

# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Fidel F. Del Valle, Commissioner/Chief Administrative Law Judge



## WHAT WE DO

The Office of Administrative Trials and Hearings (OATH) is currently an independent, central administrative law court with two divisions: the OATH Trials Division and the OATH Hearings Division. The OATH Hearings Division consists of three legacy subdivisions: OATH Environmental Control Board (ECB) Hearings, OATH Vehicle for Hire Hearings and OATH Health Hearings. OATH Hearings are conducted by Hearing Officers. The OATH Trials Division adjudicates a wide range of issues referred by City agencies. Its caseload includes employee discipline, retention of seized vehicles, license and regulatory enforcement, real estate and loft law violations, contract disputes and human rights violations. OATH Trials are conducted by Administrative Law Judges. In the OATH Hearings Division, ECB Hearings conducts hearings on alleged quality-of-life violations that can be filed by 16 different City agencies. OATH Vehicle for Hire Hearings holds hearings on summonses issued by the Taxi and Limousine Commission (TLC), the City's Police Department and the Port Authority of New York and New Jersey for alleged violations of TLC and other City rules. OATH Health Hearings holds hearings on summonses issued by the Department of Health and Mental Hygiene regarding alleged violations of the City's Health Code and other laws affecting health.

## FOCUS ON EQUITY

OATH was established as an independent Charter agency with the mission to provide fair and unbiased administrative trials and hearings to the City's residents, businesses and agencies. With a focus on providing convenience to the New Yorkers who are summoned to its courts, OATH is undertaking an agency-wide transformation. It is redesigning all of the rules, procedures, forms and documents across its three hearings subdivisions with the aim of making the hearing processes standard and understandable for all New Yorkers summoned to hearings, regardless of which of the various City enforcement agencies issued the notice or summons. Having one division that is responsible for all administrative hearings conducted by OATH will enable the creation of OATH "One-Stop Hearing Centers" in each borough. These Centers will provide individuals and businesses with the opportunity to deal with summonses issued by any City agency before an independent and impartial administrative court that has one uniform set of procedures that will become familiar to all.

## OUR SERVICES AND GOALS

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### **SERVICE 1 Adjudicate the City's administrative matters.**

Goal 1a Hear cases promptly and issue timely decisions at the OATH Trials Division.

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### **SERVICE 2 Adjudicate alleged violations of the City's local administrative laws.**

Goal 2a Hear cases promptly and issue timely decisions at the OATH Hearings Division, which includes OATH Environmental Control Board (ECB) Hearings, OATH Health Hearings and OATH Vehicle for Hire Hearings.

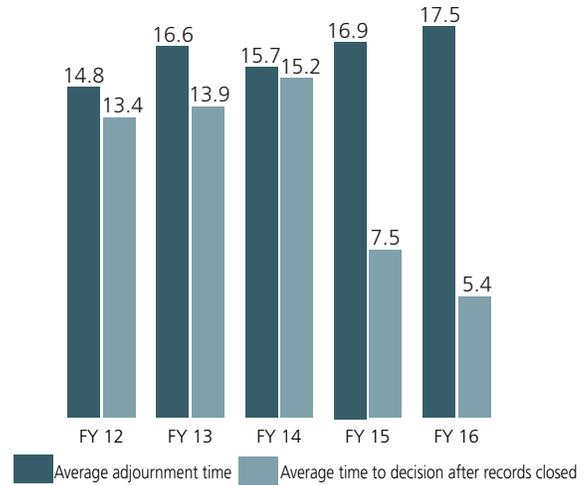
# HOW WE PERFORMED IN FISCAL 2016

## SERVICE 1 Adjudicate the City’s administrative matters.

**Goal 1a** Hear cases promptly and issue timely decisions at the OATH Trials Division.

In Fiscal 2016, the number of cases filed at the OATH Trials Division decreased seven percent and the Trials Division reduced the average time it took to issue a written decision after the record was closed by 2 days, or 28 percent. The percentage of cases that were settled by OATH Administrative Law Judges at OATH settlement conferences remained constant at 57 percent in Fiscal 2016, compared to the previous year.

**Average adjournment time and Average time to decision after records closed**



| Performance Indicators   | Actual |       |       |       |       | Target |      | Desired Direction | 5yr Trend |
|--|--------|-------|-------|-------|-------|--------|------|-------------------|-----------|
|  | FY12   | FY13  | FY14  | FY15  | FY16  | FY16   | FY17 |                   |           |
| ★Average time for the OATH Trials Division to issue decisions after records closed (business days) | 13.4   | 13.9  | 15.2  | 7.5   | 5.4   | 25.0   | 25.0 | Down              | Down      |
| OATH Trials Division cases with decisions issued within 45 business days (%)                       | 98%    | 98%   | 94%   | 93%   | 93%   | *      | *    | Up                | Neutral   |
| OATH Trials Division facts and conclusions adopted by agencies (%)                                 | 98%    | 99%   | 98%   | 99%   | 99%   | 96%    | 96%  | Up                | Neutral   |
| ★Average adjournment time at the OATH Trials Division (business days)                              | 14.8   | 16.6  | 15.7  | 16.9  | 17.5  | 20.0   | 20.0 | Down              | Up        |
| OATH Trials Division settlement rate (%)   | 59%    | 59%   | 55%   | 57%   | 57%   | 55%    | 55%  | Neutral           | Neutral   |
| Cases filed at the OATH Trials Division (total)  | 2,027  | 2,358 | 2,665 | 2,754 | 2,553 | *      | *    | Neutral           | Up        |
| Cases closed at the OATH Trials Division (total)   | 2,001  | 2,326 | 2,425 | 2,724 | 2,560 | *      | *    | Neutral           | Up        |
| Cases processed per ALJ (total)  | 179.3  | 183.0 | 187.0 | 188.0 | 188.6 | *      | *    | Up                | Neutral   |

★ Critical Indicator "NA" - means Not Available in this report ↕ shows desired direction

## SERVICE 2 Adjudicate alleged violations of the City’s local administrative laws.

**Goal 2a** Hear cases promptly and issue timely decisions at the OATH Hearings Division, which includes OATH Environmental Control Board (ECB) Hearings, OATH Health Hearings and OATH Vehicle for Hire Hearings.

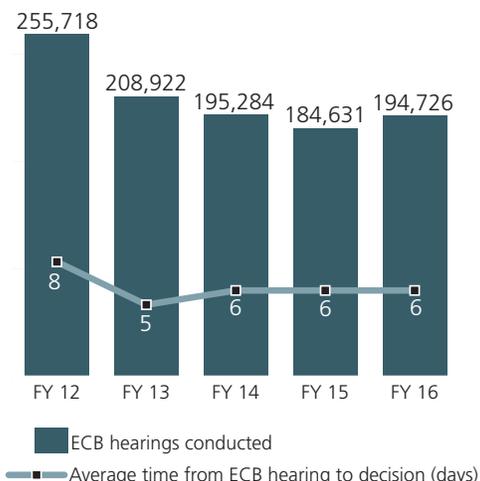
In Fiscal 2016, the number of summonses received for legacy ECB hearings at the OATH Hearings Division increased 12 percent from the prior fiscal year. In Fiscal 2016, OATH conducted 5.5 percent more hearings on these types of summonses when compared to the previous year. OATH had an average time for a decision to be issued on these cases of six days in Fiscal 2016, the third consecutive year at that rate.

In Fiscal 2016, the number of Health Hearings conducted by hearing officers at the OATH Hearings Division decreased 31 percent when compared to the previous year. This decrease can be partially attributed to a 20 percent decrease in the total number of cases that were filed for hearings by the Health Department, as well as to an operational change that affects what is counted as a hearing. OATH does not count a default decision as a hearing decision when the default decision is automatically generated. Default decisions can be automatically generated only when the case involves charges that have penalty amounts that are fixed in the Health Department’s rules or enabling legislation. Due to fixed penalties being

implemented by the Health Department for certain infractions, in Fiscal 2016, OATH's number of Health hearings decreased from Fiscal 2015 because the cases that automatically defaulted in Fiscal 2016 were not counted as hearings.

In Fiscal 2016, the number of Vehicle for Hire hearings conducted at the OATH Hearings Division decreased 29 percent despite the fact that the number of pre-hearing settlements for summonses actually filed by the TLC also decreased 72 percent. A decrease in the number of cases settled before the hearing would typically lead to an increase in the number of hearings conducted since unsettled cases would then have to be resolved at the OATH hearing. The decrease in settlements and hearings, with the number of summonses received remaining unchanged, can be explained by the fact that in Fiscal 2016 the number of summonses filed and then withdrawn by the TLC without a hearing or settlement of a summons increased by more than 200 percent from the prior fiscal year.

**ECB hearings conducted vs. ECB hearing decision time (days)**



| Performance Indicators   | Actual  |         |         |         |         | Target |      | Desired Direction | 5yr Trend |
|--|---------|---------|---------|---------|---------|--------|------|-------------------|-----------|
|  | FY12    | FY13    | FY14    | FY15    | FY16    | FY16   | FY17 |                   |           |
| Total summonses received from the issuing agencies at the OATH Hearings Division                         | NA      | 594,329 | 704,213 | 759,520 | 826,690 | *      | *    | Neutral           | NA        |
| Total hearings at the OATH Hearings Division   | NA      | 322,916 | 283,480 | 281,704 | 271,920 | *      | *    | Neutral           | NA        |
| Notices of Violation (NOV) received by OATH ECB Hearings Division  | 563,477 | 464,666 | 566,566 | 623,758 | 700,369 | *      | *    | Neutral           | Up        |
| OATH ECB Hearings Division hearings conducted  | 255,718 | 208,922 | 195,284 | 184,631 | 194,726 | *      | *    | Neutral           | Down      |
| ★Average time from OATH ECB Hearings Division hearing assignment to decision (days)                      | 8       | 5       | 6       | 6       | 6       | 20     | 20   | Down              | Down      |
| OATH ECB Hearings Division cases with decisions issued within 45 business days of hearing assignment (%) | NA      | 99.7%   | 99.9%   | 99.9%   | 99.9%   | *      | *    | Up                | NA        |
| ★OATH ECB Hearings Division decisions rendered   | 172,409 | 141,371 | 142,390 | 146,266 | 155,051 | *      | *    | Neutral           | Neutral   |
| Dockets received by the OATH Health Hearings Division  | NA      | 41,772  | 40,255  | 37,776  | 30,051  | *      | *    | Neutral           | NA        |
| OATH Health Hearings Division hearings conducted   | NA      | 36,187  | 37,932  | 34,013  | 23,354  | *      | *    | Neutral           | NA        |
| ★OATH Health Hearings Division decisions rendered  | NA      | 23,787  | 26,043  | 23,731  | 21,398  | *      | *    | Neutral           | NA        |
| Summonses received by the OATH Vehicle for Hire Hearings Division  | NA      | 87,891  | 97,392  | 97,986  | 96,270  | *      | *    | Neutral           | NA        |
| OATH Vehicle for Hire Hearings Division hearings conducted   | NA      | 77,807  | 59,929  | 75,402  | 53,777  | *      | *    | Neutral           | NA        |
| ★OATH Vehicle for Hire Hearings Division decisions rendered  | NA      | NA      | 50,264  | 63,060  | 42,473  | *      | *    | Neutral           | NA        |
| OATH Hearings by Mail (% of total alternative hearings)  | NA      | 51.8%   | 38.0%   | 31.2%   | 24.4%   | *      | *    | Neutral           | NA        |
| OATH One-Click Hearings (% of total alternative hearings)  | NA      | 36.3%   | 50.4%   | 55.0%   | 58.9%   | *      | *    | Neutral           | NA        |
| OATH Hearings by Phone (% of total alternative hearings)   | NA      | 11.9%   | 11.6%   | 13.8%   | 16.7%   | *      | *    | Neutral           | NA        |

★ Critical Indicator "NA" - means Not Available in this report ↕ ↑ shows desired direction

## AGENCY CUSTOMER SERVICE

| Performance Indicators                         | Actual |       |       |       |        | Target |      | Desired Direction | 5yr Trend |
|--|--------|-------|-------|-------|--------|--------|------|-------------------|-----------|
|  | FY12   | FY13  | FY14  | FY15  | FY16   | FY16   | FY17 |                   |           |
| Customer Experience                            |        |       |       |       |        |        |      |                   |           |
| Completed customer requests for interpretation | 7,423  | 8,734 | 9,240 | 9,419 | 10,185 | *      | *    | Neutral           | Up        |
| Letters responded to in 14 days (%)            | 98%    | 99.7% | 100%  | 100%  | 100%   | *      | *    | Up                | Neutral   |
| E-mails responded to in 14 days (%)            | NA     | 100%  | 100%  | 100%  | 100%   | *      | *    | Up                | NA        |
| CORE facility rating                           | 87     | 90    | 97    | 94    | 98     | *      | *    | Up                | Up        |

## AGENCY RESOURCES

| Resource Indicators                   | Actual <sup>1</sup> |         |         |         |         | Plan <sup>2</sup> |         | 5yr Trend |
|---------------------------------------|---------------------|---------|---------|---------|---------|-------------------|---------|-----------|
|                                       | FY12                | FY13    | FY14    | FY15    | FY16    | FY16              | FY17    |           |
| Expenditures (\$000,000) <sup>3</sup> | \$30.5              | \$30.7  | \$31.3  | \$34.4  | \$38.0  | \$38.2            | \$39.5  | Up        |
| Revenues (\$000,000)                  | \$159.8             | \$135.7 | \$137.3 | \$141.3 | \$154.9 | \$126.8           | \$128.9 | Neutral   |
| Personnel                             | 372                 | 368     | 358     | 362     | 360     | 448               | 458     | Neutral   |
| Overtime paid (\$000)                 | \$0                 | \$39    | \$101   | \$42    | \$50    | \$40              | \$50    | Up        |

<sup>1</sup>Actual financial amounts for the most current fiscal year are not yet final. Final fiscal year actuals, from the Comptroller's Comprehensive Annual Financial Report, will be reported in the next PMMR. Refer to the "Indicator Definitions" at [nyc.gov/mmr](http://nyc.gov/mmr) for details. <sup>2</sup>Authorized Budget Level <sup>3</sup>Expenditures include all funds  
 "NA" - Not Available in this report

## NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

- OATH added two new volume indicators for the OATH Hearings Division. They are 'Total summonses received from the issuing agencies at the OATH Hearings Division' and 'Total hearings at the OATH Hearings Division'. These will report the total size of the activity undertaken by the OATH Hearings Division, as it undertakes the expanding activity administered by the Division's three sections, known now as ECB, Health, and TLC & Vehicles for Hire.
- OATH added three new indicators showing the distribution of activity in response to the three types of hearings by alternative means which it offers. These three types of alternative, or remote, hearings are: 'OATH Hearing by Mail, OATH One-Click (online) Hearings, and OATH Hearings by Phone. Each indicator is the percentage of total alternative hearings that the use of that type of alternative hearing represented during the period being reported. Alternative hearings are part of OATH's and the City's effort to enable those who receive summonses to respond at their convenience and without having to appear for a hearing in person.

## ADDITIONAL RESOURCES

For additional information, go to:

- OATH Trials Division data:  
[http://www.nyc.gov/html/oath/downloads/pdf/oath\\_trib\\_stats/OATH.pdf](http://www.nyc.gov/html/oath/downloads/pdf/oath_trib_stats/OATH.pdf)
- Health Hearings data:  
[http://www.nyc.gov/html/oath/downloads/pdf/health\\_trib\\_stats/Health.pdf](http://www.nyc.gov/html/oath/downloads/pdf/health_trib_stats/Health.pdf)
- Vehicle for Hire Hearings data:  
[http://www.nyc.gov/html/oath/downloads/pdf/tlt\\_trib\\_stats/Taxi.pdf](http://www.nyc.gov/html/oath/downloads/pdf/tlt_trib_stats/Taxi.pdf)
- Environmental Control Board Hearings data:  
[http://www.nyc.gov/html/oath/downloads/pdf/ecb\\_trib\\_stats/ECB.pdf](http://www.nyc.gov/html/oath/downloads/pdf/ecb_trib_stats/ECB.pdf)

For more information on the agency, please visit: [www.nyc.gov/oath](http://www.nyc.gov/oath).