



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Dismissal Report February 2020

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



TYNIA D. RICHARD

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

March 20th, 2020

- **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, 2020.**
- **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 20 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	521	428	394	588	556	509	471	428					3,895
	Dismissed No Jurisdiction		12			10	1	2	1					26
	Dismissed Defective Service	3	3	1	2			1	2					12
	Dismissed Defective Summons/charge (defective on its face)	112	49	33	43	30	47	31	48					393
	Dismissed - Failure to Prosecute	29	7	17	29	20	9	2	12					125
	Dismissed - Successfully Disputed Ownership			1				2						3
	Dismissed - Wrong Party Named	1	1	2			4	1						9
	Dismissed - No Prima Facie Case	116	37	68	62	46	94	83	52					558
	Withdrawal	9	11	13	43	55	33	51	15					230
Dismissed - Administrative Dismissal														-
TLC	Total Dismissed	791	548	529	767	717	697	644	558	-	-	-	-	5,251
NYPD	Dismissed No Violation/On the Merits	49	16	15	31	43	47	35	20					256
	Dismissed No Jurisdiction	1												1
	Dismissed Defective Service					5		2	1					8
	Dismissed Defective Summons/charge (defective on its face)	27	27	20	26	52	56	21	22					251
	Dismissed - Failure to Prosecute							1	2					3
	Dismissed - Successfully Disputed Ownership						1							1
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	13	15	16	10	6	21	19	6					106
	Withdrawal													-
Dismissed - Administrative Dismissal													-	
NYPD	Total Dismissed	90	58	51	67	106	125	78	51	-	-	-	-	626
Port Authority	Dismissed No Violation/On the Merits	7	3		7	1	8	5	6					37
	Dismissed No Jurisdiction													-
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)													-
	Dismissed - Failure to Prosecute							1						1
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case			2	4	6	2	2						16
	Withdrawal													-
Dismissed - Administrative Dismissal													-	
Port Authority	Total Dismissed	7	3	2	11	7	10	8	6	-	-	-	-	54
Grand Total		888	609	582	845	830	832	730	615	-	-	-	-	5,931

*by charge

FY 20 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	3,043	2,556	2,462	2,705	2,183	2,119	2,356	2,144					19,568
	Dismissed No Jurisdiction	13	12	10	10	2	4	5	6					62
	Dismissed Defective Service	7	13	27	4	3	4	10	6					74
	Dismissed Defective Summons/charge (defective on its face)	21	35	16	29	19	7	8	12					147
	Dismissed - Failure to Prosecute	9	7	4	3	2	2		2					29
	Dismissed - Successfully Disputed Ownership			1	1			2	1					5
	Dismissed - Wrong Party Named	4		1	3			6	2					16
	Dismissed - No Prima Facie Case	216	142	166	167	121	124	163	161					1,260
	Withdrawal	8	33	19	16	6	4	10	3					99
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
	Grand Total	3,321	2,798	2,706	2,938	2,336	2,264	2,560	2,337	-	-	-	-	21,260

*by charge

FY 20 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	40	33	28	36	41	30	28	34					270
	Dismissed No Jurisdiction	1					1							2
	Dismissed Defective Service	3				5		3						11
	Dismissed Defective Summons/charge (defective on its face)	20	22	17	7	1	3	2	2					74
	Dismissed - Failure to Prosecute	3		3										6
	Dismissed - Successfully Disputed Ownership		7											7
	Dismissed - Wrong Party Named	3	2		1	1	6							13
	Dismissed - No Prima Facie Case	3		4	1	3		1	3					15
	Withdrawal	7	23	30	31	29	8	37	32					197
	Dismissed - Administrative Dismissal													
Grand Total		80	87	82	76	80	48	71	71	-	-	-	-	595

*by charge

FY 20 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	27	11	22	8	4	13	28	25					138		
		DEFECTIVE NOV	116	146	126	132	123	122	166	74						1005	
		DEFECTIVE SERVICE	174	117	134	112	171	182	221	187						1298	
		DISPUTED OWNERSHIP	39	60	37	54	18	40	52	70						370	
		IMPROPER PARTY CITED	114	118	85	96	101	103	128	122						867	
		NO ECB JURISDICTION	2	6	2	3	4	7	8	3						35	
		NO V.IOL. DISMISS ON MERITS	917	927	805	776	792	991	1170	1101						7479	
		PROSECUTION WITHDRAWN	107	374	179	152	190	190	218	139						1549	
		UNASSIGNED REASON				1			2							3	
		WORK DONE BY PREV. OWNER	53	47	53	53	36	44	54	42						382	
		DATA CORRECTION	30	25	27	23	41	42	54	32						274	
		FAILURE TO PROSECUTE	2	5	1				1							9	
		NO PRIMA FACIA CASE	70	87	104	108	74	114	117	115						789	
		WITHDRAWAL AFTER ADJUDICATE	5	19	10	11	15	5		3						68	
		INTEREST OF JUSTICE				1										1	
		DOB-DEPT OF BUILDINGS Total			1656	1942	1585	1530	1569	1853	2219	1913					14267
		810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB														1
	IMPROPER PARTY CITED				1											1	
	DEFECTIVE NOV									1						1	
	DEFECTIVE SERVICE				2											2	
	NO V.IOL. DISMISS ON MERITS				3	3	1	4			2					13	
	NO PRIMA FACIA CASE			1											1		
	810-DEPT OF BUILDINGS 810 Total			7	3	1	4	1	2	1	2					18	
	BUILDINGS(DOB) Total			1656	1949	1588	1531	1573	1853	2220	1915					14285	
	ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB								1					1	
			DEFECTIVE NOV			1						2				3	
			DEFECTIVE SERVICE														
DISPUTED OWNERSHIP																	
IMPROPER PARTY CITED																	
NO V.IOL. DISMISS ON MERITS									1							1	
PROSECUTION WITHDRAWN						8	4		4	7						23	
DATA CORRECTION			1													1	
NO PRIMA FACIA CASE																	
824-DEP - IWC Total				1	1	8	4	5	8	2						29	
825-DEP - BUREAU OF CUST SRV		ADMIN. DISMISSAL ECB	14	5	9	16	6	29	19	15						113	
		DEFECTIVE NOV		3	1	1	3	3	7	1						19	
		DEFECTIVE SERVICE	1	1	1											3	
		DISPUTED OWNERSHIP	1	1					1	1	1					5	
		IMPROPER PARTY CITED			1		2		1							4	
		FAILURE TO PROSECUTE															
		NO V.IOL. DISMISS ON MERITS	6	3	10	10	5	1	2	5						42	
		PROSECUTION WITHDRAWN		1	1	1										3	
		WORK DONE BY PREV. OWNER															
		NO PRIMA FACIA CASE	2	3	1			2	3	3						14	
825-DEP - BUREAU OF CUST SRV Total			24	18	23	28	16	36	33	25					203		
826-DEP - BUREAU OF ENV. COMP		ADMIN. DISMISSAL ECB	1													1	
		DEFECTIVE SERVICE															
		DISPUTED OWNERSHIP									1					1	
		IMPROPER PARTY CITED															
		NO V.IOL. DISMISS ON MERITS															
		PROSECUTION WITHDRAWN									1					1	
	NO PRIMA FACIA CASE	1													1		
826-DEP - BUREAU OF ENV. COMP Total			2							2					4		
989-DEP POLICE	ADMIN. DISMISSAL ECB																
	DEFECTIVE NOV																
	NO V.IOL. DISMISS ON MERITS				1										1		
	NO PRIMA FACIA CASE																
989-DEP POLICE Total					1										1		
ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB																
	DEFECTIVE NOV																
	DEFECTIVE SERVICE			1						5	13				19		
	DISPUTED OWNERSHIP					1		1							2		
	IMPROPER PARTY CITED			2		1	1		3	1					8		
	FAILURE TO PROSECUTE																
	NO V.IOL. DISMISS ON MERITS	6	1	12	5	11	10	7	10						62		
	PROSECUTION WITHDRAWN	10	4	9	6	1	22	4	1						57		
	DATA CORRECTION																
	NO PRIMA FACIA CASE	3	2	1	2	1	2	2							13		
ASB-ASBESTOS CONTROL PROGRAM Total			19	10	22	15	14	35	21	25					161		

