



The Environmental Control Board

A Division of the Office of Administrative Trials and Hearings

ECB Manhattan

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Commissioner & Chief Administrative Law Judge
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Deputy Commissioner & Executive Director

October 16, 2013

Vinny Maniscalco
Assistant Commissioner
NYC Department of Transportation
Highways Inspection and Quality Assurance
55 Water Street - 7th Floor
New York, New York 10041

RE: Expansion of DOT Cases to be Adjudicated by Mail, Internet or Telephone

Dear Commissioner Maniscalco:

On September 25, 2013, you, on behalf of the New York City Department of Transportation ("DOT") and I, on behalf of the New York City Environmental Control Board ("ECB") met to discuss the adjudication of DOT cases returnable to ECB (the "Meeting"). Also present at the Meeting were Shamonda Graham, Summons Unit Coordinator, Lyudmilla Leonovich, Director of News Racks, ECB Assistant Director, Kelly Corso and ECB IT Supervisor/Business Analyst, Joy George.

48RCNY 3-34 authorizes ECB to designate certain classes of alleged violations for remote adjudication and to prescribe procedures for such adjudications. ECB has prescribed procedures for remote adjudication that includes hearings by mail, One Click hearings (internet), and hearings by telephone.

I am writing to confirm DOT's consent to remote adjudication of the violations contained in the table below. These violations are in addition to the other violations previously designated for remote adjudication in consent letters dated May 3, 2011 and October 24, 2011. The addition of these four violations raises the total number of DOT violations that can be adjudicated remotely to thirty-four (34).

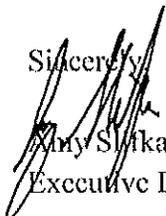
INFRACTION CODE	SECTION of LAW	DESCRIPTION	PENALTY	DEFAULT
DF3	Admin. Code <u>10-157</u> <i>**must include subdivision in narrative</i>	<u>Fail to provide commercial bike operator equipment- 1st offense</u>	<u>\$100</u>	<u>\$100</u>
DF5	Admin. Code 10- <u>157 (d)</u>	<u>Fail to produce/maintain commercial bike roster 1st offense</u>	<u>\$100</u>	<u>\$100</u>
DF7	Administrative Code <u>10-157 (f)</u>	<u>Failure to properly equip commercial bicycle- 1st offense</u>	<u>\$100</u>	<u>\$100</u>
DF9	Administrative Code <u>10-157.1</u>	<u>Fail to post Comm. Bicyclist Safety Poster with required info. 1st off</u>	<u>\$100</u>	<u>\$100</u>

If either party decides that a DOT violation should no longer be adjudicated remotely, it will be removed from the remote adjudication list upon ninety (90) days notice to the other party.

Please countersign below and return a copy of this letter to me, so that we both have a formal record of our agencies' agreement.

Thank you and your staff for your assistance and support of ECB's effort to expand the public's access to justice.

Sincerely,



Amy Slifka
Executive Director

Agreed:



Vincent P. Gammallo
NYC Department of Transportation