defective on its face)		5	8	9	27	22	18						<b>89</b>
	Dismissed - Failure to Prosecute		1		1	5	1							<b>8</b>
	Dismissed - Successfully Disputed Ownership	1	6	1	6	7	3	7						<b>31</b>
	Dismissed - Wrong Party Named	4	3	11	8	6	2	12						<b>46</b>
	Dismissed - No Prima Facie Case	23	18	34	57	42	61	69						<b>304</b>
	Withdrawal	2			1									<b>3</b>
	Dismissed - Administrative Dismissal													<b>-</b>
	<b>Grand Total</b>	<b>304</b>	<b>404</b>	<b>462</b>	<b>606</b>	<b>536</b>	<b>646</b>	<b>691</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,649</b>

\*by charge

**FY 21 DCA 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>DCA*</b>	Dismissed No Violation/On the Merits	12	23	14	26	27	35	17						<b>154</b>
	Dismissed No Jurisdiction													-
	Dismissed Defective Service				5		1	8						<b>14</b>
	Dismissed Defective Summons/charge (defective on its face)				1	2	1	1						<b>5</b>
	Dismissed - Failure to Prosecute	4	3	1	3	4	2	3						<b>20</b>
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named		1	1										<b>2</b>
	Dismissed - No Prima Facie Case	1		2	1	3	2	2						<b>11</b>
	Withdrawal	4	6	27	20	11	46	19						<b>133</b>
	Dismissed - Administrative Dismissal													-
	<b>Grand Total</b>	<b>21</b>	<b>33</b>	<b>45</b>	<b>56</b>	<b>47</b>	<b>87</b>	<b>50</b>	-	-	-	-	-	<b>339</b>

\*by charge

**FY 21 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	9	24	24	30	24	28	38						177	
		DEFECTIVE NOV	18	18	38	22	33	42	23						194	
		DEFECTIVE SERVICE	51	58	55	69	146	181	147						707	
		DISPUTED OWNERSHIP	36	35	26	18	26	20	19						180	
		IMPROPER PARTY CITED	50	47	55	63	62	104	78						459	
		NO ECB JURISDICTION	1	2		1	1	2	7						14	
		NO VIOL. DISMISS ON MERITS	344	422	400	458	686	875	778						3963	
		PROSECUTION WITHDRAWN	224	87	118	86	70	181	77						843	
		UNASSIGNED REASON					1	5							6	
		WORK DONE BY PREV. OWNER	1		1										2	
		DATA CORRECTION														
		FAILURE TO PROSECUTE	3	7	20	17	11	12	29						99	
		NO PRIMA FACIA CASE	25	34	45	44	62	62	53						325	
		WITHDRAWAL AFTER ADJUDICATE	43	1	1	4	1	3	2						55	
		INTEREST OF JUSTICE														
	DOB-DEPT OF BUILDINGS Total		805	735	783	812	1123	1515	1251						7024	
	810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB	11							4					15	
		IMPROPER PARTY CITED														
		DEFECTIVE NOV								2					2	
		DEFECTIVE SERVICE														
		NO VIOL. DISMISS ON MERITS							1						1	
			NO PRIMA FACIA CASE													
810-DEPT OF BUILDINGS 810 Total		11						1	6					18		
BUILDINGS(DOB) Total			816	735	783	812	1123	1516	1257						7042	
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB							1						1	
		DEFECTIVE NOV							1						1	
		DEFECTIVE SERVICE														
		DISPUTED OWNERSHIP														
		IMPROPER PARTY CITED								1					1	
		NO VIOL. DISMISS ON MERITS														
		PROSECUTION WITHDRAWN	3					1							4	
		DATA CORRECTION														
		NO PRIMA FACIA CASE														
		824-DEP - IWC Total		3					1	3						7
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB		2	2			3	3						10	
		DEFECTIVE NOV			1										1	
		DEFECTIVE SERVICE					2								2	
		DISPUTED OWNERSHIP									1				1	
		IMPROPER PARTY CITED								1					1	
		FAILURE TO PROSECUTE														
		NO VIOL. DISMISS ON MERITS	1	1			2	2	1	4					11	
		PROSECUTION WITHDRAWN	1												1	
		WORK DONE BY PREV. OWNER														
		NO PRIMA FACIA CASE					1			4					5	
	825-DEP - BUREAU OF CUST SRV Total		2	3	3	5	5	5	9						32	
	826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB														
		DEFECTIVE SERVICE														
		DISPUTED OWNERSHIP														
		IMPROPER PARTY CITED														
		NO VIOL. DISMISS ON MERITS					1								1	
		PROSECUTION WITHDRAWN														
	826-DEP - BUREAU OF ENV. COMP Total					1									1	
	989-DEP POLICE	ADMIN. DISMISSAL ECB														
		DEFECTIVE NOV														
		NO VIOL. DISMISS ON MERITS														
		NO PRIMA FACIA CASE														
	989-DEP POLICE Total															
	ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB	3						1							4
		DEFECTIVE NOV						2		1						3
		DEFECTIVE SERVICE								1						1
		DISPUTED OWNERSHIP														
		IMPROPER PARTY CITED				1	1				6					8
		FAILURE TO PROSECUTE	1	1	4	9	5	6								26
		NO VIOL. DISMISS ON MERITS	3	2	5	2	7	10	4							33
		PROSECUTION WITHDRAWN				1	3	2	6	3						15
		NO ECB JURISDICTION							1	1						2
		NO PRIMA FACIA CASE						3	2							5
	ASB-ASBESTOS CONTROL PROGRAM Total			7	3	11	15	19	26	16						

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	BAR-DEP BUREAU OF ENV COMPL	ADMIN. DISMISSAL ECB	39	6	6	5	1	6	12									75	
		UNASSIGNED REASON						1										1	
		DEFECTIVE NOV	2	2	3	6	5	4	3									25	
		DEFECTIVE SERVICE	3	4	85	67	72	78	39									348	
		DISPUTED OWNERSHIP		1	2	1			3									7	
		IMPROPER PARTY CITED	1	2	9	3	5	6	6									32	
		NO ECB JURISDICTION				1	5	4	2	2								14	
		NO VIOL. DISMISS ON MERITS	41	38	97	108	87	107	97									575	
		PROSECUTION WITHDRAWN				1	1	2	2									6	
		FAILURE TO PROSECUTE			3	76	49	10	19	15								172	
		NO PRIMA FACIA CASE	3	3	4	7	5	5	5									32	
	BAR-DEP BUREAU OF ENV COMPL Total			89	59	284	252	191	233	179								1287	
	803-DEP RIGHT TO KNOW	ADMIN. DISMISSAL ECB																	
		DEFECTIVE NOV					1			4								5	
		DISPUTED OWNERSHIP																	
		IMPROPER PARTY CITED																	
		NO VIOL. DISMISS ON MERITS					1			2								3	
		PROSECUTION WITHDRAWN																	
	803-RIGHT TO KNOW Total						2			6								8	
	804-DEP - HAZARDOUS MATERIALS		DEFECTIVE SERVICE																
	804-DEP - HAZARDOUS MATERIALS Total																		
	822-DEP - BWSO	ADMIN. DISMISSAL ECB	4	1					6	3									14
		DEFECTIVE NOV					2											2	
DEFECTIVE SERVICE						3			4								7		
DISPUTED OWNERSHIP		1				3			5								9		
IMPROPER PARTY CITED		1			1	1	1	3	3								10		
NO VIOL. DISMISS ON MERITS		5	2	4	14	9	5	11									50		
PROSECUTION WITHDRAWN						1	1	1									3		
FAILURE TO PROSECUTE		1	2	2	6			5	5								21		
NO PRIMA FACIA CASE			2														2		
WITHDRAWAL AFTER ADJUDICATE																			
822-DEP - BWSO Total			12	7	7	30	11	25	26								118		
ENVIRONMENTAL PROTECTION(DEP) Total			113	72	306	304	227	289	239								1550		
FIRE(FDNY)	FIR-FIRE DEPARTMENT NYC	ADMIN. DISMISSAL ECB	1	61	16	32	38	31	62									241	
		DEFECTIVE NOV	1	1	2	5	5	5	5									24	
		DEFECTIVE SERVICE	5	10	20	11	16	10	28									100	
		DISPUTED OWNERSHIP	13	1	6	4	13	10	14									61	
		IMPROPER PARTY CITED	9	11	20	22	16	21	14									113	
		NO ECB JURISDICTION					8	4	10									22	
		NO VIOL. DISMISS ON MERITS	19	26	48	38	53	72	64									320	
		PROSECUTION WITHDRAWN	1		1	6	6	2	7									23	
		UNASSIGNED REASON			1				14									15	
		FAILURE TO PROSECUTE	3	4	7	16	17	16	10									73	
		NO PRIMA FACIA CASE			1	3	4	11	5	8								32	
		WITHDRAWAL AFTER ADJUDICATE																	
		FIR-FIRE DEPARTMENT NYC Total		52	116	123	138	183	190	222									1024
		823-FIRE DEPARTMENT 823																	
	823-FIRE DEPARTMENT 823 Total																		
	FIRE(FDNY) Total			52	116	123	138	183	190	222								1024	
HEALTH(DOHMH)	816-DOHMENTAL HEALTH	ADMIN. DISMISSAL ECB			3			5										8	
		DEFECTIVE NOV	1	2				1	5	3								12	
		DEFECTIVE SERVICE		2			3	5		4								14	
		DISPUTED OWNERSHIP																	
		IMPROPER PARTY CITED																	
		NO ECB JURISDICTION																	
		NO VIOL. DISMISS ON MERITS	5	3	3	4	16	28	26									85	
		PROSECUTION WITHDRAWN																	
		UNASSIGNED REASON																	
		FAILURE TO PROSECUTE						4										4	
		NO PRIMA FACIA CASE					2	2	3	5								12	
		WITHDRAWAL AFTER ADJUDICATE		1															1
		INTEREST OF JUSTICE																	
		816-DOHMENTAL HEALTH Total		7	7	6	9	28	41	38									136
	812-VETERINARY DOHMH	DEFECTIVE NOV																	
		ADMIN. DISMISSAL ECB																	
		DEFECTIVE SERVICE																	
		DISPUTED OWNERSHIP																	
IMPROPER PARTY CITED				1		1											2		
WITHDRAWAL AFTER ADJUDICATE																			
NO VIOL. DISMISS ON MERITS		2	5	1	1			3									12		
PROSECUTION WITHDRAWN																			
NO PRIMA FACIA CASE																			
812-VETERINARY DOHMH Total			2	6	1	2		3											

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# FY 21 ECB Hearings

MARKET CASES(BIC)	850-BIC	ADMIN. DISMISSAL ECB						1									1
		DEFECTIVE NOV															
		DEFECTIVE SERVICE				1	1	1			1						4
		DISPUTED OWNERSHIP															
		IMPROPER PARTY CITED															
		NO VIOL. DISMISS ON MERITS															
		PROSECUTION WITHDRAWN	3	2	10	1	11				8						35
		FAILURE TO PROSECUTE															
		NO PRIMA FACIA CASE															
		850-BIC Total	3	2	11	2	12	1	9								
MARKET CASES(BIC) Total			3	2	11	2	12	1	9							40	
PARKS(DPR)	846-DEPT OF PARKS	ADMIN. DISMISSAL ECB	1	2					1								4
		DEFECTIVE NOV		2			3	1	6	5							17
		DEFECTIVE SERVICE				1		1									2
		DISPUTED OWNERSHIP		1													1
		IMPROPER PARTY CITED															
		NO ECB JURISDICTION					1			1							2
		NO VIOL. DISMISS ON MERITS	11	12	18	19	12				24						112
		WITHDRAWAL AFTER ADJUDICATE								1							1
		FAILURE TO PROSECUTE					1										1
		NO PRIMA FACIA CASE	1	3	5	4	5				12						32
846-DEPT OF PARKS Total	13	20	24	28	20	44	23									172	
PARKS(DPR) Total			13	20	24	28	20	44	23							172	
POLICE	055-NYPD TRANSPORT INTELL DIV	ADMIN. DISMISSAL ECB															
		DEFECTIVE NOV	2	2	6	3	1			4							23
		DEFECTIVE SERVICE	2	1	2	3	1										9
		DISPUTED OWNERSHIP															
		IMPROPER PARTY CITED		2					4								7
		NO ECB JURISDICTION															
		FAILURE TO PROSECUTE				1			2		1						4
		NO VIOL. DISMISS ON MERITS	29	33	31	47	62				77						368
		PROSECUTION WITHDRAWN															
		UNASSIGNED REASON															
055-NYPD TRANSPORT INTELL DIV Total	35	42	40	58	72	85	106									438	
056-POLICE DEPT	ADMIN. DISMISSAL ECB	2	8	2	3	8			14							42	
	DEFECTIVE NOV	27	16	18	38	28			35							183	
	DEFECTIVE SERVICE	327	142	130	412	268			193							1671	
	DISPUTED OWNERSHIP															1	
	IMPROPER PARTY CITED				1	5			1							7	
	NO ECB JURISDICTION	6			2	12			1							26	
	NO VIOL. DISMISS ON MERITS	11	13	58	65	40			40							261	
	PROSECUTION WITHDRAWN				26											26	
	UNASSIGNED REASON	1														1	
	WORK DONE BY PREV. OWNER																
DATA CORRECTION																	
FAILURE TO PROSECUTE	2			1					1						5		
NO PRIMA FACIA CASE	10	13	17	33	27				25						143		
INTEREST OF JUSTICE																	
056-POLICE DEPT Total	386	192	229	594	372	313	280									2366	
985-SEAGATE POLICE	ADMIN. DISMISSAL ECB																
	DEFECTIVE NOV																
	DEFECTIVE SERVICE																
	NO ECB JURISDICTION																
	NO VIOL. DISMISS ON MERITS																
	NO PRIMA FACIA CASE																
	985-SEAGATE POLICE Total																
	002-OFF OF SPECIAL ENFORC'MT	DEFECTIVE SERVICE								2		1					3
		ADMIN. DISMISSAL ECB								1							1
		DEFECTIVE NOV															1
IMPROPER PARTY CITED																	
NO VIOL. DISMISS ON MERITS					1				1		1					6	
PROSECUTION WITHDRAWN																2	
NO PRIMA FACIA CASE																1	
002-OFF OF SPECIAL ENFORC'MT Total					1				4		2					14	
POLICE Total			421	235	270	652	448	400	392							2818	

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