

**TRANSCRIPT OF THE NEW YORK CITY
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
PUBLIC HEARING**



DATE OF PUBLIC HEARING: September 20, 2021

TIME: 2 pm – 3 pm

WebEx Video Conference

1. *Joy Thompson: Good afternoon! My name is Joy Thompson, and*
2. *I am an Assistant General Counsel at the New York City Office of*
3. *Administrative Trials and Hearings, also known as OATH.*
4. *Thank you for attending today's hearing.*
5. OATH is conducting this hearing in accordance with the
6. requirements of the City Administrative Procedure Act also
7. known as CAPA. The purpose of this hearing is to receive
8. comments from the public on OATH's Proposed Rule Repealing
9. OATH's Sanitation Penalty Schedule.
10. OATH proposes to repeal in their entirety the following penalty
11. Schedules: The Recycling – Sanitation Collection Rules Penalty
12. Schedule, the Sanitation Asbestos Rules Penalty Schedule, the
13. Sanitation Penalty Schedule, and the Vehicle and Traffic Law Penalty
14. Schedule which contain penalties for summonses issued by the
15. New York City Department of Sanitation. OATH also proposes
16. to repeal certain provisions of its Environmental Conservation
17. Law Penalty Schedule and its Public Safety Graffiti Penalty
18. Schedule, which are also enforced by the Department of
19. Sanitation.
20. This rule change is one step in a larger effort to repeal all
21. penalty schedules in OATH's rules codified in Subchapter G
22. of Chapter 3 of Title 48 of the RCNY, so that these provisions
23. can be incorporated into the rules of the agencies having rulemaking

24. and policymaking authority over the laws underlying the violations.

25. Such repeals will also serve OATH's core function of adjudication

26. and help alleviate the false public perception that OATH is an

27. enforcement agency, rather than a neutral tribunal.

28. The Department of Sanitation has proposed a related rule

29. amendment featuring a penalty schedule that would incorporate the

30. violations from OATH's penalty schedules.

31. OATH's proposed rule was published in The City Record on

32. August 20, 2021. OATH also e-mailed the rule to the Speaker of the

33. City Council; every Member of the City Council; all community board

34. managers; the news media; as well as civic organizations. In

35. addition, OATH posted the proposed rule on OATH's website; the

36. New York City Rules website; and the City Records online website.

37. OATH has been accepting written comments on the proposed rule

38. since the date it was published in The City Record and will continue

39. to accept written comments through the close of business today.

40. At this hearing, you may present an oral statement concerning the

41. proposed rule.

42. Before you begin speaking: Please state your name and affiliation

43. whether you are with an agency, the media, etc.

44. Speak slowly and clearly, so that your statement may be

45. accurately recorded. Please limit your statement to no more than

46. three minutes.

47. Shortly after today's hearing, copies of all written comments
48. received by OATH, concerning this proposed rule, and a
49. summary of the statements given today, will be made
50. available to the public on OATH's website at:
51. <https://www1.nyc.gov/site/oath/about/legal-resources-and-rule-making.page>
52. I have also added the website information to the Chat section of
53. this WebEx.

54. Before issuing its Final Rule, OATH will carefully consider
55. the statements presented at today's hearing, as well as all written
56. comments received by the close of business today. Thank you for
57. attending this hearing.

58. Now, the floor is open for comments. Again, before you begin
59. speaking: Please state your name and affiliation. Speak slowly and
60. clearly so that your statement can be accurately recorded. And
61. please limit your statement to no more than three minutes.

62. As there are no comments on OATH's Proposed Rule Repealing
63. OATH's Sanitation Penalty Schedule, this meeting is now adjourned.
64. Thank you for attending and please be safe and well.

CERTIFICATION

This is to certify that I have typed the above record by listening to the Webex video conference in the State of New York and that to the best of my knowledge and belief the above record that is typed by me is a true and accurate record of the Webex video.

Elizabeth Nolan

Elizabeth Nolan

Date Transcribed: September 24, 2021