



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

## Dismissal Report May 2020

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



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**JONI KLETTER**

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

**June 20<sup>th</sup>, 2020**

- **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 May, 2020.**
- **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 20 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	521	428	394	588	556	509	471	428	229	1	5		4,130
	Dismissed No Jurisdiction		12			10	1	2	1					26
	Dismissed Defective Service	3	3	1	2			1	2					12
	Dismissed Defective Summons/charge (defective on its face)	112	49	33	43	30	47	31	48	25		1		419
	Dismissed - Failure to Prosecute	29	7	17	29	20	9	2	12					125
	Dismissed - Successfully Disputed Ownership			1				2						3
	Dismissed - Wrong Party Named	1	1	2			4	1						9
	Dismissed - No Prima Facie Case	116	37	68	62	46	94	83	52	44				602
	Withdrawal	9	11	13	43	55	33	51	15	4				234
	Dismissed - Administrative Dismissal													
<b>TLC</b>	<b>Total Dismissed</b>	<b>791</b>	<b>548</b>	<b>529</b>	<b>767</b>	<b>717</b>	<b>697</b>	<b>644</b>	<b>558</b>	<b>302</b>	<b>1</b>	<b>6</b>	<b>-</b>	<b>5,560</b>
<b>NYPD</b>	Dismissed No Violation/On the Merits	49	16	15	31	43	47	35	20	15				271
	Dismissed No Jurisdiction	1												1
	Dismissed Defective Service					5		2	1	1				9
	Dismissed Defective Summons/charge (defective on its face)	27	27	20	26	52	56	21	22	14				265
	Dismissed - Failure to Prosecute							1	2					3
	Dismissed - Successfully Disputed Ownership						1							1
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	13	15	16	10	6	21	19	6	4				110
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
<b>NYPD</b>	<b>Total Dismissed</b>	<b>90</b>	<b>58</b>	<b>51</b>	<b>67</b>	<b>106</b>	<b>125</b>	<b>78</b>	<b>51</b>	<b>34</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>660</b>
<b>Port Authority</b>	Dismissed No Violation/On the Merits	7	3		7	1	8	5	6	1				38
	Dismissed No Jurisdiction													-
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)													-
	Dismissed - Failure to Prosecute							1						1
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case			2	4	6	2	2						16
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
<b>Port Authority</b>	<b>Total Dismissed</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>11</b>	<b>7</b>	<b>10</b>	<b>8</b>	<b>6</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>55</b>
<b>Grand Total</b>		<b>888</b>	<b>609</b>	<b>582</b>	<b>845</b>	<b>830</b>	<b>832</b>	<b>730</b>	<b>615</b>	<b>337</b>	<b>1</b>	<b>6</b>	<b>-</b>	<b>6,275</b>

\*by charge

**FY 20 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	3,043	2,556	2,462	2,705	2,183	2,119	2,356	2,144	1,240	79	100		<b>20,987</b>	
	Dismissed No Jurisdiction	13	12	10	10	2	4	5	6	3				<b>65</b>	
	Dismissed Defective Service	7	13	27	4	3	4	10	6	6	7	3		<b>90</b>	
	Dismissed Defective Summons/charge (defective on its face)	21	35	16	29	19	7	8	12	15		3		<b>165</b>	
	Dismissed - Failure to Prosecute	9	7	4	3	2	2		2	6				<b>35</b>	
	Dismissed - Successfully Disputed Ownership			1	1			2	1		3	1		<b>9</b>	
	Dismissed - Wrong Party Named	4		1	3			6	2			11		<b>27</b>	
	Dismissed - No Prima Facie Case	216	142	166	167	121	124	163	161	77	9	6		<b>1,352</b>	
	Withdrawal	8	33	19	16	6	4	10	3	6				<b>105</b>	
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-	<b>-</b>
	<b>Grand Total</b>		<b>3,321</b>	<b>2,798</b>	<b>2,706</b>	<b>2,938</b>	<b>2,336</b>	<b>2,264</b>	<b>2,560</b>	<b>2,337</b>	<b>1,353</b>	<b>98</b>	<b>124</b>	<b>-</b>	<b>22,835</b>

\*by charge

FY 20 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	40	33	28	36	41	30	28	34	12	1	1		284	
	Dismissed No Jurisdiction	1					1							2	
	Dismissed Defective Service	3				5		3						11	
	Dismissed Defective Summons/charge (defective on its face)	20	22	17	7	1	3	2	2					74	
	Dismissed - Failure to Prosecute	3		3										6	
	Dismissed - Successfully Disputed Ownership		7											7	
	Dismissed - Wrong Party Named	3	2		1	1	6			1				14	
	Dismissed - No Prima Facie Case	3		4	1	3		1	3			1		16	
	Withdrawal	7	23	30	31	29	8	37	32	32	13	3		245	
	Dismissed - Administrative Dismissal														-
	<b>Grand Total</b>		<b>80</b>	<b>87</b>	<b>82</b>	<b>76</b>	<b>80</b>	<b>48</b>	<b>71</b>	<b>71</b>	<b>45</b>	<b>14</b>	<b>5</b>	<b>-</b>	<b>659</b>

\*by charge

FY 20 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	27	11	22	8	4	13	28	25	1				139		
		DEFECTIVE NOV	116	146	126	132	123	122	166	74	27	7	11			1050	
		DEFECTIVE SERVICE	174	117	134	112	171	182	221	187	158	31	35			1522	
		DISPUTED OWNERSHIP	39	60	37	54	18	40	52	70	36	12	14			432	
		IMPROPER PARTY CITED	114	118	85	96	101	103	128	122	91	13	31			1002	
		NO ECB JURISDICTION	2	6	2	3	4	7	8	3	1	2	1			39	
		NO VIOL. DISMISS ON MERITS	917	927	805	776	792	991	1170	1101	687	183	312			8661	
		PROSECUTION WITHDRAWN	107	374	179	152	190	190	218	139	172	275	196			2192	
		UNASSIGNED REASON				1			2							3	
		WORK DONE BY PREV. OWNER	53	47	53	53	36	44	54	42	38	2				422	
		DATA CORRECTION	30	25	27	23	41	42	54	32	49					323	
		FAILURE TO PROSECUTE	2	5	1				1		2	2	5			18	
		NO PRIMA FACIA CASE	70	87	104	108	74	114	117	115	74	9	15			887	
		WITHDRAWAL AFTER ADJUDICATE	5	19	10	11	15	5		3	6	34	16			124	
		INTEREST OF JUSTICE				1						1				2	
		<b>DOB-DEPT OF BUILDINGS Total</b>			<b>1656</b>	<b>1942</b>	<b>1585</b>	<b>1530</b>	<b>1569</b>	<b>1853</b>	<b>2219</b>	<b>1913</b>	<b>1343</b>	<b>570</b>	<b>636</b>		<b>16816</b>
		810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB														1
			IMPROPER PARTY CITED			1											1
			DEFECTIVE NOV								1						1
			DEFECTIVE SERVICE			2											2
NO VIOL. DISMISS ON MERITS				3	3	1	4			2	1				14		
NO PRIMA FACIA CASE				1											1		
<b>810-DEPT OF BUILDINGS 810 Total</b>				<b>7</b>	<b>3</b>	<b>1</b>	<b>4</b>		<b>1</b>	<b>2</b>	<b>1</b>				<b>19</b>		
<b>BUILDINGS(DOB) Total</b>			<b>1656</b>	<b>1949</b>	<b>1588</b>	<b>1531</b>	<b>1573</b>	<b>1853</b>	<b>2220</b>	<b>1915</b>	<b>1344</b>	<b>570</b>	<b>636</b>		<b>16835</b>		
ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB								1					1		
		DEFECTIVE NOV			1						2				3		
		DEFECTIVE SERVICE															
		DISPUTED OWNERSHIP															
		IMPROPER PARTY CITED															
		NO VIOL. DISMISS ON MERITS							1							1	
		PROSECUTION WITHDRAWN				8	4		4	7		5				28	
		DATA CORRECTION		1												1	
		NO PRIMA FACIA CASE															
		<b>824-DEP - IWC Total</b>			<b>1</b>	<b>1</b>	<b>8</b>	<b>4</b>		<b>5</b>	<b>8</b>	<b>2</b>	<b>5</b>				<b>34</b>
		825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB	14	5	9	16	6	29	19	15	4	2	1			120
			DEFECTIVE NOV		3	1	1	3	3	7	1	1	1	1			22
			DEFECTIVE SERVICE	1	1	1											3
			DISPUTED OWNERSHIP	1	1				1	1	1	1			1		7
			IMPROPER PARTY CITED		1				2	1			1				5
			FAILURE TO PROSECUTE														
			NO VIOL. DISMISS ON MERITS	6	3	10	10	5	1	2	5	6	4	2			54
			PROSECUTION WITHDRAWN		1	1	1										3
			WORK DONE BY PREV. OWNER														
			NO PRIMA FACIA CASE	2	3	1				2	3	3	6		2		22
<b>825-DEP - BUREAU OF CUST SRV Total</b>				<b>24</b>	<b>18</b>	<b>23</b>	<b>28</b>	<b>16</b>	<b>36</b>	<b>33</b>	<b>25</b>	<b>18</b>	<b>8</b>	<b>7</b>		<b>236</b>	
826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB		1												1		
	DEFECTIVE SERVICE																
	DISPUTED OWNERSHIP									1					1		
	IMPROPER PARTY CITED																
	NO VIOL. DISMISS ON MERITS																
	PROSECUTION WITHDRAWN										1				1		
	NO PRIMA FACIA CASE		1												1		
	<b>826-DEP - BUREAU OF ENV. COMP Total</b>			<b>2</b>							<b>2</b>					<b>4</b>	
989-DEP POLICE	ADMIN. DISMISSAL ECB																
	DEFECTIVE NOV																
	NO VIOL. DISMISS ON MERITS				1										1		
	NO PRIMA FACIA CASE																
<b>989-DEP POLICE Total</b>					<b>1</b>										<b>1</b>		
ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB										11				11		
	DEFECTIVE NOV																
	DEFECTIVE SERVICE			1					5	13	4				23		
	DISPUTED OWNERSHIP					1		1							2		
	IMPROPER PARTY CITED			2		1	1		3	1	2	1			11		
	FAILURE TO PROSECUTE																
	NO VIOL. DISMISS ON MERITS	6	1	12	5	11	10	7	10	4					66		
	PROSECUTION WITHDRAWN	10	4	9	6	1	22	4	1						57		
	DATA CORRECTION																
	NO PRIMA FACIA CASE	3	2	1	2	1	2	2			7				20		
	<b>ASB-ASBESTOS CONTROL PROGRAM Total</b>			<b>19</b>	<b>10</b>	<b>22</b>	<b>15</b>	<b>14</b>	<b>35</b>	<b>21</b>	<b>25</b>	<b>28</b>	<b>1</b>			<b>190</b>	











