



# 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, efficiently and conveniently.

## Scope of Agency Operations

The Office of Administrative Trials and Hearings (OATH) is an independent, central court that consists of four tribunals: the OATH Tribunal, the Environmental Control Board (ECB), the OATH Taxi and Limousine Tribunal and the OATH Health Tribunal. The OATH Tribunal adjudicates or settles 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. ECB conducts hearings on quality-of-life violations, which can be filed by 13 City agencies. The OATH Taxi and Limousine Tribunal holds hearings on summonses issued by the Taxi and Limousine Commission (TLC), the Police Department and the Port Authority of New York and New Jersey for alleged violations of TLC and other City rules. The OATH Health Tribunal holds hearings on violations issued by the Department of Health and Mental Hygiene regarding alleged violations of the City's Health Code and other laws affecting health.

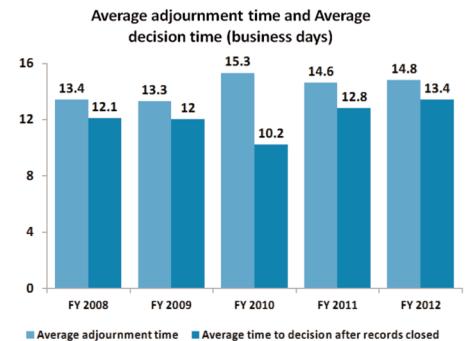
## Critical Objectives

- 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.

## Performance Report

### ✓ Adjudicate administrative matters fairly and efficiently.

- In Fiscal 2012 the number of cases filed at the OATH Tribunal decreased 22 percent compared to Fiscal 2011.
- The OATH Tribunal's average adjournment time remained stable at 14.8 business days in Fiscal 2012, well within the target of 20 business days.
- The OATH Tribunal's settlement rate was 59 percent in Fiscal 2012, an 8 percentage point increase compared to Fiscal 2011, due to a continued commitment of time and attention to the settlement process, as well as the particular combination of cases filed in the reporting period.
- In Fiscal 2012 the average time to issue a decision after a case was closed was 13.4 business days, a 5 percent increase from Fiscal 2011, but still well under 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 that involve lengthier records and more analysis that require more writing time.

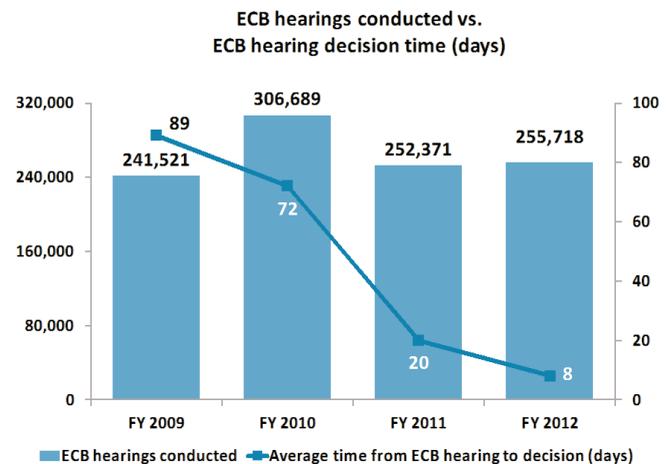


Performance Statistics	Actual					Target		5-Yr. Trend
	FY08	FY09	FY10	FY11	FY12	FY12	FY13	
Cases filed at OATH (total)	2,775	3,472	2,921	2,611	2,027	*	*	Downward
★ Average adjournment time at OATH (business days)	13.4	13.3	15.3	14.6	14.8	20.0	20.0	Upward
OATH settlement rate (%)	54%	53%	50%	51%	59%	55%	55%	Neutral
★ Average time for OATH to issue decisions after records closed (business days)	12.1	12.0	10.2	12.8	13.4	25.0	25.0	Upward
OATH cases with decisions issued within 45 business days (%)	92%	90%	95%	96%	98%	*	*	Neutral
OATH facts and conclusions adopted by agencies (%)	100%	98%	99%	99%	98%	96%	96%	Neutral

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

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

- ECB achieved a 59 percent reduction in the average time from hearing assignment to hearing decision in Fiscal 2012, to an average of 8 calendar days. The reduction was due mainly to management strategies that rely on the use performance metrics.
- The number of violations issued in Fiscal 2012 remained stable, as did the number of violations heard by ECB.
- The number of ECB decisions rendered decreased slightly in Fiscal 2012.



Performance Statistics	Actual					Target		5-Yr. Trend
	FY08	FY09	FY10	FY11	FY12	FY12	FY13	
Notices of Violation (NOV) received by ECB	678,245	704,680	694,273	562,418	563,477	*	*	Downward
ECB hearings conducted	225,505	241,521	306,689	252,371	255,718	*	*	Upward
★ Average time from ECB hearing assignment to decision (days)	96	89	72	20	8	*	*	Downward
★ ECB decisions rendered (total)	177,173	187,475	204,192	178,872	172,409	*	*	Neutral
- Dismissed	66,975	72,075	86,632	69,009	71,357	*	*	Neutral
- In violation	108,670	114,287	116,458	108,470	99,198	*	*	Neutral
- Stipulated	1,528	1,113	1,102	1,393	1,854	*	*	Upward

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

**Agency Customer Service**

Performance Statistics	Actual					Target		5-Yr. Trend
	FY08	FY09	FY10	FY11	FY12	FY12	FY13	
Customer Experience								
Percent of letters responded to in 14 days	NA	NA	NA	83	98	NA	95	NA
Completed customer requests for interpretation	NA	1,011	6,864	8,104	7,423	NA	NA	NA
CORE customer experience rating (0-100)	NA	NA	84	86	87	NA	87	NA

## Agency Resources

Resource Statistics	Actual					Plan <sup>1</sup>		5-Yr.Trend
	FY08	FY09	FY10	FY11	FY12	FY12	FY13	
Expenditures (\$ millions) <sup>2</sup>	\$3.8	\$16.2	\$24.0	\$23.3	\$31.7	\$33.5	\$35.5	Upward
Revenues (\$ millions)	\$0.0	\$0.0	\$0.0	\$87.2	\$160.7	\$135.7	\$150.9	Upward
Personnel	28	295	279	270	372	396	447	Upward
Overtime paid (\$ thousands)	\$1	\$86	\$33	\$29	\$0	\$141	\$0	Downward

<sup>1</sup>Authorized Budget Level      "NA" - Not Available in this report  
<sup>2</sup>Expenditures include all funds.

### Noteworthy Changes, Additions or Deletions

- Beginning with the Fiscal 2013 Preliminary Mayor's Management Report, the MMR will be restructured to focus on the goals that the agency intends to achieve during the fiscal year. Each goal will be accompanied by a performance measure or measures that will quantify the agency's progress toward achieving that goal. For Fiscal 2013 OATH's services and goals are:

Service 1: Adjudicate the City's administrative matters.

Goal 1a: Hear cases promptly.

Goal 1b: Issue timely decisions.

Service 2: Adjudicate violations of the City's local administrative laws.

Goal 2a: Hear cases promptly.

Goal 2b: Issue timely decisions.

- In addition, in Fiscal 2013 OATH will begin reporting data for its two new divisions, the OATH Taxi and Limousine Tribunal and the OATH Health Tribunal, under Service 2 above.

For more information please visit the website at: [www.nyc.gov/oath](http://www.nyc.gov/oath)

