



**OFFICE OF
ADMINISTRATIVE
TRIALS AND
HEARINGS**

ANNUAL
REPORT
2011

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Commissioner's Greeting



The Office of Administrative Trials and Hearings (OATH) is now the largest and fastest growing municipal administrative court in the nation; it oversees the operations of four different administrative tribunals and handles a wide variety of cases. Conducting over 400,000 hearings annually, our mission is to provide fair hearings to everyone who appears before our judges.

In 2011, the City's Tribunal system underwent momentous positive change. In June of 2011, Mayor Bloomberg signed Executive Order 148 which expanded OATH's jurisdiction by placing the management of the tribunals that were traditionally managed by the Taxi and Limousine Commission (TLC) and the Department of Health and Mental Hygiene (DOHMH) under its purview. The transfer increases the number of cases which OATH's handles by approximately 150,000 cases each year. OATH's oversight of these tribunals will ensure greater efficiency, transparency, increased professionalism, and greater access to justice.

OATH is working harder than ever to ensure that anyone who participates in the administrative justice process will receive fair and timely hearings. As the City's central administrative court system, it is our highest priority to make the hearing process convenient and accessible. In order to achieve this goal, last year OATH focused many of its efforts on modernizing its tribunals; it continued implementing innovative programs with the aim of creating truly user-friendly courts.

Through growth and change, OATH has maintained its superior level of services and I am proud to showcase our 2011 accomplishments in this report.

Sincerely,

A handwritten signature in black ink that reads "Ayman Sakh". The signature is fluid and cursive.

Commissioner & Chief Administrative Law Judge

Overview

OATH is one of the largest and fastest-growing municipal administrative courts in the nation, conducting over 400,000 hearings per year. OATH is made up of four independent administrative tribunals:

The OATH Tribunal adjudicates a diverse range of matters including civil service disciplinary cases, human rights and discrimination cases, car seizure cases, license revocation cases and complex contractual disputes.

The Environmental Control Board holds approximately 250,000 hearings annually on quality of life and public safety charges that are filed by 12 different City agencies including DOB, FDNY, DEP and DSNY.

The OATH Health Tribunal holds hearings on alleged violations of the City Health Code and other charges brought by the City's Department of Health and Mental Hygiene. The majority of the hearings are cases involving food service establishments.

The OATH Taxi & Limousine Tribunal holds hearings on potential violations of TLC's rules and regulations including cases brought against drivers by TLC, NYPD, Port Authority of NY and charges resulting from customer complaints. OATH currently also holds hearings to determine a driver's fitness for licensing by TLC.

Consolidation

In 2011, the City's Tribunal system underwent momentous, positive changes. In June of 2011, due to the proven success of the 2008 ECB transfer, Mayor Michael Bloomberg signed Executive Order 148 that further expanded OATH's jurisdiction by placing the management of the tribunals that were traditionally managed by the Taxi and Limousine Commission (TLC) and the Department of Health and Mental Hygiene (DOHMH) under its management. The transfer became effective on July 3, 2011 and it affects approximately 150,000 cases annually.



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

FOR IMMEDIATE RELEASE

June 14, 2011

No. 209

www.nyc.gov

MAYOR BLOOMBERG SIGNS EXECUTIVE ORDER INCREASING OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS OVERSIGHT OF RESTAURANT, TAXI AND OTHER HEARINGS

As the City's Central Adjudication Agency, the Office of Administrative Trials and Hearings Will Improve Efficiency and Service to the Public While Enhancing Judicial Independence and Professionalism

Mayor Michael R. Bloomberg and Deputy Mayor for Legal Affairs Carol Robles-Román today announced that the Office of Administrative Trials and Hearings (OATH) will have increased oversight of hearings on tickets issued to restaurant owners, taxi drivers and many other small businesses in the City. Executive Order 148, signed by the Mayor, will transfer the management of the administrative tribunals of the Department of Health and Mental Hygiene and of the Taxi and Limousine Commission (TLC) to OATH beginning on July 3, 2011. Over 150,000 cases a year will be affected. OATH's management means it will be easier for business owners and other members of the public to fight tickets; more hearings will be offered online or by telephone; more hearings will be held at local offices outside Manhattan; and more information will be available to help a party who wants to challenge a violation. OATH is independent of the agencies that write tickets and is dedicated to enhancing the professionalism of the City's administrative judiciary. OATH's oversight of these cases will also ensure that they move quickly and that enforcement of City rules is effective.

Consolidation


CITY OF NEW YORK
OATH Health Tribunal
A Division of the Office of Administrative Trials and Hearings



**The ADMINISTRATIVE TRIBUNAL
for HEALTH DEPARTMENT (DOHMH) TICKETS**

Changes at the DOHMH

As of July 5, 2011, our name has changed to the OATH HEALTH TRIBUNAL. Formerly managed by the Department of Health & Mental Hygiene (DOHMH), this court is now managed by the Office of Administrative Trials and Hearings (OATH).

This administrative court is responsible for hearing cases on Notices of Violations (tickets) which are issued by inspectors from DOHMH.


CITY OF NEW YORK
OATH Taxi & Limousine Tribunal
A Division of the Office of Administrative Trials and Hearings



**The ADMINISTRATIVE TRIBUNAL
for TAXI and LIMOUSINE COMMISSION (TLC)
VIOLATIONS**

Changes at TLC

As of July 5, 2011, our name has changed to the OATH TAXI & LIMOUSINE TRIBUNAL. Formerly managed by the Taxi and Limousine Commission (TLC), this court is now managed by the Office of Administrative Trials and Hearings (OATH).

This administrative court is responsible for hearing cases on reported violations of NYC and TLC rules and regulations.

- Hearings for TLC will be conducted by OATH.



- OATH is an independent court system that does not issue tickets or conduct inspections.
- OATH is not affiliated with the City Agencies that issue tickets.
- OATH oversees 4 divisions that provide hearings on a wide variety of cases, including the Environmental Control Board (ECB) and the Health Tribunal.

WHAT TO EXPECT FROM OATH

- Access to fair and timely hearings.
- More information about the hearing process for the general public.
- An emphasis on providing excellent customer service.
- A more user-friendly court.
- Professionally trained judges.
- Judges who are independent decision-makers and not part of the agencies that issue tickets.



Environmental Control Board

2011 Highlights from the Environmental Control Board:

Launched Hearings By Phone

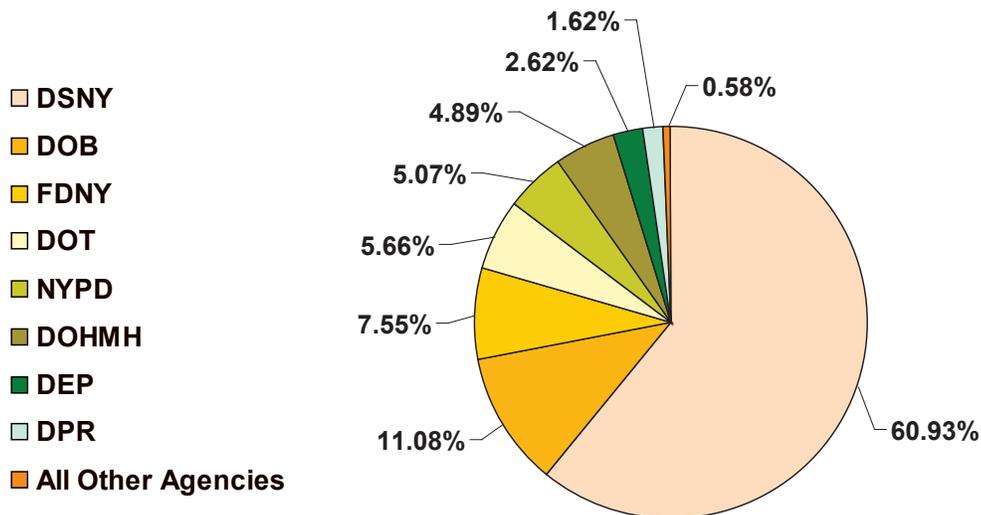
Launched One-Click (online) Hearings

Opened new hearing office in Brooklyn to better assist ECB respondents

Maintained low decision turn around time for ECB decisions:
99.3% of cases were decided under 90 days

Average wait time for a decision is 12 days

Tickets received by Environmental Control Board from
Enforcement Agencies
CY2011



Environmental Control Board

One-Click (online) Hearings

To save property and business owners time and money, ECB launched its online hearing program, in March 2011. One-Click Hearings, allows recipients of tickets to contest charges by using an electronic form found on ECB's website. The form allows users to tell the judge why a ticket should be dismissed. Users can write up to ten pages and can upload evidence for the judge to consider. The One-Click form can be found on ECB's website at www.nyc.gov/ecb.

In 2011, ECB conducted more than 2,600 One-Click Hearings.



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

FOR IMMEDIATE RELEASE

March 21, 2011

No. 91

www.nyc.gov

MAYOR BLOOMBERG AND SPEAKER QUINN ANNOUNCE NEW PROGRAM TO ALLOW NEW YORKERS TO CONTEST TICKETS ONLINE

Part of NYC Simplicity - Entire Hearing Process Now Available Online for Parking and Environmental Control Board Tickets

Council Legislation Enabled City to Leverage New Technology and Create New Efficiencies

Mayor Michael R. Bloomberg, City Council Speaker Christine C. Quinn, Deputy Mayor for Operations Stephen Goldsmith, Deputy Mayor for Legal Affairs Carol Robles-Román, Finance Commissioner David M. Frankel, Administrative Justice Coordinator David Goldin and Chief Administrative Law Judge Suzanne Beddoe today announced the launch of a new program to allow New Yorkers to contest tickets online, eliminating the need for a time consuming trip to an in-person hearing. Online hearings – part of the City's NYC Simplicity agenda to make City government more efficient, innovative, and customer-focused – are now available for parking tickets administered by the Department of Finance and many tickets administered by the Environmental Control Board, including health and sanitation code violations. Online hearings will produce efficiencies for City government, reducing spending on paper and mailings, eliminating paperwork processing, and increasing the productivity of administrative law judges, who will be able to make use of time between live hearings to review digital cases.

Environmental Control Board

Hearings by Phone

In May of 2011, ECB launched its Hearings by Phone program, which allows recipients of tickets to speak to a judge directly over the phone to contest charges. This program saves property and business owners time and money since they can contest charges at their convenience. The program is especially useful for recipients of tickets who do not have access to the internet or are unable to come to ECB in person. As with all OATH hearings, free translation services are available for people who want to use this program.

In 2011, ECB conducted nearly 400 hearings over the phone.

CITY OF NEW YORK OATH **Contest Tickets at Your Convenience** **THE CITY OF NEW YORK ECB**
Environmental Control Board

Most tickets, like those below, do not require you to come to ECB in-person for you to have a hearing with a judge. Try using these easy options instead!

BY PHONE ☎ (212) 487-3434

ONLINE 🌐 www.nyc.gov/ecb

BY MAIL ✉ ECB Mail Unit, 66 John Street 10th floor, New York, NY 10038

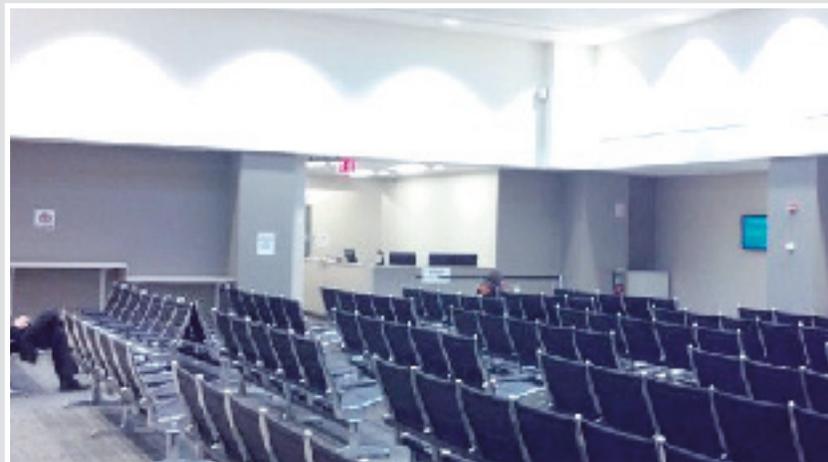
Littering & Clean-Up	All tickets for littering, clean-up and improper disposal of bedding except for illegal dumping and illegal posting
Recycling	All tickets for recycling and receptacle-related violations.
Vehicles	All vehicle-related violations issued by the Sanitation Department except for illegal dumping. Most vehicle-related charges issued by the Department of Environmental Protection such as idling, emissions, unauthorized use of clamm, blower, manufacturing equipment
Food & Safety	All tickets for mobile food/cart and temporary vendors issued by the Health Department
Health & Public Safety	All rodent, pest and insect, and animal related violations Most public health violations, such as smoking indoors in public buildings and in elevator
Miscellaneous	Most charges relating to compactor, trailer and refuse burning equipment issued by DEP Unreasonable noise violations All tickets issued by the Parks Department with fines under \$500.00

You must give your defense to ECB *before* the hearing date listed on the ticket.

Environmental Control Board

ECB Opens New Office in Brooklyn

The new Brooklyn ECB office has state-of-the-art systems, more hearing rooms, and a larger waiting room to better accommodate those New Yorkers who choose to contest their tickets in front of an ECB judge.



New Brooklyn Office waiting room



New Brooklyn Office reception

Health Tribunal

2011 Highlights from the OATH Health Tribunal:

Created an Appeals Unit

Appeal decisions made available on CityLaw

Launched Online Appeals

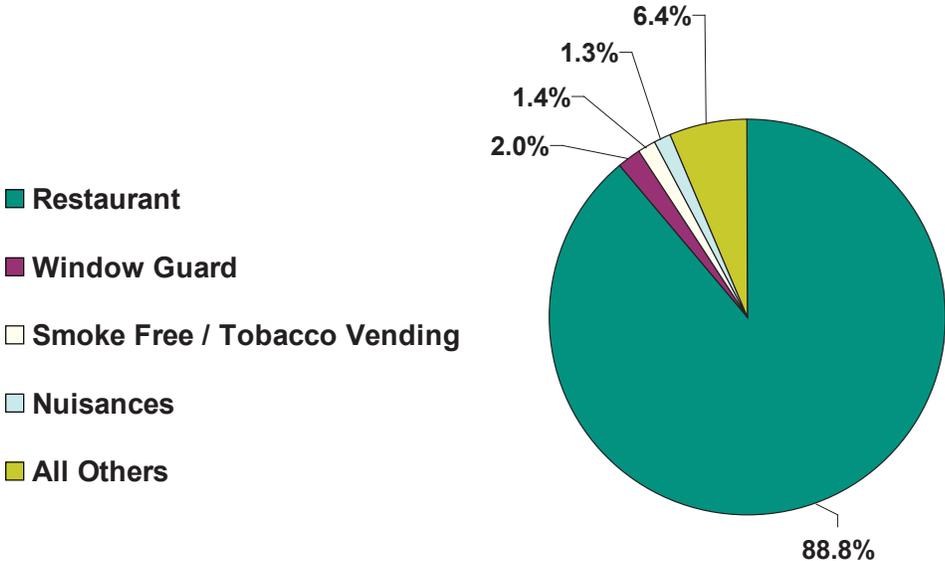
Launched Hearings By Phone

Reduced wait times at the hearing office

Opened 1st hearing office outside Manhattan, on Staten Island

Created informational materials about the hearing process for the public

Types of violations received by OATH Health Tribunal from Department of Health and Mental Hygiene (DOHMH) CY2011



Health Tribunal

New Appeals Unit & Online Appeals

Creating a formal Appeals Unit at the Health Tribunal was a top priority after OATH took over management of the Health Tribunal. As a separate body, the DOHMH acts as the party bringing charges to the tribunal for hearings. As the petitioner, the DOHMH now has the ability to appeal a Health Tribunal decision, an action that was not available to them when the tribunal and the enforcement divisions were both managed by DOHMH. Informational brochures about the tribunal's appeal process and how to appeal a decision are available to the public online and in Health Tribunal waiting rooms.

OATH has made it possible to submit appeals online. The electronic appeal form submits the appeal to both OATH and DOHMH, simultaneously.

APPEALS UNIT

After your hearing, you will receive the judge's decision. You have the right to **appeal** if you think the judge made a mistake in deciding your case.

Appeal a decision online at www.nyc.gov/oath

Appeals must be filed within 30 days of the date the decision was given to you.

UNIDAD DE APELACIONES

¿Debería yo apelar?

- En la decisión,
 - ¿se tomó en cuenta todos los hechos?
 - ¿no se consideró todo lo presentado en la audiencia?
 - ¿se interpretó incorrectamente el significado de la ley?

De ser así usted tiene el derecho de apelar.

Una apelación no viene a ser una nueva audiencia.

Estar disconforme con la multa no constituye razón para apelar.

Should I Appeal?

- Did the decision
 - get the facts wrong?
 - ignore something Presented at the hearing?
 - get the meaning of the law wrong?

If so, you have the right to appeal.

An appeal is not a new hearing. Just being unhappy about paying the penalty is not a reason to appeal.

Health Tribunal

Hearings by Phone

Within 3 months of taking over the management of the Health Tribunal, OATH instituted a new program that allows recipients of DOHMH violations to have their hearings over the phone.

The hearings by phone option provides a valuable tool for business owners who would like to contest violations without traveling to, or spending time in-person at, the Health Tribunal.



**The Health Tribunal
is More Convenient!**

The NYC Office of Administrative Trials and Hearings' Health Tribunal now offers Hearings-by-Phone. This means you will not have to come to the Tribunal in person to have your hearing with a judge.

Most tickets will be able to have hearings over the telephone, but there are some exceptions. To find out if you can have a Hearing-by-Phone and to schedule it, please call (212) 361-1060 before the hearing date listed on your ticket.

 **OATH Health Tribunal**
A Division of the Office of Administrative Trials and Hearings

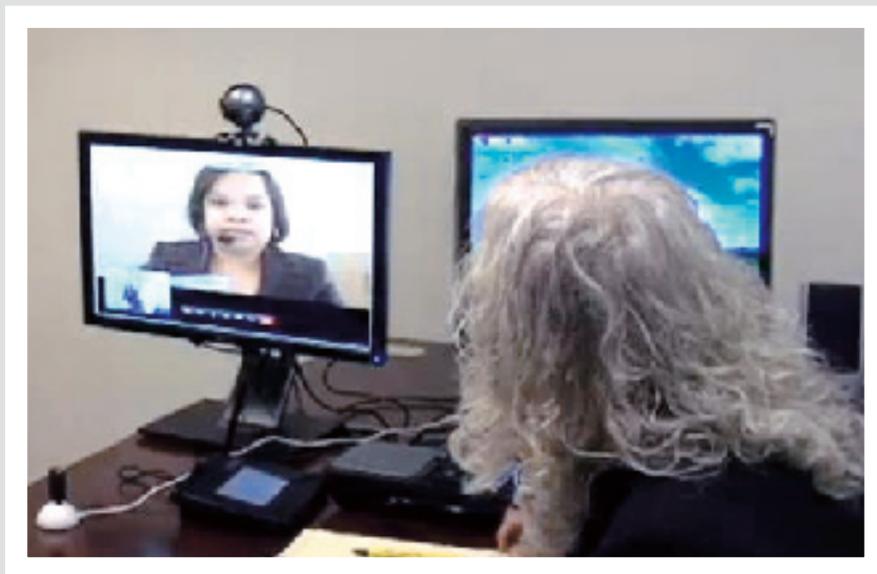
Please visit the Health Tribunal website at www.nyc.gov/oath

Health Tribunal

1st Location opens outside Manhattan

Hearings on violations issued by the Department of Health and Mental Hygiene to Staten Island restaurants and other food service establishments now have their scheduled hearings at a new hearing location, on Staten Island.

The new office location will make it easier for Staten Island restaurant owners to contest DOHMH charges because they will no longer have to travel to Manhattan. The Staten Island Office also launched state of the art video conferencing that allows DOHMH inspectors to testify using a web-cam.



An OATH Health Tribunal judge conducts a hearing at the Staten Island office, using video-conferencing technology.

Taxi & Limousine Tribunal

2011 Highlights from the OATH Taxi & Limousine Tribunal:

Eliminated 3,000 backlogged appeals that were several years old

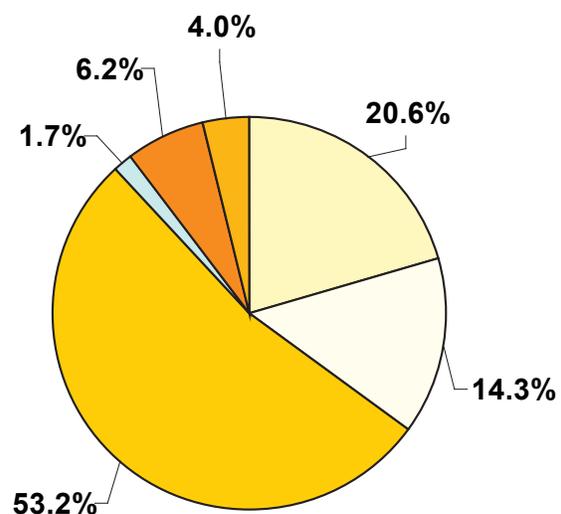
All appeals are now decided within 90 days

Created informational materials about the hearing process

Created efficiencies by implementing Driver Admit Program

Types of violations received by OATH Taxi Tribunal from
Taxi and Limousine Commission (TLC)
CY2011

- License - Status Jeopardized
- Civilian Complaints
- TLC Inspector - Issued
- Police Department - Issued
- Port Authority - Issued
- Safety & Emission



Taxi & Limousine Tribunal

Driver Violation Admit Program

TLC's Rules now allow OATH to offer drivers the option of admitting to certain types of violations and paying a lesser fine. Drivers who admit and pay the fine do not have to participate in a hearing at the OATH Taxi & Limousine Tribunal. This saves time and money for the drivers and allows other cases to proceed more efficiently.

With New TLC Rules

You Can Admit to Charges & Pay a Lower Fine



PLEASE CHECK THE BACK OF THIS FLYER FOR A LIST OF VIOLATIONS THAT QUALIFY FOR THE LOWER FINE.

If you received a Notice of Violation from TLC you might be able to admit to the violation and pay a lower fine.

Just come to the OATH Taxi & Limousine Tribunal location listed on your Notice of Violation before or on the date of your scheduled hearing.

Admitting to the violation waives your right to appeal. You will not have to attend a hearing if you admit.



RULE	BEFORE HEARING	AFTER HEARING	RULE	BEFORE HEARING	AFTER HEARING
54-04(n)(3)-(4)	\$50.00	\$75.00	57-12(d)	\$100.00	\$250.00
54-12(h)	\$100.00	\$250.00	57-12(e)(2)	\$300.00	\$400.00
54-12(j)	\$300.00	\$400.00	57-12(h)	\$200.00	\$300.00
54-13(a)1	\$100.00	\$200.00	57-13(c)(1)	\$100.00	\$200.00
54-13(a)2	\$200.00	\$300.00	57-13(c)(2)	\$200.00	\$300.00
54-13(a)3	\$300.00	\$400.00	57-13(c)(3)	\$300.00	\$400.00
54-14(e)(1)	\$250.00	\$350.00	57-14(b)(1)	\$250.00	\$350.00
54-15(d)	\$300.00	\$400.00	58-11(a)	\$50.00	\$100.00
54-15(f)(1-3)	\$150.00	\$200.00	58-11(e)	\$200.00	\$300.00
54-15(g)	\$100.00	\$150.00	58-16(a)	\$200.00	\$300.00
54-15(l)	\$200.00	\$300.00	58-20(c)	\$100.00	\$150.00
54-15(m)(1)	\$100.00	\$150.00	58-30(a)	\$150.00	\$200.00
54-16(a)	\$100.00	\$150.00	58-31(a)	\$50.00	\$75.00
54-16(d)	\$50.00	\$75.00	58-31(f)	\$50.00	\$75.00
54-17(e)(2) and (3)	\$200.00	\$300.00	58-32(c)	\$50.00	\$75.00
54-19(a)(7)	\$100.00	\$150.00	58-36(a)	\$350.00 and suspension until compliance	\$450.00 and suspension until compliance
54-19(b)(1)	\$100.00	\$150.00	58-39(e)3(i)	\$150.00	\$200.00
54-19(b)(2)	\$100.00	\$150.00	58-41(a)	\$150.00 and suspension until compliance	\$200.00 and suspension until compliance
54-19(b)(3)	\$100.00	\$150.00	59A-27(e)	\$150.00	\$200.00
54-19(b)(4)	\$100.00	\$150.00	59A-28(b)(1)	\$200.00	\$300.00
54-19(b)(5)	\$100.00	\$150.00	59A-30(a)(4)	\$100.00	\$150.00
54-19(b)(6)	\$100.00	\$150.00	59A-32(a)	\$350.00 and suspension until compliance	\$450.00 and suspension until compliance
54-22(b)	\$50.00	\$75.00	59A-33(a)	\$350.00 and suspension until compliance	\$450.00 and suspension until compliance
54-23(a)(1)	\$150.00	\$200.00	59A-33(b)	\$50.00	\$100.00
54-23(a)(3)	\$50.00	\$100.00	59B-19(b)	\$100.00	\$150.00
54-23(a)(4)	\$25.00	\$50.00	59B-21(f)	\$50.00	\$100.00
54-23(a)(5)	\$25.00	\$50.00	59B-33(a)(1)	\$350.00	\$450.00
54-23(b)(1)	\$100.00	\$150.00	61A-16(a)	\$50.00	\$100.00
55-12(h)(1)	\$100.00	\$250.00	61A-16(b)(1)	\$50.00	\$100.00
55-12(j)(1)+(2)	\$300.00	\$400.00	61A-16(c)	\$50.00	\$100.00
55-12(k)	\$200.00	\$300.00	61B-16(a)	\$50.00	\$100.00
55-13(a)(1)	\$100.00	\$200.00	61B-16(b)(1)	\$50.00	\$100.00
55-13(a)(2)	\$200.00	\$300.00	61B-16(c)	\$50.00	\$75.00
55-13(a)(3)	\$300.00	\$400.00			
55-14(g)(1)	\$250.00	\$350.00			
55-23(a)(1-3)	\$100.00	\$150.00			
56-12(f)	\$100.00	\$250.00			
56-12(h)	\$300.00	\$400.00			
56-13(a)(1)	\$100.00	\$200.00			
56-13(a)(2)	\$200.00	\$300.00			
56-13(a)(3)	\$300.00	\$400.00			
56-14(i)(1)	\$250.00	\$350.00			
56-15(q)	\$200.00	\$300.00			

OATH Tribunal

2011 Highlights from OATH Tribunal:

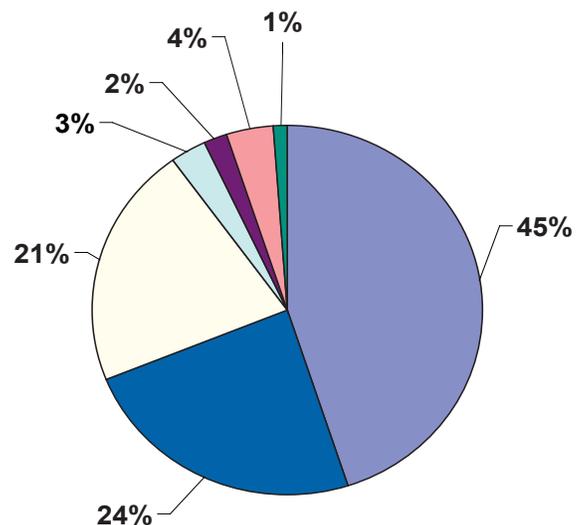
Partnered with Columbia Law School to produce new web content for people who do not have an attorney

Offered extensive legal training through OATH's Administrative Justice Institute

Nearly 99% of OATH's recommendations were adopted by the City agency that brought the case

Types of Cases filed by NYC Agencies at the OATH Tribunal
CY2011

- Disciplinary/Disability/COIB Hearings
- City Issued Licenses
- Car Seizure
- Lobbyist Registration & Other Regulatory Cases
- Discrimination Under City Human Rights Law
- Loft Law Cases / Zoning Violations / SRO Certificates
- City Contract Disputes



OATH Tribunal

Car Seizure Cases

In 2011, OATH partnered with Columbia Law School's *Lawyering in the Digital Age Clinic* to produce an informational website that explains the process for getting a car that has been seized during an arrest. The website includes informational videos featuring OATH Tribunal judges, who hear these cases. This site is meant to help people who decide to represent themselves understand the procedures for requesting the return of their car. The website can be accessed from the OATH website homepage at www.nyc.gov/oath.



In one of four informational videos found on the site, an OATH Tribunal judge explains what the police must prove during the hearing to keep a car.



OATH Tribunal

Administrative Judicial Institute at OATH

The Administrative Judicial Institute (AJI) is a resource center that provides training, continuing education, research and support services for the various administrative law judges and tribunals throughout New York City. The goal of the Institute is to improve the overall quality and professionalism of administrative justice in the City. Below are some of training courses the institute provided in 2011:

Programs for All Administrative Law Judges

- 2011 Update on the City Administrative Procedure Act
- Judicial Decision Writing
- Implicit Bias in Judicial Decision-Making: Striving for Fairness from the Bench
- Judicial Settlement Techniques: Theory & Practice
- The Art of Judging: Deciding Credibility and the Role of Nonverbal Communication
- Judicial Mindfulness
- Judicial Wellness: Understanding Depression
- The Working of the Judicial Mind
- Caught in the Net: Social Networking for Lawyers and Judges
- Basic Mediation Skills for EEO Professionals
- A Refresher on the Basics of Evidence Law
- Cultural Competence and Awareness

Health Tribunal Substantive Law Training

- Administrative Tribunal Automated System (ATAS) – A User's Guide
- Real Estate and Business Law Overview
- Letter Grading and Posting
- Review of Articles 3 and 7 of the NYC Health Code
- Judicial Writing
- Review of Credibility Factors
- Assessing the Credibility of Documents
- Understanding Conflict in the Customer Service Context and Embracing Diversity

Taxi Tribunal Substantive Law Training

- Prima Facie Summons
- Review of Chapter 68 of the TLC Rules
- Section 19-506 of the Administrative Code
- Review of Critical Driver and Persistent Violator Rules
- Judicial Writing
- Following Rules/Precedent
- Findings of Fact and Credibility Determinations
- Review of Credibility Factors

ECB Substantive Law Training

- ECB New Judge Training
- ECB Service Class
- ECB Fire Department Cases Adjudication
- Skills Training for the ALJ: The Engaged Hearing
- Vendor Law Training
- Assessing Credibility and Ethics Issues: A Course for ECB ALJs

