

Dismissal Report August 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

September 20th , **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 August, 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	Мау	Jun	Grand Total
TLC	Dismissed No Violation/On the Merits	350	416											766
	Dismissed No Jurisdiction	3	-											3
	Dismissed Defective Service	5	5											10
	Dismissed Defective Summons/charge	4	6											40
	(defective on its face)	4	Ь											10
	Dismissed - Failure to Prosecute	14	14											28
	Dismissed - Successfully Disputed	_	_											_
	Ownership		_											_
	Dismissed - Wrong Party Named	-	-											-
	Dismissed - No Prima Facie Case	17	33											50
	Withdrawal	1	15											16
	Dismissed - Administrative Dismissal	-	-											-
TLC	Total Dismissed	394	489	-	-	_	-	-	-	-	-	_	-	883
NYPD		20	7											20
NTPU	Dismissed No Violation/On the Merits	29	7											36
	Dismissed No Jurisdiction	-	-											1
	Dismissed Defective Service	-	1											1
	Dismissed Defective Summons/charge (defective on its face)	11	10											21
	Dismissed - Failure to Prosecute	-	-											-
	Dismissed - Successfully Disputed Ownership	-	-											-
	Dismissed - Wrong Party Named	-	-											-
	Dismissed - No Prima Facie Case	3	2											5
	Withdrawal	_	_											_
	Dismissed - Administrative Dismissal													
NYPD	Total Dismissed	43	20	_	_	_	_	_	_	_	_	_	_	63
		47	-											
Port Authority	Dismissed No Violation/On the Merits	17	2											19
	Dismissed No Jurisdiction	0	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 - Wrong Farty Named Dismissed - No Prima Facie Case	-	1											1
	Withdrawal	-	-											-
	Dismissed - Administrative Dismissal	_	-				<u> </u>							_
Port Authority	Total Dismissed	17	3	-	-	-	-	-	-	-	-	-	-	20
•														
Grand Total		454	512	-	-	-	-	-	-	-	-	-	-	966

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											3,863
	Dismissed No Jurisdiction	2	4											6
	Dismissed Defective Service	17	7											24
	Dismissed Defective Summons/charge (defective on its face)	24	52											76
	Dismissed - Failure to Prosecute	-	-											-
	Dismissed - Successfully Disputed Ownership	1	-											1
	Dismissed - Wrong Party Named	2	1											3
	Dismissed - No Prima Facie Case	188	211											399
	Withdrawal	13	1											14
	Dismissed - Administrative Dismissal	-	-											-
	Grand Total	2,121	2,265	-	-	-	-	-	-	-	-	-	-	4,386

Agency Group	Issuing Agency	Dismissal Reason			Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Grand Total
UILDINGS(DOB)	DOB-DEPT OF BUILDINGS	ADMIN. DISMISSAL ECB	13		_										2
		DEFECTIVE NOV	45	51	I L										9
		DEFECTIVE SERVICE	61												12
		DISPUTED OWNERSHIP	97	47	7										14
		IMPROPER PARTY CITED	56	54	1										11
		NO ECB JURISDICTION	2	1	ı										
		NO VIOL. DISMISS ON MERITS	418	503	3										92
		PROSECUTION WITHDRAWN	97	85	5										18
		UNASSIGNED REASON	1												
		WORK DONE BY PREV. OWNER	35	40											-
		DATA CORRECTION	13		3										
		FAILURE TO PROSECUTE	2		5										
		NO PRIMA FACIA CASE	25												
		WITHDRAWAL AFTER ADJUDICATE	1		3										
		INTEREST OF JUSTICE	4		3										
	DOB-DEPT OF BUILDINGS Total	INTEREST OF JUSTICE	870	_											178
		A DAMAL DICAMICCAL ECD	670	916	,										170
	810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB											_		
		DEFECTIVE SERVICE		1	_										
		NO VIOL. DISMISS ON MERITS	3		2										
	810-DEPT OF BUILDINGS 810 Total		3												
UILDINGS(DOB) Total			873	918	3										179
NV IRONMENTAL PROTECTION(DEP)	824-DEP - IWC	DEFECTIVE NOV													
		DISPUTED OWNERSHIP	3	1											
		PROSECUTION WITHDRAWN		1	ı										
	824-DEP - IWC Total		3		2										
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB			ı										
		DEFECTIVE NOV	1		i										
		DEFECTIVE SERVICE		-	2								_		
		DISPUTED OWNERSHIP	2		5										
				1									-		
		IMPROPER PARTY CITED		_											
		NO VIOL. DISMISS ON MERITS	9												:
	825-DEP - BUREAU OF CUST SRV Total		12	22	2										;
	826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV	2												
		DEFECTIVE SERVICE	1	1	ı										
		DISPUTED OWNERSHIP	2												
		IMPROPER PARTY CITED	4												
		NO VIOL. DISMISS ON MERITS	4	3	3										
		PROSECUTION WITHDRAWN	6	8	3										
		NO PRIMA FACIA CASE	1												
		WITHDRAWAL AFTER ADJUDICATE			2										
	826-DEP - BUREAU OF ENV. COMP Total	WITHDIAWALATTERADODICATE	20		,										•
		DEFECTIVE NOV													
	989-DEP POLICE	DEFECTIVE NOV	2		1						-		_		
		DISPUTED OWNERSHIP	3		1			_	-	-	-	-	<u> </u>		
		NO VIOL. DISMISS ON MERITS	1	_											
		NO PRIMA FACIA CASE		1											_
	989-DEP POLICE Total		6	13	3										
	ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB													
		NO VIOL. DISMISS ON MERITS	4	2	2										
		PROSECUTION WITHDRAWN	3	3	3										
	ASB-ASBESTOS CONTROL PROGRAM Total		7		5										
	BAR-DEP BUREAU OF ENV COMPL	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV	2	2	>						i e				
		DEFECTIVE SERVICE			2										
		DISPUTED OWNERSHIP	_		1							—			
			-		_						-				
		IMPROPER PARTY CITED	4								-		-		
		NO VIOL. DISMISS ON MERITS	22		_										
		PROSECUTION WITHDRAWN	1	1	I .										
		NO PRIMA FACIA CASE	1												
	BAR-DEP BUREAU OF ENV COMPL Total		30	24	1										
	803-RIGHT TO KNOW	ADMIN. DISMISSAL ECB			2										
		DEFECTIVE NOV	100		2										1
		NO ECB JURISDICTION	1 1												
	803-RIGHT TO KNOW Total	INO EOD JOINDDICTION	101		1										1
															10
		DEFECTI (F. OFD) (IOF													
	804-DEP - HAZARDOUS MATERIALS 804-DEP - HAZARDOUS MATERIALS Total	DEFECTIVE SERVICE	.01												

Agency Group	Issuing Agency	Dismissal Reason			Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Grand Tot
RE(FDNY)	FIR-FIRE DEPARTMENT NYC	ADMIN. DISMISSAL ECB	3												
		DEFECTIVE NOV	10	_	_										
		DEFECTIVE SERVICE	25	19											
		DISPUTED OWNERSHIP	34	24											
		IMPROPER PARTY CITED	20	20											
		NO ECB JURISDICTION	2	4											
		NO VIOL. DISMISS ON MERITS	41	32											
		PROSECUTION WITHDRAWN	5	7											
		FAILURE TO PROSECUTE		1	_										
		NO PRIMA FACIA CASE	3	_	_										
	FIR-FIRE DEPARTMENT NY C Total	THE THUM THOSE GIVE	143												
	823-FIRE DEPARTMENT 823	ADMIN. DISMISSAL ECB	140	1.14											
	823-FIRE DEPARTMENT 823 Total	ADIVIIN. DISIVISSAL ECB													
RE(FDNY) Total	623-FIRE DEPARTMENT 623 TOTAL		143	114											
EALTH(DOHMH)	816-DOH/MENTAL HEALTH	ADMIN, DISMISSAL ECB	143	114											
=ALTH(DOHIVIH)	816-DOH/MENTAL HEALTH			_	_										
		DEFECTIVE NOV	11	8					-		-	-			
		DEFECTIVE SERVICE	5												
		DISPUTED OWNERSHIP	3												
		IMPROPER PARTY CITED	1												
		NO VIOL. DISMISS ON MERITS	128	75											
		PROSECUTION WITHDRAWN		3											
		NO PRIMA FACIA CASE	14	15											
	816-DOH/MENTAL HEALTH Total		162	116											
	812-VETERINARY DOHMH	DEFECTIVE NOV	-	2											
		DEFECTIVE SERVICE	2	_											
		IMPROPER PARTY CITED	3												
			- 3	1											
		NO ECB JURISDICTION	0.5		_				-		-	-			
		NO VIOL. DISMISS ON MERITS	35	27					-		-	-			
		PROSECUTION WITHDRAWN	1												
		NO PRIMA FACIA CASE	2		_										
	812-VETERINARY DOHMH Total		43	32											
	813-VECTOR DOHMH	ADMIN. DISMISSAL ECB	2												
		DEFECTIVE NOV		2											
		DEFECTIVE SERVICE	1	13											
		DISPUTED OWNERSHIP	4												
		IMPROPER PARTY CITED	2												
		NO VIOL. DISMISS ON MERITS	12												
		PROSECUTION WITHDRAWN	12	3											
	813-VECTOR DOHMH Total	PROSECUTION WITHDRAWN	24		_										
	814-BED BUGS DOHMH	ADMIN, DISMISSAL ECB	21	30											
	814-BED BUGS DUHIVIH				-	_	_		-	_	-	-			
		NO PRIMA FACIA CASE		2	_										
	814-BED BUGS DOHMH Total			2											
	815-PCS DOHMH	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV	8												
		DEFECTIVE SERVICE	9	35											
		DISPUTED OWNERSHIP	20	8											
		IMPROPER PARTY CITED	8	2											
		NO ECB JURISDICTION	3												
		NO VIOL. DISMISS ON MERITS	295												
		PROSECUTION WITHDRAWN	13	8											
		NO PRIMA FACIA CASE	4	7											
	045 DOC DOUBLETatel	INO FRIIVA FACIA CASE													
	815-PCS DOHMH Total	DEEEOTI / E NO. /	360	376											
	818-COOLING TWRDOHMH	DEFECTIVE NOV	1	_	_										
		DEFECTIVE SERVICE	27	36	-	<u> </u>									
		DISPUTED OWNERSHIP	1												
		IMPROPER PARTY CITED	1												
		NO VIOL. DISMISS ON MERITS	36	104											
		PROSECUTION WITHDRAWN		114											
		NO PRIMA FACIA CASE	50	43											
	818-COOLING TWRDOHMH Total	1	116												
	998-PETER COOPER VLG STY TWN	DEFECTIVE NOV	3												
	1990-PETER GOOPER VEG STY TWN	DELECTIVE INOV	3		-	-	-	-	-	-	-	-	-		
		DEEECTIVE SERVICE													
		DEFECTIVE SERVICE		1											
	998-PETER COOPER VLG STY TWN Total	DISPUTED OWNERSHIP	4	_											

Agency Group	Issuing Agency	Dismissal Reason	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	IVI ar	Apr	way	June	Grand Tota
ANDMARKS(LPC)	LPC-LANDMARK PRESERVATION	DEFECTIVE NOV													
	LPC-LANDMARK PRESERVATION Total														
ANDMARKS(LPC) Total															
MARKET CASES(BIC)	850-BIC	ADMIN. DISMISSAL ECB													
		NO VIOL. DISMISS ON MERITS		1											
		PROSECUTION WITHDRAWN	1												
	850-BIC Total		1	1											
WARKET CASES(BIC) Total			1	1											
PARKS(DPR)	846-DEPT OF PARKS	ADMIN. DISMISSAL ECB	1	3											
- ()		DEFECTIVE NOV	27	27											
		DEFECTIVE SERVICE	2		_										
		DISPUTED OWNERSHIP	1	6											
		NO VIOL. DISMISS ON MERITS	65	89											1:
		NO PRIMA FACIA CASE	17	26	_										
	846-DEPT OF PARKS Total	THO THUNK THOUSE ON CE	113	155											2
PARKS(DPR) Total	040 BEI 1 OI 17ttate Total		113	155											2
POLICE	055-NYPD TRANSPORT INTELL DIV	ADMIN. DISMISSAL ECB	113	100											2
OLICE	033-WIT D TIVATION ON INVILLE DIV	DEFECTIVE NOV	5	29						-			_		
		DEFECTIVE SERVICE	1	27						-			_		
		DISPUTED OWNERSHIP	2			-	-	-		-			_		
			7				-			-			-		
		IMPROPER PARTY CITED					-			-	-	-	-		
		NO ECB JURISDICTION	1	1						-			_		
		NO VIOL. DISMISS ON MERITS	76	78			-			-		-			1
		NO PRIMA FACIA CASE	7		_		-					-			
		INTEREST OF JUSTICE		1	_										,
	055-NYPD TRANSPORT INTELL DIV Total		99	163											2
	056-POLICE DEPT	ADMIN. DISMISSAL ECB	23	50		_				-					
		DEFECTIVE NOV	299	542		_									8
		DEFECTIVE SERVICE	51	678											7
		DISPUTED OWNERSHIP	77	57	_										1
		IMPROPER PARTY CITED		1	_										
		NO ECB JURISDICTION	6	10											
		NO VIOL. DISMISS ON MERITS	59	270											3
		UNA SSIGNED REASON		1											
		NO PRIMA FACIA CASE	40	105											1-
	056-POLICE DEPT Total		555	1714											22
	985-SEAGATE POLICE	ADMIN. DISMISSAL ECB													
		DISPUTED OWNERSHIP	5	3											
	985-SEAGATE POLICE Total		5	3											
	002-MAYORS OFF OF MIDTOWN ENF	DEFECTIVE NOV	1	3											
		DISPUTED OWNERSHIP													
	002-MAYORS OFF OF MIDTOWN ENF Total		1	3											
POLICE Total			660												25
PUBLIC TELEPHONE(DOITT)	858-DOITT	ADMIN, DISMISSAL ECB	300												20
	33	NO VIOL. DISMISS ON MERITS	17												
	858-DOITT Total	1.13 T.OL. DIOIVIIGO GITTIVILITIO	17												
	OOO-DOTT TOTAL		17												

Agency Group	Issuing Agency	Dismissal Reason	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Grand Total
ANITATION(DSNY)	827-DOS - ENFORCEMENT AGENTS	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV	17	26											
		DEFECTIVE SERVICE	12	14											
		DISPUTED OWNERSHIP	72	171											24
		IMPROPER PARTY CITED	26	20											
		NO ECB JURISDICTION	4												
		NO VIOL. DISMISS ON MERITS	807	782											15
		PROSECUTION WITHDRAWN	418	462											8
		NO PRIMA FACIA CASE	12	7											
		WITHDRAWAL AFTER ADJUDICATE	1												
		INTEREST OF JUSTICE		1											
	827-DOS - ENFORCEMENT AGENTS Total		1369		_										28
	828-SANITATION POLICE	ADMIN. DISMISSAL ECB													
	020 GATATIATION OLIGE	DEFECTIVE NOV	2												
		DEFECTIVE SERVICE	1	2		_									
		DISPUTED OWNERSHIP	8			1									
		IMPROPER PARTY CITED	3	_	_	-									
		NO VIOL. DISMISS ON MERITS	75			-	-			_			_		1:
					-	-									
	OOO OANITATIONI DOLLOG Tatal	NO PRIMA FACIA CASE	2												
	828-SANITATION POLICE Total	4 DI III DIOI IIO 1 FOD	91	71											1
	829-SANITATION OTHERS	ADMIN. DISMISSAL ECB	4	_	_	-									
		DEFECTIVE NOV	392	271											6
		DEFECTIVE SERVICE	31	59											
		DISPUTED OWNERSHIP	186	_	_										4
		IMPROPER PARTY CITED	32	26											
		NO ECB JURISDICTION		2											
		NO VIOL. DISMISS ON MERITS	1247	1182											24
		PROSECUTION WITHDRAWN	3	15											
		NO PRIMA FACIA CASE	59	54											1
		INTEREST OF JUSTICE	1												
	829-SANITATION OTHERS Total		1955	1887											38
	830-SANITATION PIU	DEFECTIVE NOV													
		IMPROPER PARTY CITED		1											
		NO VIOL. DISMISS ON MERITS		1											
		NO PRIMA FACIA CASE		1											
	830-SANITATION PIU Total			3											•
	831-SANITATION RECYCLING	ADMIN. DISMISSAL ECB													
	OUT CANALATION NEOT CENTO	DEFECTIVE NOV	5	8											
		DEFECTIVE SERVICE	2		_	-									
		DISPUTED OWNERSHIP	15	30		-									
		IMPROPER PARTY CITED	6			-									
				_	_	-									
		NO VIOL. DISMISS ON MERITS	233			-									4
		PROSECUTION WITHDRAWN	1	3	_	-	-								
		UNASSIGNED REASON		1		-	-								
		NO PRIMA FACIA CASE	8	_	_										
		INTEREST OF JUSTICE		1											_
	831-SANITATION RECYCLING Total		270	244											5
	832-SANITATION ENVR POLICE	DEFECTIVE NOV													
		DEFECTIVE SERVICE		1											
		NO VIOL. DISMISS ON MERITS	3												
		PROSECUTION WITHDRAWN		1											
	832-SANITATION ENVR POLICE Total		3	2											

FY 18 ECB Hearings

Agency Group	Issuing Agency	Dismissal Reason	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Grand Total
TRANSPORTATION(DOT)	841-DEPT OF TRANSPORTATION	ADMIN. DISMISSAL ECB	1	2											3
		DEFECTIVE NOV	19	16											35
		DEFECTIVE SERVICE	4	6											35 10 15 11
		DISPUTED OWNERSHIP	12	3											15
		IMPROPER PARTY CITED	4	7											11
		NO ECB JURISDICTION	10												10
		NO VIOL. DISMISS ON MERITS	250	196											446
		PROSECUTION WITHDRAWN	22	12											34
		UNASSIGNED REASON													
		FAILURE TO PROSECUTE													
		NO PRIMA FACIA CASE	5	13											18
		WITHDRAWAL AFTER ADJUDICATE		1											1
		INTEREST OF JUSTICE		1											1
	841-DEPT OF TRANSPORTATION Total		327	257											584
TRANSPORTATION(DOT) Total			327	257											584
96MISCELLANEOUS AGENCIES(999)	999-MISCELLANEOUS AGENCIES	ADMIN, DISMISSAL ECB													
		DEFECTIVE NOV		- 1											1
		DEFECTIVE SERVICE													-
		DISPUTED OWNERSHIP	5	8											13
		IMPROPER PARTY CITED													- 10
		NO ECB JURISDICTION	1												1
		NO VIOL. DISMISS ON MERITS	4	5											9
		NO PRIMA FACIA CASE													
	999-MISCELLANEOUS AGENCIES Total	NO TRIBATAGE GASE	10	14											24
96MISCELLANE OUS AGENCIES(999) Total	333-IIIISCELEANEOUS AGENCIES TOTAL		10	14											24 24
97AGENCY CODE MISSING OR INVALID	000-AGENCY CODE MISSING	ADMIN. DISMISSAL ECB	1	14											1
STAGENCT CODE IIISSING OR INVALID	UUU-AGENCT CODE IIIS SING	DEFECTIVE NOV	3	- 1							-				4
		DEFECTIVE NOV	- 3								_				
		DISPUTED OWNERSHIP		2											2
		IMPROPER PARTY CITED									-				
		NO ECB JURISDICTION			-						-				
			-	_	-						-				- 10
		NO VIOL. DISMISS ON MERITS	5	5			-				-				10
		PROSECUTION WITHDRAWN									-				
	AND A DENOV CODE MICRORIO T-1-1	NO PRIMA FACIA CASE													47
·	000-AGENCY CODE MISSING Total		9	8											17
97AGENCY CODE MISSING OR INVALID Total			9	8											17
2017 Total			6729												14714
Grand Total			6729	7985											14714

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											80
	Dismissed No Jurisdiction	1	-											1
	Dismissed Defective Service	6	3											9
	Dismissed Defective Summons/charge (defective on its face)	,	1											1
	Dismissed - Failure to Prosecute	1	2											3
	Dismissed - Successfully Disputed Ownership	1	-											1
	Dismissed - Wrong Party Named	1	13											14
	Dismissed - No Prima Facie Case	1	1											1
	Withdrawal	12	27											39
	Dismissed - Administrative Dismissal	-	-											-
	Grand Total	74	74	-	-	-	-	-	-	-	-	-	-	148