



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Environmental Control Board Hearings

66 John St., 10th Floor
New York, NY 10038
Telephone: 1-844-OATH-NYC (1-844-628-4692)

Fidel F. Del Valle, Esq.
Commissioner & Chief Administrative Law Judge
Amy Silfka, Esq.
Deputy Commissioner & Executive Director

June 30, 2015

Alexandra Fisher
Deputy Commissioner
Legal and Regulatory Matters
NYC Department of Buildings
280 Broadway, 5th floor
New York, NY 1007

RE: Expansion of selected DOB violations to be adjudicated by Telephone

Dear Deputy Commissioner Fisher,

In June 2015 the Department of Buildings (“DOB”), and OATH Environmental Control Board (“OATH ECB”), met regarding possible telephone hearings for certain DOB violations returnable to OATH ECB.

48 RCNY 3-34 authorizes the OATH ECB to designate certain classes of cases for adjudication by mail (“Mail Adjudication”) and to prescribe procedures for such adjudications. ECB has prescribed procedures for remote adjudications that include hearings by mail, one click hearings and hearings by telephone.

All hearings by Telephone will be heard on mutually agreed upon Wednesdays not to exceed twice per month, by a hearing officer at the Manhattan office. A DOB representative will be present at all such hearings. Any matter requiring testimony by an Inspector will be adjourned to a regularly scheduled Inspector hearing day in the borough of issuance. Similarly, if the respondent wishes to introduce testimony of a third party, the matter shall be adjourned to one of the regularly scheduled hearing days in the borough of issuance for such testimony.

DOB consents to have the violations in the Table below to be heard by telephone provided there is DOB representation.



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Section of Law	ECB Code	Class	Description
28-105.11	B220	Class 2	Failure to Post Permit for work at premises
27-3018(B)	B310	Class 3	Fail to conspicuously post elec work permit while work in progress
28-105.1	B2C2	Class 2	Work after hours w/o variance permit contrary to 28-105.12.5
1RCNY Misc. RS-Misc	B379	Class 3	Miscellaneous violations
27-371 & BC 715.3.7(2008 code) & BC 715.4.8 (2014 code)	B252	Class 2	Exit door not self-closing
27-391 & BC 3002.3	B234	Class 2	Emergency signs at elevator call stations missing, defective, non-compliant with section requirements
27-528 & BC 1024.1.3 (2008 code) & BC 1028.1.3 (2014 code)	B219	Class 2	Approved place of assembly plans not available for inspection
AC 28-301.1	B232	Class 2	Fail to maintain bldg in code-compliant manner: illumination for exits, exitt discharges and public corridors
AC 28-301.1	B 233	Class 2	Fail maintain bldg in code-compliant manner: floor numbering signs missing and/or defective
AC 28-304.1	B 151	Class 1	Failure to maintain elevator or conveying system
AC 28-304.1	B 251	Class 2	Failure to maintain elevator or conveying system



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Section of Law	ECB Code	Class	Description
AC 28-304.1	B 351	Class 3	Failure to maintain elevator or conveying system
AC 28-301.1	B 254	Class 2	Fail maintain bldg in compliant manner
AC 28-301.1	B 354	Class 3	Fail maintain bldg. in compliant manner: Service equipment, boiler
AC 28-301.1	B 269	Class 2	Fail maintain bldg in compliant manner: fail comply law for drainage system
AC 28-301.1	B 268	Class 2	Fail maintain bldg in compliant manner: fail comply w/law for water supply systems
AC 28-301.1	B 267	Class 2	Fail maintain bldg in compliant manner. Gas vent reduced or undersized
AC 28-302.1	B 304	Class 3	Failure to maintain building wall(s) or appurtenances
AC 28-302.4	B 230	Class 2	Fail submit required report of critical examination documenting condition of exterior wall and appurtenances
AC 28-302.5	B 227	Class 2	Fail to file an amended report acceptable to DOB indicating correction of unsafe conditions
BC 105.8.2	B 207	Class 2	Temporary construction equipment on site-expired permit



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Section of Law	ECB Code	Class	Description
BC 1016.2	B 221	Class 2	Failure to maintain building in code-compliant manner provide required corridor
BC 3303.4&27-1018	B 212	Class 2	Failure to maintain adequate housekeeping per section requirements
BC 3303.7.3	B 2A9	Class 2	Failure to post no smoking signs at const/demo site per fire code
BC 3303.7.3	B 1B9	Class 1	Smoking at construction/demolition site
BC 3303.7.3	B 2A8	Class 2	Smoking at construction/demolition site
BC 3314.1.1 (2008 code) 27-1050.1 & BC 3314.4.1.5 (2014 code)	B 261	Class 2	Fail notify DOB prior to installation or removal of suspended scaffold
BC 905.11	B 2C1	Class 2	Fail to have painting cert of stndpp/combo sprnklr/stndpp as req'd
EC 110.2	B 313	Class 3	Failure to use approved conductors and/or equipment
ZR 22-00	B 205	Class 2	Illegal use in residential district
ZR 25-41	B 383	Class 3	Violation of parking regulations in a residential district



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Section of Law	ECB Code	Class	Description
ZR 42-00	B 248	Class 2	Illegal use in manufacturing district

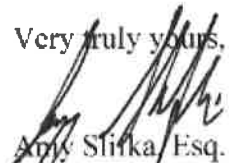
This Letter of Agreement and the Letter of Agreement entered into on February 27, 2014 comprise all DOB violations that may be heard by mail, one click or telephone.

This Letter of Agreement may be modified in writing by authorized representatives of the parties. It may not be modified, rescinded or extended orally.

If you agree, please countersign below and return a copy of this letter of Agreement to me so that we each have a formal record of our agencies' agreement.

Thank you for your assistance in this matter.

Very truly yours,



Amy Slifka, Esq.
Deputy Commissioner
Office of Administrative Trials and Hearings

Agreed: _____

Department of Buildings

By: Alexandra Fisher

Deputy Commissioner for Legal and Regulatory Matters