

Steps That Must Be Taken In Order To Have The Hearings Division Decide the Appeal

1) Will the appeal be received by the Hearings Division by the deadline below?

YES NO

The appeal will be rejected if it is received more than 30 days after the Decision Date unless a timely request for an extension was granted. If the decision was sent by mail, the appeal deadline is 35 days from the Decision Date. The Decision Date is on the front of the hearing decision. Respondents must also complete Steps 2, 3a, and 3b below. Enforcement agencies must follow Step 4 below. Vehicle for Hire and Taxi Cases: If the hearing decision indicates that the hearing officer imposed a reduced penalty in the interests of justice, the appeal must be received within 50 days of the Decision Date.

RESPONDENTS ONLY – YOU MUST COMPLETE PROOF OF PAYMENT AND PROOF OF SERVICE BELOW

2) You MUST check yes to one of the choices below in order to file an appeal:

- **The penalty has been paid in full or payment of the full penalty has been waived by the agency.**

YES NO

The penalty must be paid in full before the appeal can be decided.

Vehicle for Hire and Taxi Cases: Payment or waiver is not required if the summons is for a violation of a law or regulation enforced by the Taxi and Limousine Commission.

Consumer Cases: Even if full payment of the penalty has been waived, if the Hearing Officer's decision orders the payment of restitution, the respondent must deposit the amount of restitution with the Department of Consumer Affairs.

Payment Plans: If the respondent has entered into a payment plan with the agency responsible for collecting payment of the fines or penalties, you must attach a copy of the payment plan.

- **The respondent is eligible to complete Community Service instead of paying a civil penalty, has contacted the OATH Help Center to opt for community service, and has completed intake.**

YES NO

For cases eligible for Community Service under the Criminal Justice Reform Act only, the respondent does not have to pay the penalty or complete Community Service in order to appeal so long as the respondent has contacted and completed intake with the Help Center. (Contact information for the Help Center is on the back of the hearing decision.)

- **The respondent is requesting a waiver of payment of the penalty because it will be a financial hardship to pay while the appeal is being decided.**

YES NO

You MUST attach proof of hardship, such as the first two pages of the respondent's Federal tax return, and explain below how paying the penalty now would be a financial hardship for the respondent.

3a) I am sending a copy of the appeal to (check the box next to the agency that you are sending the copy of the appeal to):

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> Building Cases:
Dept. of Buildings
Administrative Enforcement
Unit 280 Broadway, 5 th Floor
New York, NY 10007 | <input type="checkbox"/> Sanitation, Recycling, Posting & Abandoned Vehicle Cases:
Department of Sanitation
Bureau of Legal Affairs
125 Worth Street, 7 th Floor
New York, NY 10013 | <input type="checkbox"/> Fire Code Cases (including fireworks):
FDNY Legal Enforcement Unit
Bureau of Legal Affairs
9 Metrotech Center, 4 th Floor
Brooklyn, NY 11201 | <input type="checkbox"/> Open Alcohol Container Cases
New York City Police Dept.
Attn: Legal Bureau
1 Police Plaza, Room 1406
New York, NY 10007 |
| <input type="checkbox"/> Air, Noise, Water, RTK, HazMat & Sewer Cases:
DEP General Counsel
59-17 Junction Blvd, 19 th Fl.
Flushing, NY 11373-5108 | <input type="checkbox"/> Transportation Code & Newsrack Cases:
Dept. of Transportation
c/o Asst. Commissioner, HIQA
55 Water Street, 7 th Floor
New York, NY 10041 | <input type="checkbox"/> Parks Department, Hudson River Park & Battery Park City Cases:
Parks Dept. Counsel's Office
The Arsenal, 830 5 th Avenue
New York, NY 10065 | <input type="checkbox"/> Public Pay Telephone Cases:
DOITT Customer Service
Coordinator
Public Pay Telephones
75 Park Place, 9th Fl.
New York, NY 10007 |
| <input type="checkbox"/> Markets Cases:
Business Integrity Comm., Gen. Counsel
100 Church Street, 20 th Floor
New York, NY 10007 | <input type="checkbox"/> Consumer & General Vendor Cases:
Dept. of Consumer Affairs, General Counsel
42 Broadway, 8 th Floor
New York, NY 10004 | <input type="checkbox"/> Landmarks Cases:
Landmarks Preservation Commission
Municipal Bldg., 1 Centre St., 9th Fl., North
New York, NY 10005 | <input type="checkbox"/> Health Code, Restaurant, Food Vendor, & SRO Cases
DOHMH General Counsel
42-09 28th Street, 14 th Floor CN-30
Long Island City, NY 11101-4132 |
| <input type="checkbox"/> Finance Cases (including Sheriff's Office):
NYC Department of Finance
Legal Affairs Division
345 Adams Street, 3rd Floor
Brooklyn, NY 11201 | | | |
| <input type="checkbox"/> For-Hire Vehicle & Taxi Cases:
NYC Taxi & Limousine Commission
Falchi Bldg., 31-00 47th Ave.
Long Island City, NY 11101 | | | |

The appeal will be rejected unless you send a copy of the completed appeal application, including any attachments, to the enforcement agency responsible for the summons(es). Note: If the respondent is requesting a hardship waiver, do not send the enforcement agency responsible for the summons(es) copies of the proof of hardship.

3b) You can prove that you sent a copy of the appeal to the agency by checking the box next to the enforcement agency responsible for the summons(es) in Step 3a above AND completing and signing the statement below.

I [print your name] _____, RESIDING AT [your address] _____, CERTIFY UNDER PENALTY OF PERJURY THAT I AM AUTHORIZED TO SUBMIT THIS APPLICATION, THAT TO THE BEST OF MY KNOWLEDGE ALL INFORMATION I INCLUDED ON THIS FORM AND IN THE ATTACHMENTS, IF ANY, IS TRUE, AND THAT ON [date] _____ I SENT A COPY OF THIS APPEAL TO THE ENFORCEMENT AGENCY RESPONSIBLE FOR THE SUMMONS(ES) AT ITS ADDRESS LISTED ABOVE BY PLACING IT IN A U.S. POSTAL SERVICE MAILBOX OR BY OTHER MAILING SERVICE.

YOUR SIGNATURE: _____

ENFORCEMENT AGENCIES ONLY

4) Enforcement agencies must attach a separate affirmation indicating service on the respondent.