



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Suzanne A. Beddoe, Chief Administrative Law Judge

Key Public Service Areas

- ✓ Adjudicate administrative matters fairly and efficiently.
- ✓ Adjudicate violations of the City's local administrative laws fairly and efficiently.

Scope of Agency Operations

The Office of Administrative Trials and Hearings (OATH) is an independent, central tribunal which settles or adjudicates a wide range of issues referred by City agencies. Its caseload includes hearings authorized by federal, state and local law, including employee discipline, retention of seized vehicles, license and regulatory enforcement, real estate and loft law violations, contract disputes, and human rights violations. The Environmental Control Board (ECB) became a division of OATH in November 2008. ECB is a tribunal that conducts hearings involving violations of City laws protecting healthy, clean, and safe environmental conditions. Notices of violation may be issued by any of 12 City agencies. ECB hearing officers are appointed and overseen by a 13-member board that is responsible for enforcing those laws and deciding appeals from hearing officer decisions.

Critical Objectives

- Conduct fair hearings in a professional environment.
- Schedule and hear cases promptly.
- Issue timely decisions after hearing record is closed.
- Settle cases through conferences and other alternative means.
- Maintain high quality of written decisions.

Preliminary Performance Highlights

- During the first four months of Fiscal 2012 OATH's average adjournment time decreased 9 percent as OATH judges continue to be vigilant about moving cases forward efficiently.
- During the reporting period the average time for OATH to issue decisions after the records were closed increased 19 percent, or 2.4 business days on average, well within the target of 25 business days. The agency continues to receive complex civil litigation on its docket, such as new Loft Board matters that fall under recent amendments to the loft law. In addition, the percentage of expedited cases filed decreased relative to more complex cases.
- The settlement rate increased 10 percentage points during the reporting period due to a continued commitment of time and attention to the settlement process at OATH.
- Despite a 17 percent drop in overall issuance, the Environmental Control Board (ECB) experienced only a 3 percent decrease in violations heard. ECB achieved a 62 percent reduction in the average time from hearing assignment to hearing decision.

Performance Report

- ✓ Adjudicate administrative matters fairly and efficiently.

Performance Statistics	Actual			Target		4-Month Actual FY11	4-Month Actual FY12
	FY09	FY10	FY11	FY12	FY13		
Cases filed at OATH (total)	3,472	2,921	2,611	*	*	961	661
★ Average adjournment time at OATH (business days)	13.3	15.3	14.6	20.0	20.0	15.9	14.5
OATH settlement rate (%)	53%	50%	51%	55%	55%	47%	56%
★ Average time for OATH to issue decisions after records closed (business days)	12.0	10.2	12.8	25.0	25.0	12.5	14.9
OATH cases with decisions issued within 45 business days (%)	90%	95%	96%	*	*	91%	96%
OATH facts and conclusions adopted by agencies (%)	98%	99%	99%	96%	96%	100%	100%

★ Critical Indicator "NA" - means Not Available in this report



✓ **Adjudicate violations of the City's local administrative laws fairly and efficiently.**

Performance Statistics	A c t u a l			T a r g e t		4-Month Actual FY11	4-Month Actual FY12
	FY09	FY10	FY11	Updated			
	FY12	FY13					
Notices of Violation (NOV) received by ECB	704,680	694,273	562,418	*	*	214,873	177,923
ECB hearings conducted	241,521	306,689	252,371	*	*	94,736	92,021
★ Average time from ECB hearing assignment to decision (days)	89	72	20	*	*	31	12
★ ECB decisions rendered (total)	187,475	204,192	178,872	*	*	66,268	62,289
- Dismissed	72,075	86,632	69,009	*	*	28,210	24,328
- In violation	114,287	116,458	108,470	*	*	37,650	37,375
- Stipulated	1,113	1,102	1,393	*	*	408	586

★ Critical Indicator "NA" - means Not Available in this report

Agency Customer Service

The Office of Administrative Trials and Hearings provides service to its customers through its walk-in facilities, website and correspondence.

Indicator	OATH Jul-Oct FY11	Citywide Jul-Oct FY11	OATH Jul-Oct FY12	Citywide Jul-Oct FY12	OATH Change Jul-Oct FY11 to FY12	Citywide Change Jul-Oct FY11 to FY12
Average response time for letters/mail correspondence (days)	14	11	4	9	-71%	-18%
Number of 311 inquiries (to MMR agencies)	93	2,467,532	1,220	2,245,344	1212%	-9%

311 Customer Service Center Inquiries

	Total Jul-Oct FY11	% of OATH Inquiries in Jul-Oct FY11	Rank in # of Calls in Jul-Oct FY11	Total Jul-Oct FY12	% of OATH Inquiries in Jul-Oct FY12	Rank in # of Calls in Jul-Oct FY12
Top OATH-related Inquiries						
Notice of Health Violation - General Information	NA	NA	NA	354	29%	1
Hearing on Taxi Limousine Commission Violation	NA	NA	NA	273	22%	2
Settling a Food Service Establishment Health Violation	NA	NA	NA	271	22%	3
Notice of Health Violation - Missing or Unreadable	NA	NA	NA	219	18%	4
City Agency Tribunals	93	100%	1	102	8%	5



Agency Resources

Agency Resources	A c t u a l			September	Updated		4-Month	4-Month
	FY09	FY10	FY11	2011 MMR FY12	FY12 ¹	FY13 ¹	Actual FY11	Actual FY12
Expenditures (\$ millions) ²	\$16.2	\$24.0	\$23.3	\$33.5	\$33.9	\$35.4	\$8.3	\$10.9
Revenues (\$ millions)	\$0	\$0	\$87.2	\$135.7	\$140.2	\$150.2	\$31.5	\$51.5
Personnel	295	279	270	396	428	447	266	361
Overtime paid (\$000)	\$86	\$33	\$29	*	*	*	13	16

¹ January 2012 Financial Plan "NA" - Not Available in this report

² Expenditures include all funds. January Plan figures reflect modifications in Federal, State, and other non-City funding since the adoption of the 2012 budget.

Noteworthy Changes, Additions or Deletions

None

For more information please visit the website at: www.nyc.gov/oath

