



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Dismissal Report December 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

January 20th, 2022

- **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 December 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 22 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	165	154	148	119	145	134							865
	Dismissed No Jurisdiction	1			1	1								3
	Dismissed Defective Service	5		1		1								7
	Dismissed Defective Summons/charge (defective on its face)	22	59	32	3	15	21							152
	Dismissed - Failure to Prosecute	2	1	4	4	1	5							17
	Dismissed - Successfully Disputed Ownership					1								1
	Dismissed - Wrong Party Named		1			1								2
	Dismissed - No Prima Facie Case	37	99	30	15	19	15							215
	Withdrawal	16	9	4	11	6	9							55
	Dismissed - Administrative Dismissal													-
TLC	Total Dismissed	248	323	219	153	190	184	-	-	-	-	-	-	1,317
NYPD	Dismissed No Violation/On the Merits	2	2	2	5	4	2							17
	Dismissed No Jurisdiction						1							1
	Dismissed Defective Service					3	1							4
	Dismissed Defective Summons/charge (defective on its face)	10	10	12	18	27	23							100
	Dismissed - Failure to Prosecute													-
	Dismissed - Successfully Disputed Ownership						1							1
	Dismissed - Wrong Party Named		1				1							2
	Dismissed - No Prima Facie Case	2	5	1	1		2							11
	Withdrawal					1								1
	Dismissed - Administrative Dismissal													-
NYPD	Total Dismissed	14	18	15	24	35	31	-	-	-	-	-	-	137
Port Authority	Dismissed No Violation/On the Merits	2	1	1										4
	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		4										5
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
Port Authority	Total Dismissed	3	1	5	-	-	-	-	-	-	-	-	-	9
Grand Total		265	342	239	177	225	215	-	-	-	-	-	-	1,463

*by charge



FY 22 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	264	428	557	665	761	905							3,580
	Dismissed No Jurisdiction	1			8		1							10
	Dismissed Defective Service	20	11	20	40	31	17							139
	Dismissed Defective Summons/charge (defective on its face)	13	15	15	30	27	26							126
	Dismissed - Failure to Prosecute	1			1	2								4
	Dismissed - Successfully Disputed Ownership	9	13	28	23	17	13							103
	Dismissed - Wrong Party Named	22	15	20	22	19	13							111
	Dismissed - No Prima Facie Case	100	117	99	140	144	202							802
	Withdrawn prior to hearing	5	5	1	2	1	4							18
	Dismissed - Administrative Dismissal													-
	Grand Total	435	604	740	931	1,002	1,181	-	-	-	-	-	-	4,893

*by charge

FY 22 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	16	11	40	7	32	13							119
	Dismissed No Jurisdiction			2										2
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)				2									2
	Dismissed - Failure to Prosecute		3		4									7
	Dismissed - Successfully Disputed Ownership		1											1
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	1		2		1								4
	Withdrawn prior to hearing	6	20	35	21	14	20							116
	Dismissed - Administrative Dismissal													-
	Grand Total	23	35	79	34	47	33	-	-	-	-	-	-	251

*by charge

FY 22 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	26	15	12	32	37	38							160	
		DEFECTIVE NOV	24	20	9	17	20	26							116	
		DEFECTIVE SERVICE	155	116	98	109	101	90							669	
		DISPUTED OWNERSHIP	26	17	15	16	20	26							120	
		IMPROPER PARTY CITED	104	72	59	83	63	86							467	
		NO ECB JURISDICTION	4	3	3	2	3	6							21	
		NO VIOL. DISMISS ON MERITS	809	682	581	641	703	666							4082	
		PROSECUTION WITHDRAWN	135	85	152	75	66	123							636	
		UNASSIGNED REASON				1	2								3	
		WORK DONE BY PREV. OWNER														
		DATA CORRECTION														
		FAILURE TO PROSECUTE	17	4	16	16	10	7							70	
		NO PRIMA FACIA CASE	49	60	40	41	66	53							309	
		WITHDRAWAL AFTER ADJUDICATE					1								1	
		INTEREST OF JUSTICE														
	DOB-DEPT OF BUILDINGS Total		1349	1074	986	1035	1089	1121							6654	
	810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB				1	2								3	
		IMPROPER PARTY CITED			1	1									2	
		DEFECTIVE NOV	5	1	7	2		3							18	
		DEFECTIVE SERVICE	5				3	3	2						13	
		NO PRIMA FACIA CASE	1	2	3	1	2	2							11	
		FAILURE TO PROSECUTE					1								1	
		NO VIOL. DISMISS ON MERITS	6	23	22	13	12	14							90	
		PROSECUTION WITHDRAWN														
810-DEPT OF BUILDINGS 810 Total		17	27	34	22	17	21							138		
BUILDINGS(DOB) Total		1366	1101	1020	1057	1106	1142							6792		
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB					1							1		
		DEFECTIVE NOV														
		DEFECTIVE SERVICE			1	1									2	
		DISPUTED OWNERSHIP														
		IMPROPER PARTY CITED														
		NO VIOL. DISMISS ON MERITS	1			1									2	
		PROSECUTION WITHDRAWN				1	3		6						10	
		FAILURE TO PROSECUTE					1		1						2	
		NO PRIMA FACIA CASE	1				1								2	
		824-DEP - IWC Total		2	1	3	5	1	7							19
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB	4	11	13	6	5								39	
		DEFECTIVE NOV														
		DEFECTIVE SERVICE			1			11	3						15	
		DISPUTED OWNERSHIP							1						1	
		IMPROPER PARTY CITED				1		1							2	
		FAILURE TO PROSECUTE														
		NO VIOL. DISMISS ON MERITS	9	2		5	1								17	
		PROSECUTION WITHDRAWN														
		WORK DONE BY PREV. OWNER														
	NO PRIMA FACIA CASE															
	825-DEP - BUREAU OF CUST SRV Total		13	14	14	11	18	4							74	
	826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB														
		DEFECTIVE SERVICE														
		DISPUTED OWNERSHIP														
		IMPROPER PARTY CITED														
NO VIOL. DISMISS ON MERITS																
PROSECUTION WITHDRAWN																
NO PRIMA FACIA CASE																
826-DEP - BUREAU OF ENV. COMP Total																
989-DEP POLICE		ADMIN. DISMISSAL ECB														
	DEFECTIVE NOV							1						1		
	NO VIOL. DISMISS ON MERITS															
	NO PRIMA FACIA CASE															
989-DEP POLICE Total								1						1		
ASB-ASBESTOS CONTROL PROGRAM		ADMIN. DISMISSAL ECB				1								1		
		DEFECTIVE NOV						1						1		
		DEFECTIVE SERVICE														
		DISPUTED OWNERSHIP														
		IMPROPER PARTY CITED			2									2		
		FAILURE TO PROSECUTE	6	1	1	4	2							14		
		NO VIOL. DISMISS ON MERITS	2	6	9	5	16	13						51		
		PROSECUTION WITHDRAWN	3		2		2	1						8		
		NO ECB JURISDICTION														
		NO PRIMA FACIA CASE	2					1						3		
		ASB-ASBESTOS CONTROL PROGRAM Total		13	9	13	9	20	16							80

FY 22 ECB Hearings

	BAR-DEP BUREAU OF ENV. COMPL.	ADMIN. DISMISSAL ECB		17	3	8	21	11								60
		UNASSIGNED REASON	1	1												2
		DEFECTIVE NOV	5	3				1	4							13
		DEFECTIVE SERVICE	3	5	8	7	2	4								29
		DISPUTED OWNERSHIP	2	2												4
		IMPROPER PARTY CITED	24	32	27	26	33	30								172
		NO ECB JURISDICTION					1									1
		NO VIOL. DISMISS ON MERITS	68	80	50	80	69	55								402
		PROSECUTION WITHDRAWN	3	2		2										7
		FAILURE TO PROSECUTE	12	15	7	28	35	11								108
			6	11	6	12	12							47		
BAR-DEP BUREAU OF ENV. COMPL. Total		118	163	106	157	174	127								845	
803-DEP RIGHT TO KNOW	ADMIN. DISMISSAL ECB															
	DEFECTIVE NOV															
	DEFECTIVE SERVICE															
	DISPUTED OWNERSHIP															
	INTEREST OF JUSTICE															
	IMPROPER PARTY CITED					1									1	
	NO ECB JURISDICTION															
	NO VIOL. DISMISS ON MERITS	1													1	
	NO PRIMA FACIA CASE						1								1	
	PROSECUTION WITHDRAWN															
803-RIGHT TO KNOW Total		1				1	1								3	
822-DEP - BWSO	ADMIN. DISMISSAL ECB	1	3	1	4		2								11	
	DEFECTIVE NOV	1	3	5											9	
	DEFECTIVE SERVICE	3		4		1	3								11	
	DISPUTED OWNERSHIP	1													1	
	IMPROPER PARTY CITED					4									4	
	NO ECB JURISDICTION															
	NO VIOL. DISMISS ON MERITS	14	22	11	3	11	2								63	
	PROSECUTION WITHDRAWN	5		2		2	1								10	
	FAILURE TO PROSECUTE	24	11	4	3	7	1								50	
	NO PRIMA FACIA CASE			1											1	
822-DEP - BWSO Total		49	39	28	10	25	9								160	
ENVIRONMENTAL PROTECTION (DEP) Total		196	226	164	192	239	165								1182	
FIRE (FDNY)	FIR-FIRE DEPARTMENT NYC	ADMIN. DISMISSAL ECB	82	109	51	74	73	88								477
		DEFECTIVE NOV	6	4	1	4	2	2								19
		DEFECTIVE SERVICE	5	16	4	13	19	43								100
		DISPUTED OWNERSHIP	4	4	10	4	5	5								32
		IMPROPER PARTY CITED	10	12	11	9	17	18								77
		NO ECB JURISDICTION	9	8	1	5	3	1								27
		NO VIOL. DISMISS ON MERITS	33	37	33	34	29	40								206
		PROSECUTION WITHDRAWN	5	10	3	6	5	4								33
		UNASSIGNED REASON	1			1										2
		FAILURE TO PROSECUTE	31	50	34	23	34	22								194
		NO PRIMA FACIA CASE	15	10	7	8	9	11								60
		WITHDRAWAL AFTER ADJUDICATE														
	FIR-FIRE DEPARTMENT NYC Total		201	260	155	181	196	234								1227
	823-FIRE DEPARTMENT 823															
	823-FIRE DEPARTMENT 823 Total															
FIRE (FDNY) Total		201	260	155	181	196	234								1227	
HEALTH (DOHMH)	816-DOHMENTAL HEALTH	ADMIN. DISMISSAL ECB			4	6										10
		DEFECTIVE NOV			1	4	1	4								10
		DEFECTIVE SERVICE				2										2
		DISPUTED OWNERSHIP														
		IMPROPER PARTY CITED		3	9	5		1								18
		NO ECB JURISDICTION														
		NO VIOL. DISMISS ON MERITS	12	14	17	14	15	11								83
		PROSECUTION WITHDRAWN	1		1		4									6
		UNASSIGNED REASON														
		FAILURE TO PROSECUTE	1													1
		NO PRIMA FACIA CASE	2	1	2	3	2	4								14
		WITHDRAWAL AFTER ADJUDICATE														
	INTEREST OF JUSTICE															
	816-DOHMENTAL HEALTH Total		16	18	34	34	22	20								144
	812-VETERINARY DOHMH	DEFECTIVE NOV														
ADMIN. DISMISSAL ECB																
DEFECTIVE SERVICE																
DISPUTED OWNERSHIP																
IMPROPER PARTY CITED																
WITHDRAWAL AFTER ADJUDICATE																
NO VIOL. DISMISS ON MERITS																
PROSECUTION WITHDRAWN																
812-VETERINARY DOHMH Total																

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