



For Internal Use Only

NSL Mailed

Date:

Hearing Officer:

Date:

Grant I/O Req'd Yes No

Grant w/in 45 days

Abandoned

No Standing

Deny 1 2 3 4 5 6 7 N/A

Notes:

Request for a New Hearing After a Failure to Appear
(Motion to Vacate a Default)

- This request may only be made once.
A separate request must be made for each ticket.
Please read the instructions carefully.
Answer every question in the space provided. Fill out both sides.
Please attach each document that is requested or the request will be denied.
Registered Representatives must attach completed Authorization to Appear Form.

Information About the Person Completing This Form

If the request is granted, a new hearing date will be mailed to the addresses listed below.

Name:

Mailing address: City, State: Zip code:

Telephone number: Email address:

Are you the named Respondent on the summons/notice? Yes No

If you are not the named Respondent, you must answer the following questions:

- Check the box that best describes who you are:
Owner of property/business
Partner/officer of respondent company
Registered representative, registration no.
General/Managing agent
Other (friend, relative, etc...), describe
Attorney
Employee of respondent

Are you authorized to represent the Respondent? Yes No

What is the name of the person who asked you to make this request?

What is that person's relationship to the Respondent? For example, if the summons/notice names a corporation as the Respondent, tell us what that person's job or title is at the corporation.

Information About the Summons/Notice and Respondent

Summons/notice number (only one number per form):

Name of Respondent, exactly as it is written on the top of the summons/notice:

Respondent's current mailing address (If you do not include this address, your request will be rejected):

City, State: Zip Code: On what date did the Respondent first learn about this summons/notice?

How did the Respondent learn about this summons/notice?

(TURN OVER. YOU MUST COMPLETE THE NEXT PAGE)

Reason For Which A New Hearing Should Be Granted

Check **each** box that applies. At least one box must be checked. If you do not check at least one box, this request will be **denied**.

- This request will be received by ECB **within 45 calendar days** of the missed hearing date. If this is the case, no further explanation is needed.
- It is more than 45 days from the missed hearing date, but it is less than 30 days from the mailing date of the default order. If you are unsure of the mailing date, call 1-844-OATH-NYC (1-844-628-4692). Explain why the Respondent did not appear on the hearing date: _____

- The Respondent did not receive the summons/notice because the issuing agency did not serve it correctly.
If the summons/notice names the property owner or owner's agent as Respondent, attach a copy of a New York City tax bill and/or multiple dwelling registration forms (if applicable) for the building for the year during which the summons/notice was issued.
If the summons/notice does NOT name the property owner or owner's agent, attach proof of respondent's mailing address at the time the summons/notice was issued. Such proof may be a driver's license, permit, or an authorization to collect sales taxes.
- The summons/notice identifies the respondent as "Owner", "Agent", "Condo President" or another general title.
Do not check this box if the summons/notice names a person, business, corporation, organization or other entity.
- The Respondent died on or before the hearing date.
This applies only when the deceased is the person who is named as Respondent on the summons/notice. If so, attach a copy of the named Respondent's death certificate.
- The Respondent was legally incompetent at the time of the hearing.
Provide a copy of a court order stating that the Respondent was incompetent.
- The Respondent owned the place of occurrence at one time, but sold or transferred it before the date of the summons/notice.
Provide proof of the transfer, including a complete deed and a New York State Real Property Transfer Tax Form.
- Respondent never owned the place of occurrence, or did not own it when the summons/notice was issued, and the summons/notice describes a violation that involves a building or specific property.
If this reason applies, attach supporting documents, such as proof that someone else owned the building or property at the time the summons/notice was issued. This reason does NOT apply if the summons/notice is issued for a violation that does not relate to a building or property (for example, illegal posting of handbills, littering, vending or summonses/notices that name building managers, tenants, contractors, or other people working at a property).
- The Respondent is a former agent, tenant or person in control of the property where the violation occurred, but was no longer an agent, tenant or person in control at the time the summons/notice was issued.
a) State respondent's connection to the property and when that connection ended: _____

- b) Attach a copy of any relevant agreements or leases that show when the respondent's connection to the property ended.

I [print your name] _____, CERTIFY UNDER PENALTY OF PERJURY THAT (A) I AM AUTHORIZED TO COMPLETE AND SUBMIT THIS REQUEST, (B) I HAVE NOT PREVIOUSLY SUBMITTED A "REQUEST FOR A NEW HEARING AFTER A FAILURE TO APPEAR" FOR THIS VIOLATION, AND (C) THAT TO THE BEST OF MY KNOWLEDGE, ALL INFORMATION I INCLUDED ON THIS FORM AND IN THE ATTACHMENTS IS TRUE.

YOUR SIGNATURE: _____ DATE: _____