



TRIBUNAL DISMISSAL REPORT *Covering
calendar year 2017*

This report is submitted pursuant to N.Y.C. Ad. Code § 20-119 as added by Local Law 69 of 2015. In 2016, DCA’s tribunal ceased to exist and the Office of Administrative Trials and Hearings (OATH) began adjudicating DCA cases. Accordingly, this report analyzes dismissal data reported by OATH pursuant to § 1048(6) of the New York City Charter.

Dismissal Category	Number	Analysis	Planned Actions
Dismissed No Violation/On the Merits	1,071	OATH has held that DCA’s longstanding Notices of Hearing do not provide sufficient notice to respondents to assess: (a) cumulative penalties; or (b) recidivist penalties. These two types of “notice” dismissals comprise a substantial portion of these 1,071 dismissals. Importantly, the great majority of these dismissals do not reach the merits of DCA’s cases. And, the number of dismissals in this category dropped precipitously by the conclusion of 2017.	DCA did not agree with OATH’s assessment that NOH’s failed to adequately notify respondents of cumulative and recidivist penalties. Regardless, DCA added clarifying language and included an extra page of information, which includes a list of previous charges.
Dismissed No Jurisdiction	1	The one dismissal in this category appears to have been mislabeled.	No new planned action.
Dismissed Defective Service	67	OATH has dismissed cases where it determined that DCA has mailed Notices of Hearing to the wrong address or otherwise failed to comply with OATH’s service rules.	DCA continues to work to ensure that all Notices of Hearing are served properly and in accordance with OATH’s rules.



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Dismissed Defective Summons/charge (defective on its face)	67	OATH has dismissed cases where it determined that DCA cited the wrong Code provision or Rule in the Notice of Hearing or where the relevant Code provision or Rule was not legible. The vast majority of these dismissals occurred in early	DCA has emphasized to its inspectors the need for accurate and legible Notices of Hearing.
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Dismissal Category	Number	Analysis	Planned Actions
		2017, with fewer than ten such dismissals in the second half of the year.	
Dismissed - Failure to Prosecute	109	These dismissals result from OATH’s determination that DCA has failed to properly transmit the summons to OATH. These are largely technical, not substantive, issues. The vast majority of these dismissals occurred in early 2017, with fewer than ten such dismissals in the second half of the year.	Early in 2017, DCA and OATH faced technical obstacles that have prevented the seamless sharing of documents back-and-forth. DCA continued to work with OATH to facilitate the smooth transmission of case documents, which resulted in the significant decrease in dismissals.
Dismissed - Successfully Disputed Ownership	5	On rare occasions, respondents have persuaded OATH that the Notice of Hearing named the wrong respondent. Sometimes, in these circumstances, OATH uses this code, other times, OATH uses the “wrong party named” code.	DCA seeks to ensure that all Notices of Hearing name the proper parties, and will continue to do so.



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Dismissed - Wrong Party Named	22	On rare occasions, respondents have persuaded OATH that the Notice of Hearing named the wrong respondent. Sometimes, in these circumstances, OATH uses this code, other times, OATH uses the “successfully disputed ownership” code.	DCA seeks to ensure that all Notices of Hearing name the proper parties, and will continue to do so.
Dismissed - No Prima Facie Case	41	OATH Hearing Officers sometimes classify dismissals “on the merits” as dismissals for “no prima facie case.” Accordingly, the “analysis” and “planned actions” described for the “dismissed no violation/on the merits”	See “dismissed no violation/on the merits” above.
Dismissal Category	Number	Analysis	Planned Actions
		category applies to this category as well.	
Withdrawal	351	DCA voluntarily withdrew Notices of Hearing where DCA identified a reason to do so. These withdrawals had no substantive impact on OATH or respondents.	No new planned action.
Dismissed - Administrative Dismissal	-	-	-
Total	1,734	-	-