

Dismissal Report September 2016

- 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

October 20, 2016

- 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, 2016.
- Please be advised that the numbers for OATH's Health, DCA and Taxi & Limousine Tribunals reflect the <u>number</u> <u>of charges</u> rather than the number of summonses, dismissed. There may be multiple charges on each summons.

FY 17 Vehicle for Hire & Taxi Hearings*

FY 2017	AGENCY	Dismissals	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Мау	Jun	Grand Total
	TLC	Dismissed No Violation/On the Merits	208	219	276										703
	120	Dismissed No Jurisdiction	о	5	о										5
		Dismissed Defective Service	6	2	6										14
		Dismissed Defective Summons/charge (defective on its face)	2	6	4										12
		Dismissed - Failure to Prosecute	9	9	17										35
		Dismissed - Successfully Disputed Ownership	о	о	о										-
		Dismissed - Wrong Party Named	о	2	о										2
		Dismissed - No Prima Facie Case	38	50	47										135
		Withdrawal	22	43	90										155
		Dismissed - Administrative Dismissal													-
	TLC	Total Dismissed	285	336	440	0	0	-	0	0	0	0	0	0	1,061
	NYPD	Dismissed No Violation/On the Merits	15	15	12										42
		Dismissed No Jurisdiction	о	о	о										-
		Dismissed Defective Service	0	4	2										6
		Dismissed Defective Summons/charge (defective on its face)	1	8	11										20
		Dismissed - Failure to Prosecute	2	5	о										7
		Dismissed - Successfully Disputed Ownership	ο	о	о										-
		Dismissed - Wrong Party Named	1	0	0										1
		Dismissed - No Prima Facie Case	5	4	6										15
		Withdrawal	0	0	0										-
		Dismissed - Administrative Dismissal	о	о	ο										-
	NYPD	Total Dismissed	24	36	31	0	0	0	0	0	0	0	0	0	91
	Port Authority	Dismissed No Violation/On the Merits	2	з	о										5
		Dismissed No Jurisdiction	0	0	0										-
		Dismissed Defective Service	0	0	0										-
		Dismissed Defective Summons/charge (defective on its face)	о	2	о										2
		Dismissed - Failure to Prosecute	1	о	з										4
		Dismissed - Successfully Disputed Ownership	о	о	о										-
		Dismissed - Wrong Party Named	0	0	0										-
		Dismissed - No Prima Facie Case	3	1	1										5
		Withdrawal	0	0	0										-
		Dismissed - Administrative Dismissal	о	о	ο										-
	Port Authority	Total Dismissed	6	6	4	0	0	0	0	0	0	0	0	0	16
	Grand Total		315	378	475	0	0	-	0	0	0	0	0	0	1,168

FY2017	AGENCY	Dismissals	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Мау	Jun	Grand Total
	DOHMH*	Dismissed No Violation/On the Merits	2,513	2,706	2,664										7,883
		Dismissed No Jurisdiction	-	4	1										5
		Dismissed Defective Service	1	4	9										14
		Dismissed Defective Summons/charge (defective on its face)	57	31	36										124
		Dismissed - Failure to Prosecute	-	4	15										19
		Dismissed - Successfully Disputed Ownership	2	-	-										2
		Dismissed - Wrong Party Named	-	18	2										20
		Dismissed - No Prima Facie Case	253	325	228										806
		Withdrawal	98	31	9										138
		Dismissed - Administrative Dismissal	-	-	-										-
		Grand Total	2,924	3,123	2,964	-	-	-	-	-	-	-	-	-	9,011

Agency Group	Issuing Agency	Dismissal Reason		Aug	Sep C	Oct Nov Dec Jan Feb	o Mar Apr May Jur	ne (blank) '1200	Grand T
JILDINGS(DOB)	DOB-DEPT OF BUILDINGS	ADMIN. DISMISSAL ECB	3	7					_
		DEFECTIVE NOV	16	39	34				
		DEFECTIVE SERVICE	19	29	21				
		DISPUTED OWNERSHIP	28	39	33				
		IMPROPER PARTY CITED	31	85	76				
		NO ECB JURISDICTION	1	4	1				
		NO VIOL. DISMISS ON MERITS	257	378	393				
		PROSECUTION WITHDRAWN	79	84	41				
		UNASSIGNED REASON	13	2	2				-
									_
		WORK DONE BY PREV. OWNER	34	49	44				
		DATA CORRECTION	7	4	2				
		FAILURE TO PROSECUTE		9	4				
		6DMIN. DISMISSAL ECB							
	DOB-DEPT OF BUILDINGS Total		475	729	651				
	810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB		1					
		DEFECTIVE SERVICE							
		NO VIOL. DISMISS ON MERITS	2		1				-
		NO VIOL. DISIVISS ON MERTS			-				_
DI 100(D0D) T + 1	810-DEPT OF BUILDINGS 810 Total		2	1	1				
DINGS(DOB) Total			477	730	652				
IRONMENTAL PROTECTION(DEP)	824-DEP - IWC	DEFECTIVE NOV		1	1				
		IMPROPER PARTY CITED							
		NO VIOL. DISMISS ON MERITS							
		PROSECUTION WITHDRAWN	4	4	3				1
		FAILURE TO PROSECUTE	· ·						1
	824 DED M/C Tetal	TALORE TO PROSECUTE	4	-	4				
	824-DEP - IWC Total		4	5	4				
	825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB	2		4				
		DEFECTIVE NOV		2	2				
		DEFECTIVE SERVICE			6				
		DISPUTED OWNERSHIP	1	2	2				
		IMPROPER PARTY CITED		1	3				
					3				
		NO ECB JURISDICTION							
		NO VIOL. DISMISS ON MERITS	3	3	9				
		PROSECUTION WITHDRAWN	1						
		WORK DONE BY PREV. OWNER							
	825-DEP - BUREAU OF CUST SRV Total		7	8	26				
	826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB	1	-	1				
		DEFECTIVE NOV			7				-
		DEFECTIVE SERVICE			1				
		DISPUTED OWNERSHIP	1		2				
		IMPROPER PARTY CITED	1	2	4				
		NO VIOL. DISMISS ON MERITS	6	7	12				
		PROSECUTION WITHDRAWN	7	14	14				
		UNA SSIGNED REASON		3					-
				3	0				
		FAILURE TO PROSECUTE			2				
	826-DEP - BUREAU OF ENV. COMP Total		16	26	43				
	ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB							
		DEFECTIVE NOV							
		DEFECTIVE SERVICE							
		DISPUTED OWNERSHIP			1				-
			1	_	•				1
		IMPROPER PARTY CITED	1	1	1				
		NO VIOL. DISMISS ON MERITS	8	8	3				
		PROSECUTION WITHDRAWN	1	2	2				
	ASB-ASBESTOS CONTROL PROGRAM Tota	al	10	11	7				
	BAR-DEP BUREAU OF ENV COMPL	DEFECTIVE NOV	2	3	7				
		DEFECTIVE SERVICE		1	1				1
		DISPUTED OWNERSHIP	2	2	1				
									-
		IMPROPER PARTY CITED	6	2	2			_	-
		NO ECB JURISDICTION	4	1					
		NO VIOL. DISMISS ON MERITS	5	20	10				
		PROSECUTION WITHDRAWN	1	1	2				
		FAILURE TO PROSECUTE							
	BAR-DEP BUREAU OF ENV COMPL Total		20	30	23			· · · · · ·	
			20	55	20		1 1 1 1		
	803-RIGHT TO KNOW	ADMIN. DISMISSAL ECB		-					
		DEFECTIVE NOV		2				_	-
		DEFECTIVE SERVICE							1
		IMPROPER PARTY CITED			2				
		NO ECB JURISDICTION			1				
		NO VIOL. DISMISS ON MERITS	1	1	3				
					-				
		PROSECUTION WITHDRAWN		2	3				
	803-RIGHT TO KNOW Total		1	5	9				
	804-DEP - HAZARDOUS MATERIALS	DEFECTIVE SERVICE							
		NO VIOL. DISMISS ON MERITS							1
			_	_					
	804-DEP - HAZARDOUS MATERIALS Total								

Agency Group	Issuing Agency	Dismissal Reason	Jul	Aug	Sep Oc	Nov Dec	Jan Feb	Mar Ap	r May June	(blank) 120	00 Grand T
RE(FDNY)	FIR-FIRE DEPARTMENT NYC	ADMIN. DISMISSAL ECB	1	2							
		DEFECTIVE NOV	6	9	14						
		DEFECTIVE SERVICE	42	27	40						
		DISPUTED OWNERSHIP	8	23	13						
		IMPROPER PARTY CITED	19	16	16						
		NO ECB JURISDICTION		2	2						
		NO VIOL. DISMISS ON MERITS	25	46	41						
		PROSECUTION WITHDRAWN	4	2	3						
		UNASSIGNED REASON	4	2	3						
											_
		FAILURE TO PROSECUTE	107								_
	FIR-FIRE DEPARTMENT NYC Total		105	127	129						
	823-FIRE DEPARTMENT 823	ADMIN. DISMISSAL ECB									
	823-FIRE DEPA RTMENT 823 Total										
RE(FDNY) Total			105	127	129						
ALTH(DOHMH)	816-DOH/MENTAL HEALTH	ADMIN. DISMISSAL ECB			1						
		DEFECTIVE NOV	43	35	37						
		DEFECTIVE SERVICE	29	20	14						
		DISPUTED OWNERSHIP									
			1								
		IMPROPER PARTY CITED	-								_
		NO ECB JURISDICTION	2								
		NO VIOL. DISMISS ON MERITS	127	105	146						
		PROSECUTION WITHDRAWN									
		UNASSIGNED REASON									
		FAILURE TO PROSECUTE									
		TALORE TO PRODUCTE	202	160	109					1	
	816-DOH/MENTAL HEALTH Total	DEFECTIVE NO. 1	202		198						
	812-VETERINARY DOHMH	DEFECTIVE NOV		8	3						_
		DEFECTIVE SERVICE									
		DISPUTED OWNERSHIP		1							
		IMPROPER PARTY CITED	1		1						
		NO ECB JURISDICTION		1							
			40	50	37						_
		NO VIOL. DISMISS ON MERITS	43	56							_
		PROSECUTION WITHDRAWN			1						
	812-VETERINARY DOHMH Total		44	66	42						
	813-VECTOR DOHMH	ADMIN. DISMISSAL ECB									
		DEFECTIVE NOV			2						
		DEFECTIVE SERVICE	1		1						
		DISPUTED OWNERSHIP	2	2	4						
		IMPROPER PARTY CITED	2	3	2						
		NO VIOL. DISMISS ON MERITS	23	29	43						
		PROSECUTION WITHDRAWN		5	2						
	813-VECTOR DOHMH Total		28	39	54						
	814-BED BUGS DOHMH	DEFECTIVE NOV									
		DEFECTIVE SERVICE		1							
		DISPUTED OWNERSHIP									_
											_
		IMPROPER PARTY CITED									_
		NO VIOL. DISMISS ON MERITS			1						
		PROSECUTION WITHDRAWN	1								
	814-BED BUGS DOHMH Total		1	1	1						
	815-PCS DOHMH	ADMIN. DISMISSAL ECB	1	7	1						1
		DEFECTIVE NOV	9	2	15						
		DEFECTIVE SERVICE	17	12	21						_
		DISPUTED OWNERSHIP	8	4	10						
		IMPROPER PARTY CITED	4	6	7						
		NO VIOL. DISMISS ON MERITS	128	180	270						
		PROSECUTION WITHDRAWN	2	20	-						
		FAILURE TO PROSECUTE	-	20							
		TALONE TO PROSECUTE	100	224	224						
	815-PCS DOHMH Total		169	231	324		_				
	818-COOLING TWRDOHMH	DEFECTIVE NOV		2							_
		DEFECTIVE SERVICE	4	1							
		NO VIOL. DISMISS ON MERITS		15	7						
		PROSECUTION WITHDRAWN	1	40	11						
		FAILURE TO PROSECUTE	· · ·	40							
		I ALORE TO PROSECUTE	-		40						
	818-COOLING TWRDOHMH Total		5	62	18						
	998-PETER COOPER VLG STY TWN	DEFECTIVE NOV			1						
	998-PETER COOPER VLG STY TWN Total				1						
LTH(DOHMH) Total			449	559	638						
IDMARKS(LPC)	LPC-LANDMARK PRESERVATION	DEFECTIVE SERVICE									
		NO VIOL. DISMISS ON MERITS	+ +								
		ING VIOL. DISIVISS ON IVERITS									
	LPC-LANDMARK PRESERVATION Total										

Agency Group	Issuing Agency	Dismissal Reason	Jul	Aug	Sep	Oct	Nov	Dec	Jan I	-eb	Mar	Apr	May J	une (b	lank) 1	200	Grand Tota
MARKET CASES(BIC)	850-BIC	ADMIN. DISMISSAL ECB		1				Î									
		DEFECTIVE NOV															
		IMPROPER PARTY CITED		1													
		PROSECUTION WITHDRAWN		2	1												
		FAILURE TO PROSECUTE															
	850-BIC Total			4	1												
MARKET CASES(BIC) Total				4	1												
PARKS(DPR)	846-DEPT OF PARKS	ADMIN. DISMISSAL ECB			1												
		DEFECTIVE NOV	26	28	15												6
		DEFECTIVE SERVICE	1		2												
		DISPUTED OWNERSHIP															
		IMPROPER PARTY CITED		3	4												
		NO ECB JURISDICTION															
		NO VIOL. DISMISS ON MERITS	52	92	46												19
		PROSECUTION WITHDRAWN	1														
	846-DEPT OF PARKS Total		80	123	68												27
PARKS(DPR) Total			80	123	68												27
POLICE	055-NYPD TRANSPORT INTELL DIV	ADMIN. DISMISSAL ECB	2														:
		DEFECTIVE NOV	11	6	9												2
		DISPUTED OWNERSHIP															
		IMPROPER PARTY CITED	3	2													
		NO ECB JURISDICTION															
		NO VIOL. DISMISS ON MERITS	53	50	46												14
		PROSECUTION WITHDRAWN			2												
	055-NYPD TRANSPORT INTELL DIV Total		69	58						-							18
	056-POLICE DEPT	ADMIN. DISMISSAL ECB	17	64		-				1	-						9
		DEFECTIVE NOV	97	142						_							37
		DEFECTIVE SERVICE	88	63						_							26
		DISPUTED OWNERSHIP								_							
		IMPROPER PARTY CITED		1						_				_		-	
		NO ECB JURISDICTION	1	3						-							
		NO VIOL. DISMISS ON MERITS	104	132						_							39
		UNASSIGNED REASON	101	1	1												00
		DATA CORRECTION								_							
	056-POLICE DEPT Total	Diffic Contraction	307	406	429												114
	985-SEAGATE POLICE	ADMIN. DISMISSAL ECB								1							
		DEFECTIVE NOV								_							
		NO VIOL. DISMISS ON MERITS		1	5					_							
	985-SEAGATE POLICE Total			1	5												
POLICE Total			376	465	491												133
PUBLIC TELEPHONE(DOITT)	858-DOITT	ADMIN. DISMISSAL ECB															
- / - /		DEFECTIVE NOV	2														
		DISPUTED OWNERSHIP	_														
		NO ECB JURISDICTION								_							
		NO VIOL. DISMISS ON MERITS	14	12	7												3
	858-DOITT Total		16	12		_											3
	ooo Donn rotar		10	12	7												3

Agency Group	Issuing Agency	Dismissal Reason	Jul			t Nov	Dec	Jan Fe	eb Ma	ar Ap	r May	June	(blank)	1200	Grand Tota
ANITATION(DSNY)	827-DOS - ENFORCEMENT AGENTS	ADMIN. DISMISSAL ECB		3											
		DEFECTIVE NOV	31	39	37										10
		DEFECTIVE SERVICE	6	17	30										5
		DISPUTED OWNERSHIP	94	62	138										29
		IMPROPER PARTY CITED	61	30	41										1:
		NO ECB JURISDICTION	3	4											
		NO VIOL. DISMISS ON MERITS	997	1417	1108										352
		PROSECUTION WITHDRAWN		2572	10										25
		UNASSIGNED REASON	1	1											
		WORK DONE BY PREV. OWNER		3											
		FAILURE TO PROSECUTE								_					
	827-DOS - ENFORCEMENT AGENTS Total		1193	4148	1366							1			67
	828-SANITATION POLICE	ADMIN. DISMISSAL ECB	1100	-110	1000		1 1								0/1
		DEFECTIVE NOV	10	4	6				_						:
		DEFECTIVE SERVICE	2	2					_						
						_		_	_	_	-				;
			16	9					_	_					
		IMPROPER PARTY CITED	1	3	8	_			_	_	_				
		NO ECB JURISDICTION				_			_		_				
		NO VIOL. DISMISS ON MERITS	103	82		_				_	_				3
		PROSECUTION WITHDRAWN		356	· · · · · ·										3
	828-SANITATION POLICE Total		132	456	152										7
	829-SANITATION OTHERS	ADMIN. DISMISSAL ECB	8	6	7										
		DEFECTIVE NOV	98	161	194										4
		DEFECTIVE SERVICE	27	30	71										1
		DISPUTED OWNERSHIP	90	70	75										2
		IMPROPER PARTY CITED	30	33											1
		NO ECB JURISDICTION	1	2						_	-				
		NO VIOL, DISMISS ON MERITS	965		1102			_	-	-		-			32
						_				_	_				
		PROSECUTION WITHDRAWN	1			_			_	_					20
		UNA SSIGNED REASON		2	2	_				_	_	_			
		FAILURE TO PROSECUTE													
	829-SANITATION OTHERS Total		1220	3562	1509										62
	830-SANITATION PIU	DEFECTIVE NOV													
		DISPUTED OWNERSHIP													
		NO VIOL. DISMISS ON MERITS		2											
		PROSECUTION WITHDRAWN		4											
	830-SANITATION PIU Total			6											
	831-SANITATION RECYCLING	ADMIN. DISMISSAL ECB		1											
		DEFECTIVE NOV	2	11											
		DEFECTIVE SERVICE	~	4											
		DISPUTED OWNERSHIP	26					_	-	-		-			
			36	19		_				_	_				
		IMPROPER PARTY CITED	1	6	6	_			_	_	_				
		NO ECB JURISDICTION				_			_		_				
				202	293										6
		NO VIOL. DISMISS ON MERITS	191	203		_				_	_	_			
		NO VIOL. DISMISS ON MERITS PROSECUTION WITHDRAWN	191	497	2										4
			191												4
		PROSECUTION WITHDRAWN	191		2										4
	831-SANITATION RECY CLING Total	PROSECUTION WITHDRAWN UNA SSIGNED REA SON	230		2										
	831-SANITATION RECY CLING Total 832-SANITATION ENVR POLICE	PROSECUTION WITHDRAWN UNA SSIGNED REA SON		497	2										
		PROSECUTION WITHDRAWN UNA SSIGNED REA SON FAILURE TO PROSECUTE DEFECTIVE NOV		497	2										
		PROSECUTION WITHDRAWN UNASSIGNED REASON FAILURE TO PROSECUTE DEFECTIVE NOV DISPUTED OWNERSHIP		497	2										
		PROSECUTION WITHDRAWN UNASSIGNED REASON FAILURE TO PROSECUTE DEFECTIVE NOV DISPUTED OWNERSHIP IMPROPER PARTY CITED	230	497 741	2 1 326										
		PROSECUTION WITHDRAWN UNASSIGNED REASON FAILURE TO PROSECUTE DEFECTIVE NOV DISPUTED OWNERSHIP IMPROPER PARTY CITED NO VIOL. DISMISS ON MERITS		497 741 2	2 1 326 2										129
		PROSECUTION WITHDRAWN UNASSIGNED REASON FAILURE TO PROSECUTE DEFECTIVE NOV DISPUTED OWNERSHIP IMPROPER PARTY CITED	230	497 741	2 1 326 2										

Agency Group	Issuing Agency	Dismissal Reason	Jul	Aug	Sep	Oct	Νον	Dec	Jan	Feb	Mar	Apr	May	June	(blank)	1200	Grand Total
TRANSPORTATION(DOT)	841-DEPT OF TRANSPORTATION	ADMIN. DISMISSAL ECB	1	1													2
		DEFECTIVE NOV	40	16	10												66
		DEFECTIVE SERVICE	1	9													10
		DISPUTED OWNERSHIP	1	1	3												5
		IMPROPER PARTY CITED	6	10	14												30
		NO ECB JURISDICTION	2	2	12												16
		NO VIOL. DISMISS ON MERITS	313	316	369												998
		PROSECUTION WITHDRAWN	3	10	6												19
		UNA SSIGNED REA SON		4	3												7
		FAILURE TO PROSECUTE		1													1
	841-DEPT OF TRANSPORTATION Total		367	370	417												1154
TRANSPORTATION(DOT) Total			367	370	417												1154
96MISCELLANEOUS AGENCIES(999)	999-MISCELLANEOUS AGENCIES	ADMIN. DISMISSAL ECB		1													1
		DEFECTIVE NOV	2	3													5
		DEFECTIVE SERVICE	2	1	7												10
		DISPUTED OWNERSHIP			1												1
		IMPROPER PARTY CITED	1														1
		NO VIOL. DISMISS ON MERITS	1	6	5												12
	999-MISCELLANEOUS AGENCIES Total		6	11	13												30
96MISCELLANEOUS AGENCIES(999) Total			6	11	13												30
97AGENCY CODE MISSING OR INVALID	000-AGENCY CODE MISSING	ADMIN. DISMISSAL ECB															
		DEFECTIVE NOV	2	1	1												4
		DEFECTIVE SERVICE															
		DISPUTED OWNERSHIP															
		IMPROPER PARTY CITED															
		NO ECB JURISDICTION															
		NO VIOL. DISMISS ON MERITS		3	4												7
		PROSECUTION WITHDRAWN															
	000-A GENCY CODE MISSING Total		2	4	5												11
97AGENCY CODE MISSING OR INVALID To	tal		2	4	5												11
2017 Total			4712	11411	5888												22011
Grand Total			4712	11411	5888												22011

FY2017	AGENCY	Dismissals	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Мау	Jun	Grand Total
	DCA*	Dismissed No Violation/On the Merits	n/a	0	28										28
		Dismissed No Jurisdiction	n/a	0	0										-
		Dismissed Defective Service	n/a	0	0										-
		Dismissed Defective Summons/charge (defective on its face)	n/a	0	0										-
		Dismissed - Failure to Prosecute	n/a	0	13										13
		Dismissed - Successfully Disputed Ownership	n/a	0	0										-
		Dismissed - Wrong Party Named	n/a	0	0										-
		Dismissed - No Prima Facie Case	n/a	0	2										2
		Withdrawal	n/a	0	15										15
		Dismissed - Administrative Dismissal	n/a	0	0										-
		Grand Total	0	0	58	-	-	-	-	-	-	-	-	-	58