



Dismissal Report

November 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

December 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 November, 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 19 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	361	391	293	311	308								1,664
	Dismissed No Jurisdiction		3	2	1	1								7
	Dismissed Defective Service					1								1
	Dismissed Defective Summons/charge (defective on its face)	12	8	6	7	5								38
	Dismissed - Failure to Prosecute	10	16	11	17	27								81
	Dismissed - Successfully Disputed Ownership		1											1
	Dismissed - Wrong Party Named		5		6									11
	Dismissed - No Prima Facie Case	31	31	19	27	7								115
	Withdrawal	19	39	24	28	64								174
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
TLC	Total Dismissed	433	494	355	397	413	-	-	-	-	-	-	-	2,092
NYPD	Dismissed No Violation/On the Merits	11	19	10	38	29								107
	Dismissed No Jurisdiction		1											1
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)	21	17	14	15	13								80
	Dismissed - Failure to Prosecute				1									1
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	7	6	3	9	3								28
	Withdrawal													-
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
NYPD	Total Dismissed	39	43	27	63	45	-	-	-	-	-	-	-	217
Port Authority	Dismissed No Violation/On the Merits	3	1	6	6	6								22
	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		4	1	2	2								9
	Withdrawal													-
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
Port Authority	Total Dismissed	3	5	7	8	8	-	-	-	-	-	-	-	31
Grand Total		475	542	389	468	466	-	-	-	-	-	-	-	2,340

*by charge

FY 19 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	2,748	2,747	2,550	3,057	2,591								13,693
	Dismissed No Jurisdiction	15	3	6	24	3								51
	Dismissed Defective Service	15	37	10	25	33								120
	Dismissed Defective Summons/charge (defective on its face)	13	28	28	24	24								117
	Dismissed - Failure to Prosecute	11	-	1	2	8								22
	Dismissed - Successfully Disputed Ownership	1	5	-	-	-								6
	Dismissed - Wrong Party Named	10	11	17	13	4								55
	Dismissed - No Prima Facie Case	216	256	148	205	212								1,037
	Withdrawal	4	7	9	1	3								24
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
	Grand Total	3,033	3,094	2,769	3,351	2,878	-	-	-	-	-	-	-	15,125

*by charge

FY 19 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	24	39	39	33	20								155
	Dismissed No Jurisdiction	-	1	1	-	-								2
	Dismissed Defective Service	-	4	2	1	-								7
	Dismissed Defective Summons/charge (defective on its face)	1	1	3	9	-								14
	Dismissed - Failure to Prosecute	-	-	2	7	-								9
	Dismissed - Successfully Disputed Ownership	-	-	-	-	-								-
	Dismissed - Wrong Party Named	1	-	6	-	-								7
	Dismissed - No Prima Facie Case	-	-	-	1	1								2
	Withdrawal	19	28	21	39	11								118
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
	Grand Total	45	73	74	90	32	-	-	-	-	-	-	-	314

*by charge

FY 19 ECB Hearings

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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		6	4		8								18
		DEFECTIVE NOV	29	41	33	41	56								200
		DEFECTIVE SERVICE	73	92	61	121	118								465
		DISPUTED OWNERSHIP	42	45	37	42	32								198
		IMPROPER PARTY CITED	85	102	70	96	91								444
		NO ECB JURISDICTION	2	1		2									5
		NO V.IOL. DISMISS ON MERITS	616	644	506	677	664								3107
		PROSECUTION WITHDRAWN	130	151	239	120	163								803
		UNASSIGNED REASON	2		9	4	2								17
		WORK DONE BY PREV. OWNER	54	51	40	45	37								227
		DATA CORRECTION	2	11	8	18	19								58
		FAILURE TO PROSECUTE	2	3	3	4	8								20
		NO PRIMA FACIA CASE	29	66	30	58	77								260
		WITHDRAWAL AFTER ADJUDICATE	5	10	7	8	5								35
		INTEREST OF JUSTICE		1											1
	DOB-DEPT OF BUILDINGS Total		1071	1224	1047	1236	1280								5858
	810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB				1	1								2
		IMPROPER PARTY CITED													
		DEFECTIVE NOV													
		DEFECTIVE SERVICE													
		NO V.IOL. DISMISS ON MERITS		2		2									4
	810-DEPT OF BUILDINGS 810 Total	NO PRIMA FACIA CASE		1	1										2
				3	1	3	1								8
BUILDINGS(DOB) Total		1071	1227	1048	1239	1281								5866	
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB	1											1	
		DEFECTIVE NOV		1	4	8	2								15
		DEFECTIVE SERVICE	2			1									3
		DISPUTED OWNERSHIP													
		NO V.IOL. DISMISS ON MERITS	1	2		1									4
		PROSECUTION WITHDRAWN	4	2	12	1	5								24
			8	5	16	11	7								47
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB	30	5	4	23	15								77
		DEFECTIVE NOV		1											1
		DEFECTIVE SERVICE	5	3	1	1	2								12
		DISPUTED OWNERSHIP	1		2	1									4
		IMPROPER PARTY CITED			2	2	1								5
		FAILURE TO PROSECUTE					1								1
		NO V.IOL. DISMISS ON MERITS	4	8	2	5	8								27
		PROSECUTION WITHDRAWN			1		1								2
		WORK DONE BY PREV. OWNER					1								1
		NO PRIMA FACIA CASE	2	2		2	1								7
	825-DEP - BUREAU OF CUST SRV Total		42	19	12	34	30								137
	826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB			1										1
		DEFECTIVE NOV													
		DEFECTIVE SERVICE			2	1									3
		DISPUTED OWNERSHIP													
		IMPROPER PARTY CITED	1												1
		NO V.IOL. DISMISS ON MERITS	1	1	1										3
		PROSECUTION WITHDRAWN	2												2
		NO PRIMA FACIA CASE													
	826-DEP - BUREAU OF ENV. COMP Total		4	3	3										10
	989-DEP POLICE	ADMIN. DISMISSAL ECB													
		DEFECTIVE NOV					1								1
		DEFECTIVE SERVICE													
		DISPUTED OWNERSHIP													
		NO V.IOL. DISMISS ON MERITS				1									1
	989-DEP POLICE Total					1	1								2
	999-MISCELLANEOUS AGENCIES	DEFECTIVE SERVICE													
ADMIN. DISMISSAL ECB															
PROSECUTION WITHDRAWN															
DEFECTIVE NOV															
IMPROPER PARTY CITED															
DISPUTED OWNERSHIP															
999-MISCELLANEOUS AGENCIES Total															
ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB	1												1	
	DEFECTIVE NOV			2	1		1							4	
	DEFECTIVE SERVICE														
	DISPUTED OWNERSHIP					1								1	
	IMPROPER PARTY CITED	2				1								3	
	NO ECB JURISDICTION														
	NO V.IOL. DISMISS ON MERITS	4	14	8	7	7								40	
	PROSECUTION WITHDRAWN	5	7	8	6	6								32	
	DATA CORRECTION														
	NO PRIMA FACIA CASE		2											2	
	ASB-ASBESTOS CONTROL PROGRAM Total		12	25	17	15	14								

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FY 19 ECB Hearings

MARKET CASES(BIC)	850-BIC	ADMIN. DISMISSAL ECB					1	1									1		
		DEFECTIVE SERVICE					1										1		
		IMPROPER PARTY CITED																	
		NO VIOL. DISMISS ON MERITS																	
		PROSECUTION WITHDRAWN																	
		NO PRIMA FACIA CASE																	
		850-BIC Total						1	1									2	
		MARKET CASES(BIC) Total																	2
		PARKS(DPR)	846-DEPT OF PARKS	ADMIN. DISMISSAL ECB		3		2											5
				DEFECTIVE NOV	12	13	8		11	23									67
DEFECTIVE SERVICE	9			11	14		8	10									52		
DISPUTED OWNERSHIP																			
IMPROPER PARTY CITED	1			1			1										3		
NO ECB JURISDICTION																			
NO VIOL. DISMISS ON MERITS	71			80	57		61	65									334		
PROSECUTION WITHDRAWN																			
NO PRIMA FACIA CASE	20			40	25		22	26									133		
846-DEPT OF PARKS Total	113			148	104	104	125											594	
PARKS(DPR) Total																	594		
POLICE	055-NY PD TRANSPORT INTELL DIV	ADMIN. DISMISSAL ECB				5											5		
		DEFECTIVE NOV	15	6	14		3	4									42		
		DEFECTIVE SERVICE	14	1	1		1										17		
		DISPUTED OWNERSHIP																	
		IMPROPER PARTY CITED	10	4	1		3										18		
		NO ECB JURISDICTION																	
		NO VIOL. DISMISS ON MERITS	53	48	43		50	41									235		
		PROSECUTION WITHDRAWN																	
		NO PRIMA FACIA CASE	4	4	10		5	9									32		
		WITHDRAWAL AFTER ADJUDICATE	1														1		
	INTEREST OF JUSTICE																		
	055-NY PD TRANSPORT INTELL DIV Total																	350	
	056-POLICE DEPT	ADMIN. DISMISSAL ECB	339	358	324		297	166										1484	
		DEFECTIVE NOV	373	365	422		389	312										1861	
		DEFECTIVE SERVICE	1063	1549	1880		2256	1612										8360	
		DISPUTED OWNERSHIP																	
		IMPROPER PARTY CITED	4	4	5		1	6										20	
		NO ECB JURISDICTION	7	15	19		13	25										79	
		NO VIOL. DISMISS ON MERITS	193	222	245		259	159										1078	
		PROSECUTION WITHDRAWN	6				1	4										11	
		UNASSIGNED REASON	1	1	2		2	1										7	
		WORK DONE BY PREV. OWNER																	
		DATA CORRECTION																	
		FAILURE TO PROSECUTE	3				2	4										9	
		NO PRIMA FACIA CASE	123	149	138		139	119										668	
		INTEREST OF JUSTICE																	
	056-POLICE DEPT Total																	13577	
	985-SEAGATE POLICE	ADMIN. DISMISSAL ECB																	
		DEFECTIVE NOV																	
		DEFECTIVE SERVICE		4	10		3											17	
		DISPUTED OWNERSHIP																	
		NO ECB JURISDICTION		1														1	
		NO VIOL. DISMISS ON MERITS					2	1										3	
	985-SEAGATE POLICE Total																	21	
	002-MAYORS OFF OF MIDTOWN ENF	DEFECTIVE SERVICE	1	1	1													3	
		DEFECTIVE NOV		1															
		IMPROPER PARTY CITED	1															1	
		NO VIOL. DISMISS ON MERITS	1	19	12		5	4											
		PROSECUTION WITHDRAWN	4	2														6	
		NO PRIMA FACIA CASE	1				8	1										10	
002-MAYORS OFF OF MIDTOWN ENF Total		8	23	13		13	5										62		
POLICE Total																	14010		

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