

# OATH: The Central Tribunal for the City of New York

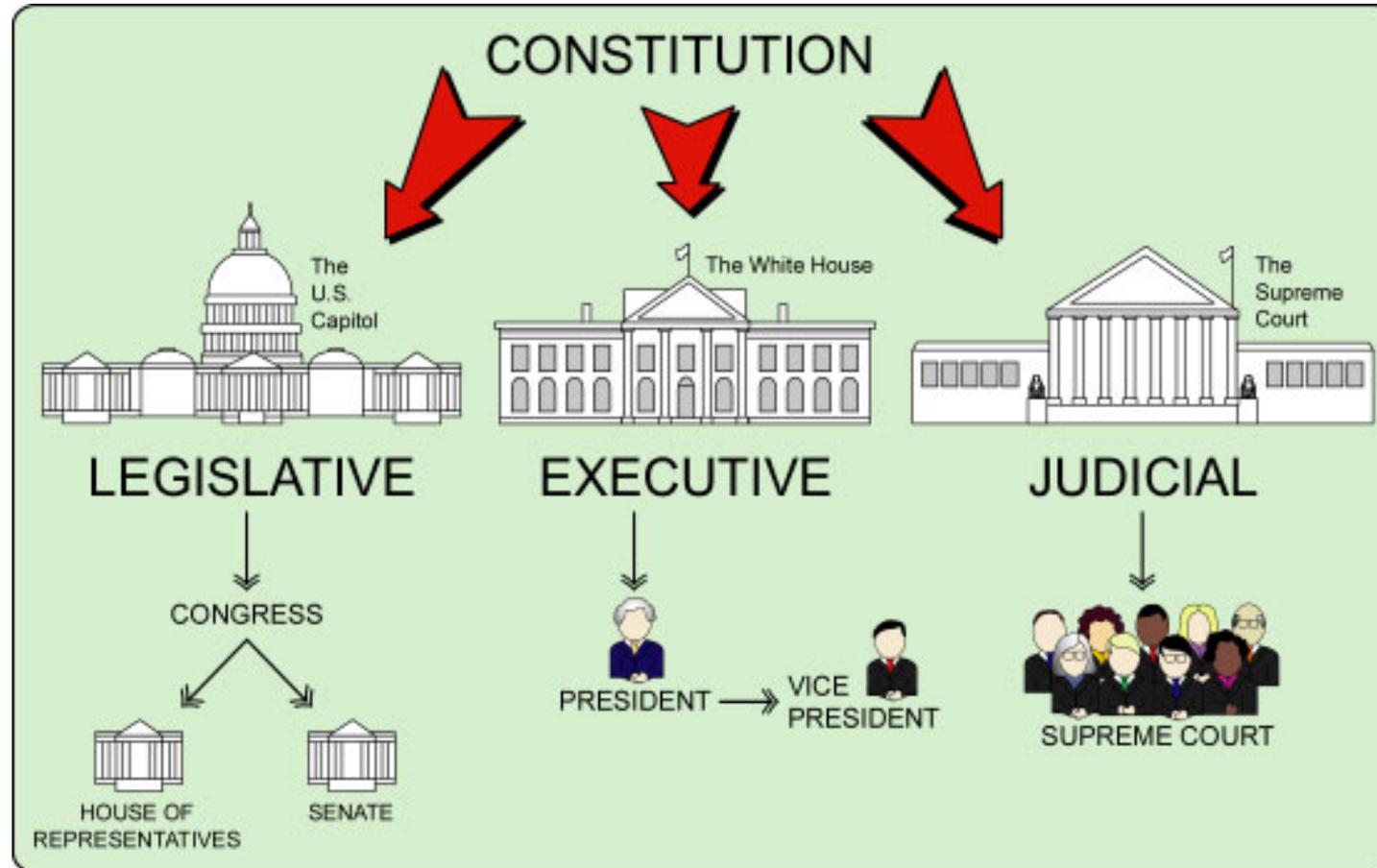


Summer 2016

# OATH

- Stats
  - 760,000 tickets/NOVs/summonses annually
  - 318,000 adjudications
  - 300 Hearing Officers
  - 11 Administrative Law Judges
  - 6 locations in the City of New York
  - 1 hearing, 1 process, 1 summons

# US system of government



# US system of government

- Three co-equal branches of government
- Separation of powers
- Checks and balances



# Federal

- Executive branch
  - – President of the United States
  - – White House
- Legislative branch
  - – Congress: House of Representatives (435) and the Senate (100)
  - – The Capital
- Judicial branch
  - District court – trial courts
  - Circuit court – 11 appellate courts
  - US Supreme Court – high court

# Federal



# State

- Executive branch
  - Governor
- Legislative branch
  - NYS Assembly and Senate
- Judiciary
  - Supreme court – trial courts
  - Appellate Division – appeals courts
  - Court of Appeals – high court

# State

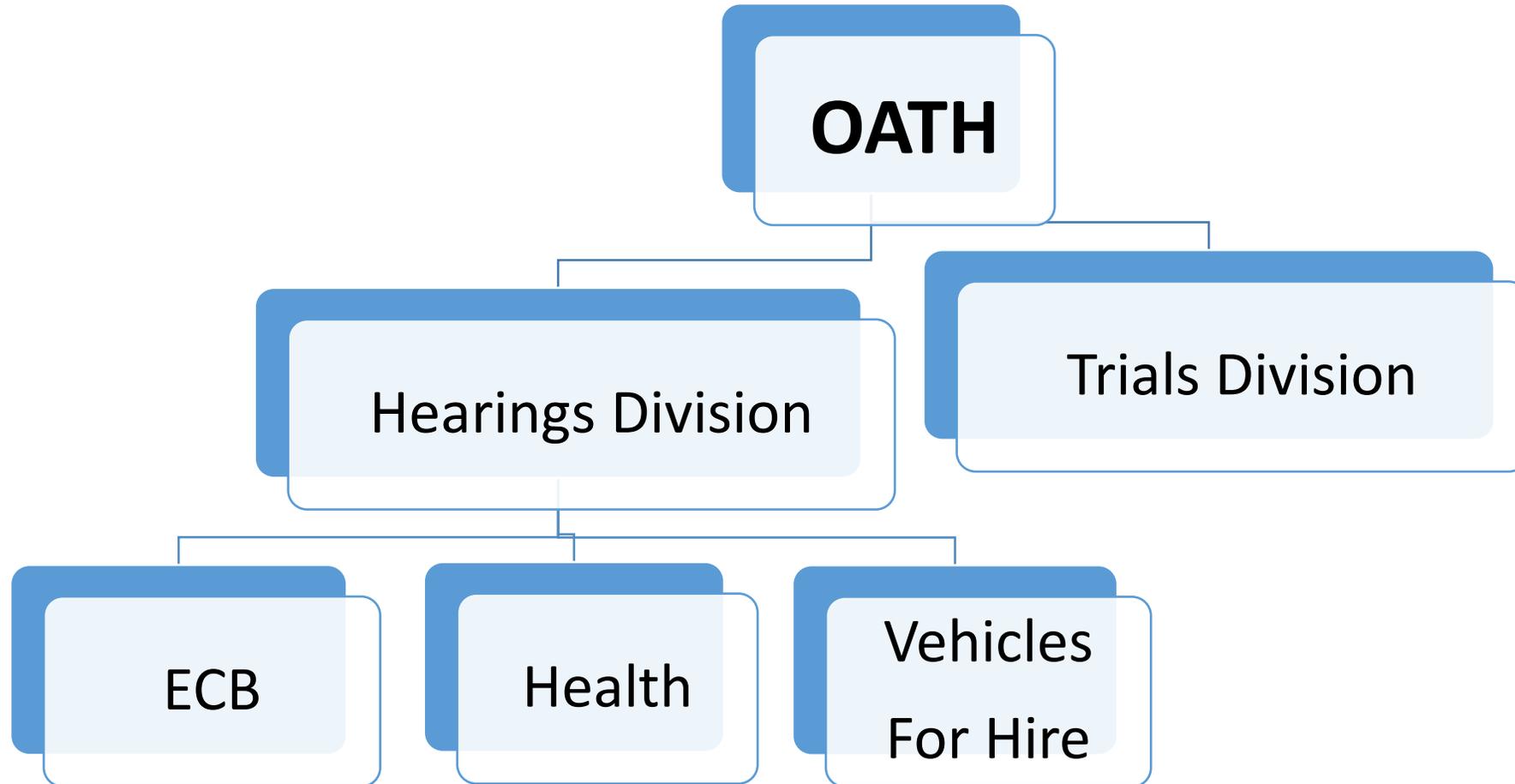


City



# New York City government

- Executive
  - Mayor Bill de Blasio
  - City agencies: [OATH](#), FDNY, DOT, DOHMH, DSNY, and others
- Legislative
  - City Council
- Judicial
  - Civil court and Criminal court
  - [OATH – quasi-judicial](#)



## Trials Division

Longer, more  
complex  
trials

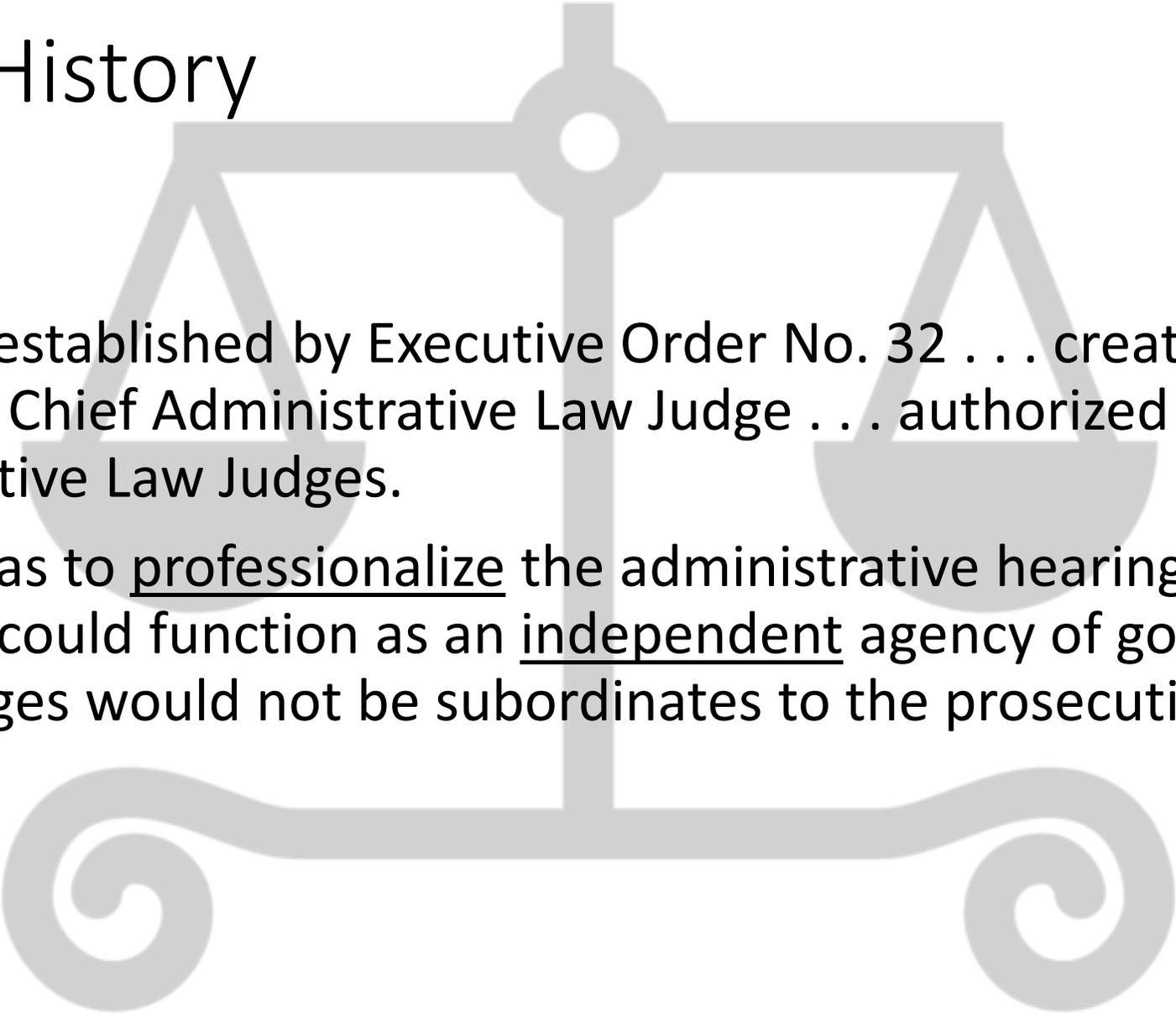
2,700 trials  
each year

## Hearings Division

Shorter, high-  
volume  
hearings

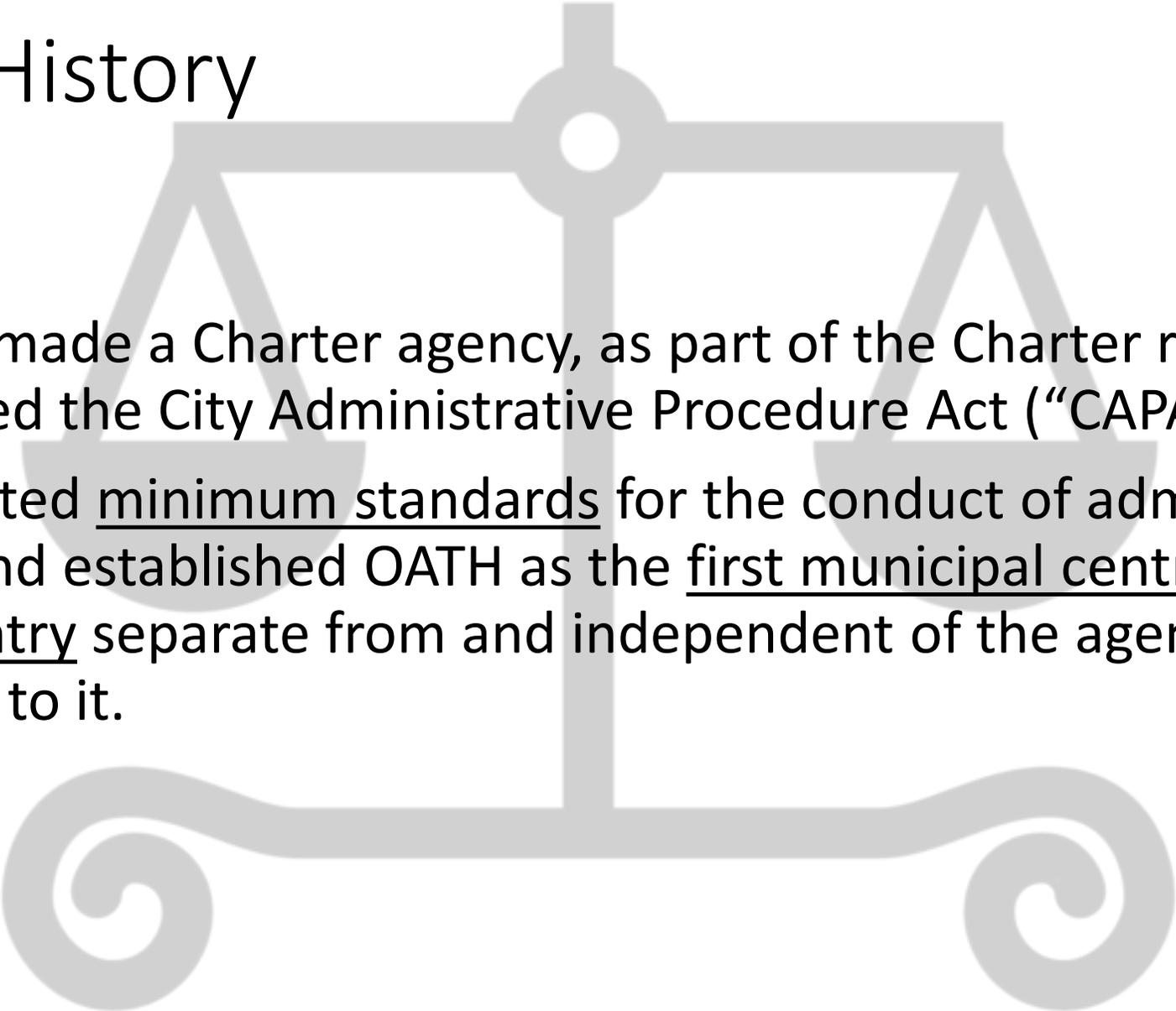
760,000 tickets,  
290,000 hearings

# OATH's History



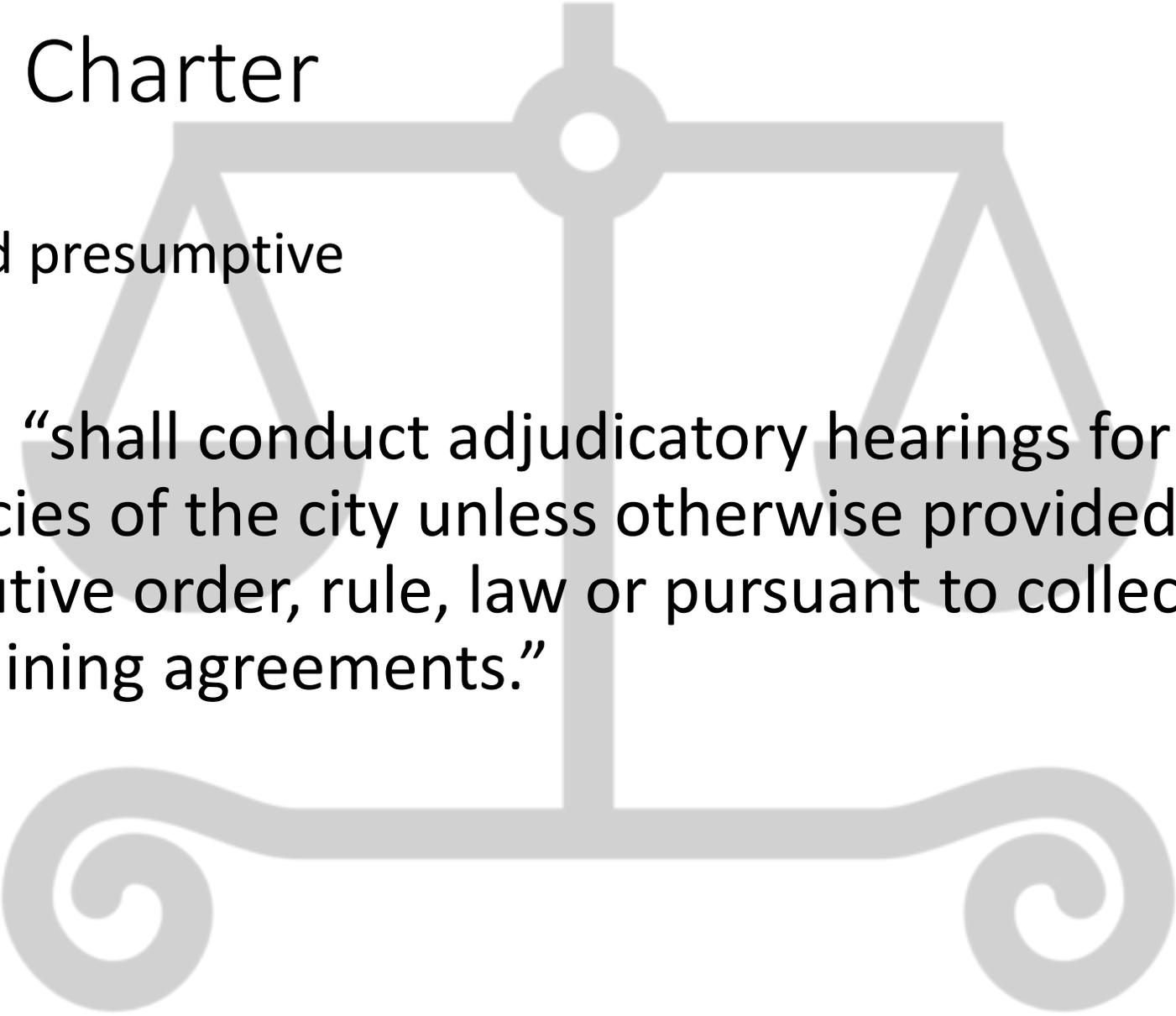
- 1979
- OATH was established by Executive Order No. 32 . . . creating the position of Chief Administrative Law Judge . . . authorized to appoint Administrative Law Judges.
- The goal was to professionalize the administrative hearing system, so that OATH could function as an independent agency of government and its judges would not be subordinates to the prosecuting agency.

# OATH's History



- 1988
- OATH was made a Charter agency, as part of the Charter revisions that enacted the City Administrative Procedure Act (“CAPA”).
- CAPA adopted minimum standards for the conduct of administrative hearings and established OATH as the first municipal central tribunal in the country separate from and independent of the agencies that refer cases to it.

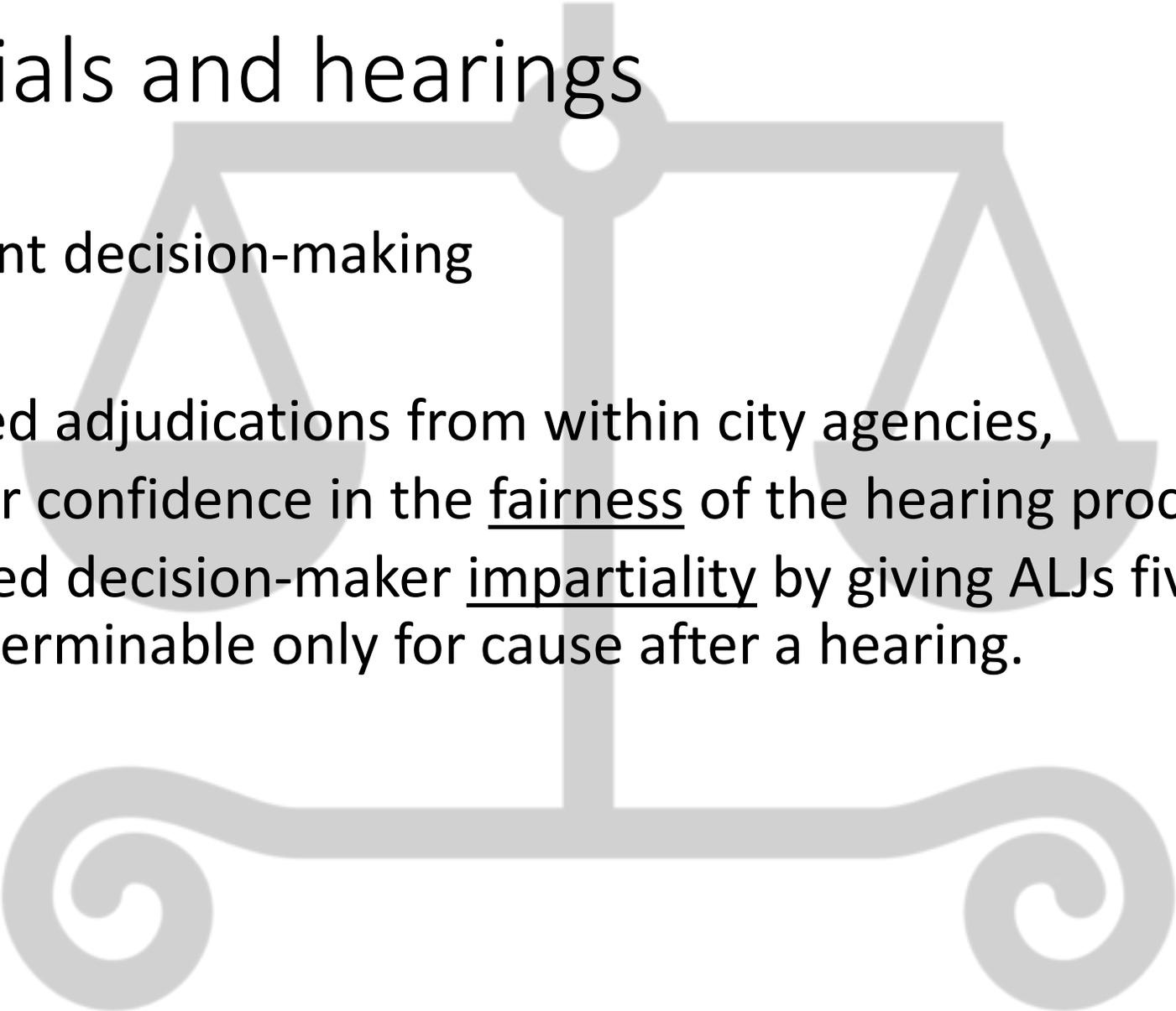
# The City Charter



- Central and presumptive

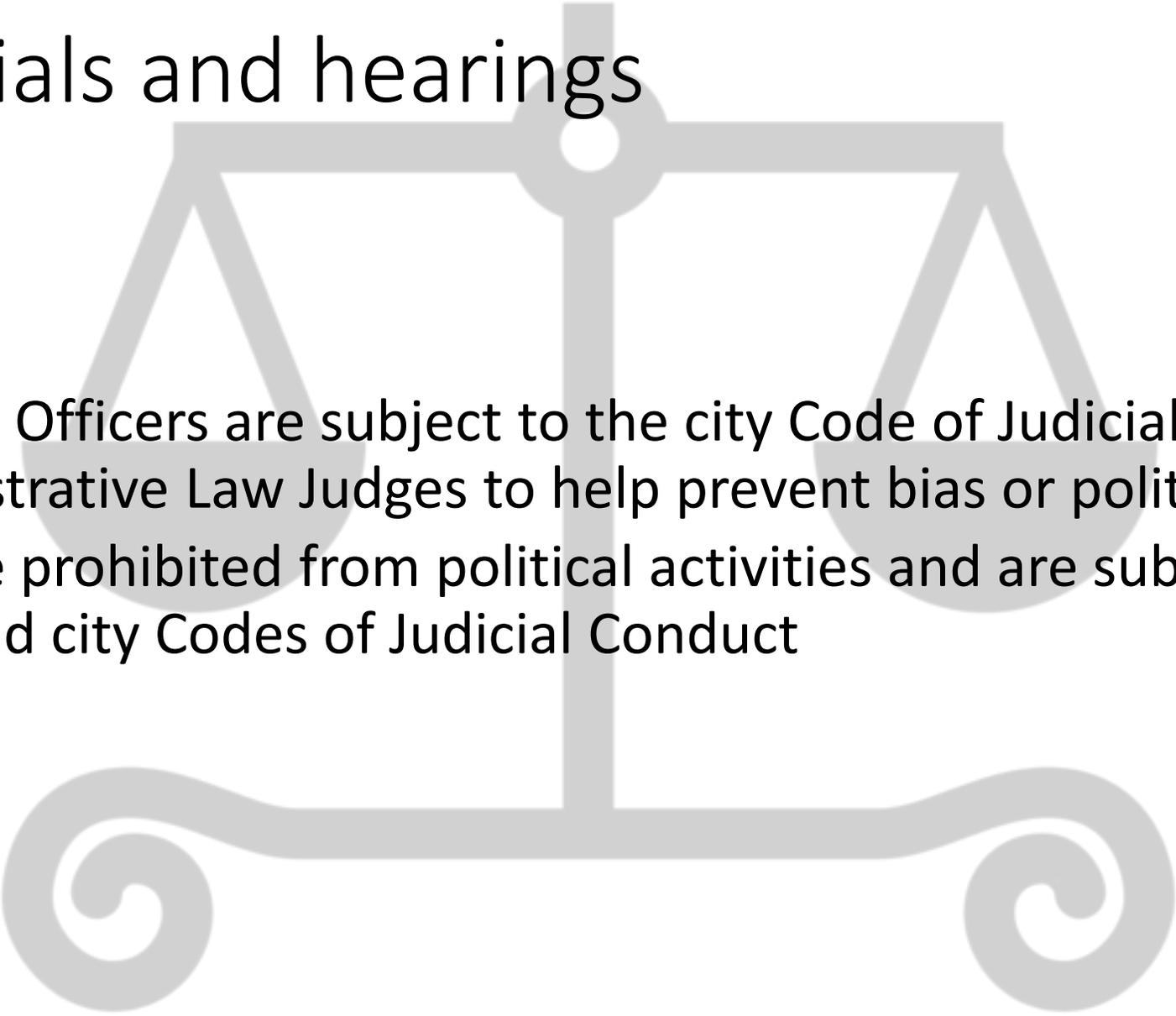
OATH “shall conduct adjudicatory hearings for all agencies of the city unless otherwise provided for by executive order, rule, law or pursuant to collective bargaining agreements.”

# OATH trials and hearings



- Independent decision-making
  - Removed adjudications from within city agencies,
  - To foster confidence in the fairness of the hearing process,
  - Enhanced decision-maker impartiality by giving ALJs five-year terms, terminable only for cause after a hearing.

# OATH trials and hearings



- Ethics

- Hearing Officers are subject to the city Code of Judicial Conduct for Administrative Law Judges to help prevent bias or political interest
- ALJs are prohibited from political activities and are subject to the state and city Codes of Judicial Conduct

# OATH trials and hearings

- Transparent and open to the public
  - OATH trials are open to the public, except Conflicts cases
  - OATH hearings are open to the public
  - OATH decisions are publicly available
    - OATH's website
    - New York Law School's "Citylaw" website at <http://www.nyls.edu/cityadmin>
    - Legal search engine LEXIS/NEXIS



# OATH Trials Division

- The Trials Division 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.
  - 11 judges
  - 1 location (Manhattan)
  - 2,754 cases filed in FY2015

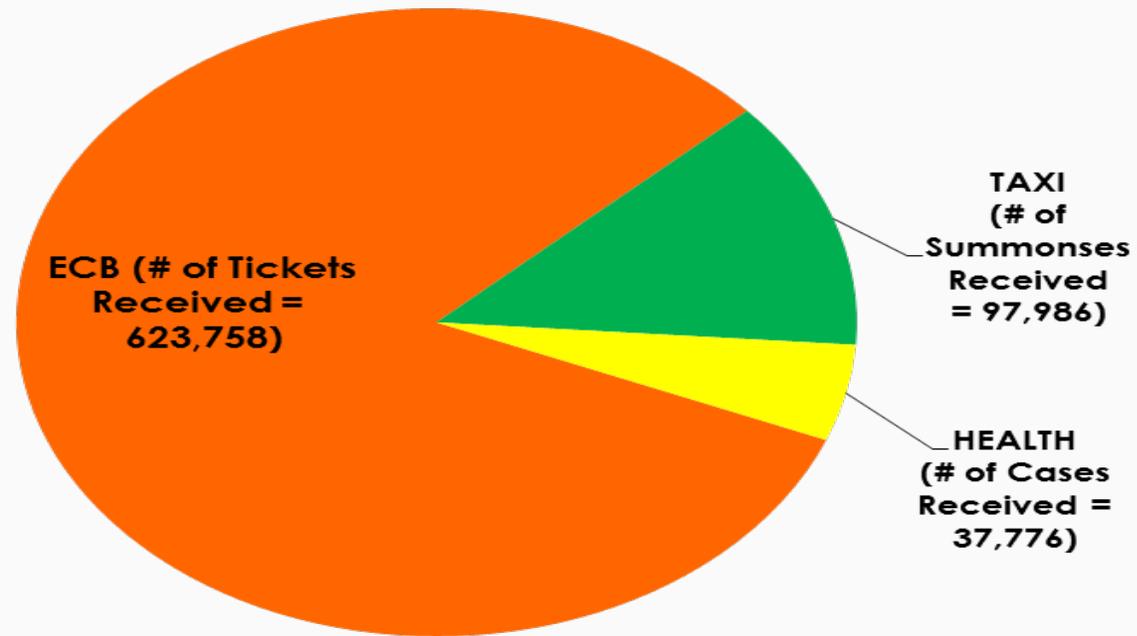


## Types of Cases:

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

# OATH Hearings Division

- The OATH Hearings Division adjudicates a diverse range of matters including Quality of Life violations, restaurant grading cases, and taxi and vehicles for hire violations.



\*FY 2015

# Environmental Control Board hearings

- **The Environmental Control Board (ECB) holds hearings on Quality of Life and public safety charges that are filed by 13 city agencies.**
  - **5 locations (1 office in each Borough)**
  - **94 full-time employees and 183 Hearing Officers**
  - **184,631 hearings conducted in FY2015**



## Issuing Agencies:

- SANITATION
- BUILDINGS
- FIRE
- TRANSPORTATION
- HEALTH
- POLICE
- ENVIRONMENTAL PROTECTION
- PARKS
- DOITT
- BIC
- LANDMARKS
- DCA

# Health hearings

- These hearings address potential violations of the city Health Code and charges brought by the city's Department of Health and Mental Hygiene (DOHMH). Many involve restaurants and other food service establishments.
  - 5 locations (1 office in each Borough)
  - 43 full-time employees and 45 Hearing Officers
  - 34,013 hearings conducted in FY2015
  - Remote adjudications via webcam



## Types of Cases:

- RESTAURANT
- SMOKE FREE AA/ TOBACCO VENDING
- NUISANCES
- ANIMAL AFFAIRS/VETERINARY PUBLIC HEALTH
- VECTOR CONTROL-WEST NILE VIRUS
- LEAD POISONING
- SWIMMING POOLS
- RADIATION
- DAY CARE and DAY CAMP

# Vehicles For Hire hearings

- **These hearings address potential violations of TLC rules, including cases brought against drivers by TLC, NYPD, Port Authority of NY and charges resulting from customer complaints.**
  - **3 locations (LIC, Manhattan, Staten Island)**
  - **23 full-time employees and 71 Hearing Officers**
  - **75,402 hearings conducted in FY2015**



# Coming soon



- Criminal Justice Reform Act
  - Minor criminal offenses -> civil enforcement
  - Open container, public urination, violation of parks rules, excessive noise
  - 160,000 tickets/NOVs/summonses

