



Dismissal Report

February 2018

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



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

March 20th , 2018

- **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 February, 2018.**
- **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	387	403	350	363	346	311					2,926
	Dismissed No Jurisdiction	3	-	2	1	1	-	2	-					9
	Dismissed Defective Service	5	5	4	6	-	4	-	1					25
	Dismissed Defective Summons/charge (defective on its face)	4	6	5	3	5	5	4	3					35
	Dismissed - Failure to Prosecute	14	14	6	34	16	19	20	25					148
	Dismissed - Successfully Disputed Ownership	-	-	-	-	-	-	1	-					1
	Dismissed - Wrong Party Named	-	-	-	2	-	-	-	-					2
	Dismissed - No Prima Facie Case	17	33	23	26	14	45	35	23					216
	Withdrawal	1	15	12	14	31	31	42	19					165
	Dismissed - Administrative Dismissal	-	-											-
TLC	Total Dismissed	394	489	439	489	417	467	450	382	-	-	-	-	3,527
NYPD	Dismissed No Violation/On the Merits	29	7	18	15	5	10	4	5					93
	Dismissed No Jurisdiction	-	-	-	-	-	-	-	-					-
	Dismissed Defective Service	-	1	1	1	-	-	-	-					3
	Dismissed Defective Summons/charge (defective on its face)	11	10	24	13	3	30	13	22					126
	Dismissed - Failure to Prosecute	-	-	1	-	-	-	-	-					1
	Dismissed - Successfully Disputed Ownership	-	-	-	-	-	-	-	-					-
	Dismissed - Wrong Party Named	-	-	-	-	-	-	-	1					1
	Dismissed - No Prima Facie Case	3	2	24	9	-	8	2	5					53
	Withdrawal	-	-	-	-	-	-	-	-					-
	Dismissed - Administrative Dismissal	-	-											-
NYPD	Total Dismissed	43	20	68	38	8	48	19	33	-	-	-	-	277
Port Authority	Dismissed No Violation/On the Merits	17	2	17	12	2	7	3	20					80
	Dismissed No Jurisdiction	0	-	0	-	-	-	-	-					-
	Dismissed Defective Service	-	-	-	-	-	4	-	-					4
	Dismissed Defective Summons/charge (defective on its face)	-	-	6	-	-	5	-	2					13
	Dismissed - Failure to Prosecute	-	-	3	-	-	19	2	2					26
	Dismissed - Successfully Disputed Ownership	-	-	-	-	-	-	-	-					-
	Dismissed - Wrong Party Named	-	-	-	-	-	-	2	-					2
	Dismissed - No Prima Facie Case	-	1	3	1	1	45	2	-					53
	Withdrawal	-	-	-	-	-	31	-	1					32
	Dismissed - Administrative Dismissal	-	-					-						-
Port Authority	Total Dismissed	17	3	29	13	3	111	9	25	-	-	-	-	210
Grand Total		454	512	536	540	428	626	478	440	-	-	-	-	4,014

*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	1,843	2,099	2,028	1,834	1,920	2,154					15,741
	Dismissed No Jurisdiction	2	4	-	2	1	-	1	2					12
	Dismissed Defective Service	17	7	10	18	17	3	6	11					89
	Dismissed Defective Summons/charge (defective on its face)	24	52	27	20	24	17	29	22					215
	Dismissed - Failure to Prosecute	-	-	1	1	1	-	12	-					15
	Dismissed - Successfully Disputed Ownership	1	-	-	-	-	2	-	13					16
	Dismissed - Wrong Party Named	2	1	3	2	12	3	2	1					26
	Dismissed - No Prima Facie Case	188	211	165	195	160	208	188	178					1,493
	Withdrawal	13	1	4	18	7	15	4	4					66
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-					-
	Grand Total	2,121	2,265	2,053	2,355	2,250	2,082	2,162	2,385	-	-	-	-	17,673

*by charge

FY 18 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	13	16	4	3	29	3	9	5					82
		DEFECTIVE NOV	45	51	69	49	45	58	57	54					428
		DEFECTIVE SERVICE	61	68	109	91	88	90	109	88					704
		DISPUTED OWNERSHIP	97	47	45	26	33	31	43	45					367
		IMPROPER PARTY CITED	56	54	50	53	54	101	104	73					545
		NO ECB JURISDICTION	2	1	1		1	4	4	11					24
		NO VIOL. DISMISS ON MERITS	418	503	425	541	520	539	662	669					4277
		PROSECUTION WITHDRAWN	97	85	98	886	132	175	137	121					1731
		UNASSIGNED REASON	1				1	2	1		1				6
		WORK DONE BY PREV. OWNER	35	40	47	53	53	36	66	38					368
		DATA CORRECTION	13	6	3	3	6	6	6	5					48
		FAILURE TO PROSECUTE	2	5	4	3	1	6	4	1					26
		NO PRIMA FACIA CASE	25	33	54	32	40	48	39	57					328
		WITHDRAWAL AFTER ADJUDICATE	1	3	1	2	1	1	3	1					13
		INTEREST OF JUSTICE	4	3	1	1									9
	DOB-DEPT OF BUILDINGS Total		870	915	911	1744	1005	1099	1243	1169					8956
	810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB					1	1			4				6
		IMPROPER PARTY CITED								1					1
		DEFECTIVE NOV						1	1						2
		DEFECTIVE SERVICE		1				1	2	3					7
		NO VIOL. DISMISS ON MERITS	3	2	1	4	6	6	4	2					28
		NO PRIMA FACIA CASE						1							1
	810-DEPT OF BUILDINGS 810 Total		3	3	1	5	10	10	7	6					45
BUILDINGS(DOB) Total			873	918	912	1749	1015	1109	1250	1175					9001
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB					1	1							2
		DEFECTIVE NOV								1					1
		DEFECTIVE SERVICE			2	1				1	1				5
		DISPUTED OWNERSHIP	3	1					1						5
		NO VIOL. DISMISS ON MERITS								1	3				4
		PROSECUTION WITHDRAWN		1	1	3	7	2		4					18
	824-DEP - IWC Total		3	2	3	4	8	4	3	8					35
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB		1	10	7	10	4	16	3					51
		DEFECTIVE NOV	1	1						2					4
		DEFECTIVE SERVICE		2	5	1		2	4						14
		DISPUTED OWNERSHIP	2	5											7
		IMPROPER PARTY CITED		1				1							2
		NO ECB JURISDICTION													
		NO VIOL. DISMISS ON MERITS	9	12	4	2	2	1		4					34
		PROSECUTION WITHDRAWN				1		1							2
		NO PRIMA FACIA CASE								1					1
	825-DEP - BUREAU OF CUST SRV Total		12	22	19	11	12	9	22	8					115
	826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB							1						1
		DEFECTIVE NOV	2		1		4				1				8
		DEFECTIVE SERVICE	1	1	1		3								6
		DISPUTED OWNERSHIP	2												2
		IMPROPER PARTY CITED	4		1						1				6
		NO VIOL. DISMISS ON MERITS	4	3	1	15	8	2	5	2					40
		PROSECUTION WITHDRAWN	6	8	11	7	9	9	1	3					54
		NO PRIMA FACIA CASE	1												1
		WITHDRAWAL AFTER ADJUDICATE		3	1										4
	826-DEP - BUREAU OF ENV. COMP Total		20	15	16	22	24	12	6	7					122
	989-DEP POLICE	ADMIN. DISMISSAL ECB			3										3
		DEFECTIVE NOV	2	4		2									8
		DEFECTIVE SERVICE			4		1								5
		DISPUTED OWNERSHIP	3	4											7
		NO VIOL. DISMISS ON MERITS	1	4	2					1					8
		NO PRIMA FACIA CASE		1											1
	989-DEP POLICE Total		6	13	9	2	1			1					32
	ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV								2					2
		DEFECTIVE SERVICE				1				1					2
		DISPUTED OWNERSHIP			1					2					3
		IMPROPER PARTY CITED				2	3	1			1				7
		NO ECB JURISDICTION								1					1
		NO VIOL. DISMISS ON MERITS	4	2	2	5	5	3	2	8					31
		PROSECUTION WITHDRAWN	3	3	1	3	2	1	3	4					20
		DATA CORRECTION					1								1
		NO PRIMA FACIA CASE			3	4	3	1	4	1					16
	ASB-ASBESTOS CONTROL PROGRAM Total		7	5	7	15	14	6	15	14					83

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FY 18 ECB Hearings

812-VETERINARY DOHMH Total		43	32	39	25	40	33	45	58					315
813-VECTOR DOHMH	ADMIN. DISMISSAL ECB	2												2
	DEFECTIVE NOV		2			1								3
	DEFECTIVE SERVICE	1	13	1	2		1		1					19
	DISPUTED OWNERSHIP	4	5	2	3	1			1					16
	IMPROPER PARTY CITED	2		1		1	1	1						6
	NO VIOL. DISMISS ON MERITS	12	7	6	9	10	9	1	3					57
	PROSECUTION WITHDRAWN		3	1	2			2						8
	NO PRIMA FACIA CASE					1			1					2
813-VECTOR DOHMH Total		21	30	11	16	14	11	4	6					113
814-BED BUGS DOHMH	ADMIN. DISMISSAL ECB													
	DEFECTIVE SERVICE							1						1
	NO VIOL. DISMISS ON MERITS			1			3	1	3					8
	PROSECUTION WITHDRAWN							2						2
814-BED BUGS DOHMH Total			2	1										3
814-BED BUGS DOHMH Total			2	2			3	4	3					14
815-PCS DOHMH	ADMIN. DISMISSAL ECB								1					1
	DEFECTIVE NOV	8	11	10	2	7	12	7	2					59
	DEFECTIVE SERVICE	9	35	28	17	38	25	17	25					194
	DISPUTED OWNERSHIP	20	8	19	10	6	19	18	11					111
	IMPROPER PARTY CITED	8	2	15	2	9	12	8	6					62
	NO ECB JURISDICTION	3				2	2							7
	NO VIOL. DISMISS ON MERITS	295	305	237	166	172	212	211	159					1757
	PROSECUTION WITHDRAWN	13	8	25	14	3	27	7	4					101
	NO PRIMA FACIA CASE	4	7	7	10	9	8	13	4					62
	WITHDRAWAL AFTER ADJUDICATE				1									1
	INTEREST OF JUSTICE				1									1
815-PCS DOHMH Total		360	376	341	223	246	317	281	212					2356
818-COOLING TWRDOHMH	DEFECTIVE NOV	1	2	33	57	63	285	297	350					1088
	DEFECTIVE SERVICE	27	36	19	14	20	16	39	52					223
	DISPUTED OWNERSHIP	1			1		9	3						14
	IMPROPER PARTY CITED	1		26	27	23	21	29	6					133
	NO ECB JURISDICTION			2	1	7	7	12	4					33
	NO VIOL. DISMISS ON MERITS	36	104	191	560	1058	885	973	1002					4809
	PROSECUTION WITHDRAWN		114	23	20	30	62	18	9					276
	FAILURE TO PROSECUTE						2		1					3
	NO PRIMA FACIA CASE	50	43	30	101	284	255	315	466					1544
	WITHDRAWAL AFTER ADJUDICATE						2							
818-COOLING TWRDOHMH Total		116	299	324	781	1485	1544	1686	1890					8125
998-PETER COOPER VLG STY TWN	DEFECTIVE NOV	3				1		1	6					11
	DEFECTIVE SERVICE		1	2	1									4
	DISPUTED OWNERSHIP	4	4											8
	NO PRIMA FACIA CASE							1	7					8
	NO VIOL. DISMISS ON MERITS					2			4					6
998-PETER COOPER VLG STY TWN Total		7	5	2	1	3		2	17					37
HEALTH(DOHMH) Total		709	860	843	1180	1923	2068	2234	2298					12115
LANDMARKS(LPC)	LPC-LANDMARK PRESERVATION	DEFECTIVE NOV												
		DEFECTIVE SERVICE												
		DISPUTED OWNERSHIP												
		NO VIOL. DISMISS ON MERITS												
		FAILURE TO PROSECUTE												
	LPC-LANDMARK PRESERVATION Total													
802-HPD		IMPROPER PARTY CITED							1					1
802-HPD Total									1					1
LANDMARKS(LPC) Total									1					1

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FY 18 ECB Hearings

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	831-SANITATION RECYCLING	ADMIN. DISMISSAL ECB			1	1			1					3	
		DEFECTIVE NOV	5	8	4	6	5	5	1	5				39	
		DEFECTIVE SERVICE	2	1	7	5		1	1	4				21	
		DISPUTED OWNERSHIP	15	30	10	9	13	29	44	14				164	
		IMPROPER PARTY CITED	6	10	3	5	3	2	1	4				34	
		NO ECB JURISDICTION			1									1	
		NO VIOL. DISMISS ON MERITS	233	184	139	172	141	150	159	156				1334	
		PROSECUTION WITHDRAWN	1	3		7		2	10	4				27	
		UNASSIGNED REASON		1						1				2	
		FAILURE TO PROSECUTE					1							1	
		NO PRIMA FACIA CASE	8	6	2	7	9	8	2	3				45	
		WITHDRAWAL AFTER ADJUDICATE						1						1	
		INTEREST OF JUSTICE		1	1									2	
	831-SANITATION RECYCLING Total		270	244	168	212	172	198	219	191				1674	
	832-SANITATION ENVR POLICE	DEFECTIVE NOV													
		DEFECTIVE SERVICE		1		1			1					3	
		DISPUTED OWNERSHIP							1					1	
		NO VIOL. DISMISS ON MERITS	3						1	1				5	
	832-SANITATION ENVR POLICE Total		3	2		2			3	1				11	
SANITATION(DSNY) Total			3688	3690	2950	3318	2947	3105	3448	2980				26126	
TRANSPORTATION(DOT)	841-DEPT OF TRANSPORTATION	ADMIN. DISMISSAL ECB	1	2			1							4	
		DEFECTIVE NOV	19	16	9	17	10	7	7	12				97	
		DEFECTIVE SERVICE	4	6	3	1	3	13	1	6				37	
		DISPUTED OWNERSHIP	12	3			1		2	1				19	
		IMPROPER PARTY CITED	4	7	4	6	4	7	13	11				56	
		NO ECB JURISDICTION	10				2	2						14	
		NO VIOL. DISMISS ON MERITS	250	196	195	207	288	336	370	260				2102	
		PROSECUTION WITHDRAWN	22	12	10	14	6	19	4	5				92	
		UNASSIGNED REASON					2	2	1					5	
		FAILURE TO PROSECUTE				1		1						2	
		WORK DONE BY PREV. OWNER						1						1	
		NO PRIMA FACIA CASE	5	13	15	5	9	8	4	11				70	
		WITHDRAWAL AFTER ADJUDICATE		1	1	1								3	
		INTEREST OF JUSTICE		1										1	
		841-DEPT OF TRANSPORTATION Total		327	257	237	252	326	396	402	306				2503
		TRANSPORTATION(DOT) Total			327	257	237	252	326	396	402	306			
96MISCELLANEOUS AGENCIES(999)	999-MISCELLANEOUS AGENCIES	ADMIN. DISMISSAL ECB				1		1		1				3	
		DEFECTIVE NOV		1		4	1	1	1	5				13	
		DEFECTIVE SERVICE			5	6	5	4	4	2				26	
		DISPUTED OWNERSHIP	5	8										13	
		NO ECB JURISDICTION	1											1	
		NO VIOL. DISMISS ON MERITS	4	5		4	2	3	4	6				28	
		NO PRIMA FACIA CASE			1					1				2	
999-MISCELLANEOUS AGENCIES Total		10	14	6	15	8	9	9	15				86		
96MISCELLANEOUS AGENCIES(999) Total			10	14	6	15	8	9	9	15				86	
97AGENCY CODE MISSING OR INVALID	000-AGENCY CODE MISSING	ADMIN. DISMISSAL ECB	1	2			1							4	
		DEFECTIVE NOV	3	1	2		2	5		1				14	
		DEFECTIVE SERVICE			2		5	27	1	1				36	
		DISPUTED OWNERSHIP		2		3								5	
		NO VIOL. DISMISS ON MERITS	5	5	2	3	2	7	1	2				27	
		NO PRIMA FACIA CASE							1					1	
000-AGENCY CODE MISSING Total		9	8	8	6	10	39	3	4				87		
97AGENCY CODE MISSING OR INVALID Total			9	8	8	6	10	39	3	4				87	
DOF TOBACCO		837-DOF TOBACCO	PROSECUTION WITHDRAWN							1				1	
		837-DOF TOBACCO Total							1					1	
DOF TOBACCO Total									1					1	
2018 Total			6729	7985	8717	10314	9390	9276	10003	8428				70842	
Grand Total			6729	7985	8717	10314	9390	9276	10003	8428				70842	

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	63	50	41	34	61	39					368
	Dismissed No Jurisdiction	1	-	-	-	-	-	-	-					1
	Dismissed Defective Service	6	3	12	9	4	13	1	3					51
	Dismissed Defective Summons/charge (defective on its face)	-	1	1	3	2	1	7	3					18
	Dismissed - Failure to Prosecute	1	2	-	3	1	2	17	7					33
	Dismissed - Successfully Disputed Ownership	1	-	-	-	-	-	-	-					1
	Dismissed - Wrong Party Named	1	13	2	-	2	1	-	1					20
	Dismissed - No Prima Facie Case	-	-	2	1	5	3	5	3					19
	Withdrawal	12	27	41	29	23	30	7	5					174
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-					-
	Grand Total	74	74	121	95	78	84	98	61	-	-	-	-	685

*by charge