



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Dismissal Report May 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

June 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 May, 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	222	129	129		1,593
	Dismissed No Jurisdiction			1	6	17	3	4	1					32
	Dismissed Defective Service		1	1	2	3	51	1	4	1	2	1		67
	Dismissed Defective Summons/charge (defective on its face)	30	29	28	73	151	800	355	59	182	41	30		1,778
	Dismissed - Failure to Prosecute			1	6	12	6	8	12	15	4	7		71
	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	26	23	22		416
	Withdrawal			6	10	17	17	56	29	36	60	12		243
	Dismissed - Administrative Dismissal													-
TLC	Total Dismissed	71	93	210	313	398	1,176	672	330	482	259	201	-	4,205
NYPD	Dismissed No Violation/On the Merits		1	2	4		3	3	6	6	1	6		32
	Dismissed No Jurisdiction													-
	Dismissed Defective Service			1										1
	Dismissed Defective Summons/charge (defective on its face)		7	4	1	1	6	8	5	14	10	6		62
	Dismissed - Failure to Prosecute													-
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case			1	1	1	3	1		2	1	1		11
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
NYPD	Total Dismissed	-	8	8	6	2	12	12	11	22	12	13	-	106
Port Authority	Dismissed No Violation/On the Merits								1	1	1			3
	Dismissed No Jurisdiction								7	11				18
	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										3			3
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
Port Authority	Total Dismissed	-	1	-	-	-	-	-	8	12	4	-	-	25
Grand Total		71	102	218	319	400	1,188	684	349	516	275	214	-	4,336

*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	366	213	221		4,191	
	Dismissed No Jurisdiction	5			3	1	1			1	2	1		14	
	Dismissed Defective Service	14	17	26	48	15	19	21	9	25	2	4		200	
	Dismissed Defective Summons/charge (defective on its face)		5	8	9	27	22	18	8	27	19	12		155	
	Dismissed - Failure to Prosecute		1		1	5	1		1	14	1	3		27	
	Dismissed - Successfully Disputed Ownership	1	6	1	6	7	3	7	4	4	2	2		43	
	Dismissed - Wrong Party Named	4	3	11	8	6	2	12	12	14	2	5		79	
	Dismissed - No Prima Facie Case	23	18	34	57	42	61	69	40	63	51	73		531	
	Withdrawal	2			1										3
	Dismissed - Administrative Dismissal														-
	Grand Total	304	404	462	606	536	646	691	467	514	292	321	-	5,243	

*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	16	8	16		217	
	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	4	1			27	
	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	16	8	25		211	
	Dismissed - Administrative Dismissal														-
	Grand Total		21	33	45	56	47	87	50	57	36	17	41	-	490

*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	46	18	17		279		
		DEFECTIVE NOV	18	18	38	22	33	42	23	20	39	22	23		298		
		DEFECTIVE SERVICE	51	58	55	69	146	181	147	122	166	105	94		1194		
		DISPUTED OWNERSHIP	36	35	26	18	26	20	19	26	33	22	14		275		
		IMPROPER PARTY CITED	50	47	55	63	62	104	78	102	118	75	62		816		
		NO ECB JURISDICTION	1	2		1	1	2	7	7	8	8	3		40		
		NO VIOL. DISMISS ON MERITS	344	422	400	458	686	875	778	991	1137	672	492		7255		
		PROSECUTION WITHDRAWN	224	87	118	86	70	181	77	52	114	306	148		1463		
		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	16	13	14			155	
		NO PRIMA FACIA CASE	25	34	45	44	62	62	53	66	64	34	33			522	
		WITHDRAWAL AFTER ADJUDICATE	43	1	1	4	1	3	2	1	7	5	8			76	
		INTEREST OF JUSTICE															
		DOB-DEPT OF BUILDINGS Total			805	735	783	812	1123	1515	1251	1421	1748	1280	908		12381
		810-DEPT OF BUILDINGS 810		ADMIN. DISMISSAL ECB	11						4	4	17	7	4		47
				IMPROPER PARTY CITED									1				1
				DEFECTIVE NOV								2	3		2	1	8
	DEFECTIVE SERVICE												4			4	
	NO PRIMA FACIA CASE													1	1	2	
	NO VIOL. DISMISS ON MERITS									1		6	2	3	6	18	
	PROSECUTION WITHDRAWN											1				1	
	810-DEPT OF BUILDINGS 810 Total				11					1	6	14	24	13	12		81
	BUILDINGS(DOB) Total			816	735	783	812	1123	1516	1257	1435	1772	1293	920		12462	
	ENVIRONMENTAL PROTECTION(DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB							1						1	
DEFECTIVE NOV											1	2			4		
DEFECTIVE SERVICE																	
DISPUTED OWNERSHIP																	
IMPROPER PARTY CITED										1						1	
NO VIOL. DISMISS ON MERITS											1	5	3	1		10	
PROSECUTION WITHDRAWN			3					1			1		3	2		10	
DATA CORRECTION																	
NO PRIMA FACIA CASE																	
824-DEP - IWC Total				3				1		3	2	6	8	3		26	
825-DEP - BUREAU OF CUST SRV			ADMIN. DISMISSAL ECB		2	2			3	3		1		19	14	44	
			DEFECTIVE NOV			1									1	2	
			DEFECTIVE SERVICE				2										2
			DISPUTED OWNERSHIP								1						1
			IMPROPER PARTY CITED							1		1		1	1		4
			FAILURE TO PROSECUTE														
			NO VIOL. DISMISS ON MERITS	1	1		2	2	1	4			2	6	5		24
			PROSECUTION WITHDRAWN	1								1			2		4
			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	2	26	23		86		
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												1		1	
		NO PRIMA FACIA CASE															
989-DEP POLICE Total													1		1		
ASB-ASBESTOS CONTROL PROGRAM		ADMIN. DISMISSAL ECB	3						1						5		
		DEFECTIVE NOV						2		1		1			4		
		DEFECTIVE SERVICE								1						1	
		DISPUTED OWNERSHIP															
		IMPROPER PARTY CITED			1	1				6	1		1			10	
		FAILURE TO PROSECUTE	1	1	4	9	5	6			3	1	9	4		43	
		NO VIOL. DISMISS ON MERITS	3	2	5	2	7	10	4	9	13	7	5			67	
		PROSECUTION WITHDRAWN			1	3	2	6	3	3			7	2		27	
		NO ECB JURISDICTION								1	1			1		3	
		NO PRIMA FACIA CASE						3	2				2			7	
		ASB-ASBESTOS CONTROL PROGRAM Total			7	3	11	15	19	26	16	16	16	26	12		167

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		1							5
		PROSECUTION WITHDRAWN	3	2	10	1	11				8									2		1				38
		FAILURE TO PROSECUTE																								
		NO PRIMA FACIA CASE																								
		850-BIC Total		3	2	11	2	12	1	9	4	3	1				4	3	1						48	
MARKET CASES(BIC) Total		3	2	11	2	12	1	9	4	3	1				4	3	1						48			
PARKS(DPR)	846-DEPT OF PARKS	ADMIN. DISMISSAL ECB	1	2					1															4		
		DEFECTIVE NOV		2			3	1	6	5	1	5	6	1											30	
		DEFECTIVE SERVICE				1		1																	2	
		DISPUTED OWNERSHIP			1																				1	
		IMPROPER PARTY CITED																		1					1	
		NO ECB JURISDICTION					1		1																2	
		NO VIOL. DISMISS ON MERITS																								
		WITHDRAWAL AFTER ADJUDICATE						1																	1	
		FAILURE TO PROSECUTE					1																		1	
		NO PRIMA FACIA CASE	1	3	5	4	5	12	2	8	4	3													47	
		846-DEPT OF PARKS Total	13	20	24	28	20	44	23	21	17	22	6												238	
		PARKS(DPR) Total		13	20	24	28	20	44	23	21	17	22	6											238	
		POLICE	055-NYPD TRANSPORT INTELL DIV	ADMIN. DISMISSAL ECB																						
DEFECTIVE NOV	2			2	6	3	1	4	5	3	3	3	3											35		
DEFECTIVE SERVICE	2			1	2	3	1																	9		
DISPUTED OWNERSHIP																						1		1		
IMPROPER PARTY CITED				2			4			1	3	5	2											17		
NO ECB JURISDICTION												1												1		
FAILURE TO PROSECUTE						1		2	1			4	4	3	1									16		
NO VIOL. DISMISS ON MERITS	29			33	31	47	62	77	89	85	96	93	53											695		
PROSECUTION WITHDRAWN											1													1		
UNASSIGNED REASON																										
NO PRIMA FACIA CASE	2			4		5	2	3	11	8	2	6	3											46		
WITHDRAWAL AFTER ADJUDICATE																										
INTEREST OF JUSTICE																										
055-NYPD TRANSPORT INTELL DIV Total	35			42	40	58	72	85	106	104	111	107	61											821		
056-POLICE DEPT				ADMIN. DISMISSAL ECB	2	8	2	3	8	14	5	5	4	7	4										62	
				DEFECTIVE NOV	27	16	18	38	28	35	21	17	37	40	19										296	
				DEFECTIVE SERVICE	327	142	130	412	268	193	199	339	213	342	260										2825	
				DISPUTED OWNERSHIP								1		1											2	
				IMPROPER PARTY CITED				1	5		1														7	
				NO ECB JURISDICTION	6			2	12	1	4	1	4	3	3	4									40	
				NO VIOL. DISMISS ON MERITS	11	13	58	65	40	40	34	43	39	29	30										402	
		PROSECUTION WITHDRAWN				26																	26			
		UNASSIGNED REASON	1																				1			
		WORK DONE BY PREV. OWNER																								
		DATA CORRECTION																								
		FAILURE TO PROSECUTE	2		1			1	1	1													6			
		NO PRIMA FACIA CASE	10	13	17	33	27	25	18	30	27	27	23										250			
		INTEREST OF JUSTICE																								
		056-POLICE DEPT Total	386	192	229	594	372	313	280	439	324	448	340										3917			
985-SEAGATE POLICE		ADMIN. DISMISSAL ECB																								
		DEFECTIVE NOV																								
		DEFECTIVE SERVICE									3		1	1								5				
		NO ECB JURISDICTION																								
		NO VIOL. DISMISS ON MERITS																								
985-SEAGATE POLICE Total									3	1	1									5						
002-OFF OF SPECIAL ENFORCMNT		DEFECTIVE SERVICE					2	1		1	1		1								6					
		ADMIN. DISMISSAL ECB						1													1					
		DEFECTIVE NOV									1										3					
		IMPROPER PARTY CITED																								
		NO VIOL. DISMISS ON MERITS			1		1	1	3	1	2	4	2								15					
		PROSECUTION WITHDRAWN								2	1										3					
002-OFF OF SPECIAL ENFORCMNT Total	1	1	1	4	2	6	3	4	4	19	44									44						
POLICE Total		421	235	270	652	448	400	392	549	439	560	421										4787				

FY 21 ECB Hearings

PUBLIC TELEPHONE(DOITT)	858-DOITT	ADMIN. DISMISSAL ECB												
		DEFECTIVE NOV												
		DEFECTIVE SERVICE												
		DISPUTED OWNERSHIP												
		NO ECB JURISDICTION												
		NO VIOL. DISMISS ON MERITS				1		1						2
		PROSECUTION WITHDRAWN												
		NO PRIMA FACIA CASE												42
858-DOITT Total					25	17							44	
PUBLIC TELEPHONE(DOITT) Total					25	18			1				44	
SANITATION(DSNY)	827-DOS - ENFORCEMENT A GENTS	ADMIN. DISMISSAL ECB												
		DEFECTIVE NOV		1	4		1		1	1	2	3	1	
		DEFECTIVE SERVICE	9	13	18	8	5	2	9	8	7	9	4	
		DISPUTED OWNERSHIP	5	25	5	16	13	8	15	39	45	38	34	
		IMPROPER PARTY CITED		6	3	9	7	5	5	10	10	8	22	
		NO ECB JURISDICTION						1	1			1	1	
		NO VIOL. DISMISS ON MERITS	95	85	91	130	84	105	129	196	277	244	155	
		PROSECUTION WITHDRAWN			461	48	15	3	293	2	7	4	2	
		UNASSIGNED REASON												
		DATA CORRECTION												
		FAILURE TO PROSECUTE								1				
		NO PRIMA FACIA CASE	1	4			5		2	6	9	17	6	
		WITHDRAWAL AFTER ADJUDICATE					99							
		INTEREST OF JUSTICE												
		827-DOS - ENFORCEMENT A GENTS Total		110	134	582	211	229	124	455	263	357	324	225
		828-SANITATION POLICE												
		ADMIN. DISMISSAL ECB												
DEFECTIVE NOV		1	3			1	1					6		
DEFECTIVE SERVICE	1	1										2		
DISPUTED OWNERSHIP		4	4	5	1	2	1	1	5	3	1	27		
IMPROPER PARTY CITED	2	6		1	1		4				9	23		
NO ECB JURISDICTION					1							1		
NO VIOL. DISMISS ON MERITS	28	24	19	20	22	22	11	15	11	10	10	192		
PROSECUTION WITHDRAWN			1						5	1	2	9		
DATA CORRECTION														
FAILURE TO PROSECUTE				9	1							10		
WITHDRAWAL AFTER ADJUDICATE						1						1		
NO PRIMA FACIA CASE	2	1	1		1	2	2	1	1		1	12		
828-SANITATION POLICE Total		33	37	28	35	27	28	19	17	22	14	23		
829-SANITATION OTHERS														
ADMIN. DISMISSAL ECB		7	2	11	4	8	2			3	4	41		
DEFECTIVE NOV	40	44	58	40	46	67	62	39	53	50	14	513		
DEFECTIVE SERVICE	50	45	65	62	54	62	63	58	52	56	29	596		
DISPUTED OWNERSHIP	31	47	65	76	63	132	81	85	111	130	103	924		
IMPROPER PARTY CITED	12	17	39	33	41	27	24	25	41	45	33	337		
NO ECB JURISDICTION	1	3	1	1	2	3	5	2	4	1	1	24		
NO VIOL. DISMISS ON MERITS	555	679	762	903	994	1159	874	930	1087	1110	754	9807		
PROSECUTION WITHDRAWN	3	5	185	30	10	10	13	5	46	3	26	336		
DATA CORRECTION														
UNASSIGNED REASON														
FAILURE TO PROSECUTE				2					1		2	5		
NO PRIMA FACIA CASE	51	74	99	90	94	115	64	71	65	75	36	834		
INTEREST OF JUSTICE														
829-SANITATION OTHERS Total		743	921	1278	1246	1308	1583	1188	1215	1463	1474	998		
830-SANITATION PIU														
ADMIN. DISMISSAL ECB														
DEFECTIVE NOV														
DEFECTIVE SERVICE														
DISPUTED OWNERSHIP										1		1		
PROSECUTION WITHDRAWN							1	1		1		3		
NO VIOL. DISMISS ON MERITS	2						1			1	2	6		
FAILURE TO PROSECUTE					1							1		
NO PRIMA FACIA CASE														
830-SANITATION PIU Total		2				1	2	1		2	1	2		

FY 21 ECB Hearings

		831-SANITATION RECYCLING	ADMIN. DISMISSAL ECB																1	
			DEFECTIVE NOV	1	1			3	2	1	3	2							1	
			DEFECTIVE SERVICE	2	1	1	2		2	2	3	1	5							14
			DISPUTED OWNERSHIP	3	6	4	4	6	6	7	5	9	10	9						19
			IMPROPER PARTY CITED	4	1	4	4	1	4	2	3	2	1	3						69
			NO ECB JURISDICTION																	25
			NO VIOL. DISMISS ON MERITS	47	51	37	62	52	89	60	76	67	57	28						626
			PROSECUTION WITHDRAWN				2			4		5								11
			UNASSIGNED REASON								1									1
			FAILURE TO PROSECUTE			1														1
			NO PRIMA FACIA CASE	1	2	1	1	2	2	4	6	4	9	1						33
		831-SANITATION RECYCLING Total		54	65	45	78	63	104	82	97	88	82	42						800
		832-SANITATION ENVR POLICE	DEFECTIVE NOV																	
			DEFECTIVE SERVICE																	
			PROSECUTION WITHDRAWN	1				1												2
			DISPUTED OWNERSHIP																	
			FAILURE TO PROSECUTE																	
			NO VIOL. DISMISS ON MERITS										3	3	3					9
			NO PRIMA FACIA CASE																	
		832-SANITATION ENVR POLICE Total		1				1					3	3	3					11
SANITATION(DSNY) Total				943	1157	1933	1571	1628	1841	1745	1592	1935	1898	1293						17536
TRANSPORTATION(DOT)		841-DEPT OF TRANSPORTATION	ADMIN. DISMISSAL ECB																	3
			DEFECTIVE NOV	8	14	1	1	2	6	6	1	12	1	3						55
			DEFECTIVE SERVICE	1			2				4	1		1						9
			DISPUTED OWNERSHIP				1			1	2									4
			IMPROPER PARTY CITED			1	1	4	3	3	5	2	4	5	1					29
			NO ECB JURISDICTION																	1
			NO VIOL. DISMISS ON MERITS	29	68	93	139	105	143	160	150	178	189	48						1302
			PROSECUTION WITHDRAWN	53	20	47	92	42	70	230	168	273	150	54						1199
			UNASSIGNED REASON									1								1
			FAILURE TO PROSECUTE		19	3	5	2	2	7	9	9	4	22						82
			WORK DONE BY PREV. OWNER																	
			DATA CORRECTION																	
			NO PRIMA FACIA CASE	19	27	6	38	5	34	20	19	13	9	2						192
			WITHDRAWAL AFTER ADJUDICATE INTEREST OF JUSTICE																	
		841-DEPT OF TRANSPORTATION Total		110	149	151	282	159	258	430	355	492	360	131						2877
TRANSPORTATION(DOT) Total				110	149	151	282	159	258	430	355	492	360	131						2877
96MISCELLANEOUS AGENCIES(999)		999-MISCELLANEOUS AGENCIES	ADMIN. DISMISSAL ECB				2		2		1	1	1	1						8
			DEFECTIVE NOV	2				5	3			4	18	10						42
			DEFECTIVE SERVICE		4		2	2	3		10	3	6	4						34
			DISPUTED OWNERSHIP																	
			IMPROPER PARTY CITED																	
			PROSECUTION WITHDRAWN				7													7
			NO VIOL. DISMISS ON MERITS					3			1	2	1	1						8
			NO PRIMA FACIA CASE			2	3	2	1	3	4		3	1						19
		999-MISCELLANEOUS AGENCIES Total		2	4	2	17	9	9	4	15	10	29	17						118
96MISCELLANEOUS AGENCIES(999) Total				2	4	2	17	9	9	4	15	10	29	17						118
97AGENCY CODE MISSING OR INVALID		000-AGENCY CODE MISSING	ADMIN. DISMISSAL ECB						2	1	3									6
			DEFECTIVE NOV						2											2
			DEFECTIVE SERVICE																	
			DISPUTED OWNERSHIP																	
			IMPROPER PARTY CITED																	
			FAILURE TO PROSECUTE							1										1
			NO VIOL. DISMISS ON MERITS																	
			PROSECUTION WITHDRAWN																	
			NO PRIMA FACIA CASE																	
		000-AGENCY CODE MISSING Total								4	2	3								9
97AGENCY CODE MISSING OR INVALID Total										4	2	3								9
NYC-SHERIFF		837-NYC-SHERIFF	DEFECTIVE SERVICE					2		1										3
			ADMIN. DISMISSAL ECB								2			1						3
			DEFECTIVE NOV						1					2						3
			NO PRIMA FACIA CASE								1		2	3						6
			PROSECUTION WITHDRAWN									25								26
			NO VIOL. DISMISS ON MERITS					1		6	3	4	1	3						18
		837-NYC-SHERIFF Total						3	1	8	30	6	4	7						59
NYC-SHERIFF Total								3	1	8	30	6	4	7						59
2020 Total				2539	2573	3771	4042	4050	4830	4590	4837	5530	4812	3322						44896
Grand Total				2539	2573	3771	4042	4050	4830	4590	4837	5530	4812	3322						44896