



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

## Dismissal Report August 2023

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



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**ASIM REHMAN**

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

**September 20<sup>th</sup>, 2023**

- **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 2023.**
- **Please be advised that the numbers for OATH's Health, DCWP 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 24 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	126	152											278
	Dismissed No Jurisdiction													-
	Dismissed Defective Service	2												2
	Dismissed Defective Summons/charge (defective on its face)	66	35											101
	Dismissed - Failure to Prosecute	2	10											12
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	75	97											172
	Withdrawal	4	11											15
	Dismissed - Administrative Dismissal													-
<b>TLC</b>	Total Dismissed	275	305	-	-	-	-	-	-	-	-	-	-	580
<b>NYPD</b>	Dismissed No Violation/On the Merits	1	2											3
	Dismissed No Jurisdiction													-
	Dismissed Defective Service	1												1
	Dismissed Defective Summons/charge (defective on its face)	4	9											13
	Dismissed - Failure to Prosecute													-
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	3	2											5
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
<b>NYPD</b>	Total Dismissed	9	13	-	-	-	-	-	-	-	-	-	-	22
<b>Port Authority</b>	Dismissed No Violation/On the Merits													-
	Dismissed No Jurisdiction													-
	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													-
<b>Port Authority</b>	Total Dismissed	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Other</b>	Dismissed No Violation/On the Merits		5											5
	Dismissed - No Prima Facie Case													-
	Withdrawal													-
<b>Other</b>	Total Dismissed	-	5	-	-	-	-	-	-	-	-	-	-	5
<b>Grand Total</b>		<b>284</b>	<b>323</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>607</b>

\*by charge

**FY 24 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	1,251	1,338											<b>2,589</b>
	Dismissed No Jurisdiction	3												<b>3</b>
	Dismissed Defective Service	73	54											<b>127</b>
	Dismissed Defective Summons/charge (defective on its face)	34	30											<b>64</b>
	Dismissed - Failure to Prosecute	4	9											<b>13</b>
	Dismissed - Successfully Disputed Ownership	8	14											<b>22</b>
	Dismissed - Wrong Party Named	17	24											<b>41</b>
	Dismissed - No Prima Facie Case	69	91											<b>160</b>
	Withdrawn prior to hearing	13	8											<b>21</b>
	Dismissed - Administrative Dismissal													<b>-</b>
	<b>Grand Total</b>	<b>1,472</b>	<b>1,568</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,040</b>

\*by charge

## FY 24 DCWP Hearings

AGENCY	Dismissals	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Grand Total
DCWP*	Dismissed No Violation/On the Merits	21	18											39
	Dismissed No Jurisdiction													-
	Dismissed Defective Service		1											1
	Dismissed Defective Summons/charge (defective on its face)													-
	Dismissed - Failure to Prosecute	4												4
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named	7	2											9
	Dismissed - No Prima Facie Case	5												5
	Withdrawn prior to hearing	18	11											29
	Dismissed - Administrative Dismissal													-
	<b>Grand Total</b>	<b>55</b>	<b>32</b>	-	-	-	-	-	-	-	-	-	-	<b>87</b>

\*by charge

1

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	2	3											5	
		DEFECTIVE NOV	8	7											15	
		DEFECTIVE SERVICE	75	63												138
		DISPUTED OWNERSHIP	3	5												8
		IMPROPER PARTY CITED	23	34												57
		NO ECB JURISDICTION														
		NO VIOL. DISMISS ON MERITS	215	232												447
		PROSECUTION WITHDRAWN	36	39												75
		UNASSIGNED REASON														
		WORK DONE BY PREV. OWNER														
		DATA CORRECTION														
		FAILURE TO PROSECUTE	6	16												22
		NO PRIMA FACIA CASE	17	34												51
		WITHDRAWAL AFTER ADJUDICATE														
		INTEREST OF JUSTICE														
	DOB-DEPT OF BUILDINGS Total		385	433												818
	§10-DEPT OF BUILDINGS §10	ADMIN. DISMISSAL ECB														
		IMPROPER PARTY CITED														
		DEFECTIVE NOV														
		DEFECTIVE SERVICE														
		NO PRIMA FACIA CASE														
		FAILURE TO PROSECUTE														
		NO VIOL. DISMISS ON MERITS														
		DISPUTED OWNERSHIP														
	§10-DEPT OF BUILDINGS §10 Total															
	774-BUILDINGS DEPT	ADMIN. DISMISSAL ECB														
	774-BUILDINGS DEPT Total															
BUILDINGS(DOB) Total			385	433											818	
ENVIRONMENTAL PROTECTION(DEP)	§24-DEP - IWC	ADMIN. DISMISSAL ECB														
		DEFECTIVE NOV														
		DEFECTIVE SERVICE														
		DISPUTED OWNERSHIP														
		IMPROPER PARTY CITED														
		NO VIOL. DISMISS ON MERITS														
		PROSECUTION WITHDRAWN		2											2	
		FAILURE TO PROSECUTE														
		NO PRIMA FACIA CASE														
	§24-DEP - IWC Total			2											2	
	§25-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB	3													3
		DEFECTIVE NOV														
		DEFECTIVE SERVICE		3												3
		DISPUTED OWNERSHIP														
		IMPROPER PARTY CITED		1												1
		FAILURE TO PROSECUTE	1	2												3
		NO VIOL. DISMISS ON MERITS	8	4												12
		PROSECUTION WITHDRAWN														
	WORK DONE BY PREV. OWNER															
	NO PRIMA FACIA CASE	2													2	
	§25-DEP - BUREAU OF CUST SRV Total		14	10												24
	§26-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB														
		DEFECTIVE SERVICE														
		DISPUTED OWNERSHIP														
		IMPROPER PARTY CITED														
		NO VIOL. DISMISS ON MERITS														
		PROSECUTION WITHDRAWN														
NO PRIMA FACIA CASE																
§26-DEP - BUREAU OF ENV. COMP Total																
999-DEP POLICE	ADMIN. DISMISSAL ECB															
	DEFECTIVE NOV	1													1	
	NO VIOL. DISMISS ON MERITS															
	NO PRIMA FACIA CASE															
999-DEP POLICE Total		1													1	
ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB															
	DEFECTIVE NOV															
	DEFECTIVE SERVICE															
	DISPUTED OWNERSHIP															
	IMPROPER PARTY CITED															
	FAILURE TO PROSECUTE	4	1												5	
	NO VIOL. DISMISS ON MERITS	2	1												3	
	PROSECUTION WITHDRAWN															
	NO ECB JURISDICTION															
	NO PRIMA FACIA CASE															
	ASB-ASBESTOS CONTROL PROGRAM Total		6	2												

Agency Group	Licensing Agency	Dismissal Reason	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Grand Total	
	BAR-DEP BUREAU OF ENV COMPL	ADMIN. DISMISSAL ECB	3	1											4	
		UNASSIGNED REASON	4	5											9	
		DEFECTIVE NOV	3	6											9	
		DEFECTIVE SERVICE		4											4	
		DISPUTED OWNERSHIP														
		IMPROPER PARTY CITED	11	7											18	
		NO ECB JURISDICTION														
		NO VIOL. DISMISS ON MERITS	191	242											433	
		PROSECUTION WITHDRAWN	47	9											56	
		WORK DONE BY PREV. OWNER														
		FAILURE TO PROSECUTE	3	11											14	
		NO PRIMA FACIA CASE	7	11											18	
		BAR-DEP BUREAU OF ENV COMPL Total		269	296											565
		§04-DEP - HAZARDOUS MATERIALS	DEFECTIVE SERVICE													
			NO VIOL. DISMISS ON MERITS													
			NO PRIMA FACIA CASE													
		§04-DEP-HAZARDOUS COMP Total														
		§03-DEP RIGHT TO KNOW	ADMIN. DISMISSAL ECB													
			DEFECTIVE NOV													
			DEFECTIVE SERVICE													
		DISPUTED OWNERSHIP														
		INTEREST OF JUSTICE														
		IMPROPER PARTY CITED														
		NO ECB JURISDICTION														
		NO VIOL. DISMISS ON MERITS	1												1	
		NO PRIMA FACIA CASE														
		FAILURE TO PROSECUTE														
		UNASSIGNED REASON														
		UNASSIGNED REASON														
		§03-RIGHT TO KNOW Total		1												1
		§22-DEP - BWSO	ADMIN. DISMISSAL ECB	1	6											7
			DEFECTIVE NOV													
			DEFECTIVE SERVICE	1	6											7
			DISPUTED OWNERSHIP													
			IMPROPER PARTY CITED	1												1
			NO ECB JURISDICTION													
			NO VIOL. DISMISS ON MERITS	17	12											29
		PROSECUTION WITHDRAWN	6	12											18	
		FAILURE TO PROSECUTE	9	19											28	
		NO PRIMA FACIA CASE		1											1	
	§22-DEP - BWSO Total		36	56											92	
	SWP-STORM WATER PROCESSING	ADMIN. DISMISSAL ECB		1											1	
	SWP-STORM WATER PROCESSING - Total			1											1	
ENVIRONMENTAL PROTECTION(DEP) Total			327	367											694	
FIRE(FDNY)	FIR-FIRE DEPARTMENT NYC	ADMIN. DISMISSAL ECB	5	1											6	
		DEFECTIVE NOV	1	3											4	
		DEFECTIVE SERVICE	9	8											17	
		DISPUTED OWNERSHIP	5												5	
		IMPROPER PARTY CITED	10	14											24	
		NO ECB JURISDICTION	5	2											7	
		NO VIOL. DISMISS ON MERITS	24	28											52	
		PROSECUTION WITHDRAWN	21	14											35	
		UNASSIGNED REASON		1											1	
		FAILURE TO PROSECUTE	8	4											12	
		NO PRIMA FACIA CASE	6	5											11	
		WITHDRAWAL AFTER ADJUDICATE														
		FIR-FIRE DEPARTMENT NYC Total		94	80										174	
		§23-FIRE DEPARTMENT §23	NO VIOL. DISMISS ON MERITS													
			DISPUTED OWNERSHIP													
		§23-FIRE DEPARTMENT §23 Total		94	80											174
	FIRE(FDNY) Total				94	80										174
	HEALTH(DOHMH)	§16-DOH/MENTAL HEALTH	ADMIN. DISMISSAL ECB													
			DEFECTIVE NOV	16	10											26
			DEFECTIVE SERVICE	7	12											19
		DISPUTED OWNERSHIP														
		IMPROPER PARTY CITED														
		NO ECB JURISDICTION														
		NO VIOL. DISMISS ON MERITS	81	91											172	
		PROSECUTION WITHDRAWN	5												5	
		UNASSIGNED REASON														
		FAILURE TO PROSECUTE	4	4											8	
		NO PRIMA FACIA CASE	20	38											58	
		WITHDRAWAL AFTER ADJUDICATE														
		INTEREST OF JUSTICE														
		§16-DOH/MENTAL HEALTH Total		133	155											288
		§12-VETERINARY DOHMH	DEFECTIVE NOV		2											2
			ADMIN. DISMISSAL ECB													
			DEFECTIVE SERVICE	21	1											22
			DISPUTED OWNERSHIP													
			IMPROPER PARTY CITED													
			WITHDRAWAL AFTER ADJUDICATE													
		NO VIOL. DISMISS ON MERITS	16	31											47	
		PROSECUTION WITHDRAWN	1												1	
		NO PRIMA FACIA CASE	1	1											2	
	§12-VETERINARY DOHMH Total		38	35											73	





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Agency Group	Issuing Agency	Dismissal Reason	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Grand Total		
PUBLIC TELEPHONE(DOITT)	858-PUBLIC TELEPHONE(DOITT)	ADMIN. DISMISSAL ECB															
		DEFECTIVE NOV															
		DEFECTIVE SERVICE															
		DISPUTED OWNERSHIP															
		NO ECB JURISDICTION															
		NO VIOL. DISMISS ON MERITS															
		PROSECUTION WITHDRAWN	8														
		FAILURE TO PROSECUTE															
		NO PRIMA FACIA CASE															
858-DOITT Total		8													8		
PUBLIC TELEPHONE(DOITT) Total		8													8		
SANITATION(DSNY)	827-DOS - ENFORCEMENT AGENTS	ADMIN. DISMISSAL ECB		1											1		
		DEFECTIVE NOV	1	1											2		
		DEFECTIVE SERVICE	6	11											17		
		DISPUTED OWNERSHIP	65	347											412		
		IMPROPER PARTY CITED	14	27											41		
		NO ECB JURISDICTION															
		NO VIOL. DISMISS ON MERITS	627	434											1121		
		PROSECUTION WITHDRAWN	5	2											7		
		UNASSIGNED REASON															
		DATA CORRECTION															
		FAILURE TO PROSECUTE															
		NO PRIMA FACIA CASE	12	4											16		
		WITHDRAWAL AFTER ADJUDICATE															
		INTEREST OF JUSTICE															
	827-DOS - ENFORCEMENT AGENTS Total		730	887												1617	
	828-SANITATION POLICE	ADMIN. DISMISSAL ECB															
		DEFECTIVE NOV															
		DEFECTIVE SERVICE															
		DISPUTED OWNERSHIP		63												63	
		IMPROPER PARTY CITED		1												1	
		NO ECB JURISDICTION															
		NO VIOL. DISMISS ON MERITS	12	16												28	
		PROSECUTION WITHDRAWN															
		DATA CORRECTION															
		FAILURE TO PROSECUTE															
		WITHDRAWAL AFTER ADJUDICATE															
		NO PRIMA FACIA CASE	1	1												2	
		828-SANITATION POLICE Total		13	87												100
		829-SANITATION OTHERS	ADMIN. DISMISSAL ECB		3												3
	DEFECTIVE NOV		4	11												15	
	DEFECTIVE SERVICE		11	10												21	
	DISPUTED OWNERSHIP		158	224												382	
	IMPROPER PARTY CITED		27	58												85	
NO ECB JURISDICTION	2		4												6		
NO VIOL. DISMISS ON MERITS	838		1048												1946		
PROSECUTION WITHDRAWN	8		6												14		
DATA CORRECTION																	
UNASSIGNED REASON																	
FAILURE TO PROSECUTE	1		1												2		
NO PRIMA FACIA CASE	54		39												93		
INTEREST OF JUSTICE																	
829-SANITATION OTHERS Total			1163	1404												2567	
830-SANITATION PIU	IMPROPER PARTY CITED																
	DEFECTIVE NOV																
	NO ECB JURISDICTION																
	DISPUTED OWNERSHIP																
	PROSECUTION WITHDRAWN		1												1		
	NO VIOL. DISMISS ON MERITS		5												5		
	FAILURE TO PROSECUTE	1													1		
	NO PRIMA FACIA CASE																
830-SANITATION PIU Total		1	6												7		

Agency Group	Issuing Agency	Dismissal Reason	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Grand Total		
SANITATION(DSNY)	831-SANITATION RECYCLING	ADMIN. DISMISSAL ECB	2												2		
		DEFECTIVE NOV															
		DEFECTIVE SERVICE		2												2	
		DISPUTED OWNERSHIP	7	31												38	
		IMPROPER PARTY CITED	6	19												25	
		NO ECB JURISDICTION	1													1	
		NO VIOL. DISMISS ON MERITS	73	112												185	
		PROSECUTION WITHDRAWN															
		UNASSIGNED REASON															
		FAILURE TO PROSECUTE															
		NO PRIMA FACIA CASE	5													5	
		WITHDRAWAL AFTER ADJUDICATE															
		INTEREST OF JUSTICE															
	831-SANITATION RECYCLING Total		94	164												258	
	832-SANITATION ENVIRONMENTAL POLICE	ADMIN. DISMISSAL ECB															
DEFECTIVE SERVICE																	
IMPROPER PARTY CITED																	
DISPUTED OWNERSHIP																	
FAILURE TO PROSECUTE																	
NO ECB JURISDICTION																	
NO VIOL. DISMISS ON MERITS		2	2												4		
PROSECUTION WITHDRAWN		1												1			
NO PRIMA FACIA CASE																	
832-SANITATION ENVIRONMENTAL POLICE Total		2	3												5		
SANITATION(DSNY) Total			2003	2551											4554		
TRANSPORTATION(DOT)	841-DEPT OF TRANSPORTATION	ADMIN. DISMISSAL ECB															
		DEFECTIVE NOV	1												1		
		DEFECTIVE SERVICE		2											2		
		DISPUTED OWNERSHIP		2											2		
		IMPROPER PARTY CITED	6	3											9		
		NO ECB JURISDICTION															
		NO VIOL. DISMISS ON MERITS	138	97											235		
		PROSECUTION WITHDRAWN	62	53											115		
		UNASSIGNED REASON															
		FAILURE TO PROSECUTE	16	48											64		
		WORK DONE BY PREV. OWNER															
		DATA CORRECTION															
		NO PRIMA FACIA CASE	2	9											11		
		WITHDRAWAL AFTER ADJUDICATE															
		INTEREST OF JUSTICE															
841-DEPT OF TRANSPORTATION Total		225	214												439		
TRANSPORTATION(DOT) Total			225	214											439		
96 MISCELLANEOUS AGENCIES(999)	999-MISCELLANEOUS AGENCIES	ADMIN. DISMISSAL ECB															
		DEFECTIVE NOV	13	33											46		
		DEFECTIVE SERVICE	14	8											22		
		IMPROPER PARTY CITED		9											9		
		PROSECUTION WITHDRAWN	4												4		
		NO ECB JURISDICTION	2												2		
		NO VIOL. DISMISS ON MERITS	15	31											46		
		FAILURE TO PROSECUTE	1	1											1		
		NO PRIMA FACIA CASE	2												2		
		999-MISCELLANEOUS AGENCIES Total		51	82											133	
		96 MISCELLANEOUS AGENCIES(999) Total			51	82										133	
		97 AGENCY CODE MISSING OR INVALID	000-AGENCY CODE MISSING	ADMIN. DISMISSAL ECB	1	1											2
				DEFECTIVE NOV													
	DEFECTIVE SERVICE																
	DISPUTED OWNERSHIP																
IMPROPER PARTY CITED																	
FAILURE TO PROSECUTE																	
NO VIOL. DISMISS ON MERITS																	
PROSECUTION WITHDRAWN																	
NO PRIMA FACIA CASE																	
000-AGENCY CODE MISSING Total				1	1											2	
97 AGENCY CODE MISSING OR INVALID Total				1	1										2		
NYC-SHERIFF	827-NYC-SHERIFF			DEFECTIVE SERVICE		1											1
				ADMIN. DISMISSAL ECB													
			IMPROPER PARTY CITED														
			NO PRIMA FACIA CASE	1												1	
		PROSECUTION WITHDRAWN															
		FAILURE TO PROSECUTE	1														
	NO VIOL. DISMISS ON MERITS	9	1											10			
827-NYC-SHERIFF Total		11	2											13			
NYC-SHERIFF Total			11	2										13			
VENDOR CASES(DCWP)	866-DEPT OF CONSUMER AND WORKER PROTECTION	ADMIN. DISMISSAL ECB															
		NO VIOL. DISMISS ON MERITS		1											1		
		DEFECTIVE SERVICE															
		PROSECUTION WITHDRAWN															
		NO PRIMA FACIA CASE															
		DEFECTIVE NOV															
	IMPROPER PARTY CITED																
866-DEPT OF CONSUMER AFFAIRS Total			1											1			
VENDOR CASES(DCA) Total				1										1			
Total			6020	7544											13564		