



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

*Hearings Division*

Health and Restaurant Hearings

## **SUMMARY OF CHANGES TO THE OATH HEALTH TRIBUNAL**

On July 1, 2015, new rules governing procedures at the OATH Health Tribunal go into effect. A few key changes are summarized below. The new rules are located in Title 48 of the Rules of the City of New York (“RCNY”) Chapter 6. You can find them at <http://www.nyc.gov/oath>.

### **Health Cases Will Be Heard at the New OATH Hearings Division**

The newly created Hearings Division will conduct hearings on violations issued by the Department of Health and Mental Hygiene, as well as other agencies.

### **Failure To Appear At A Hearing**

#### **You Must Appear At the Time Shown On Your Notice of Violation**

If your notice of violation shows a time as well as date for when you must appear, you must show up at that time.

#### **Failure to Appear Results in Automatic Finding of Violation and Penalty**

If you do not appear for a hearing, a default decision will be issued against you automatically, finding you in violation and imposing the penalty.

#### **Only One Motion To Vacate Default Decision Will Be Granted**

If you fail to appear at your hearing, and your request to vacate a default decision is granted, you must appear at the new scheduled hearing. You will not be granted another motion to vacate except in exceptional circumstances.

### **One Request to Reschedule Before the Hearing Date**

You and the agency that issued you the notice of violation or summons will each be allowed to make one request to reschedule the hearing at any time before the hearing. After that, any request for a new hearing date must be decided by a hearing officer.

## **Requests For Inspector To Be At The Hearing**

### **Requests For Inspector Presence Made 3 Days In Advance**

If you want the inspector in your case to be at your hearing, you may make that request in writing up to 3 days before the hearing.

### **Adjournments Will Be Granted Only Twice For Inspector's Presence**

If the inspector does not show up as requested, and the hearing has already been adjourned twice for the inspector, the hearing will not be adjourned a third time. Instead, the hearing will go forward without the inspector.

## **Representation**

There are new rules governing registered representatives at the Hearings Division. If you are a representative, you must familiarize yourself with them. You can find the rules at **48 RCNY §6-23 and §6-24**. These include who does and does not have to register, removing the fee for registering, requiring re-registration each year, requiring that representatives have sufficient resources to complete their hearings, and detailed rules on misconduct and how misconduct will be handled.

## **Time To File An Appeal**

The time for you to file an appeal can be extended if you request a copy of the recording of the hearing, or if you can show that it was impossible for you to file timely.

## **No Late Payments By OATH**

OATH will no longer assess a penalty fee of \$50 and \$100 for late payments. This does not mean that there may not be interest or other penalties imposed by other agencies collecting the payments.

## **Time Extended If Mail Used**

If you receive a decision or other notification by mail, your time to respond will be extended by 5 days, rather than 7 days.

## **Notices of Violation and Summonses Served By Regular Mail**

Notices of violation and summonses may be served by regular mail, instead of certified mail.