



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Help Center

## **Arguing for a Dismissal or Penalty Reduction in the “Interest of Justice”**

**What Does The Law Say:** Under NYC law, when a person is “In Violation” of a NYC law, rule or regulation, the penalty assigned is usually set by law. In some cases, however, a person may argue for a reduction in the penalty, in the “Interest of Justice,” even though the person is found “In Violation” of the NYC law, rule or regulation charged.

Under NYC law, when presented with a proper “Interest of Justice argument,” a Hearing Officer may decide to accept the argument if s/he (1) believes that a reduced penalty is appropriate **based on one or more considerations or circumstances which** (2) “**clearly demonstrate**” that imposing a full penalty “**would constitute or result in injustice.**”

**Note:** Even if you admit to a charge, a Hearing Officer can consider whether the penalty set by law is appropriate

**When Can The Argument Be Made:** The “Interest of Justice” argument **is limited to ONLY the following cases:**

1. In cases where Community Service is a potential penalty;
2. In most, but not all, cases brought by the Taxi and Limousine Commission (“TLC”).

**In “Community Service” Cases:** In cases where community service is a potential penalty, you have the option to argue for a **dismissal** of the summons in the “Interest of Justice.”

**In Certain TLC Cases:** You have the option to argue for a **reduction** of the penalty in the “Interest of Justice.”

**How To Discuss The “Interest Of Justice”:** You can raise the argument with the Hearing Officer at your hearing. When presented with the argument in an appropriate case, the Hearing Officer will consider the following factors in deciding whether to accept the argument:

- The seriousness and circumstances of the alleged violation(s);
- The extent of the harm caused by the alleged violation(s);
- The evidence supporting or opposing the alleged violation(s);
- The history, character, and condition of the individual charged with the alleged violation(s);
- The purpose and effect of imposing the penalty upon the individual charged with the alleged violation.;
- The impact of a dismissal or penalty reduction on the safety or welfare of the community.
- The impact of a dismissal or penalty reduction on public confidence in the agency who issued the summons (for TLC cases), on the court system and in applying the laws;
- The position of the agency (NYPD, TLC, etc.) who issued the summons on a proposed dismissal or fine reduction, with reference to (1) the specific circumstances of the Respondent and (2) the violation charged.
- Any other relevant fact indicating whether a decision to impose the penalty provided on the summons (for TLC cases) or that the decision to uphold the violation charged would serve a useful purpose.

**Note:** If you are granted a penalty reduction or a dismissal in the “Interest of Justice” ***that does not mean the issue is over.*** If your case is one where community service is a potential penalty, the NYC agency that issued the summons has 35 days from the date of the Hearing Officer’s decision to appeal an “Interest of Justice” dismissal. If your case is a TLC matter, TLC has 20 days to either confirm the “Interest of Justice” penalty reduction, or increase the penalty up to the “minimum fine” amount listed on the front of the summons.

**Note:** In an appropriate case where you have the right to bring up the “Interest of Justice” argument, if you do not bring it up, the Hearing Officer may nonetheless consider it.

**For Further Assistance Please Contact The OATH Help Center In Person At Any OATH Location, Monday To Friday, From 8am-5pm, Via Telephone At (212) 436-0845, Or Via Email At [Manhelpcenter@oath.nyc.gov](mailto:Manhelpcenter@oath.nyc.gov)**