

Steps That Must Be Taken In Order To Have The Hearings Division Decide the Appeal

1) Will the appeal be received by the Hearings Division by the deadline?

YES ☐ NO ☐

The appeal will be rejected if it is received more than 30 days after the Decision Date unless a timely request for an extension or a copy of the hearing recording was granted. If the decision was sent by mail, the appeal deadline is 35 days from the Decision Date. The Decision Date is on the front of the hearing decision. Respondents must also complete Steps 2 and 3 below. Enforcement agencies must follow Step 4 below.

RESPONDENTS ONLY – YOU MUST COMPLETE PROOF OF PAYMENT AND PROOF OF SERVICE BELOW

2) Has the penalty been paid? (you **MUST** check yes to one of the below choices)

- The penalty has been paid in full or payment of the full penalty has been waived by the agency.

YES ☐ NO ☐

The penalty must be paid in full before the appeal can be decided.

Vehicle for Hire and Taxi Cases: Payment or waiver is not required if the summons/notice is for a violation of a law or regulation enforced by the TLC.

Consumer Cases: Even if full payment of the penalty has been waived, if the Hearing Officer's decision orders the payment of restitution, the respondent must deposit the amount of restitution with the Department of Consumer Affairs.

- The respondent is requesting a waiver of payment of the penalty because it will be a financial hardship to pay while the appeal is being decided.

YES ☐ NO ☐

You **MUST** attach proof of hardship, such as the first two pages of the respondent's Federal tax return, and explain below how paying the penalty now would be a financial hardship for the respondent.

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

- | | | | |
|--|---|---|--|
| ☐ Building Cases:
Dept. of Buildings
Administrative Enforcement Unit 280
Broadway, 5 th Floor
New York, NY 10007 | ☐ Sanitation, Recycling, Posting
& Abandoned Vehicle Cases:
Department of Sanitation
Bureau of Legal Affairs
125 Worth Street, 7 th Floor
New York, NY 10013 | ☐ Fire Code Cases (including fireworks):
FDNY Legal Enforcement Unit
Bureau of Legal Affairs
9 Metrotech Center, 4 th Floor
Brooklyn, NY 11201 | ☐ Health Code, Restaurant, Food Vendor,
& SRO Cases
DOHMH General Counsel
42-09 28th Street, 14 th Floor CN-30
Long Island City, NY 11101-4132 |
| ☐ Air, Noise, Water, RTK, HazMat
& Sewer Cases:
DEP General Counsel
59-17 Junction Blvd, 19 th Floor
Flushing, NY 11373-5108 | ☐ Transportation Code & Newsrack Cases:
Dept. of Transportation
c/o Asst. Commissioner, HIQA
55 Water Street, 7 th Floor
New York, NY 10041 | ☐ Parks Department, Hudson River Park &
Battery Park City Cases:
Parks Dept. Counsel's Office
The Arsenal, 830 5 th Avenue
New York, NY 10065 | ☐ Public Pay Telephone Cases:
DOITT Customer Service Coordinator
Public Pay Telephones
75 Park Place, 9th Fl.
New York, NY 10007 |
| ☐ Markets Cases:
Business Integrity Comm., Gen. Counsel
100 Church Street, 20 th Floor
New York, NY 10007 | ☐ Consumer & General Vendor Cases:
Dept. of Consumer Affairs, General Counsel
42 Broadway, 8 th Floor
New York, NY 10004 | ☐ Landmarks Cases:
Landmarks Preservation Commission
Municipal Bldg., 1 Centre St., 9th Fl., North.
New York, NY 10005 | ☐ Taxi & For-Hire Vehicle Cases:
NYC Taxi & Limousine Commission
Falchi Bldg., 31-00 47th Ave.
Long Island City, NY 11101 |

The appeal will be rejected unless you send a copy of the completed appeal application, including any attachments, to the enforcement agency responsible for the summons(es)/notice(s). Note: If the respondent is requesting a hardship waiver, do not send the enforcement agency responsible for the summons(es)/notice(s) copies of the proof of hardship.

3b) You can prove that you sent a copy of the appeal to the agency by checking the box next to the enforcement agency responsible for the summons(es)/notice(s) in Step 3a above AND completing and signing the statement below.

I [print your name] _____, RESIDING AT [your address] _____, CERTIFY UNDER PENALTY OF PERJURY THAT I AM AUTHORIZED TO SUBMIT THIS APPLICATION, THAT TO THE BEST OF MY KNOWLEDGE ALL INFORMATION I INCLUDED ON THIS FORM AND IN THE ATTACHMENTS, IF ANY, IS TRUE, AND THAT ON [date] _____ I SENT A COPY OF THIS APPEAL TO THE ENFORCEMENT AGENCY RESPONSIBLE FOR THE SUMMONS(ES)/NOTICE(S) AT ITS ADDRESS LISTED ABOVE BY PLACING IT IN A U.S. POSTAL SERVICE MAILBOX OR BY OTHER MAILING SERVICE.

YOUR SIGNATURE: _____

ENFORCEMENT AGENCIES ONLY

4) Enforcement agencies must attach a separate affirmation indicating service on the respondent.