

What Happens If My Request is Granted?

If your request for a new hearing is granted, OATH will mail you a letter with the new hearing date. You must appear or participate in a hearing if you want to contest the charges.

If your Notice or Summons is one that does not require you to come to the OATH Hearings Division in person, you can submit a defense by mail, over the phone, or online. OATH **must** receive your defense on or before the new hearing date.

BY PHONE  (212) 436-0817

ONLINE  www.nyc.gov/oath

BY MAIL  OATH Hearings Division Mail Unit
66 John Street 11th floor,
New York, NY 10038

If you originally received a settlement offer from the City enforcement agency that issued you the Notice or Summons and you would like to accept it, full payment and the settlement offer must be received by the Hearings Division before the new hearing.

If you accept a settlement that was offered for a Notice or Summons you will **not** be able to have a hearing at OATH to contest that Notice or Summons.

What Happens If My Request For A New Hearing is Denied?

If your request for a new hearing is denied, you will have to pay the default penalty.

If you do not pay the penalty timely, the following may happen:

- The City of New York may refer your account to a collection agency;
- The City of New York may enter a judgment against you in New York State Supreme Court;
- The City of New York may not renew licenses or permits.

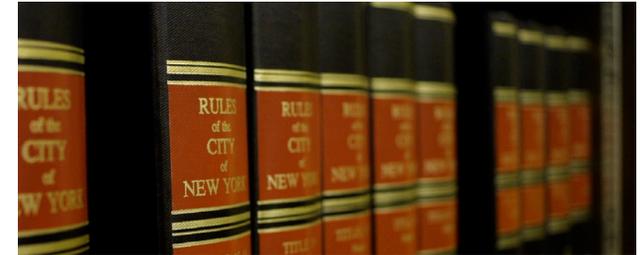
Where Can I Find Help Online?

Visit the OATH website to find all necessary forms and instructions on how to request a new hearing after a default decision.

www.nyc.gov/oath



Defaulted Cases: What You Should Know



A “default” is a decision that finds you in violation of the charge(s) when you do not respond to a Notice or Summons. The default decision will tell you that the legally-mandated default penalty amount has been imposed in your case.

How Can I Avoid Getting a Default Decision?

There are three (3) ways to avoid a default decision:

1. **Appear for your hearing in person.** You must appear at the scheduled hearing location at the time that is listed on your Notice or Summons.
2. **Respond to your Notice or Summons Online, By Phone or By Mail.** Most charges can be contested without appearing for your hearing in person. Read the Notice or Summons carefully or visit the OATH website if you are not sure if you need to respond to the charges in person.
3. **Accept a settlement offer.** If the enforcement agency has offered you a settlement and you do not want to participate in the OATH hearing, you can accept the settlement offer. OATH must receive the offer with your payment before the scheduled hearing.

What Can I Do If I Get a Default Decision or Notice?

If you receive a default decision you can either:

1. Pay the penalty in the default decision.

OR

2. Apply to reopen your case by requesting a new hearing.

How to Pay the Default Penalty:

Pay Online

Visit the City's website at www.nyc.gov/mylicense to make a payment online. You will need your Notice or Summons number.

Pay by Mail

- Mail a check or money order for the full amount due. Do not send cash. Write your Notice or Summons number on the front of the check.
- Make the check out to: *OATH Hearings Division*
- Mail your check to:
OATH Hearings Division
PO Box 4199, Church Street Station
New York, NY 10261-4199

Pay in Person

You may pay in person, with a check, credit card, or money order at some OATH Hearings Centers. Visit the OATH Hearings Division website at www.nyc.gov/oath to find locations that accept payments and hours of operation.

How to Apply to Reopen Your Defaulted Case:

You **must** submit your request to reopen your case using the OATH Hearings Division request form. You can apply to reopen your case online, by mail or in person at any OATH Hearings Center.

Apply to Reopen Online

Visit the OATH Hearings Division website at www.nyc.gov/oath to submit your request using the OATH online form.

Request New Hearing After A Failure To Appear

- Request For A New Hearing After A Failure To Appear.
- You May Only Make One Request For A New Hearing After A Failure To Appear.

* Indicates required fields.

Top portion of online request form

Apply to Reopen by Mail or In-Person

You can pick up a request form at any OATH Hearings Center or print out the request form from the OATH website.

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division
66 John St., 11th Floor
New York, NY 10038

**REQUEST FOR A NEW HEARING AFTER A FAILURE TO APPEAR
(MOTION TO VACATE A DEFAULT)**

- This form **MUST** be used to request a new hearing if the respondent failed to appear for the hearing.
- A separate request must be made for each Notice/Summons.
- Answer every question in the space provided. Fill out both sides.
- The information provided on this form, as well as any documents submitted in support, may be provided to the enforcement agency responsible for the Notice/Summons.
- Please read the instructions carefully.

If you are mailing your request, please fill out the request form and mail the form along with any supporting documents to the address listed at the top of the form.

Will My Request For A New Hearing Be Granted?

OATH Hearing Officers review and decide requests to reopen defaulted cases.

1st Request to Reopen a Notice or Summons that is in Default:

- If the request is filed or postmarked **within 60 days** of the date of the default decision, the request will be granted.
- If the request is filed **more than 60 days** and less than one year from the date of the default decision, the request will only be granted if it states a *reasonable excuse* as to why the respondent did not appear or respond to the Notice or Summons.

2nd Requests and Requests Made More than 1 Year After the Date of the Default Decision:

- These requests will only be granted under exceptional circumstance and in order to avoid injustice.

To read the New York City Rule that states how and when a defaulted case can legally be reopened, please visit the OATH Hearings Division website at www.nyc.gov/oath