



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 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											766
	Dismissed No Jurisdiction	3	-											3
	Dismissed Defective Service	5	5											10
	Dismissed Defective Summons/charge (defective on its face)	4	6											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	Dismissed No Violation/On the Merits	29	7											36
	Dismissed No Jurisdiction	-	-											-
	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
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 - No Prima Facie Case	-	1											1
	Withdrawal	-	-											-
	Dismissed - Administrative Dismissal	-	-											-
Port Authority	Total Dismissed	17	3	-	-	-	-	-	-	-	-	-	-	20
Grand Total		454	512	-	-	-	-	-	-	-	-	-	-	966

*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											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

*by charge

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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											29
		DEFECTIVE NOV	45	51											96
		DEFECTIVE SERVICE	61	68											129
		DISPUTED OWNERSHIP	97	47											144
		IMPROPER PARTY CITED	56	54											110
		NO ECB JURISDICTION	2	1											3
		NO VIOL. DISMISS ON MERITS	418	503											921
		PROSECUTION WITHDRAWN	97	85											182
		UNASSIGNED REASON	1												1
		WORK DONE BY PREV. OWNER	35	40											75
		DATA CORRECTION	13	6											19
		FAILURE TO PROSECUTE	2	5											7
		NO PRIMA FACIA CASE	25	33											58
		WITHDRAWAL AFTER ADJUDICATE	1	3											4
		INTEREST OF JUSTICE	4	3											7
	DOB-DEPT OF BUILDINGS Total		870	915											1785
	810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB													
DEFECTIVE SERVICE			1											1	
NO VIOL. DISMISS ON MERITS		3	2											5	
810-DEPT OF BUILDINGS 810 Total		3	3											6	
BUILDINGS(DOB) Total			873	918										1791	
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	DEFECTIVE NOV													
		DISPUTED OWNERSHIP	3	1											4
		PROSECUTION WITHDRAWN		1											1
	824-DEP - IWC Total		3	2											5
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB		1											1
		DEFECTIVE NOV	1	1											2
		DEFECTIVE SERVICE		2											2
		DISPUTED OWNERSHIP	2	5											7
		IMPROPER PARTY CITED		1											1
		NO VIOL. DISMISS ON MERITS	9	12											21
	825-DEP - BUREAU OF CUST SRV Total		12	22											34
	826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV	2												2
		DEFECTIVE SERVICE	1	1											2
		DISPUTED OWNERSHIP	2												2
		IMPROPER PARTY CITED	4												4
		NO VIOL. DISMISS ON MERITS	4	3											7
		PROSECUTION WITHDRAWN	6	8											14
		NO PRIMA FACIA CASE	1												1
	826-DEP - BUREAU OF ENV. COMP Total		20	15											35
	989-DEP POLICE	DEFECTIVE NOV	2	4											6
		DISPUTED OWNERSHIP	3	4											7
		NO VIOL. DISMISS ON MERITS	1	4											5
		NO PRIMA FACIA CASE		1											1
	989-DEP POLICE Total		6	13											19
	ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB													
		NO VIOL. DISMISS ON MERITS	4	2											6
		PROSECUTION WITHDRAWN	3	3											6
	ASB-ASBESTOS CONTROL PROGRAM Total		7	5											12
	BAR-DEP BUREAU OF ENV. COMPL	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV	2	2											4
		DEFECTIVE SERVICE		2											2
		DISPUTED OWNERSHIP		1											1
		IMPROPER PARTY CITED	4	1											5
		NO VIOL. DISMISS ON MERITS	22	17											39
		PROSECUTION WITHDRAWN	1	1											2
		NO PRIMA FACIA CASE	1												1
BAR-DEP BUREAU OF ENV. COMPL Total		30	24											54	
803-RIGHT TO KNOW	ADMIN. DISMISSAL ECB		2											2	
	DEFECTIVE NOV	100	2											102	
	NO ECB JURISDICTION	1												1	
803-RIGHT TO KNOW Total		101	4											105	
804-DEP - HAZARDOUS MATERIALS	DEFECTIVE SERVICE														
804-DEP - HAZARDOUS MATERIALS Total															
ENVIRONMENTAL PROTECTION(DEP) Total			179	85										264	

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Agency Group	Issuing Agency	Dismissal Reason	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Grand Total	
FIRE(FDNY)	FIR-FIRE DEPARTMENT NYC	ADMIN. DISMISSAL ECB	3												3	
		DEFECTIVE NOV	10	4											14	
		DEFECTIVE SERVICE	25	19											44	
		DISPUTED OWNERSHIP	34	24											58	
		IMPROPER PARTY CITED	20	20											40	
		NO ECB JURISDICTION	2	4											6	
		NO VIOL. DISMISS ON MERITS	41	32											73	
		PROSECUTION WITHDRAWN	5	7											12	
		FAILURE TO PROSECUTE		1											1	
	NO PRIMA FACIA CASE	3	3											6		
FIR-FIRE DEPARTMENT NYC Total		143	114												257	
823-FIRE DEPARTMENT 823		ADMIN. DISMISSAL ECB														
823-FIRE DEPARTMENT 823 Total																
FIRE(FDNY) Total			143	114											257	
HEALTH(DOHMH)	816-DOH/MENTAL HEALTH	ADMIN. DISMISSAL ECB		2											2	
		DEFECTIVE NOV	11	8											19	
		DEFECTIVE SERVICE	5	12											17	
		DISPUTED OWNERSHIP	3	1											4	
		IMPROPER PARTY CITED	1												1	
		NO VIOL. DISMISS ON MERITS	128	75											203	
		PROSECUTION WITHDRAWN		3											3	
		NO PRIMA FACIA CASE	14	15											29	
	816-DOH/MENTAL HEALTH Total		162	116											278	
	812-VETERINARY DOHMH	DEFECTIVE NOV		2												2
		DEFECTIVE SERVICE	2	1												3
		IMPROPER PARTY CITED	3													3
		NO ECB JURISDICTION		1												1
		NO VIOL. DISMISS ON MERITS	35	27												62
		PROSECUTION WITHDRAWN	1													1
		NO PRIMA FACIA CASE	2	1												3
	812-VETERINARY DOHMH Total		43	32											75	
	813-VECTOR DOHMH	ADMIN. DISMISSAL ECB	2													2
		DEFECTIVE NOV		2												2
		DEFECTIVE SERVICE	1	13												14
		DISPUTED OWNERSHIP	4	5												9
		IMPROPER PARTY CITED	2													2
		NO VIOL. DISMISS ON MERITS	12	7												19
		PROSECUTION WITHDRAWN		3												3
	813-VECTOR DOHMH Total		21	30											51	
	814-BED BUGS DOHMH	ADMIN. DISMISSAL ECB														
		NO PRIMA FACIA CASE		2												2
	814-BED BUGS DOHMH Total			2												2
	815-PCS DOHMH	ADMIN. DISMISSAL ECB														
		DEFECTIVE NOV	8	11												19
		DEFECTIVE SERVICE	9	35												44
		DISPUTED OWNERSHIP	20	8												28
		IMPROPER PARTY CITED	8	2												10
		NO ECB JURISDICTION	3													3
		NO VIOL. DISMISS ON MERITS	295	305												600
		PROSECUTION WITHDRAWN	13	8												21
		NO PRIMA FACIA CASE	4	7												11
		815-PCS DOHMH Total		360	376											736
	818-COOLING TWRDOHMH	DEFECTIVE NOV	1	2												3
		DEFECTIVE SERVICE	27	36												63
DISPUTED OWNERSHIP		1													1	
IMPROPER PARTY CITED		1													1	
NO VIOL. DISMISS ON MERITS		36	104												140	
PROSECUTION WITHDRAWN			114												114	
NO PRIMA FACIA CASE		50	43												93	
818-COOLING TWRDOHMH Total		116	299											415		
998-PETER COOPER VLG STY TWN	DEFECTIVE NOV	3													3	
	DEFECTIVE SERVICE		1												1	
	DISPUTED OWNERSHIP	4	4												8	
998-PETER COOPER VLG STY TWN Total		7	5												12	
HEALTH(DOHMH) Total			709	860											1569	

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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	-	-											-
	Withdrawal	12	27											39
	Dismissed - Administrative Dismissal	-	-											-
	Grand Total	74	74	-	-	-	-	-	-	-	-	-	-	148

*by charge