

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Dismissal Report August 2021

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





JONI KLETTER

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

September 20th, 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 August, 2021.
- Please be advised that the numbers for OATH's Health, DCA and Taxi & Limousine Tribunals reflect the <u>number</u> <u>of charges</u> rather than the number of summonses, dismissed. There may be multiple charges on each summons.



AGENCY	Dismissals	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Мау	Jun	Grand Total
TLC	Dismissed No Violation/On the Merits	165	154											319
	Dismissed No Jurisdiction	1												1
	Dismissed Defective Service	5												5
	Dismissed Defective Summons/charge	22	59											81
	(defective on its face)													-
	Dismissed - Failure to Prosecute	2	1											3
	Dismissed - Successfully Disputed													-
	Ownership Dismissed - Wrong Party Named		1											1
	Dismissed - Wrong Party Named Dismissed - No Prima Facie Case	37	1 99											136
			1											
	Withdrawal	16	9											25
	Dismissed - Administrative Dismissal													-
TLC	Total Dismissed	248	323	-	-	-	-	-	-	-	-	-	-	571
NYPD	Dismissed No Violation/On the Merits	2	2											4
	Dismissed No Jurisdiction													-
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge	10	10											20
	(defective on its face)	10	10											20
	Dismissed - Failure to Prosecute													-
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named		1											1
	Dismissed - No Prima Facie Case	2	5											7
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
NYPD	Total Dismissed	14	18	-	-	-	-	-	-	-	-	-	-	32
Port Authority	Dismissed No Violation/On the Merits	2	1											3
	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	1												1
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
Port Authority	Total Dismissed	3	1	-	-	-	-	-	-	-	-	-	-	4
Grand Total		265	342	-	-	-	-	-	-	-	-	-	-	607



AGENCY	Dismissals	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Мау	Jun	Grand Total
DOHMH*	Dismissed No Violation/On the Merits	264	428											692
	Dismissed No Jurisdiction	1												1
	Dismissed Defective Service	20	11											31
	Dismissed Defective Summons/charge (defective on its face)	13	15											28
	Dismissed - Failure to Prosecute	1												1
	Dismissed - Successfully Disputed Ownership	9	13											22
	Dismissed - Wrong Party Named	22	15											37
	Dismissed - No Prima Facie Case	100	117											217
	Withdrawn prior to hearing	5	5											10
	Dismissed - Administrative Dismissal													-
	Grand Total	435	604	-	-	-	-	-	-	-	-	-	-	1,039

FY 22 DCA Hearings

AGENCY	Dismissals	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Мау	Jun	Grand Total
DCA*	Dismissed No Violation/On the Merits	16	11											27
	Dismissed No Jurisdiction													-
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)													-
	Dismissed - Failure to Prosecute		3											3
	Dismissed - Successfully Disputed Ownership		1											1
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	1												1
	Withdrawn prior to hearing	6	20											26
	Dismissed - Administrative Dismissal													-
	Grand Total	23	35	-	-	-	-	-	-	-	-	-	-	58

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	26												4
		DEFECTIVE NOV	24	20											4
		DEFECTIVE SERVICE	155	116											27
		DISPUTED OWNERSHIP	26	17											4
		IMPROPER PARTY CITED	104	72											17
		NO ECB JURISDICTION	4	3											
		NO VIOL. DISMISS ON MERITS	809	682											149
		PROSECUTION WITHDRAWN	135	85											22
		UNA SSIGNED REASON													
		WORK DONE BY PREV. OWNER													
		DATA CORRECTION													
		FAILURE TO PROSECUTE	17	4											2
		NO PRIMA FACIA CASE	49	60											10
		WITHDRAWAL AFTER ADJUDICATE							1						
		INTEREST OF JUSTICE							1						
	DOB-DEPT OF BUILDINGS Total		1349	1074											242
	810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB													
		IMPROPER PARTY CITED		1					1						
		DEFECTIVE NOV	5	1											
		DEFECTIVE SERVICE	5	_				<u> </u>			<u> </u>				
		NO PRIMA FACIA CASE	1	2							i			1	
		NO VIOL. DISMISS ON MERITS	6			<u> </u>	<u> </u>	<u> </u>		<u> </u>		1			2
		PROSECUTION WITHDRAWN	Ť			<u> </u>	<u> </u>	<u> </u>		<u> </u>		<u> </u>		1	`
	810-DEPT OF BUILDINGS 810 Total		17	27											4
BUILDINGS(DOB) Total				1101											246
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - WC	ADMIN. DISMISSAL ECB													2.10
		DEFECTIVE NOV									<u> </u>				
		DEFECTIVE SERVICE		1											
		DISPUTED OWNERSHIP		· ·											
		IMPROPER PARTY CITED													
		NO VIOL. DISMISS ON MERITS	1								<u> </u>				
		PROSECUTION WITHDRAWN	<u> </u>												
		DATA CORRECTION													
		NO PRIMA FACIA CASE	1												
	824-DEP - IWC Total	NOT NIW (TROUT OF COL	2												
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB	4												1
		DEFECTIVE NOV													
		DEFECTIVE SERVICE		1											
		DISPUTED OWNERSHIP													
		IMPROPER PARTY CITED													
		FAILURE TO PROSECUTE													
		NO VIOL. DISMISS ON MERITS	-	2											1
		PROSECUTION WITHDRAWN	9	2											I
		WORK DONE BY PREV. OWNER NO PRIMA FACIA CASE													
	825-DEP - BUREAU OF CUST SRV Total	NO FRIMA FACIA CASE	13	14											2
	825-DEP - BUREAU OF CUST SKV Total 826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB	13	14											
	820-DEF - BOREAU OF ENV. COMP	DEFECTIVE SERVICE													
		DISPUTED OWNERSHIP	\vdash			-	-			-					
		IMPROPER PARTY CITED	\vdash												
			\vdash				-			-					
		NO VIOL. DISMISS ON MERITS PROSECUTION WITHDRAWN	\vdash			-	-	-		-	-	-		-	
		NO PRIMA FACIA CASE													
	826-DEP - BUREAU OF ENV. COMP Total	THUR TAUK UNDE													
	989-DEP POLICE	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV	\vdash			-	-	-		-	-	-		-	
		NO VIOL. DISMISS ON MERITS	+			-									
		NO PRIMA FACIA CASE	+			-									
	989-DEP POLICE Total														
	ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB	\vdash												
		DEFECTIVE NOV													
		DEFECTIVE SERVICE													
		DISPUTED OWNERSHIP	\vdash					-			<u> </u>	-		<u> </u>	
		IMPROPER PARTY CITED		2		L	L	L							
		FAILURE TO PROSECUTE	6	1											
		NO VIOL. DISMISS ON MERITS	2	6											
		PROSECUTION WITHDRAWN	3												
		NO ECB JURISDICTION													
		NO PRIMA FACIA CASE	2												

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	813-VECTOR DOHMH	ADMIN. DISMISSAL ECB									
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	814-BED BUGS DOHMH Total										
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	815-PCS DOHMH	ADMIN. DISMISSAL ECB	4								 5
		DEFECTIVE NOV	12	14		1					26
		DEFECTIVE SERVICE	13	1							14
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		DISPUTED OWNERSHIP	7	12		 					19
		IMPROPER PARTY CITED	12	12							24
		NO ECB JURISDICTION	1								1
		NO VIOL. DISMISS ON MERITS	153	199		 -					352
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		PROSECUTION WITHDRAWN	8	10							18
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	815-PCS DOHMH Total		306	350							656
	818-COOLING TWRDOHMH	ADMIN. DISMISSAL ECB									
		DEFECTIVE NOV	1								 1
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	818-COOLING TWRDOHMH Total		103	38							141
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	811-WATER TANK DOHMH 811-WATER TANK DOHMH Total LPC-LANDMARK PRESERVATION LPC-LANDMARK PRESERVATION Total	MPROPER PARTY CITED NO PRIMA FACIA CASE NO VIOL. DISMISS ON MERITS DEFECTIVE NOV IMPROPER PARTY CITED NO ECB JURISDICTION NO PRIMA FACIA CASE NO VIOL. DISMISS ON MERITS DISPUTED OWNERSHIP PROSECUTION WITHDRAWN DEFECTIVE NOV PROSECUTION WITHDRAWN	1	1 2 2 2 4							1 19 19 1 2 22

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MARKET CASES(BIC)	850-BIC	ADMIN. DISMISSAL ECB			 				 		
		DEFECTIVE NOV			 				 		
		DEFECTIVE SERVICE	1	2							3
		DISPUTED OWNERSHIP							 		
		IMPROPER PARTY CITED									
		NO VIOL. DISMISS ON MERITS									
		PROSECUTION WITHDRAWN									
		FAILURE TO PROSECUTE									
		NO PRIMA FACIA CASE									
	850-BIC Total		1	2							3
MARKET CASES(BIC) Total	000 510 1010		1	2							3
PARKS(DPR)	846-DEPT OF PARKS	ADMIN. DISMISSAL ECB		-							0
PARKO(DEK)	040-DE-T OF FARRS	DEFECTIVE NOV	2	1	 				 		4
			3	1	 				 		4
		DEFECTIVE SERVICE			 				 		
		DISPUTED OWNERSHIP			 				 	_	
		IMPROPER PARTY CITED			 				 	_	
		NO ECB JURISDICTION									
		NO VIOL. DISMISS ON MERITS	4	8							12
		WITHDRAWAL AFTER ADJUDICATE									
		FAILURE TO PROSECUTE									
		NO PRIMA FACIA CASE	11	3							14
	846-DEPT OF PARKS Total		18								30
PARKS(DPR) Total			18								30
	055-NYPD TRANSPORT INTELL DN	ADMIN. DISMISSAL ECB	10	12							
POLICE	USS-INTED INANOPURT INTELL DIV				 _	-		\vdash	 	+	
		DEFECTIVE NOV	1		 				 		1
		DEFECTIVE SERVICE		1	 				 	_	1
		DISPUTED OWNERSHIP							 		
		IMPROPER PARTY CITED	2								2
		NO ECB JURISDICTION									
		FAILURE TO PROSECUTE									
		NO VIOL. DISMISS ON MERITS	57	47	 _				 		104
		PROSECUTION WITHDRAWN	0.		 _						
		UNASSIGNED REASON			 				 		
				1	 				 		
		NO PRIMA FACIA CASE	7	1	 				 	_	8
		WITHDRAWAL AFTER ADJUDICATE			 	_					
		INTEREST OF JUSTICE									
	055-NYPD TRANSPORT INTELL DIV Total		67	49							116
	056-POLICE DEPT	ADMIN. DISMISSAL ECB	5	9							14
		DEFECTIVE NOV	42								110
		DEFECTIVE SERVICE	286								660
		DISPUTED OWNERSHIP	200	0.1	 _						
		IMPROPER PARTY CITED			 _				 		
			1		 				 		1
		NO ECB JURISDICTION	4						 		6
		NO VIOL. DISMISS ON MERITS	26	27							53
		PROSECUTION WITHDRAWN									
		UNASSIGNED REASON		2							2
		WORK DONE BY PREV. OWNER									
		DATA CORRECTION									
		FAILURE TO PROSECUTE									
		NO PRIMA FACIA CASE	21	28		1					49
		INTEREST OF JUSTICE			 _						40
	056-POLICE DEPT Total		205	E10							005
			385	510							895
	985-SEAGATE POLICE	ADMIN. DISMISSAL ECB			 				 		
		DEFECTIVE NOV			 	_			 	_	
		DEFECTIVE SERVICE	7								7
		NO ECB JURISDICTION									
		NO VIOL. DISMISS ON MERITS									
		NO PRIMA FACIA CASE									
	985-SEAGATE POLICE Total		7								7
		DEFECTIVE SERVICE									
					 			\vdash	 		4
	002-OFF OF SPECIAL ENFORCMINT	A DMINE DISMISSAL FOR		1			1			1	1
	002-OFF OF SPECIAL ENFORCMNT	ADMIN. DISMISSAL ECB			 	_			 		
	002-OFF OF SPECIAL ENFORCIMNT	DEFECTIVE NOV									
	002-OFF OF SPECIAL ENFORCIMNT										
	002-OFF OF SPECIAL ENFORCMNT	DEFECTIVE NOV	1	4							5
	002-OFF OF SPECIAL ENFORCMNT	DEFECTIVE NOV MPROPER PARTY CITED	1	4							5
	002-OFF OF SPECIAL ENFORCMNT	DEFECTIVE NOV IMPROPER PARTY CITED NO VIOL. DISMISS ON MERITS PROSECUTION WITHDRAWN	1	4							5
		DEFECTIVE NOV IMPROPER PARTY CITED NO VIOL. DISMISS ON MERITS	1								5
POLICE Total	002-OFF OF SPECIAL ENFORCMNT	DEFECTIVE NOV IMPROPER PARTY CITED NO VIOL. DISMISS ON MERITS PROSECUTION WITHDRAWN	1	5							10

PUBLIC TELEPHONE(DOITT)	858-DOITT	ADMIN. DISMISSAL ECB						
, , , , , , , , , , , , , , , , , , ,		DEFECTIVE NOV						
		DEFECTIVE SERVICE						
		DISPUTED OWNERSHIP						
		NO ECB JURISDICTION						
		NO VIOL. DISMISS ON MERITS	2					 2
		FAILURE TO PROSECUTE						
		NO PRIMA FACIA CASE						
	858-DOITT Total		2					2
PUBLIC TELEPHONE(DOITT) Total			2					2
SANITATION(DSNY)	827-DOS - ENFORCEMENT AGENTS	ADMIN. DISMISSAL ECB						-
		DEFECTIVE NOV	4	2				 6
		DEFECTIVE SERVICE	3	6				 9
		DISPUTED OWNERSHIP	61	219	 			 280
		IMPROPER PARTY CITED	86	39			 	 125
		NO ECB JURISDICTION	00	- 55				 120
		NO VIOL. DISMISS ON MERITS	327	329	 			 656
		PROSECUTION WITHDRAWN	23	2	 		 	 25
		UNASSIGNED REASON	23	2	 		 	 20
		FAILURE TO PROSECUTE			 		 	
		NO PRIMA FACIA CASE	4	10	 			 14
		WITHDRAWAL AFTER ADJUDICATE						
		INTEREST OF JUSTICE						
	827-DOS - ENFORCEMENT AGENTS Total		508	607				1115
	828-SANITATION POLICE	ADMIN. DISMISSAL ECB						
		DEFECTIVE NOV						
		DEFECTIVE SERVICE		1				1
		DISPUTED OWNERSHIP	6	5				11
		IMPROPER PARTY CITED	6	4				10
		NO ECB JURISDICTION						
		NO VIOL. DISMISS ON MERITS	13	9				22
		PROSECUTION WITHDRAWN	13					13
		DATA CORRECTION						
		FAILURE TO PROSECUTE						
		WITHDRAWAL AFTER ADJUDICATE						
		NO PRIMA FACIA CASE	1	1				2
	828-SANITATION POLICE Total		39	20				59
	829-SANITATION OTHERS	ADMIN. DISMISSAL ECB	1	1				2
		DEFECTIVE NOV	30	14				 44
		DEFECTIVE SERVICE	33	24				57
		DISPUTED OWNERSHIP	144	138				282
		IMPROPER PARTY CITED	52	66				118
		NO ECB JURISDICTION	1	2				 3
		NO VIOL. DISMISS ON MERITS	1273	1263				 2536
		PROSECUTION WITHDRAWN	13	4				 17
		DATA CORRECTION	10				 	
		UNASSIGNED REASON						
		FAILURE TO PROSECUTE				+ +	 +	
		NO PRIMA FACIA CASE	48	32				 80
		INTEREST OF JUSTICE		52				
	829-SANITATION OTHERS Total		150F	1544				3139
	830-SANITATION PIU	ADMIN. DISMISSAL ECB	1393	1344				5139
		DEFECTIVE NOV					 	
		DEFECTIVE NOV DEFECTIVE SERVICE					 	
		DISPUTED OWNERSHIP					 	
		PROSECUTION WITHDRAWN			 		 	
		NO VIOL. DISMISS ON MERITS					 	
		FAILURE TO PROSECUTE	1					 1
		NO PRIMA FACIA CASE						
	830-SANITATION PIU Total		1					

B31-SANTATION PLUTotai ADMIN DEMISSAL ECB I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I
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