



SUMMONS AND COMMISSIONER'S ORDER • CIVIL PENALTIES APPLY

SUMMONS NUMBER: 35674138L



35674138L

ENFORCEMENT AGENCY: NYC DEPT OF BUILDINGS

AGENCY ADDRESS AND WEBSITE: 280 Broadway, New York, NY 10007 [www.nyc.gov/buildings](http://www.nyc.gov/buildings)RESPONDENT: 534 WEST 42ND CONDOMINIUM (First Name/Entity, Last)MAILING ADDRESS: PO Box 682DOB License/Registration #: NANew York NY 10008CELL PHONE: N/ADATE OF OCCURRENCE: 06 / 14 / 2023TIME OBSERVED: 10:00 am/pmPLACE OF OCCURRENCE: 534 WEST 42ND STREETBOROUGH: MANHATTANBLOCK: 1070 LOT 7502 BIN: 1089857

You must appear or respond to the details of violation(s) below. For HOW TO RESPOND, see the back of this summons.

HEARING DATE: 08 / 18 / 2023 AT: ☒ 8:30 am ☐ 10:30 am ☐ 12:30 pmOFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS: MANHATTAN [Borough] (See reverse side for address)

Phone: (844)628-4692

REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.

**WARNING:** If you do not appear or respond to this Summons, the City will decide the Summons against you and impose penalties. Failure to pay a civil penalty could lead to the denial of an application for, or the suspension, termination or revocation of a City license, permit or registration. In addition, the City may enter a judgment against you in court.

## COMMISSIONER'S ORDER TO CORRECT VIOLATION CONDITION(S)

CURE DATE (Zero Penalty Option, if available): —Must Appear: ☒☐ 1-2 Family Property

Details of Violation(s)

(If disputing the charge)

Type of Construction: FISD No. of Stories: 9 Vio. Type: LL Dist. I Code IV No. 01Occupancy at Time of Inspection: RESIDENTIAL Complaint#: NA Related Job#: NA  
(If applicable) (If applicable)

Based on an inspection of the premises and/or records of the Department, the undersigned has determined that you are in violation of the section of law cited below of the NYC Administrative Code, the NYC Zoning Resolution and/or Titles 1 or 2 of the Rules of the City of New York.

Violating Conditions Observed	Infraction Code	Class	Provision of Law	<input type="checkbox"/> Recurring Condition- Aggravated I per 1RCNY 102-01(f)	Stop Work/Vacate Order Issued <input type="checkbox"/> Full <input type="checkbox"/> Partial # _____
	B 104	1	28-302-1		
<input type="checkbox"/> ILLEGAL CONVERSION—CLASS 1 Per 28-202.1 & 1 RCNY 102-01 additional daily penalties for continued violation of Article 210 of Title 28 also applicable					
<input type="checkbox"/> Per 28-202.1 & 1 RCNY 102-01, additional Class 1 daily or Class 2 monthly penalty may apply				<input type="checkbox"/> Aggravated II Condition per 1 RCNY 102-01(f)	

Violation Detail(s): Failure to Maintain Exterior Building Facade and Accessories. Noted at time of inspection South Elevation Exposure #3. 2nd Floor, Spalled Cracked Concrete on South East Corner of Facade.



## RESPONSE REQUIRED

THE DEPARTMENT OF BUILDINGS (DOB) CHARGES THE VIOLATION(S) INDICATED ON THE FRONT OF THIS SUMMONS. **A RESPONSE IS REQUIRED.** Paying the penalty only will not resolve the summons.

**How to Respond:** Admit to **AND** certify the violation as corrected or contest the violation. For instructions, refer to the sections below titled *Admit the Violation*, *Contest the Violation* and *Certify Correction*.

**We are here to help.** Forms, the summons in your language, and additional information may be found on DOB's website at [www.nyc.gov/aeu](http://www.nyc.gov/aeu). You may also contact AEU by phone or email at (212) 393-2405 or [aeucustomerservice@buildings.nyc.gov](mailto:aeucustomerservice@buildings.nyc.gov). Translation services are available for those who need it.

**YOU HAVE THE RIGHT TO BE INFORMED OF THE MAXIMUM PENALTY.** If no maximum penalty is shown, inquire in-person at any of the OATH Hearing Center locations below or call 1 (844) 628-4692 for more information. Higher penalties may be imposed for each repeated violation or recurring condition up to the maximum penalty allowed by law or regulation.

## ADMIT THE VIOLATION

- **To admit the charge and pay the penalty by mail:** The front of this summons shows a **Mail-in Penalty**. Make the check or money order payable to 'Finance Commissioner' in the amount of the Mail-in Penalty **and write the summons number on the check or money order**. Within ten (10) days of the hearing date on this Summons, mail a copy of this Summons and the check or money order to: **Finance Commissioner, City of New York**, P.O. Box 2307, Peck Slip Station, New York, NY 10272.
- **To admit the charge and pay the penalty online:** Go to [www.nyc.gov/citypay/oath](http://www.nyc.gov/citypay/oath).
- **To admit the charge and pay the penalty in person:** On any business day on or **before** the Hearing Date listed on this summons, bring this summons and your payment to an OATH Hearings Center between 8:00 AM and 3:30 PM. Checks, money orders and credit cards are accepted.

## PENALTY WAIVERS AND REDUCTIONS

If the violation is admitted and certified as corrected, it may be eligible for a penalty waiver or reduction. Penalty waivers and reductions are outlined in the DOB's Penalty Schedule found in Title 1 of the Rules of the City of New York, Section 102-01. There are three ways the penalty can be waived or reduced:

- **Cure (waiver):** If the front of this summons states a *Cure Date*, submit an acceptable Certificate of Correction to DOB by the Cure Date. If the Certificate of Correction is approved, a hearing will not be held, and no penalty will be imposed by OATH. Instead, the penalty will be waived.
- **Stipulation (reduction):** If you receive and accept a pre-hearing stipulation offer, you may receive a reduced penalty of one-half the standard penalty if an acceptable Certificate of Correction is submitted to DOB by the compliance due date. If the Certificate of Correction is not approved, the penalty will be increased to the standard or aggravated penalty, whichever is applicable.
- **Mitigation (reduction):** A reduced penalty may be granted by the OATH Hearing Officer if it is demonstrated (during a hearing) that the violation was corrected by the first scheduled hearing date. To have a hearing, the violation must be contested. For instructions, refer to the *Contest the Violation* section below.

For more information on penalty waivers and reductions consult DOB's website at: [www.nyc.gov/DOBpenaltyschedule](http://www.nyc.gov/DOBpenaltyschedule)

Penalty Ranges							
Types of Offenses	Class	Standard Penalty	Standard Default Penalty	Aggravated I Penalty	Aggravated I Default Penalty	Aggravated II Penalty	Maximum Penalty
All violations (except Outdoor Signs & Illegal Conversion)	Class 1	\$1,000-\$15,000	\$5,000-\$25,000	\$2,500-\$25,000	\$10,000-\$25,000	\$5,000-\$25,000	\$25,000
	Class 2	\$500-\$5,000	\$2,500-\$10,000	\$1,250-\$10,000	\$5,000-\$10,000	\$2,500-\$10,000	\$10,000
	Class 3	\$200-\$500	\$500	\$500	\$500	\$500	\$500
Outdoor Advertising Signs	Class 1	\$10,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
Illegal Conversions of \$1,000 per day. In addition to the penalties set out below, Class 1 illegal conversion violations are subject to additional daily penalties							
\$28-210.1, \$28-210.2 or \$28-210.3	Class 1	\$2,500 - \$15,000	\$12,500 - \$25,000	\$6,250 - \$25,000	\$25,000	\$12,500 - \$25,000	\$25,000
	Class 2	\$2,500	\$10,000	\$6,250 - \$10,000	\$10,000	\$10,000	\$10,000
Additional Penalties Pursuant to §28-202.1, 1 RCNY 102-01(g) and 48 RCNY 1-103	Class 1	Additional daily civil penalties for continued immediately hazardous violations. <b>Remedy:</b> File Certification of Correction prior to hearing to stop additional daily penalties.					
	Class 2	Additional monthly civil penalties for continued major violations. <b>Remedy:</b> File Certification of Correction prior to hearing to stop additional monthly penalties.					

## CONTEST THE VIOLATION

If the front of the summons states you **MUST APPEAR**, then you or an authorized representative must attend the hearing. OATH hearings are generally held by phone or by submitting a written defense online (if eligible). To schedule a hearing by phone, submit the request form found at [nyc.gov/oathphone](http://nyc.gov/oathphone) at least three business days before the hearing date. To submit your written defense online (if eligible), visit [nyc.gov/oath](http://nyc.gov/oath). To request a hearing in-person at an OATH office, submit a request before the hearing date to [LiveHearings@oath.nyc.gov](mailto:LiveHearings@oath.nyc.gov) or go to [nyc.gov/oath](http://nyc.gov/oath). **Get text message reminders about your hearing: Text OATHreminder to (917) 451-8829.**

### OATH HEARINGS CENTERS - Phone: 1 (844) OATH-NYC (1-844-628-4692)

<b>Manhattan:</b> 66 John Street, 10th Floor, New York, NY 10038	<b>Brooklyn:</b> 9 Bond Street, 7th Floor, Brooklyn, NY 11201
<b>Bronx:</b> 260 East 161st Street, 6th Floor, Bronx, NY 10451	<b>Queens:</b> 31-00 47th Avenue, 4th Floor Long Island City, NY 11101
<b>Staten Island:</b> 350 St. Mark's Place, Main Floor, Staten Island, NY 10301	