

## **INSTRUCTIONS FOR FILLING OUT THE SHORT-FORM OATH SUMMONS**

These instructions must be followed when filling out the short-form summons to issue violations returnable to the Office of Administrative Trials and Hearings (OATH).

### **What is a Citizen Complainant Summons?**

Pursuant to section 24-182 of the **Air Code**, a citizen complainant may file a summons directly against an alleged violator if certain criteria are met.

### **When can I issue a Citizen Complainant Summons?**

You can file a summons directly against an alleged violator if within 45 days of your serving a complaint on DEP, DEP has failed to either serve a summons on the alleged violator or notify you that your complaint has been determined to be “frivolous” or “duplicitous”.

### **How do I file a Citizen Complainant Summons?**

You will receive blank summons forms from DEP. In order to receive a summons form, you must submit an email to DEP at [citizenidlinghelp@dep.nyc.gov](mailto:citizenidlinghelp@dep.nyc.gov) referencing the complaint number and stating that you wish to pursue your own summons. DEP will then check its records to verify that the complaint is over 45 days old, and DEP has taken no action on it. You will then be contacted to make an appointment to come to DEP’s offices at 59-17 Junction Boulevard, 9<sup>th</sup> Floor, Queens to pick up the form.

### **How do I fill out the Summons?**

The form makes carbon copies, so it must be filled out with a pen in dark-colored ink, and you must press hard enough to make all copies legible. Your writing must also be legible. Illegible summonses will be dismissed by OATH.

### **CAPTION**

You must identify yourself as the person issuing the summons by writing your name in the blank for “Enforcement Agency”. In the blank for “Agency Contact Information”, you must indicate an email address or phone number where OATH can contact you.

### **LAST NAME OR COMPANY NAME**

Write the name of the alleged violator (the “respondent”) in this section. Provide the respondent’s full corporate name if possible. This can cross over into the box for “First Name”.

**CELL PHONE #**

Leave this blank.

**STREET ADDRESS/CITY/STATE/ZIP**

Write the respondent company's full mailing address.

**ID NUMBER/TYPE of ID/ISSUED BY**

Leave these blank.

**DATE OF OCCURRENCE**

Write the date you observed the violation in mm/dd/yy form.

**TIME OF OCCURRENCE**

Write the time at which the observation ended. Include am or pm. Do not use military (24-hour) time.

**PLACE OF OCCURRENCE/BOROUGH OF OCCURRENCE**

Write the location at which the violation was observed. As the violation will have taken place on a public street, you can say "in front of" the relevant address.

**HEARING DATE/TIME/LOCATION**

Indicate the hearing date and time. The respondent must have at least two week's notice of the hearing date. Idling violations are heard on Mondays, Tuesdays, and Wednesdays so the date selected must be one of those days and must not be a City holiday. The time should be 9 am. As you will be required to appear at the hearing (see below), you should only select days when you will be available to appear. For borough, write "Manhattan".

**DETAILS OF VIOLATION**

**SECTION/RULE**

Write "Ad Code 24-163", or "Ad Code 24-163(f)" if the violation is for idling adjacent to a school.

**OATH CODE**

1<sup>st</sup> Offense: The code is E91 for 24-163 and E94 for 24-163(f).

2<sup>nd</sup> Offense: The code is E92 for 24-163, E95 for 24-163(f).

3<sup>rd</sup> Offense: The code is E93 for 24-163, E96 for 24-163(f).

**MAIL-IN PENALTY/MAXIMUM PENALTY**

1<sup>st</sup> Offense: For Mail-In Penalty write \$350. For Maximum Penalty write \$1000.

2<sup>nd</sup> Offense: For Mail-In Penalty write \$440, for Maximum Penalty write \$1500.

3<sup>rd</sup> Offense: For Mail-In Penalty write \$600, for Maximum Penalty write \$2000.

**DESCRIPTION**

The next four lines are for you to provide details of the violation. You may use violations issued by DEP, which may be viewed online on OATH’s Summons Finder, as a reference for this.

**NAME/SIGNATURE**

You must print and sign your name where indicated at the bottom of the form. Under Agency Code, write 999. On the three lines at the bottom of the form, you must indicate the mailing address to which you want OATH to send a copy of the decision after the hearing has been held.

**NOTE:** A sample summons is attached for your reference.

**SERVING THE SUMMONS**

You are responsible for serving the summons in compliance with New York State law. You must fill out the affidavit of service on the back of the front (OATH) copy of the summons. The affidavit of service MUST be notarized. The respondent must be served with the second, pink (Respondent) copy, which has the respondent’s instructions on the reverse side.

**SUBMITTING THE SUMMONS TO OATH**

Once the front and back of the front (white) copy of the summons have been filled out, you must submit it to OATH. Summonses must be mailed, along with a cover page to:

Fedcap Rehabilitation Services  
Gertz Building  
92-31 Union Hall St. 4<sup>th</sup> Floor  
Jamaica, NY 11432

DEP will provide you with a blank cover page the first time you pick up summons forms. In addition to the mailing, you must email the copy of the cover page to Kevin Pugh at [kpugh@fedcap.org](mailto:kpugh@fedcap.org) and Joy George (OATH) at [jgeorge8@oath.nyc.gov](mailto:jgeorge8@oath.nyc.gov).

### **OTHER COPIES**

You should retain the third, yellow (Officer) copy for your records. The fourth, white copy is a spare.

### **Who prosecutes the violation at the hearing?**

You are responsible for prosecuting the summons on your time and at your expense. This means that you must be available to appear at the hearing. You must use the Summons Finder function on OATH's website to determine if the summons has been rescheduled. Three business days before the scheduled hearing date, you must contact the OATH Clerk's Office by emailing [remotemanhattan@oath.nyc.gov](mailto:remotemanhattan@oath.nyc.gov). In this email, you must provide the summons number and state that you are the citizen complainant and wish to appear at the hearing. On the day of the hearing, you will receive an email from the OATH hearing officer who is assigned to the hearing. Respondents may call in between 8 am to 2 pm on the day of the hearing, and you should be available and checking your email until the end of the business day. You have 30 minutes to call in after the hearing officer's email. If you do not appear, the hearing will go forward without you.

### **APPEALS**

You will receive a copy of the hearing officer's decision by mail after the hearing. If either party disagrees with the decision, they may appeal. Instructions on how to appeal will be enclosed with the decision.

**QUESTIONS:** Please email [citizenidlinghelp@dep.nyc.gov](mailto:citizenidlinghelp@dep.nyc.gov) if you have any questions.

SUMMONS • FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: 0213 490 018

ENFORCEMENT AGENCY: John Smith  
 AGENCY CONTACT INFORMATION: j.smith 123 DIVISION: @ abc.xyz  
 LAST NAME OR COMPANY NAME (Print) Acme Trucking Corp.  
 CELL PHONE #: \_\_\_\_\_  
 STREET ADDRESS 1 Main Street APT. NO. \_\_\_\_\_  
 CITY New York STATE NY ZIP 10001  
 ID NUMBER: \_\_\_\_\_  
 TYPE OF ID/ISSUED BY: \_\_\_\_\_  
 DATE OF OCCURRENCE: 4 / 26 / 22 TIME OF OCCURRENCE: 1:11 pm  
 PLACE OF OCCURRENCE: in front of 1 First Avenue  
 BOROUGH OF OCCURRENCE: Manhattan CB No. \_\_\_\_\_  
 Alternative Service

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options on how to respond, see the back of this page.

HEARING DATE: 6 / 7 / 22 AT: 9 am

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS  
Manhattan See reverse side for address  
(borough)

Phone: (844)628-4692

FOR HEARING OPTIONS, SEE THE BACK OF THIS PAGE  
REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE

**WARNING:** If you do not respond, you may be found automatically responsible and you may owe larger penalties. If you do not pay any imposed penalties, you may lose your ability to keep or get a City license, permit or registration. The City might also take further legal action against you. See the back for more information.

Details of Violation(s) E 9 1  
 Section/Rule Ad Code 24-163 OATH Code \_\_\_\_\_  
 Mail-In Penalty: \$ 350 Maximum Penalty: \$ 1000  
 Respondent must appear in person  
Caused or permitted the idling of a motor vehicle while parked, standing or stopped. Observed truck with NY license plate ABC1234 idling from 1:07 pm to 1:11 pm  
 Property Removed  1-2 Family  Multiple Dwelling  Commercial  
 NYC Charter Sections 104B 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.  
 I, John Smith, an employee of the enforcement agency, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and ~~was not~~ was not acting through a cover of departmental procedure. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.  
 RANK (TITLE) SIGNATURE OF COMPLAINANT John Smith REPORT LEVEL (Fill 4 spaces Comm'd, Supd, Licd, etc.) \_\_\_\_\_  
 COMPLAINANT'S NAME (Printed) John Smith TAX REGISTRY NUMBER \_\_\_\_\_ AGENCY 999  
 FIRST NAME \_\_\_\_\_  
 LAST NAME \_\_\_\_\_  
 STREET ADDRESS 2 Second Avenue  
 CITY Brooklyn STATE NY ZIP 11234

OATH