



# Dismissal Report

## September 2018

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



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**FIDEL F. DEL VALLE**

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

**October 20<sup>th</sup> , 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 September, 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\***

<b>AGENCY</b>	<b>Dismissals</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Grand Total</b>
<b>TLC</b>	Dismissed No Violation/On the Merits	361	391	293										1,045
	Dismissed No Jurisdiction		3	2										5
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)	12	8	6										26
	Dismissed - Failure to Prosecute	10	16	11										37
	Dismissed - Successfully Disputed Ownership		1											1
	Dismissed - Wrong Party Named		5											5
	Dismissed - No Prima Facie Case	31	31	19										81
	Withdrawal	19	39	24										82
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>TLC</b>	<b>Total Dismissed</b>	<b>433</b>	<b>494</b>	<b>355</b>	<b>-</b>	<b>1,282</b>								
<b>NYPD</b>	Dismissed No Violation/On the Merits	11	19	10										40
	Dismissed No Jurisdiction		1											1
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)	21	17	14										52
	Dismissed - Failure to Prosecute													-
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	7	6	3										16
	Withdrawal													-
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>NYPD</b>	<b>Total Dismissed</b>	<b>39</b>	<b>43</b>	<b>27</b>	<b>-</b>	<b>109</b>								
<b>Port Authority</b>	Dismissed No Violation/On the Merits	3	1	6										10
	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										5
	Withdrawal													-
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Port Authority</b>	<b>Total Dismissed</b>	<b>3</b>	<b>5</b>	<b>7</b>	<b>-</b>	<b>15</b>								
<b>Grand Total</b>		<b>475</b>	<b>542</b>	<b>389</b>	<b>-</b>	<b>1,406</b>								

\*by charge

**FY 19 Health & Restaurant Hearings\***

<b>AGENCY</b>	<b>Dismissals</b>	<b>July</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Grand Total</b>	
<b>DOHMH*</b>	Dismissed No Violation/On the Merits	2,748	2,747	2,550										8,045	
	Dismissed No Jurisdiction	15	3	6										24	
	Dismissed Defective Service	15	37	10										62	
	Dismissed Defective Summons/charge (defective on its face)	13	28	28										69	
	Dismissed - Failure to Prosecute	11	-	1										12	
	Dismissed - Successfully Disputed Ownership	1	5	-										6	
	Dismissed - Wrong Party Named	10	11	17										38	
	Dismissed - No Prima Facie Case	216	256	148										620	
	Withdrawal	4	7	9										20	
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	<b>Grand Total</b>	<b>3,033</b>	<b>3,094</b>	<b>2,769</b>	<b>-</b>	<b>8,896</b>									

\*by charge







FY 19 ECB Hearings

MARKET CASES(BIC)	850-BIC	ADMIN. DISMISSAL ECB								
		DEFECTIVE SERVICE								
		IMPROPER PARTY CITED								
		NO VIOL. DISMISS ON MERITS								
		PROSECUTION WITHDRAWN								
		NO PRIMA FACIA CASE								
		<b>850-BIC Total</b>								
<b>MARKET CASES(BIC) Total</b>										
PARKS(DPR)	846-DEPT OF PARKS	ADMIN. DISMISSAL ECB			3					3
		DEFECTIVE NOV	12	13	8					33
		DEFECTIVE SERVICE	9	11	14					34
		DISPUTED OWNERSHIP								
		IMPROPER PARTY CITED	1	1						2
		NO ECB JURISDICTION								
		NO VIOL. DISMISS ON MERITS	71	80	57					208
		PROSECUTION WITHDRAWN								
		NO PRIMA FACIA CASE	20	40	25					85
		<b>846-DEPT OF PARKS Total</b>	<b>113</b>	<b>148</b>	<b>104</b>					<b>365</b>
		<b>PARKS(DPR) Total</b>	<b>113</b>	<b>148</b>	<b>104</b>					<b>365</b>
POLICE	055-NYPD TRANSPORT INTELL DIV	ADMIN. DISMISSAL ECB								5
		DEFECTIVE NOV	15	6	14					35
		DEFECTIVE SERVICE	14	1	1					16
		DISPUTED OWNERSHIP								
		IMPROPER PARTY CITED	10	4	1					15
		NO ECB JURISDICTION								
		NO VIOL. DISMISS ON MERITS	53	48	43					144
		PROSECUTION WITHDRAWN								
		NO PRIMA FACIA CASE	4	4	10					18
		WITHDRAWAL AFTER ADJUDICATE INTEREST OF JUSTICE	1							1
		<b>055-NYPD TRANSPORT INTELL DIV Total</b>	<b>97</b>	<b>63</b>	<b>74</b>					<b>234</b>
	056-POLICE DEPT	ADMIN. DISMISSAL ECB	339	358	324					1021
		DEFECTIVE NOV	373	365	422					1160
		DEFECTIVE SERVICE	1063	1549	1880					4492
		DISPUTED OWNERSHIP								
		IMPROPER PARTY CITED	4	4	5					13
		NO ECB JURISDICTION	7	15	19					41
		NO VIOL. DISMISS ON MERITS	193	222	245					660
		PROSECUTION WITHDRAWN	6							6
		UNASSIGNED REASON	1	1	2					4
WORK DONE BY PREV. OWNER										
DATA CORRECTION										
FAILURE TO PROSECUTE	3							3		
NO PRIMA FACIA CASE	123	149	138					410		
INTEREST OF JUSTICE										
<b>056-POLICE DEPT Total</b>	<b>2112</b>	<b>2663</b>	<b>3035</b>					<b>7810</b>		
985-SEAGATE POLICE	ADMIN. DISMISSAL ECB									
	DEFECTIVE NOV									
	DEFECTIVE SERVICE		4	10					14	
	DISPUTED OWNERSHIP									
	NO ECB JURISDICTION		1						1	
	NO VIOL. DISMISS ON MERITS									
NO PRIMA FACIA CASE										
<b>985-SEAGATE POLICE Total</b>		<b>5</b>	<b>10</b>					<b>15</b>		
002-MAYORS OFF OF MDTOWN ENF	DEFECTIVE SERVICE	1	1	1					3	
	DEFECTIVE NOV		1							
	IMPROPER PARTY CITED	1							1	
	NO VIOL. DISMISS ON MERITS	1	19	12						
	PROSECUTION WITHDRAWN	4	2						6	
	NO PRIMA FACIA CASE	1							1	
<b>002-MAYORS OFF OF MDTOWN ENF Total</b>	<b>8</b>	<b>23</b>	<b>13</b>					<b>44</b>		
<b>POLICE Total</b>	<b>2217</b>	<b>2754</b>	<b>3132</b>					<b>8103</b>		

FY 19 ECB Hearings

PUBLIC TELEPHONE(DOITT)	858-DOITT	ADMIN. DISMISSAL ECB								
		DEFECTIVE NOV								
		DEFECTIVE SERVICE								
		DISPUTED OWNERSHIP								
		NO ECB JURISDICTION								
		NO VIOL. DISMISS ON MERITS	24		16				40	
		FAILURE TO PROSECUTE								
		NO PRIMA FACIA CASE								
		858-DOITT Total	24		16				40	
		PUBLIC TELEPHONE(DOITT) Total		24		16				40
SANITATION(DSNY)	827-DOS - ENFORCEMENT AGENTS	ADMIN. DISMISSAL ECB	6	11	2				19	
		DEFECTIVE NOV	9	6	10				25	
		DEFECTIVE SERVICE	118	19	12				149	
		DISPUTED OWNERSHIP	133	88	82				303	
		IMPROPER PARTY CITED	108	36	8				152	
		NO ECB JURISDICTION	5	8	2				15	
		NO VIOL. DISMISS ON MERITS	787	799	645				2231	
		PROSECUTION WITHDRAWN	110	214	84				408	
		UNASSIGNED REASON		1					1	
		FAILURE TO PROSECUTE	8						8	
		NO PRIMA FACIA CASE	8	15	6				29	
		WITHDRAWAL AFTER ADJUDICATE								
		INTEREST OF JUSTICE			1				1	
		827-DOS - ENFORCEMENT AGENTS Total	1292	1197	852				3341	
		828-SANITATION POLICE	ADMIN. DISMISSAL ECB	3	3	2				8
			DEFECTIVE NOV	2	1					3
			DEFECTIVE SERVICE	4		6				10
			DISPUTED OWNERSHIP	5	4	8				17
			IMPROPER PARTY CITED	6	3	1				10
			NO ECB JURISDICTION		1					1
NO VIOL. DISMISS ON MERITS	57		92	72				221		
PROSECUTION WITHDRAWN	1		1					2		
FAILURE TO PROSECUTE	1							1		
WORK DONE BY PREV. OWNER										
NO PRIMA FACIA CASE	1		6	2				9		
828-SANITATION POLICE Total	80		111	91				282		
829-SANITATION OTHERS	ADMIN. DISMISSAL ECB	15	26	10				51		
	DEFECTIVE NOV	131	100	74				305		
	DEFECTIVE SERVICE	258	224	236				718		
	DISPUTED OWNERSHIP	86	80	79				245		
	IMPROPER PARTY CITED	81	37	38				156		
	NO ECB JURISDICTION	10	5	1				16		
	NO VIOL. DISMISS ON MERITS	1274	1281	1086				3641		
	PROSECUTION WITHDRAWN	6	3	8				17		
	DATA CORRECTION		1							
	UNASSIGNED REASON			3				3		
	WORK DONE BY PREV. OWNER									
	FAILURE TO PROSECUTE		2					2		
	NO PRIMA FACIA CASE	32	58	42				132		
	WITHDRAWAL AFTER ADJUDICATE									
INTEREST OF JUSTICE										
829-SANITATION OTHERS Total	1893	1817	1577				5287			
830-SANITATION PIU	ADMIN. DISMISSAL ECB			1				1		
	DEFECTIVE NOV									
	DEFECTIVE SERVICE									
	DISPUTED OWNERSHIP									
	IMPROPER PARTY CITED									
	NO VIOL. DISMISS ON MERITS	3	3	2				8		
PROSECUTION WITHDRAWN										
NO PRIMA FACIA CASE										
830-SANITATION PIU Total	3	3	3				9			



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										102	
	Dismissed No Jurisdiction	-	1	1										2	
	Dismissed Defective Service	-	4	2										6	
	Dismissed Defective Summons/charge (defective on its face)	1	1	3										5	
	Dismissed - Failure to Prosecute	-	-	2										2	
	Dismissed - Successfully Disputed Ownership	-	-	-										-	
	Dismissed - Wrong Party Named	1	-	6										7	
	Dismissed - No Prima Facie Case	-	-	-										-	
	Withdrawal	19	28	21										68	
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	<b>Grand Total</b>	<b>45</b>	<b>73</b>	<b>74</b>	<b>-</b>	<b>192</b>									

\*by charge