

A F F I D A V I T

1 VIOLATION INFORMATION

Summons Number

Place of Occurrence:

(House Number and Street)

(Borough, State, and Zip Code)

I, _____, duly swear under penalty of perjury that I am the: *(check one)*
(Must be the name of an individual, do not list a business entity)

- ☐ **Respondent** named on the violation *(if the named respondent is an individual)*
- ☐ **Officer, Director, Partner or Managing Member** of the named respondent *(if the named respondent is a business entity)*
- ☐ **Owner of Property** but not the named respondent *(if you are a new owner, attach copy of deed)*
- ☐ **Current Mortgagee** of place of occurrence *(attach proof of mortgage agreement and a notarized authorization letter)*
- ☐ **Other Agent of the respondent or place of occurrence** *(attach a notarized authorization letter from the respondent or property owner)*

My mailing address:

(Insert the certifier's mailing address, indicate the House Number, Street, City, State and Zip Code)

2 PERSON WHO PERFORMED WORK

I have complied with the order of the Commissioner to correct each violating condition cited on this summons. The work described in the attached sworn statement was completed on _____ and was performed by: *(check one)*
(insert date)

- ☐ **Myself** ☐ **My Employee** ☐ **Contractor** ☐ **Licensed Professional**

Name of the person who performed the work: _____

Company: _____

Address: _____

License or Registration Number *(for licensensed professionals and contractors)*: _____

ADDITIONAL REQUIREMENTS

A notarized **Statement in Support (AEU20)** and documentary proof of correction must also be provided. This statement must describe the steps taken to correct the violating condition(s) and reference all relevant permit numbers, job applications or other records that substantiate correction. The standard AEU20 form may be used or submit a notarized statement on a separate piece of paper. If work was performed on an elevator or boiler, the statement must be on the letterhead of the licensed professional who did the work. All photographs must be labeled with the date the photograph was taken, the location and the summons number. Photographs of **Before** and **After** must be labeled as such.

3 PENALTY WAIVERS & 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 Penalty Schedule** found in **Title 1 of the Rules of the City of New York, Section 102-01**. To request a cure or stipulation, check the applicable box below. For more information visit www.nyc.gov/DOBpenaltyschedule.

Cure (waiver): If the 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. If the Certificate of Correction is not approved, attend the hearing to dispute the violation or admit to the violation by paying the penalty before the scheduled hearing date.

- ☐ **CURE.** I admit the existence of the violation(s) charged. The cure date is: _____. *(refer to the face of summons for date)*

Stipulation (reduction): If a pre-hearing stipulation is received and accepted, a reduced penalty of one-half the standard penalty may be imposed 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.

- ☐ **STIPULATION.** I admit the existence of the violation(s) charged. The stipulation compliance due date is: _____. *(refer to the stipulation offer for the date)*

4 STATEMENT OF SIGNATURE

I have personal knowledge the violating condition(s) have been corrected as per this affidavit and statement(s) attached.

Name <i>(print)</i>	Notarization State of New York, County of:	Notary Seal
Signature	Sworn to or affirmed under penalty of perjury day of 20	
Date	Notary Signature	

False certification is a criminal misdemeanor under sections 28-203.1.1 and 28-211.1 of the NYC Administrative Code, punishable by up to one (1) year imprisonment and/or fine of up to \$25,000. It is also punishable with a civil penalty of up to \$25,000.

To submit this form, use an eFiling account to login to 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. Reminder, when submitting this form include all supporting documents.

RESPONSE REQUIRED

The Department of Buildings issues summonses (previously known as Notices of Violation) to enforce the NYC Construction Code, Administrative Code, Electrical Code or Zoning Resolution. Each summons includes two orders: 1) to correct condition(s) that violate these rules or laws **and** 2) to certify them as corrected with the Department's Administrative Enforcement Unit (AEU).

A RESPONSE IS REQUIRED. Paying the penalty will not resolve the summons. Unless the summons is certified as corrected with AEU or dismissed by the OATH Hearings Division, it will continue to appear as Open in Department records, even if a hearing has been held or the penalty has been paid. A Certificate of Correction may be submitted to the Department any time after a summons is issued.

Partial correction is not acceptable. All violating conditions must be corrected and all applicable DOB civil penalties must be paid in order to certify correction and resolve the summons. If an acceptable Certificate of Correction is not received by the Department in a timely manner, DOB civil penalties may be imposed and re-inspections may take place, leading to the issuance of additional summonses.

We are here to help. Certification forms (AEU2, AEU3321 and AEU20) must be used to resolve summonses or Notices of Violation. Forms, the summons in your language, and more information may be found on DOB's website at www.nyc.gov/aeu. You may also contact AEU by phone at (212) 393-2405 or by submitting an inquiry at www.nyc.gov/dobhelp. Translation services are available.

INSTRUCTIONS

Section 1: Provide Summons Information

Provide the summons number, the address where the violation occurred, the certifier's name and complete mailing address. Next, check the box that best describes the certifier's relationship to the person whose name appears on the summons (the respondent), to the property owner, or to the place of occurrence. If the certifier is an agent or authorized representative of the person whose name appears on the summons, the property or the property owner, submit a notarized authorization letter granting permission to certify correction. If the property was purchased after the violation occurred, submit a copy of the deed. Last, provide the mailing address for the person attesting to the correction of the violating conditions.

Section 2: State Who Performed the Work to Correct the Violating Condition(s)

Provide the date that all violating conditions were corrected. Check the box that best describes the person who did the work to correct the violation and supply the person's name, address, company, and license/registration information. License and registration information is needed when a Licensee, Registered Design Professional, or registered Contractor did the work.

Section 3: Apply for Penalty Waivers and Reductions

A violation that is admitted to and certified as corrected is eligible for a penalty waiver or reduction as outlined in the DOB's Penalty Schedule, found in Title 1 of the Rules of the City of New York, Section 102-01 at www.nyc.gov/dobpenaltyschedule. Select Cure or Stipulation to show the type of waiver or reduction being requested. Then insert the applicable due date. In the case of a cure, supply the cure date found on the summons. In the case of a stipulation, supply the compliance due date.

- **Cure (waiver):** If the front of the summons shows 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 a pre-hearing stipulation offer is received and accepted, a reduced penalty of one-half the standard penalty may be granted 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.

Section 4: Provide Statement of Signature

Sign the Certificate of Correction before a Notary Public.

ADDITIONAL REQUIREMENTS

In addition to the Certificate of Correction form (AEU2), a **notarized Statement in Support (AEU20) must be provided**. This statement must be detailed and describe the steps taken to correct the violating conditions, reference all relevant permit numbers, job applications or other records that substantiate correction. Either the AEU20 standard form or a complete, notarized statement on a separate piece of paper can be submitted.

Copies of all permits, bills, receipts, photographs, and/or documentary proof that the violating condition(s) have been corrected are also required. All photographs must be labeled with the date the photo was taken, the summons number and the location. If before and after photographs are submitted, label them "Before" and "After" in addition to the other required labeling.

HOW TO SUBMIT A CERTIFICATE OF CORRECTION TO THE DEPARTMENT

- To submit a Certificate of Correction request, use an eFiling account to log into DOB NOW at www.nyc.gov/dobnow and select the BIS Options portal. To create an eFiling account, visit www.nyc.gov/dobnowtips.
- From the DOB NOW BIS portal, select **+Certificate of Correction Review Request** and enter the required fields including the Summons number. Select Save and then in the Documents section, upload completed applicable AEU2, AEU20 or AEU3321 forms and any other required documents. After completing the Statements & Signature section, select Submit. The request will not be reviewed by the Administrative Enforcement Unit until the Submit button is selected and confirmation is given for it to be submitted.

IMMEDIATELY HAZARDOUS CLASS 1 SUMMONSES AND DAILY PENALTIES

Class 1 (Immediately Hazardous) Summonses: An acceptable Certificate of Correction that attests to the correction of the violating condition(s) must be immediately filed with the Department. Failure to promptly certify correction of a Class 1 violation may result in re-inspections of the violating conditions resulting in the issuance of additional summonses and/or a one-time DOB civil penalty of \$1,500 for 1-2 family homes or \$3,000 for all other properties.

Class 1 (Immediately Hazardous) Illegal Conversion Summonses: If the summons alleges a violation of Article 210 of the NYC Administrative Code (illegal conversion), in addition to standard penalties, additional penalties of \$1,000 per day for each day the violating condition(s) remain uncorrected may be imposed by the hearing officer for a maximum of 45 days (\$45,000). To avoid the maximum penalty, submit an acceptable Certificate of Correction before the first scheduled hearing date. This will stop daily penalties from accruing. To avoid a default judgment, attend the hearing. At the hearing, there will be opportunity to show the hearing officer that an acceptable Certificate of Correction has been submitted to the Department. The hearing officer will assess the submission and decide the daily penalty amount.



SUMMONS AND COMMISSIONER'S ORDER • CIVIL PENALTIES APPLY

SUMMONS NUMBER: 35674444J



ENFORCEMENT AGENCY: NYC DEPT OF BUILDINGS

AGENCY ADDRESS AND WEBSITE: 280 Broadway, New York, NY 10007 www.nyc.gov/buildings

RESPONDENT: 534 WEST 42ND CONDOMINIUM (First Name/Entity, Last)
MAILING ADDRESS: P.O. BOX 682 DOB License/Registration #: _____
NEW YORK NY 10108
CELL PHONE: N/A

DATE OF OCCURRENCE: 08 / 14 / 2023 TIME OBSERVED: 4:50 am/pm
PLACE OF OCCURRENCE: 534 WEST 42ND STREET BOROUGH: MANHATTAN
BLOCK: 1070 LOT 7502 BIN: 108887

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

HEARING DATE: 10/19/2023 AT: ☐ 8:30 am ☐ 10:30 am ☒ 12:30 pm

OFFICE 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: FISF No. of Stories: 9 Vio. Type: LL Dist. FA Code MK No. 04

Occupancy at Time of Inspection: RESIDENTIAL Complaint#: _____ Related Job#: _____
(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
	BIF9	1	28-201.1		<input type="checkbox"/> Full <input type="checkbox"/> Partial
			28-207.4		# _____
<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 OBEY A VACATE ORDER FROM THE COMMISSIONER PER 28-207.4
NOTE - RESPONDENT FAILURE TO COMPLY WITH COMMISSIONER'S VACATE ORDER # M109/2023 DATED 06/15/2023, WHICH REQUIRES ENTIRE 2ND FLOOR TERRACE OF EXPOSURE # 3 SOUTH ELEVATION IS TO BE VACATED. AS OF TODAY 08/14/2023 2ND FLOOR TERRACE NOT VACATED.

Remedy: COMPLY WITH VACATE ORDER

THE COMMISSIONER ORDERS THAT YOU TIMELY CORRECT THESE CONDITIONS AND FILE A CERTIFICATE OF SUCH CORRECTION. See 1RCNY 102-01 and the reverse for instructions on certifying correction. Uncorrected violations are subject to additional violations and penalties. For certain charges, additional DOB civil penalties may apply pursuant to sections 28-213.1, 28-219.1 and 28-207.2.6 of the Administrative Code. A property owner may be liable for payment of these additional civil penalties even if not cited as respondent on this summons.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice.

I, an employee of the Department of Buildings, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

Issuing Officer: MDNAZMUL KHAN Signature: Nazmul Khan Badge# 3452 Unit Code: F A

35674444J

RESPONDENT - SERVICE COPY

ECB-PC (Rev. 8/21)

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. You may also contact AEU by phone or email at (212) 393-2405 or 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.
- **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

Types of Offenses	Class	Penalty Ranges					
		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. Remedy: File Certification of Correction prior to hearing to stop additional daily penalties.					
	Class 2	Additional monthly civil penalties for continued major violations. Remedy: 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 at least three business days before the hearing date. To submit your written defense online (if eligible), visit 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 or go to 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)

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

If you do not respond, the independent NYC Office of Administrative Trials and Hearings will decide your case against you. If the Environmental Control Board or the Office of Administrative Trials and Hearings orders you to pay a civil penalty, failure to pay that penalty in a timely manner could lead to the **denial of an application for a license, permit or registration, or to the suspension, termination or revocation of a license, permit or registration issued to you by a City agency.**

CERTIFY CORRECTION

Each summons contains two **Commissioners Orders**: (1) An order to correct the violating condition(s) at the premise or construction site; and (2) An order to file an acceptable Certificate of Correction. **BOTH** must be completed unless the summons is dismissed by the OATH Hearings Division.

Immediately Hazardous (Class 1) violations must be corrected immediately and will be re-inspected every 60 days. If an acceptable Certificate of Correction is not received, Administrative Code section 28-219.1 states additional penalties of \$1,500 or \$3,000 must be imposed for each Class 1 violation. In addition, acceptance of a Certificate of Correction may also require payment of additional DOB civil penalties pursuant to sections 28-213.1, 28-207.2.6 and 28-219.1.

To Submit a Certificate of 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.