

Mailing date: 08/28/2023  
Respondent: 534 WEST 42ND CONDOMINIUM  
Summons #: 035674443H  
Installation: 1088887



UNAVAILABLE OWNER

534 W 42ND ST

5/1168

NEW YORK NY 10036-6219



DEPT. OF BUILDINGS (PETITIONER)

v

534 WEST 42ND CONDOMINIUM (RESPONDENT)

Hearing Date: 10/19/2023 Time: 08:30 A.M. Location: 66 JOHN STREET FLOOR 10 MANHATTAN  
Place of occurrence: 534 WEST 42 STREET MANHATTAN Date of violation: 08/14/23  
Observation made by: 3452 KHAN, MD NAZMUL HAQUE

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 2 FAILURE TO MAINTAIN BUILDING WALL(S) OR APPU \$1,250 \$1,250 \$6,250

NOTES: FAILURE TO MAINTAIN BUILDING EXTERIOR WALL(S) OR APPURTENANCES. NOTE:

AT THE TIME OF INSPECTION OBSERVED EXP#3 SOUTH ELEVATION SPALLED CONCR  
ETE AT THE 2ND FLOOR TERRACES. REMEDY: MAINTAIN EXTERIOR BUILDING WALL

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.

X Cure - Early correction and certification by 10/13/2023 resulting in a zero penalty.

X Pre-hearing Stipulation - Pre-Hearing Stipulation Offer letter is attached (pay reduced

Penalty Amount above with agreement to provide acceptable compliance by 10/13/2023.)

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](http://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 or an authorized representative/attorney must attend the hearing, by telephone or in person. To request a telephone hearing go to [nyc.gov/oathphone](http://nyc.gov/oathphone). All questions regarding the hearing should be directed to the Clerk's Office at [clerksoffice@oath.nyc.gov](mailto:clerksoffice@oath.nyc.gov). For additional information visit the OATH website at [www.nyc.gov/oath](http://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](http://www.nyc.gov/dobnow) and select the BIS Options portal. If you need to create an eFiling account, visit [www.nyc.gov/dobnowtips](http://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](http://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: [2022 Construction Codes - Buildings \(nyc.gov\)](http://2022constructioncodes.nyc.gov); [NYC Zoning Resolution \(www.nyc.gov/html/dcp/home.html\)](http://nyc.gov/html/dcp/home.html).

- Additional forms and information: **Department of Buildings:** [www.nyc.gov/aeu](http://www.nyc.gov/aeu) **OATH:** [www.nyc.gov/oath](http://www.nyc.gov/oath)

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Place of occurrence: 534 WEST 42 STREET MANHATTAN Date of violation: 08/14/23  
Violation(s) of NYC Construction, Admin., or Electrical Codes, or other rules and regulations  
Section Compliance Due Compl. Date Penalty  
AC 28-302.1 MAINTAIN EXTERIOR BUILDING WALL 01/02/2024 \$620

Total stipulated penalty (pre-hearing): \$620  
Failure to meet terms of stipulation agreement: \$1,250  
If contested at hearing and found in violation, standard penalty: \$1,250  
Default (non-appearance) penalty: \$6,250

A stipulation is an agreement between the Department of Buildings and you (the Respondent) that allows additional time to correct the violation condition and to receive a reduced penalty amount.

Terms of the stipulation:

- Timely correction and certification: You admit the violation and agree to correct the violating condition and certify correction to the Department of Buildings by 01/02/2024
- No hearing: No appearance is necessary at the hearing.
- Reduced penalty: The penalty is reduced to approximately half the standard penalty amount.
- Extended correction period: You have additional time to correct the violation. During the time, you will not receive another violation from the Department of Buildings for the same observed condition.

If you do not correct the condition and certify correction by 01/02/2024, the penalty amount will automatically increase to the standard penalty shown above.

If you do not accept the terms offered or do not properly complete & return the stipulation or make any alterations to the terms or return it late, you MUST attend the scheduled hearing indicated above. If you do not appear, you will be in default and an order may be issued imposing higher penalties for each violation charged.

The attached stipulation acceptance form with payment must be completed and received at OATH at least five (5) business days before the hearing date shown above. The terms are reviewable by OATH and, if approved, you will receive a Board order incorporating the terms of the stipulation. If the Board does not approve the terms, you will be notified and given a new hearing date which you MUST attend or you may be found in default.

66 John Street, 10<sup>th</sup> floor  
New York, NY 10038  
Telephone: (844) 628-4692

## Pre-Hearing Stipulation Offer from Petitioner

This stipulation agreement is between the Department of Buildings (Petitioner) and the Respondent. The agreement below is regarding the summons and penalty stated on the reverse side of this letter.

## Stipulation Agreement

I am the Respondent or am authorized to represent the Respondent. I admit all material facts in the summons and wish to settle this summons by stipulation without further hearing. I know that as a result of accepting this stipulation, Respondent will be found in violation of the charge(s) stated on the summons. I accept this stipulation offered by Petitioner.

Correction: I understand that the time for compliance with the Commissioner's order is hereby extended 75 days from the first scheduled hearing date.

**I also understand that an approved certificate of correction must be filed with the Petitioner at:**

NYC Dept of Buildings  
Administrative Enforcement Unit  
280 Broadway, 5<sup>th</sup> Floor  
New York, NY 10007

For additional information on correcting your summons, visit the Department of Buildings “ECB Violation Reference Guide” in the Reference Materials section online at [www.nyc.gov/buildings](http://www.nyc.gov/buildings).

**Penalty:** I have been advised that the pre-hearing stipulated penalty must be received five days before the hearing date. Please make check or money order payable to "Finance Commissioner of the City of New York," **write the summons number on the face of the check** and mail to:

66 John Street, 10<sup>th</sup> floor  
New York, NY 10038

### Other information

1. Make no changes. The stipulation will be voided if you alter the terms.
2. **Remember, the stipulation must be received five days before the hearing date.** If you do not accept the terms and return the properly executed stipulation and payment before this date, you must attend the scheduled hearing at OATH. On the hearing date, you will also be able to accept this stipulation **prior** to seeing a hearing officer; please inquire at reception for details about this option. To confirm receipt of a payment, please contact OATH at the number above.
3. **If you do not correct the condition and submit a Certificate of Correction that is approved by DOB by the compliance date stated on this stipulation offer, the penalty amount will automatically increase to the standard penalty shown on reverse side.**

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**Signature**

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## Capacity

Date

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Print Name

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## Address



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Hearings Division  
66 John St., 10<sup>th</sup> 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](mailto:RemoteBKLYN@oath.nyc.gov)  
Bronx cases: [RemoteBronx@oath.nyc.gov](mailto:RemoteBronx@oath.nyc.gov)  
Manhattan cases: [RemoteManhattan@oath.nyc.gov](mailto:RemoteManhattan@oath.nyc.gov)  
Queens cases: [RemoteLIC@oath.nyc.gov](mailto:RemoteLIC@oath.nyc.gov)  
Staten Island cases: [RemoteSI@oath.nyc.gov](mailto: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](mailto: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](mailto: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](http://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](http://www.nyc.gov/oath) to check the most up-to-date rules on in-person and telephonic hearings.***