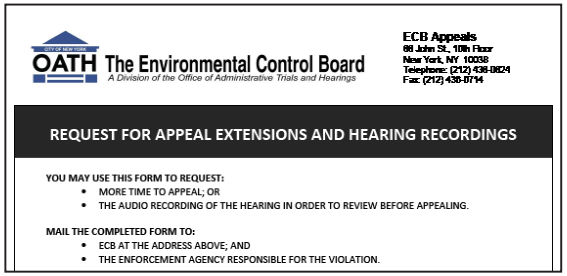
如何索取聽證會錄音？

- **如果您想要在填寫上訴表前聆聽聽證會錄音，請使用此申請表索取一份錄音。**



OATH The Environmental Control Board
A Division of the Office of Administrative Trials and Hearings

ECB Appeals
66 John St., 10th Floor
New York, NY 10038
Telephone: (212) 436-0824
Fax: (212) 436-0714

REQUEST FOR APPEAL EXTENSIONS AND HEARING RECORDINGS

YOU MAY USE THIS FORM TO REQUEST:
- MORE TIME TO APPEAL; OR
- THE AUDIO RECORDING OF THE HEARING IN ORDER TO REVIEW BEFORE APPEALING.

MAIL THE COMPLETED FORM TO:
- ECB AT THE ADDRESS ABOVE; AND
- THE ENFORCEMENT AGENCY RESPONSIBLE FOR THE VIOLATION.

（「上訴期延長與聽證會錄音申請表」最上方）

- **如果您的索取獲准，可以在收到用於填寫上訴表的錄音之後，額外延長 20 天（稱為「延長期」）的時間。**
- **要求延期並不能讓您拖延支付罰鍰的時間。您仍必須在自「裁決令」郵寄日期起算的 20 天內支付罰鍰。**

誰來裁決您的上訴？

- 委員會的委員裁決您的上訴。委員會委員包括：
  - 與您一樣的普通公民
  - 開出違規通知的市政機構所派出的代表
- 要求您支付違規罰鍰的市政機構，不會參與關於您上訴的裁決。
- 環保委員會 (ECB) 會在收到您上訴的 180 天內，將裁決結果郵寄給您。

在哪裡能獲得線上協助？

- 環保委員會申請表可在 www.nyc.gov/oath 取得。
- 若要瞭解環保委員會 (ECB) 對與您情況類似之案例所作出的裁決，請前往環保委員會網站的 *Legal Resources*（法律資源）部分，然後按一下 *ECB Decisions*（ECB 裁決）。

CITY OF NEW YORK OATH OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

CITY OF NEW YORK OATH ECB Hearings

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

環保委員會上訴科

我應該提出上訴嗎？

- **裁決是否：**
  - **不符事實？**
  - **忽略聽證會中出示的某些證據？**
  - **對法律理解有誤？**

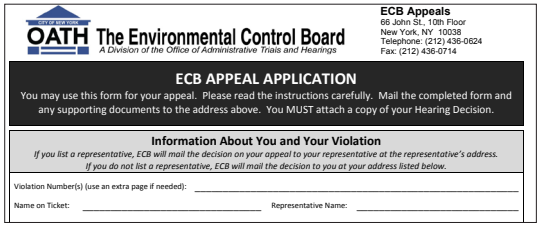
若是如此，您便有權利提出上訴。

單純因不樂意支付罰金並非提出上訴的正當理由。

如何提出上訴？

步驟 1

提交上訴最簡單的方式，是使用我們的 線上上訴申請表。此申請表可在 *www.nyc.gov/oath* 線上取得。使用此申請表可協助您正確提交上訴。如果您不想線上提出上訴，可以使用環保委員會 (ECB) 的上訴申請表。您可以從任何一處的環保委員會 (ECB) 辦事處或從網站取得此申請表的副本。



OATH The Environmental Control Board
A Division of the Office of Administrative Trials and Hearings

ECB Appeals
66 John St., 10th Floor
New York, NY 10038
Telephone: (212) 436-0624
Fax: (212) 436-0714

ECB APPEAL APPLICATION

You may use this form for your appeal. Please read the instructions carefully. Mail the completed form and any supporting documents to the address above. You MUST attach a copy of your Hearing Decision.

Information About You and Your Violation

If you list a representative, ECB will mail the decision on your appeal to your representative at the representative's address. If you do not list a representative, ECB will mail the decision to you at your address listed below.

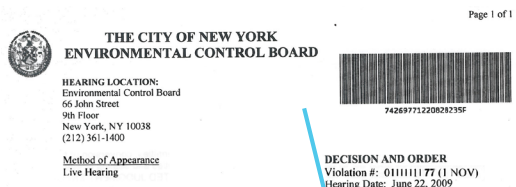
Violation Number(s) (use an extra page if needed): _____

Name on Ticket: _____ Representative Name: _____

（上訴申請表的最上方）

步驟 2

環保委員會 (ECB) 必須在自「裁決令」(Decision & Order) 郵寄日期起算的 30 天內收到上訴申請。此郵寄日期列於「裁決令」(Decision & Order) 最下方處。



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THE CITY OF NEW YORK
ENVIRONMENTAL CONTROL BOARD

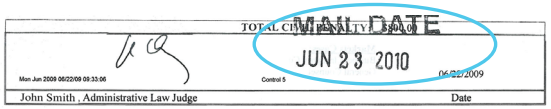
HEARING LOCATION:
Environmental Control Board
66 John Street
9th Floor
New York, NY 10038
(212) 361-1400

Method of Appearance
Live Hearing

7426977122082823 5F

DECISION AND ORDER
Violation #: 01111111 77 (1 NOV)
Hearing Date: June 22, 2009

（「裁決令」(Decision & Order) 的最上方）



TOTAL CIVIL PENALTY: $500.00

MAIL DATE
JUN 23 2010

Mon Jun 2009 06/22/09 09:33:06 Control 5 06/22/2009

John Smith , Administrative Law Judge Date

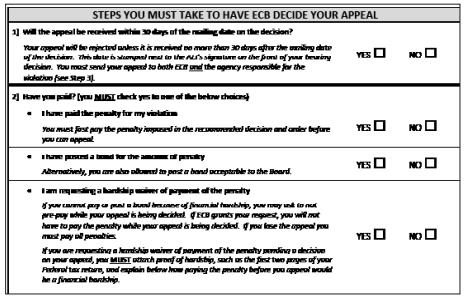
（「裁決令」(Decision & Order) 最下方的郵寄日期）

步驟 3

您必須在自「裁決令」**(Decision & Order)** 郵寄日期起算的 20 天內支付罰鍰。

「支付罰鍰」意指您必須執行下列動作之一：

- 支付全額罰鍰；或
- 郵寄支付全額罰鍰的本票；或
- 在提出上訴時請求困境豁免。*



STEPS YOU MUST TAKE TO HAVE ECB DECIDE YOUR APPEAL

1) Will the appeal be received within 30 days of the mailing date on the decision?

Your appeal will be rejected unless it is received no more than 30 days after the mailing date of the decision. This date is stamped next to the ALJ's signature on the front of your hearing decision. You must send your appeal to both ECB and the agency responsible for the violation (see Step 3). YES ☐ NO ☐

2) Have you paid? (you MUST check yes to one of the below choices)

- I have paid the penalty for my violation
  You must first pay the penalty imposed in the recommended decision and order before you can appeal. YES ☐ NO ☐
- I have posted a bond for the amount of penalty
  Alternatively, you can also allowed to post a bond acceptable to the Board. YES ☐ NO ☐
- I am requesting a hardship waiver of payment of the penalty
  If you cannot pay or post a bond because of financial hardship, you may ask to not pay-pay while your appeal is being decided. If ECB grants your request, you will not have to pay the penalty while your appeal is being decided. If you lose the appeal you must pay all penalties.
  If you are requesting a hardship waiver of payment of the penalty pending a decision on your appeal, you MUST attach proof of hardship, such as the first two pages of your Federal tax return, and explain below how paying the penalty before you appeal would be a financial hardship. YES ☐ NO ☐

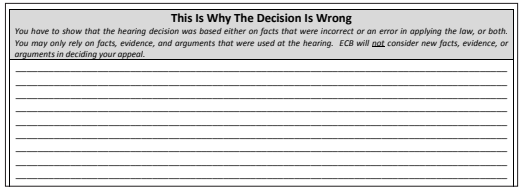
（上訴申請表第 2 頁）

**隨附可協助您申請豁免的文件。例如，送交您所得稅申報書的前 2 頁。*

步驟 4

填寫上訴表。

請使用「環保委員會上訴申請表」的空白部分填寫上訴內容。



This Is Why The Decision Is Wrong

You have to show that the hearing decision was based either on facts that were incorrect or an error in applying the law, or both. You may only rely on facts, evidence, and arguments that were used at the hearing. ECB will not consider new facts, evidence, or arguments in deciding your appeal.

（上訴申請表的第 1 頁）

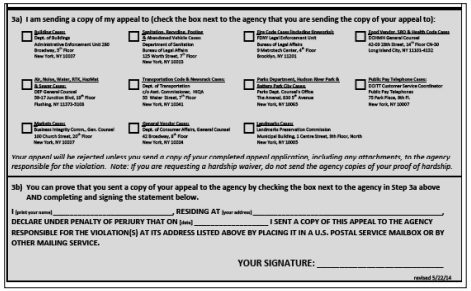
步驟 5

(a) 如果您是以郵寄方式提出上訴，請將一份完整的上訴表副本送交到負責處理此違規案件的市政機構。此副本讓市政機構有答辯的機會。

- **您可以在「裁決令」(Decision & Order) 背面找到該市政機構的地址。**

(b) 如果您是以郵寄方式提出上訴，當您將上訴表送交給負責處理此違規案件的市政機構時，亦須送交一份給環保委員會 (ECB) 以供存證。

- **如要這麼做，必須填寫環保委員會申請表第 (2) 頁最下方的方框。**



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

☐ Building Cases: Dept. of Buildings Administrative Enforcement Unit 280 Broadway, 5th Floor New York, NY 10007

☐ Sanitation, Derelict, Parking & Abandoned Vehicle Cases: Department of Sanitation Bureau of Legal Affairs 125 Worth Street, 7th Floor New York, NY 10013

☐ New Code Cases Including Dangerous Dog: DOHMH Legal Enforcement Unit Bureau of Legal Affairs 9 Metrotech Center, 4th Floor Brooklyn, NY 11201

☐ Food Vendor, HPD & Health Code Cases: DOHMH General Counsel 42-09 28th Street, 14th Floor CN-30 Long Island City, NY 11101-4132

☐ Air, Noise, Water, DTC, Hackney & Lease Cases: DEP General Counsel 59-17 Junction Blvd, 18th Floor Flushing, NY 11373-5108

☐ Transportation Code & Newsrack Cases: Dept. of Transportation c/o Asst. Commissioner, IRSA 35 Water Street, 7th Floor New York, NY 10041

☐ Parks Department, Hudson River Park & Battery Park City Cases: Parks Dept. Counsel's Office The Arsenal, 830 5th Avenue New York, NY 10065

☐ Public Pay Telephone Cases: CCITT Customer Service Coordinator Public Pay Telephones 75 Park Place, 8th Fl. New York, NY 10007

☐ Markets Cases: Business Integrity Comm., Gen. Counsel 100 Church Street, 20th Floor New York, NY 10007

☐ General Vendor Cases: Dept. of Consumer Affairs, General Counsel 42 Broadway, 8th Floor New York, NY 10004

☐ Landmarks Cases: Landmarks Preservation Commission Municipal Building, 1 Centre Street, 9th Floor, North New York, NY 10005

Your appeal will be rejected unless you send a copy of your completed appeal application, including any attachments, to the agency responsible for the violation. Note: if you are requesting a hardship waiver, do not send the agency copies of your proof of hardship.

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

I (print your name) _____, RESIDING AT (your address) _____, DECLARE UNDER PENALTY OF PERJURY THAT ON (date) _____ I SENT A COPY OF THIS APPEAL TO THE AGENCY RESPONSIBLE FOR THE VIOLATION(S) AT ITS ADDRESS LISTED ABOVE BY PLACING IT IN A U.S. POSTAL SERVICE MAILBOX OR BY OTHER MAILING SERVICE.

YOUR SIGNATURE: _____

revised 5/22/14

（上訴申請表第 2 頁）