



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Dismissal Report February 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

March 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 February, 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 21 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	35	50	139	171	147	177	209	185					1,113
	Dismissed No Jurisdiction			1	6	17	3	4	1					32
	Dismissed Defective Service		1	1	2	3	51	1	4					63
	Dismissed Defective Summons/charge (defective on its face)	30	29	28	73	151	800	355	59					1,525
	Dismissed - Failure to Prosecute			1	6	12	6	8	12					45
	Dismissed - Successfully Disputed Ownership		1	1			2	1						5
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	6	12	33	45	51	120	38	40					345
	Withdrawal			6	10	17	17	56	29					135
	Dismissed - Administrative Dismissal													-
TLC	Total Dismissed	71	93	210	313	398	1,176	672	330	-	-	-	-	3,263
NYPD	Dismissed No Violation/On the Merits		1	2	4		3	3	6					19
	Dismissed No Jurisdiction													-
	Dismissed Defective Service			1										1
	Dismissed Defective Summons/charge (defective on its face)		7	4	1	1	6	8	5					32
	Dismissed - Failure to Prosecute													-
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case			1	1	1	3	1						7
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
NYPD	Total Dismissed	-	8	8	6	2	12	12	11	-	-	-	-	59
Port Authority	Dismissed No Violation/On the Merits								1					1
	Dismissed No Jurisdiction								7					7
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)		1											1
	Dismissed - Failure to Prosecute													-
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case													-
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
Port Authority	Total Dismissed	-	1	-	-	-	-	-	8	-	-	-	-	9
Grand Total		71	102	218	319	400	1,188	684	349	-	-	-	-	3,331

*by charge



FY 21 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	255	354	382	473	433	537	564	393					3,391
	Dismissed No Jurisdiction	5			3	1	1							10
	Dismissed Defective Service	14	17	26	48	15	19	21	9					169
	Dismissed Defective Summons/charge (defective on its face)		5	8	9	27	22	18	8					97
	Dismissed - Failure to Prosecute		1		1	5	1		1					9
	Dismissed - Successfully Disputed Ownership	1	6	1	6	7	3	7	4					35
	Dismissed - Wrong Party Named	4	3	11	8	6	2	12	12					58
	Dismissed - No Prima Facie Case	23	18	34	57	42	61	69	40					344
	Withdrawal	2			1									3
	Dismissed - Administrative Dismissal													-
	Grand Total	304	404	462	606	536	646	691	467	-	-	-	-	4,116

*by charge

FY 21 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	12	23	14	26	27	35	17	23					177
	Dismissed No Jurisdiction													-
	Dismissed Defective Service				5		1	8						14
	Dismissed Defective Summons/charge (defective on its face)				1	2	1	1	2					7
	Dismissed - Failure to Prosecute	4	3	1	3	4	2	3	2					22
	Dismissed - Successfully Disputed Ownership								1					1
	Dismissed - Wrong Party Named		1	1										2
	Dismissed - No Prima Facie Case	1		2	1	3	2	2						11
	Withdrawal	4	6	27	20	11	46	19	29					162
	Dismissed - Administrative Dismissal													-
	Grand Total	21	33	45	56	47	87	50	57	-	-	-	-	396

*by charge

FY 21 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	9	24	24	30	24	28	38	21					198	
		DEFECTIVE NOV	18	18	38	22	33	42	23	20					214	
		DEFECTIVE SERVICE	51	58	55	69	146	181	147	122					829	
		DISPUTED OWNERSHIP	36	35	26	18	26	20	19	26					206	
		IMPROPER PARTY CITED	50	47	55	63	62	104	78	102					561	
		NO ECB JURISDICTION	1	2		1	1	2	7	7					21	
		NO VIOL. DISMISS ON MERITS	344	422	400	458	686	875	778	991					4954	
		PROSECUTION WITHDRAWN	224	87	118	86	70	181	77	52					895	
		UNASSIGNED REASON					1	5							6	
		WORK DONE BY PREV. OWNER	1		1										2	
		DATA CORRECTION														
		FAILURE TO PROSECUTE	3	7	20	17	11	12	29	13					112	
		NO PRIMA FACIA CASE	25	34	45	44	62	62	53	66					391	
		WITHDRAWAL AFTER ADJUDICATE	43	1	1	4	1	3	2	1					56	
		INTEREST OF JUSTICE														
	DOB-DEPT OF BUILDINGS Total		805	735	783	812	1123	1515	1251	1421					8445	
	810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB	11							4	4					19
		IMPROPER PARTY CITED														
		DEFECTIVE NOV								2	3					5
		DEFECTIVE SERVICE														
		DISPUTED OWNERSHIP														
		NO VIOL. DISMISS ON MERITS						1		6						7
		PROSECUTION WITHDRAWN								1						1
	810-DEPT OF BUILDINGS 810 Total		11						1	6	14					32
BUILDINGS(DOB) Total			816	735	783	812	1123	1516	1257	1435					8477	
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB							1						1	
		DEFECTIVE NOV							1						1	
		DEFECTIVE SERVICE														
		DISPUTED OWNERSHIP														
		IMPROPER PARTY CITED							1						1	
		NO VIOL. DISMISS ON MERITS								1					1	
		PROSECUTION WITHDRAWN	3				1			1					5	
		DATA CORRECTION														
		NO PRIMA FACIA CASE														
	824-DEP - IWC Total		3				1		3	2					9	
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB		2	2		3	3		1					11	
		DEFECTIVE NOV			1										1	
		DEFECTIVE SERVICE				2									2	
		DISPUTED OWNERSHIP							1						1	
		IMPROPER PARTY CITED						1		1					2	
		FAILURE TO PROSECUTE														
		NO VIOL. DISMISS ON MERITS	1	1		2	2	1	4						11	
		PROSECUTION WITHDRAWN	1							1					2	
		WORK DONE BY PREV. OWNER														
		NO PRIMA FACIA CASE				1			4						5	
	825-DEP - BUREAU OF CUST SRV Total		2	3	3	5	5	5	9	3					35	
	826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB														
		DEFECTIVE SERVICE														
		DISPUTED OWNERSHIP														
IMPROPER PARTY CITED																
NO VIOL. DISMISS ON MERITS					1									1		
PROSECUTION WITHDRAWN																
NO PRIMA FACIA CASE																
826-DEP - BUREAU OF ENV. COMP Total					1									1		
989-DEP POLICE	ADMIN. DISMISSAL ECB															
	DEFECTIVE NOV															
	NO VIOL. DISMISS ON MERITS															
	NO PRIMA FACIA CASE															
989-DEP POLICE Total																
ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB	3						1							4	
	DEFECTIVE NOV						2		1						3	
	DEFECTIVE SERVICE								1						1	
	DISPUTED OWNERSHIP															
	IMPROPER PARTY CITED			1	1				6	1					9	
	FAILURE TO PROSECUTE	1	1	4	9	5	6		3						29	
	NO VIOL. DISMISS ON MERITS	3	2	5	2	7	10	4	9						42	
	PROSECUTION WITHDRAWN			1	3	2	6	3	3						18	
	NO ECB JURISDICTION						1		1						2	
	NO PRIMA FACIA CASE					3	2								5	
ASB-ASBESTOS CONTROL PROGRAM Total		7	3	11	15	19	26	16	16						113	

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FY 21 ECB Hearings

MARKET CASES(BIC)	850-BIC	ADMIN. DISMISSAL ECB							1									1		
		DEFECTIVE NOV																		
		DEFECTIVE SERVICE				1	1	1			1							4		
		DISPUTED OWNERSHIP																		
		IMPROPER PARTY CITED																		
		NO VIOL. DISMISS ON MERITS											4					4		
		PROSECUTION WITHDRAWN	3	2	10	1	11				8							35		
		FAILURE TO PROSECUTE																		
		NO PRIMA FACIA CASE																		
		850-BIC Total		3	2	11	2	12	1		9	4							44	
MARKET CASES(BIC) Total		3	2	11	2	12	1		9	4							44			
PARKS(DPR)	846-DEPT OF PARKS	ADMIN. DISMISSAL ECB	1	2				1										4		
		DEFECTIVE NOV		2			3	1	6	5	1							18		
		DEFECTIVE SERVICE				1		1										2		
		DISPUTED OWNERSHIP		1														1		
		IMPROPER PARTY CITED																		
		NO ECB JURISDICTION					1			1								2		
		NO VIOL. DISMISS ON MERITS	11	12	18	19	12	24		16	12							124		
		WITHDRAWAL AFTER ADJUDICATE						1										1		
		FAILURE TO PROSECUTE					1											1		
		NO PRIMA FACIA CASE	1	3	5	4	5	12		2	8							40		
846-DEPT OF PARKS Total		13	20	24	28	20	44		23	21							193			
PARKS(DPR) Total		13	20	24	28	20	44		23	21							193			
POLICE	055-NYPD TRANSPORT INTELL DIV	ADMIN. DISMISSAL ECB																		
		DEFECTIVE NOV	2	2	6	3	1	4	5	3								26		
		DEFECTIVE SERVICE	2	1	2	3	1											9		
		DISPUTED OWNERSHIP																		
		IMPROPER PARTY CITED		2				4		1	3							10		
		NO ECB JURISDICTION																		
		FAILURE TO PROSECUTE				1		2	1		4							8		
		NO VIOL. DISMISS ON MERITS	29	33	31	47	62	77	89	85								453		
		PROSECUTION WITHDRAWN								1								1		
		UNASSIGNED REASON																		
	056-POLICE DEPT	NO PRIMA FACIA CASE	2	4		5	2	3	11	8								35		
		WITHDRAWAL AFTER ADJUDICATE																		
		INTEREST OF JUSTICE																		
		055-NYPD TRANSPORT INTELL DIV Total		35	42	40	58	72	85	106	104								542	
			056-POLICE DEPT	ADMIN. DISMISSAL ECB	2	8	2	3	8	14	5	5								47
				DEFECTIVE NOV	27	16	18	38	28	35	21	17								200
				DEFECTIVE SERVICE	327	142	130	412	268	193	199	339								2010
				DISPUTED OWNERSHIP								1								1
				IMPROPER PARTY CITED				1	5		1									7
				NO ECB JURISDICTION	6			2	12	1	4	1	4							30
NO VIOL. DISMISS ON MERITS	11			13	58	65	40	40	34	43								304		
PROSECUTION WITHDRAWN						26												26		
UNASSIGNED REASON	1																	1		
WORK DONE BY PREV. OWNER																				
	056-POLICE DEPT	DATA CORRECTION																		
		FAILURE TO PROSECUTE	2			1			1	1	1							6		
		NO PRIMA FACIA CASE	10	13	17	33	27	25	18	30								173		
		INTEREST OF JUSTICE																		
		056-POLICE DEPT Total		386	192	229	594	372	313	280	439								2805	
			985-SEAGATE POLICE	ADMIN. DISMISSAL ECB																
				DEFECTIVE NOV																
				DEFECTIVE SERVICE									3							3
				NO ECB JURISDICTION																
				NO VIOL. DISMISS ON MERITS																
985-SEAGATE POLICE Total										3							3			
	002-OFF OF SPECIAL ENFORCMNT	DEFECTIVE SERVICE						2		1		1						4		
		ADMIN. DISMISSAL ECB						1										1		
		DEFECTIVE NOV									1							1		
		IMPROPER PARTY CITED																		
		NO VIOL. DISMISS ON MERITS				1		1	1	3	1							7		
		PROSECUTION WITHDRAWN								2	1							3		
		NO PRIMA FACIA CASE		1														1		
		002-OFF OF SPECIAL ENFORCMNT Total			1	1			4	2	6	3							17	
POLICE Total		421	235	270	652	448	400	392	549								336			

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