

Environmental Control Board Appeals Unit

Should I Appeal?

- Did the decision:

- get the facts wrong?
- ignore something presented at the hearing?
- get the meaning of the law wrong?

If so, you have the right to appeal.

Just being unhappy about paying the penalty is not a reason to appeal.

How Do I File an Appeal?

STEP 1

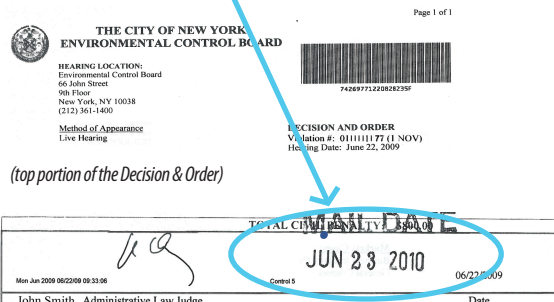
The easiest way to appeal is to use our **appeal application form**. Using this form will help you file your appeal correctly. You can get a copy of the form at any ECB office. You can also complete the form online at www.nyc.gov/ecb.



(Top portion of an Appeal Application)

STEP 2

The appeal has to be received by ECB within **30 days** from the mailing date of the Decision & Order. This date is at the bottom of the Decision & Order.



(top portion of the Decision & Order)

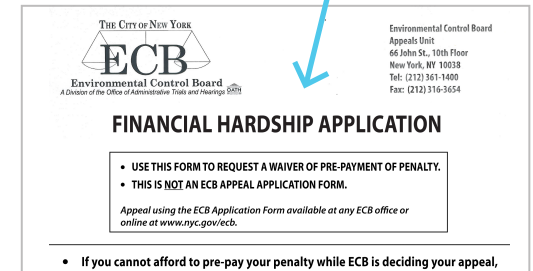
(mailing date at the bottom of the Decision & Order)

STEP 3

You have to pay the penalty within **20 days** from the mailing date of the Decision & Order.

“Paying the penalty” means you either:

- Pay the full amount; or
- Post a bond in the full amount; or
- Request a hardship waiver when you appeal.



(Sample of a Financial Hardship Application)

Attach documents that support your request.
For example, send the first 2 pages of your tax return.

STEP 4

Write your appeal.

Use the back of the ECB Appeal Application form to write your appeal.

- This is why the decision is wrong.
You may only rely on facts or evidence or arguments that were used at the hearing. ECB will decide your appeal. You have to show that the hearing decision was based either on facts applying the law, or both.

(2nd page of an Appeal Application)

- If you want to listen to the hearing before you write your appeal, use this form to request a copy of the recording.

REQUEST FOR APPEAL EXTENSIONS AND HEARING RECORDINGS

USE THIS FORM TO REQUEST:

- MORE TIME TO APPEAL OR
- THE HEARING AUDIO RECORDING (TO REVIEW BEFORE APPEALING)

ECB and the agency responsible for the violation must receive copies of this request no more than 30 days after the mailing date of the decision. This date is below the ALJ's signature on the front of your hearing decision.

To show that you sent a copy to the city agency, complete the statement below. This statement must be signed and notarized. Petitioners' addresses are printed on the back of the hearing decision.

VIOLATION NUMBER(S) (use an extra page if needed): _____ HEARING DATE: _____

(Top portion of the Request for Appeal Extensions and Hearing Recordings)

- If your request is granted, you get an extra 20 days (called an extension) after you receive the recording to file your appeal.

(b) Send ECB proof that:

- you mailed your appeal to the Environmental Control Board and
- a copy of the appeal was sent to the agency at the same time.

I sent a copy of my appeal of violation number 01

to: (name and address of agency responsible for your violation)

Department of Sanitation
125 Worth Street, 7th Fl
New York, NY 10013

by placing it in a U.S. Postal Service mailbox.

John Smith
 JOHN SMITH
 Notary Public, State of New York
 No. 01FL4839176
 Qualified in Kings County
 Commission Expires Nov. 30, 2013

Notary Public

(back of a notarized ECB Application)

- Do this by filling in the box on the bottom of page 2 of the ECB Application Form. This form must be notarized.

Who decides your appeal?

- The ECB Board decides your appeal. ECB Board members include:
 - Private citizens like you
 - Representatives of city agencies that charge violations
- The agency that charged you with the violation never has a part in deciding your appeal.
- ECB will mail the decision within 180 days of receiving your appeal.

STEP 5

- (a) Send a copy of your completed appeal to the agency responsible for the violation. The copy gives the agency a chance to reply.
- Find the agency addresses on the back of the decision form.

Fire Code Cases (including fireworks):	Markets Cases:	Food Vendor, SRO & Health Co
FDNY Legal Enforcement Unit	Business Integrity Comm.	DOHMH
Bureau of Legal Affairs	General Counsel	General Counsel
9 Metrotech Center, 4 th Floor	100 Church Street, 20 th Floor	Box 30, 125 Worth Street
Brooklyn, NY 11201	New York, NY 10007	New York, NY 10013
Landmarks Cases:	Building Cases:	Public Pay Telephone Cases:
Landmarks Preservation Commission	Dept. of Buildings	DOITT Customer Service Coordin
100 Old Slip	Administrative Enforcement Unit	Public Pay Telephones
New York, NY 10005	280 Broadway, 5 th Floor	75 Park Place, 9 th Floor
	New York, NY 10007	New York, NY 10007

(partial part of the list of agencies at the back of the Decision and Order)

Where can I find help online?

- ECB forms are found at www.nyc.gov/ecb.
- To find out what ECB has decided in cases like yours, see the CityLaw website at www.nyc.gov/html/ecb/html/legal/decisions.shtml.



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