

Mail date: 06/22/2023
Respondent: 534 WEST 42ND CONDOMINIUM
Summons #: 035674138L
Installation: 1088857



534 WEST 42ND CONDOMINIUM
534 W 42ND ST
NEW YORK NY 10036-6219

1/363



DEPT. OF BUILDINGS (PETITIONER)
v
534 WEST 42ND CONDOMINIUM (RESPONDENT)

Hearing Date: 08/18/2023 Time: 08:30 A.M. Location: 66 JOHN STREET FLOOR 10 MANHATTAN
Place of occurrence: 534 WEST 42 STREET MANHATTAN Date of violation: 06/14/23

Observation made by: 2864 FALLON, JOHN

Violation(s) of NYC Construction, Admin., or Electrical Codes, or other rules and regulations
Section Class Description Penalty: Standard Admit Default

AC 28-302.1 1 FAILURE TO MAINTAIN BUILDING WALL(S) OR APPU \$2,500 \$2,500 \$12,500

NOTES: FAILURE TO MAINTAIN EXTERIOR BUILDING FACADE AND APPURTEANCES.NOTED A

T TIME OF INSPECTION SOUTH ELEVATION EXPOSURE#3.2ND FLOOR,SPALLED CRAC

KED CONCRETE ON SOUTH EAST CORNER OF FACADE.REM:MAINTAIN EXTERIOR BUIL

AGGRAVATED VIOLATING CONDITIONS: If either box below is checked, there are aggravating factors
associated with this summons and you may be assessed a higher penalty amount.

Aggravated I

Aggravated II

COMMISSIONER'S ORDER: The premises cited above is in violation of the NYC Construction Codes,
Title 27 or Title 28 of the NYC Admin Code, NYC Electrical code, NYC Zoning Resolution, or
other rules and regulations. IT IS ORDERED that these summonses be remedied and certified to be
in compliance by submitting documentation as noted on the back of this notice.

REDUCED PENALTY OPTIONS (no hearing appearance required for these options): The reduced
penalty options below are available ONLY if one of the boxes is checked.

Cure - Early correction and certification by resulting in a zero penalty.

Pre-hearing Stipulation - Pre-Hearing Stipulation Offer letter is attached (pay reduced
Penalty Amount above with agreement to provide acceptable compliance by .)

ADMIT OPTION: You may pay a standard, Aggravated I or Aggravated II penalty WITHOUT
APPEARING AT A HEARING. See reverse side of this notice for details.

YOU (THE RESPONDENT) MUST COMPLY WITH THE COMMISSIONER'S ORDER and must pay the standard,
Aggravated I, or Aggravated II penalty UNLESS:

- you are eligible for a reduced penalty option and you meet all requirements (including
payment); or

- you appear at the hearing on the hearing date above and OATH dismisses the charge(s).
For more information on exact penalty amounts, including aggravated conditions, and related

information, see the DOB Penalty Table in the violation area of www.nyc.gov/buildings.
HEARING OPTION (attend hearing): If you contend that you are not liable for the summons, you
must APPEAR AT THE HEARING on the date, at the time and at the place stated above. Your hearing
will be held pursuant to NYC Charter Sec. 1049-a and related rules. It is your opportunity to
answer and defend against the charges set forth in this summons. IF YOU FAIL TO COMPLY WITH THE
COMMISSIONER'S ORDER TO APPEAR AT THE HEARING IF REQUIRED TO DO SO, YOU WILL BE DEEMED IN
VIOLATION AND YOU WILL BE SUBJECT TO THE DEFAULT PENALTY ABOVE.

READ THE REVERSE SIDE OF THIS NOTICE FOR INSTRUCTIONS. FOR FURTHER QUESTIONS, CONTACT NYC
DEPARTMENT OF BUILDINGS, AEU, 280 BROADWAY, 5TH FLOOR, NEW YORK NY 10007 - (212)393-2405

PROTECT YOUR RIGHTS: READ THIS INFORMATION YOU
ARE REQUIRED TO RESPOND TO THIS SUMMONS

This form is a copy of an original summons which has been served on you (for example, by delivery to you personally, or to an employee, or by posting, or by other authorized method of service). The original summons may contain additional instructions from the New York City Department of Buildings (DOB) and a Commissioner's Order to correct the violation and may require the payment of additional DOB civil penalties.

How to Resolve a Summons: All summonses require a response. Paying the penalty is not enough and will not result in the summonses displaying resolved in the DOB's public facing record. To resolve a summons, you must correct the violating condition(s), attend the hearing (if disputing the summons), cure the summons, enter into a stipulation agreement (if offered), pay the penalty (if the summons is not dismissed) or pay the penalty prior to the first scheduled hearing date, and certify correction.

1. **Correct the violating condition:** "Class 1" violations must be corrected immediately and an acceptable Certificate of Correction filed immediately with DOB. "Class 2" and "Class 3" violations must be corrected and an acceptable certificate of correction filed with DOB within 60 days from date of the commissioner's order to correct that is contained in the summons.
2. **File a Certificate of Correction:** You can file a certificate of correction any time after receiving the summons. Failure to certify correction in a timely manner may result in the issuance of additional summonses and/or the imposition of DOB civil penalties. In addition, acceptance of a Certificate of Correction may also require payment of DOB civil penalties pursuant to 28-213.1, 28-207.2.6 and 28-219.1. Each summons contains two orders from the Commissioner of the DOB directing the respondent to correct the violating condition(s) and file an acceptable certification with the Department to prove that the condition(s) is corrected. The order to certify correction remains in effect unless/until the summons is dismissed by OATH or the summons is certified as corrected with DOB. See instructions on how "To submit a certificate of correction" below.
3. **Attend a hearing at OATH, when required:** You must attend the hearing unless the summons is eligible for, and you fulfill the requirements of a "cure" or "pre-hearing stipulation," or, if you selected the "admit option" and have paid the Standard, Aggravated I or Aggravated II penalty prior to the first scheduled hearing date. For more information on the "cure" or "pre-hearing stipulation" options, see the "section on Reduced Penalties for Early Correction" below.
4. **IF YOU ARE REQUIRED TO ATTEND THE HEARING AND DO NOT ATTEND, A DEFAULT JUDGMENT WILL BE ENTERED AGAINST YOU.** You may only contest the summons if you attend the hearing for the summons. You must appear for the hearing, either in person or by an attorney or other authorized representative. The hearing is your opportunity to answer and defend the allegations made in the summons. You should come fully prepared for the hearing. You have the right to bring witnesses and other evidence, including evidence of actions taken to correct any condition charged. All questions regarding the hearing should be directed to the OATH hearing location noted on the front of this notice. You may be able to have your case heard online, by phone or by mail ("Remote Adjudication"). To determine if you are eligible for Remote Adjudication visit the OATH website at www.nyc.gov/oath
5. **Pay the penalty:** Penalties must be paid at OATH or the Department of Finance, as instructed on mailed notices. Make checks payable to the "Finance Commissioner of the City of New York."

OATH
P.O. Box 2307, Peck Slip Station
New York, New York 10272

For Reduced Penalty Options, payment must be mailed at least five days prior to the scheduled first hearing date. Walk-in payments can be made at OATH on or before the scheduled hearing date.

Summons Information: See Title 1 of the Rules of the City of New York Section 102-01 (1RCNY §102-01)

VIOLATION CLASSIFICATIONS: All violations are classified as "**Class 1**," "**Class 2**" or "**Class 3**." These classifications refer to the severity of the violation. Class 1 violations are the most serious. **AGGRAVATED PENALTIES:** Violations, regardless of classification, may also be subject to increased penalties for Aggravated I and Aggravated II conditions. The penalties are 2 1/2 to 5 times the standard penalty amount.. Aggravated I and Aggravated II summonses are never eligible for penalty reduction.

Reduced Penalties for Early Correction: See Title 1 of the Rules of the City of New York Section 102-01 (1RCNY §102-01)

- **CURE:** To avoid a hearing and have a ZERO PENALTY on summonses which are eligible, you must submit an acceptable Certificate of Correction request to the Department of Buildings by the "cure date" indicated on the front of the summons. By submitting the Certificate of Correction cure request, you are admitting to the charges and will be found "in violation". A hearing will not be held.
- **STIPULATION:** If eligible, you will receive a pre-hearing stipulation offer included with this notice. A pre-hearing stipulation is an agreement between you and the Department of Buildings in which you admit the violation, will be found "in violation," will receive additional time to correct the violating condition(s) and receive a REDUCED PENALTY (approximately half). If you accept the pre-hearing stipulation by mail or at OATH prior to the hearing and meet its terms and conditions, you do not need to attend the hearing. Stipulations may also be available at a hearing, but with no reduction in the penalty amount.
- **MITIGATION AT HEARING:** Except for Aggravated violations, you may be eligible for a reduced penalty (approximately half of the penalty that would otherwise be imposed at a hearing) if you attend the hearing and demonstrate that the violating condition was corrected by the first scheduled hearing date.

Admit Option: You may pay a Standard, Aggravated I or Aggravated II penalty WITHOUT APPEARING AT A HEARING. Your payment of a penalty is an admission of liability for the summons, so you will be found in violation. You remain responsible for complying with the Commissioner's Order, including remedying the summons and timely submitting documentation and an acceptable certificate of correction. Payment must be mailed at least five days prior to the scheduled hearing date. Walk-in payments for penalties can be made at the OATH on or before the scheduled hearing date.

To Submit a Certificate Correction: Complete the necessary forms and pay any applicable DOB Civil penalties. Upload Certificate of Correction documents by using an eFiling account to log into DOB NOW at www.nyc.gov/dobnow and select the BIS Options portal. If you need to create an eFiling account, visit www.nyc.gov/dobnowtips.

More Information: • To reschedule a hearing or inquire about the case status, call the OATH at (844) 628-4692, or visit OATH either online at www.nyc.gov/oath or at the hearing location on the front page. • For additional information call 311. Certificate of Correction forms and instructions may be obtained on the Buildings website below. • For reference to the NYC Construction Codes and rules: (www.nyc.gov/html/dob/html/reference/reference.shtml); NYC Zoning Resolution (www.nyc.gov/html/dcp/home.html).

- Additional forms and information: **Department of Buildings:** www.nyc.gov/aeu **OATH:** www.nyc.gov/oath



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Hearings Division
66 John St., 10th Floor
New York, NY 10038

October 20, 2022

To Whom It May Concern:

You are receiving this letter because you have a scheduled hearing at the NYC Office of Administrative Trials and Hearings (“OATH”). All appearances before the OATH Hearings Division are currently being conducted by telephone, except where a party requests and is approved for an in-person appearance. To schedule a date and time to have a Hearing by Phone, which allows you to speak to an OATH Hearing Officer over the phone and email your evidence to the Hearing Officer, you **must** contact OATH three (3) business days before your upcoming hearing date.

To participate in a hearing by telephone, you **must** email the OATH location where your hearing is currently scheduled to take place:

Brooklyn cases: RemoteBKLYN@oath.nyc.gov
Bronx cases: RemoteBronx@oath.nyc.gov
Manhattan cases: RemoteManhattan@oath.nyc.gov
Queens cases: RemoteLIC@oath.nyc.gov
Staten Island cases: RemoteSI@oath.nyc.gov

In your email, you **must** include the following four (4) pieces of information:

- All summons numbers for the summonses you want to have a Hearing by Phone;
- Respondent's name, as it appears on the summons(es); and
- If you are not the respondent named on the summons, tell us your relationship to the respondent.
- A valid phone number where you can be contacted to schedule your Hearing by Phone.

If you would like to have your **hearing in person**, you must request an in person hearing by emailing LiveHearings@oath.nyc.gov five (5) business days before the hearing date.

To reschedule your hearing, if eligible, you can email the Clerk's Office at clerksoffice@oath.nyc.gov for instructions. The best way to make your reschedule request, however, is to contact the Clerk's Office using OATH's **Online Reschedule form**. An online request to reschedule your case ensures that you get a date-stamped, electronic confirmation of your request. The online Reschedule form can be found in the “Clerk's Office” section of the OATH website at nyc.gov/oath.

Get text message reminders about your hearing: Text **OATHreminder** to (917) 451-8829
Administrative Trials and Hearings (OATH), City of New York

Before your hearing date, visit www.nyc.gov/oath to check the most up-to-date rules on in-person and telephonic hearings.

