



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

## Dismissal Report April 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

**May 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 April, 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	185	222	129			1,464
	Dismissed No Jurisdiction			1	6	17	3	4	1					32
	Dismissed Defective Service		1	1	2	3	51	1	4	1	2			66
	Dismissed Defective Summons/charge (defective on its face)	30	29	28	73	151	800	355	59	182	41			1,748
	Dismissed - Failure to Prosecute			1	6	12	6	8	12	15	4			64
	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	40	26	23			394
	Withdrawal			6	10	17	17	56	29	36	60			231
	Dismissed - Administrative Dismissal													
<b>TLC</b>	<b>Total Dismissed</b>	<b>71</b>	<b>93</b>	<b>210</b>	<b>313</b>	<b>398</b>	<b>1,176</b>	<b>672</b>	<b>330</b>	<b>482</b>	<b>259</b>	<b>-</b>	<b>-</b>	<b>4,004</b>
<b>NYPD</b>	Dismissed No Violation/On the Merits		1	2	4		3	3	6	6	1			26
	Dismissed No Jurisdiction													-
	Dismissed Defective Service			1										1
	Dismissed Defective Summons/charge (defective on its face)		7	4	1	1	6	8	5	14	10			56
	Dismissed - Failure to Prosecute													-
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case			1	1	1	3	1		2	1			10
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
<b>NYPD</b>	<b>Total Dismissed</b>	<b>-</b>	<b>8</b>	<b>8</b>	<b>6</b>	<b>2</b>	<b>12</b>	<b>12</b>	<b>11</b>	<b>22</b>	<b>12</b>	<b>-</b>	<b>-</b>	<b>93</b>
<b>Port Authority</b>	Dismissed No Violation/On the Merits								1	1	1			3
	Dismissed No Jurisdiction								7	11				18
	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										3			3
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
<b>Port Authority</b>	<b>Total Dismissed</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>8</b>	<b>12</b>	<b>4</b>	<b>-</b>	<b>-</b>	<b>25</b>
<b>Grand Total</b>		<b>71</b>	<b>102</b>	<b>218</b>	<b>319</b>	<b>400</b>	<b>1,188</b>	<b>684</b>	<b>349</b>	<b>516</b>	<b>275</b>	<b>-</b>	<b>-</b>	<b>4,122</b>

\*by charge

FY 21 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	255	354	382	473	433	537	564	393	366	213			3,970	
	Dismissed No Jurisdiction	5			3	1	1			1	2			13	
	Dismissed Defective Service	14	17	26	48	15	19	21	9	25	2			196	
	Dismissed Defective Summons/charge (defective on its face)		5	8	9	27	22	18	8	27	19			143	
	Dismissed - Failure to Prosecute		1		1	5	1		1	14	1			24	
	Dismissed - Successfully Disputed Ownership	1	6	1	6	7	3	7	4	4	2			41	
	Dismissed - Wrong Party Named	4	3	11	8	6	2	12	12	14	2			74	
	Dismissed - No Prima Facie Case	23	18	34	57	42	61	69	40	63	51			458	
	Withdrawal	2			1										3
	Dismissed - Administrative Dismissal														-
<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>467</b>	<b>514</b>	<b>292</b>	<b>-</b>	<b>-</b>	<b>4,922</b>	

\*by charge

FY 21 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	12	23	14	26	27	35	17	23	16	8			201
	Dismissed No Jurisdiction													-
	Dismissed Defective Service				5		1	8						14
	Dismissed Defective Summons/charge (defective on its face)				1	2	1	1	2					7
	Dismissed - Failure to Prosecute	4	3	1	3	4	2	3	2	4	1			27
	Dismissed - Successfully Disputed Ownership								1					1
	Dismissed - Wrong Party Named		1	1										2
	Dismissed - No Prima Facie Case	1		2	1	3	2	2						11
	Withdrawal	4	6	27	20	11	46	19	29	16	8			186
	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>57</b>	<b>36</b>	<b>17</b>	<b>-</b>	<b>-</b>	<b>449</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	21	46	18			262		
		DEFECTIVE NOV	18	18	38	22	33	42	23	20	39	22			275		
		DEFECTIVE SERVICE	51	58	55	69	146	181	147	122	166	105			1100		
		DISPUTED OWNERSHIP	36	35	26	18	26	20	19	26	33	22			261		
		IMPROPER PARTY CITED	50	47	55	63	62	104	78	102	118	75			754		
		NO ECB JURISDICTION	1	2		1	1	2	7	7	8	8			37		
		NO VIOL. DISMISS ON MERITS	344	422	400	458	686	875	778	991	1137	672			6763		
		PROSECUTION WITHDRAWN	224	87	118	86	70	181	77	52	114	306			1315		
		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	13	16	13			141		
		NO PRIMA FACIA CASE	25	34	45	44	62	62	53	66	64	34			489		
		WITHDRAWAL AFTER ADJUDICATE	43	1	1	4	1	3	2	1	7	5			68		
		INTEREST OF JUSTICE															
		<b>DOB-DEPT OF BUILDINGS Total</b>			<b>805</b>	<b>735</b>	<b>783</b>	<b>812</b>	<b>1123</b>	<b>1515</b>	<b>1251</b>	<b>1421</b>	<b>1748</b>	<b>1280</b>		<b>11473</b>	
		810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB	11						4	4	17	7			43
				IMPROPER PARTY CITED									1				1
				DEFECTIVE NOV							2	3		2			7
				DEFECTIVE SERVICE									4				4
NO PRIMA FACIA CASE													1		1		
NO VIOL. DISMISS ON MERITS								1		6	2	3			12		
PROSECUTION WITHDRAWN											1				1		
<b>810-DEPT OF BUILDINGS 810 Total</b>			<b>11</b>					<b>1</b>	<b>6</b>	<b>14</b>	<b>24</b>	<b>13</b>		<b>69</b>			
<b>BUILDINGS(DOB) Total</b>			<b>816</b>	<b>735</b>	<b>783</b>	<b>812</b>	<b>1123</b>	<b>1516</b>	<b>1257</b>	<b>1435</b>	<b>1772</b>	<b>1293</b>		<b>11542</b>			
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB							1						1		
		DEFECTIVE NOV							1		1	2			4		
		DEFECTIVE SERVICE															
		DISPUTED OWNERSHIP															
		IMPROPER PARTY CITED							1						1		
		NO VIOL. DISMISS ON MERITS								1	5	3			9		
		PROSECUTION WITHDRAWN	3				1			1		3			8		
		DATA CORRECTION															
		NO PRIMA FACIA CASE															
		<b>824-DEP - IWC Total</b>			<b>3</b>				<b>1</b>	<b>3</b>	<b>2</b>	<b>6</b>	<b>8</b>			<b>23</b>	
		825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB		2	2		3	3		1		19			30
				DEFECTIVE NOV			1										1
				DEFECTIVE SERVICE				2									2
				DISPUTED OWNERSHIP							1						1
IMPROPER PARTY CITED								1		1		1			3		
FAILURE TO PROSECUTE																	
NO VIOL. DISMISS ON MERITS	1			1		2	2	1	4		2	6			19		
PROSECUTION WITHDRAWN	1									1					2		
WORK DONE BY PREV. OWNER																	
NO PRIMA FACIA CASE						1			4						5		
<b>825-DEP - BUREAU OF CUST SRV Total</b>			<b>2</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>9</b>	<b>3</b>	<b>2</b>	<b>26</b>		<b>63</b>			
826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB															
		DEFECTIVE SERVICE															
		DISPUTED OWNERSHIP															
		IMPROPER PARTY CITED															
		NO VIOL. DISMISS ON MERITS				1									1		
		PROSECUTION WITHDRAWN															
NO PRIMA FACIA CASE																	
<b>826-DEP - BUREAU OF ENV. COMP Total</b>					<b>1</b>									<b>1</b>			
989-DEP POLICE	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB															
		DEFECTIVE NOV															
		NO VIOL. DISMISS ON MERITS															
		NO PRIMA FACIA CASE															
<b>989-DEP POLICE Total</b>																	
ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB	3					1			1				5		
		DEFECTIVE NOV					2		1		1				4		
		DEFECTIVE SERVICE								1					1		
		DISPUTED OWNERSHIP															
		IMPROPER PARTY CITED			1	1				6	1		1		10		
		FAILURE TO PROSECUTE	1	1	4	9	5	6			3	1	9		39		
		NO VIOL. DISMISS ON MERITS	3	2	5	2	7	10	4	9	13	7			62		
		PROSECUTION WITHDRAWN			1	3	2	6	3	3		7			25		
		NO ECB JURISDICTION							1	1					2		
		NO PRIMA FACIA CASE						3	2				2		7		
		<b>ASB-ASBESTOS CONTROL PROGRAM Total</b>			<b>7</b>	<b>3</b>	<b>11</b>	<b>15</b>	<b>19</b>	<b>26</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>26</b>		<b>155</b>	











