

SCRN: CVPSSQV1

DEPT OF ENVIRONMENTAL PROTECTION

DATE: 3/29/17

TERM: 2945

VIOLATION INQUIRY (HISTORY) - PAGE 1

TIME: 17:05:49

VIOLATION: 035167759H ROLL: 00000 IMAGE: 00000 STATUS: HEARING COMPLETED

INSTALLATION: 1081498 FACILITY NO: DISP: DISMISSED

DUE: NOTHING DUE

RESP LAST NAM: THE 4260 BROADWAY CONDOMINIUMS FIRST NAM:

HOUSE: 50 BORO: 1 MANHATTAN

STREET: WEST 17 STREET

CITY: NEW YORK STATE: NY ZIP: 10011

VIOLATION ADDR: HOUSE: 659 BORO: 1 MANHATTAN

STREET: WEST 181 STREET RTC:

INFRACTIONS: 1 AC28-301.1

2 3 4

5 6 7

VIOLATION INPUT DATE: 10/28/16 VIOLATION CODE: 202 TAX LIEN: N

VIOLATION DATE/TIME: 10/06/16 1025 OFFICER ID: 2271 RPT LEV: 1C

SCHEDULED DATE/TIME: 03/16/17 0900 ALJ ID: 0787 EXHB ATT: Y

SCHEDULED LOCATION: 9 MANHATTAN INT: 0.00+ DOCKET:

FACE AMOUNT: 500.00+ IMPOSED AMOUNT: 0.00+

ADD'L PENALTIES: 0.00+ PAID TO DATE: 100.00+

NET ALL ADJUSTS: 0.00+ BALANCE DUE: 100.00-

CMD: _____ MSG: *PRESS PF6 TO DISPLAY ACTUAL HEARING DATE

V

SCRN: CVPSSQV2

DEPT OF ENVIRONMENTAL PROTECTION

DATE: 3/29/17

TERM: 2945

VIOLATION INQUIRY (HISTORY) - PAGE 01 OF 02

TIME: 17:05:54

VIOLATION NO.: 035167759H

ROLL: 00000

IMAGE: 00000

SEQ	REC DATE	EVENT	AMOUNT	CHANGE	NEW BAL
001	10/06/16	ISS - NEW VIOL ISSUANCE	+500.00	+0.00	+0.00
RMK: 1C, 1, 20161201, 0830, 9, R= , I=					
002	12/08/16	DEF - DEFAULT PROC - BATCH	+530.00	+530.00	+530.00
RMK: ,					
003	12/27/16	PHA - REV PHASE ACTION	+0.00	+0.00	+530.00
RMK: C, , DU1					
004	01/23/17	PHA - REV PHASE ACTION	+2500.00	+1970.00	+2500.00
RMK: C, , SKM					
005	02/02/17	MAI - MAIL NAME/ADDR CHGS	+0.00	+0.00	+2500.00
RMK: 7, Y, Y, THE 4260 BROADWAY CONDO C, 50 , WEST 17 STREET					
006	02/03/17	STA - STAY PROCESSING	+0.00	+0.00	+2500.00
RMK: T, A, _					
007	02/03/17	SCH - HEARING RESCHEDULED	+0.00	+0.00	+2500.00
RMK: 20170316, 9, 0900, R, N, 0					
008	11/23/10	MIS - CORR TO MISAPPLIED	-100.00	-100.00	+2400.00
RMK: 20170227M15, , , +100.00, +0.00, +0.00, +0.00, #=042342545L					

CMD: _____

MSG: REMARKS ARE SUPPRESSED - PRESS PF6 TO DISPLAY

V

SCRN: CVPSSQV2

DEPT OF ENVIRONMENTAL PROTECTION

DATE: 3/29/17

TERM: 2945

VIOLATION INQUIRY (HISTORY) - PAGE 02 OF 02

TIME: 17:05:57

VIOLATION NO.: 035167759H

ROLL: 00000

IMAGE: 00000

SEQ	REC DATE	EVENT	AMOUNT	CHANGE	NEW BAL
009	03/16/17	ASG - HEARING ASSIGNED	+0.00	+0.00	+2400.00
RMK: 20170316, 9, 0787					
010	03/17/17	HRG - HEARING RESULTS	+0.00	-2500.00	-100.00
RMK: 0787, 9, D, , N, , , R= , I=					

RMK:

RMK:

RMK:

RMK:

RMK:

RMK:

CMD: _____

MSG: REMARKS ARE SUPPRESSED - PRESS PF6 TO DISPLAY

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OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

Special Motion Part
66 John St., 10th Floor
New York, NY 10038
Tel: 1-844-OATH-NYC
Fax: 1-212-436-0715

For Internal Use Only

☐ NSL Mailed

Date: _____

Hearing Officer: 8741

Date: 1/31/17

☐ Grant

I/O Req'd Yes ☐ No ☒

☒ Grant w/in 60 days

☐ Abandoned

☐ No Standing

☐ Deny 1 2 3 4 N/A

Notes

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

- A separate request must be made for each summons/notice.
- 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 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: COHEN HOCHMAN & ALLEN

Mailing address: 75 MAIDEN LANE, SUITE 802

City, State: NEW YORK, NY Zip code: 10038

Telephone number: 212-566-7081

Email address: cha@violationlawyers.com

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

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

a) 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

b) Are you authorized to represent the Respondent? ☒ Yes ☐ No

c) What is the name of the person who asked you to make this request? ERICA HOFFMAN

d) 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. MANAGING AGENT

Information About the Summons/Notice and Respondent

Summons/notice number (only one number per form): 351-677-59H

Name of Respondent, exactly as it is written on the top of the summons/notice: THE 4260 BROADWAY CONDO

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

50 WEST 17 STREET

City, State: NEW YORK, NY

Zip Code: 10011

On what date did the Respondent first learn about this summons/notice? 1/4/17

How did the Respondent learn about this summons/notice? _____

UPON RECEIPT OF DEFAULT DECISION AND ORDER.

(TURN OVER. YOU MUST COMPLETE THE NEXT PAGE)

SMP2 Uniform smp application 8_7_15

Reason For Which A New Hearing Should Be Granted

You must check at least one of the boxes below. If no box is checked, this request will be denied.

- ☒ This request is a **first request** AND is filed **within 60 days** from the mailing date or hand delivery date of the Default Decision.
- ☐ This request is a **first request** AND is filed **more than 60 days** from the mailing date or hand delivery date of the Default Decision **but within 1 year** of the date of the Default Decision. You must provide a reasonable excuse for the Respondent's failure to appear at the hearing or this request will be denied. Examples of reasonable excuses are listed below. You **MUST** check the applicable choice(s):
- ☐ The Respondent did not receive the summons/notice because the issuing agency did not serve the summons/notice 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.
 - ☐ The 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 _____
 - ☐ The Respondent had an emergency requiring immediate medical or other attention.
If this reason applies, attach a copy of any relevant documentation.
 - ☐ Other (explain) (attach additional page if needed) _____
- ☐ This request is filed **more than 1 year** from the date of the Default Decision **OR** this is **not the first hearing date that the Respondent missed** on this Notice/Summons number. (For summonses/notices charging violations of any laws or regulations that the Taxi and Limousine Commission has the duty or authority to enforce, this request must be filed within two years from the date of the default decision.) The request will **only** be granted in exceptional circumstances. You must explain what these circumstances are. You may also attach any documents in support. _____

I (print your name)

Jessica Monella, Esq. 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: Jo I M

DATE: 1/05/2017

SWP2 Uniform LNC application 8_7_16

NOTICE OF VIOLATION AND HEARING



Violation No. 35167759H

COMMISSIONER OF THE DEPARTMENT OF BUILDINGS
OF THE CITY OF NEW YORK, PETITIONER, AGAINST

Respondent	First name (or entity name) The 4260 Broadway Condominium	Last name The Argo Corporation	
<input type="checkbox"/> Mailing address (Check if same address as place of occurrence)	Member and street 50 W 17th St.	City New York	State NY
Additional mailing to be sent (agent, care of, other)		License No. (if Applicable)	Construction Activity
Name	First name	Last name	Company
Mailing address	Number and street	City	State Zip code

Commissioner's Order To Correct Violations

Place of occurrence	GSQ West 181 St.	Block	1M	Date of violation	10/06/16	Type	C	Dist.	12	Code	SP	No.	01
Construction type	II	RIN	1061498	No. of stories	7	Block	2164	Lot	7501	Occupancy at time of inspection	COM + Res.	Base of violation	1434247

Based on an inspection of the premises and/or records of the Department, the undersigned has determined that you are in violation of the section or law cited below of Title 27 or Title 28 of the NYC Administrative Code, the NYC Construction Codes, the NYC Electrical Code, the NYC Zoning Resolution, the Reference Standards and/or Titles 1 or 2 of the Rules of the City of New York.

Violating Conditions Observed	<input type="checkbox"/> Stop Work Order <input type="checkbox"/> Full <input type="checkbox"/> Partial	<input type="checkbox"/> Class 1	<input checked="" type="checkbox"/> Class 2	<input type="checkbox"/> Class 3	<input type="checkbox"/> Recurring Condition
Violation Code	Provision of Law	Failure to maintain building in code compliant manner.			
13 202	28-201.1	Note - At time of inspection observed evidence of water leaking from bathroom of Apartment - 210 (Broadway side) into commercial space on ground floor and damaging the ceiling.			
Remedy: Repair all defects and maintain the building.					
<input type="checkbox"/> ILLEGAL CONVERSION - CLASS 1 Per 28-202.1 & 1RCNY 102-01, additional daily penalties for continued violation of Article 210 of Title 28 are applicable.					
<input type="checkbox"/> Per 28-202.1 & 1RCNY 102-01, additional "Class 1" daily or "Class 2" monthly penalty also applicable. <input type="checkbox"/> Aggravated II Condition per 1RCNY 102-01(f)					
The Commissioner orders that you timely correct these conditions and file a certificate of such correction. Uncorrected violations are subject to additional violations and penalties. IMPORTANT: See "Certifying Correction" on reverse.					

Important Information: As detailed in §28-201.4 and Section 102-01 of Subchapter B of Title 1 of the Rules of the City of New York, violations may be subject to aggravated penalties of the type order, which shall be imposed in accordance with the ECR Buildings Penalty Schedule.

Cure and Hearing options

CURE DATE **11/15/16**

HEARING DATE **12/01/16** at ☒ 8:30 AM ☐ 10:30 AM ☐ 1:30 PM

If a date appears in the box above, you may have the option to admit the violation and certify correction by the "cure date." By doing so, you avoid a hearing before the Environmental Control Board and any penalties which would be assessed at the hearing. Note: Depending on the violation, additional DOB civil penalties (separate from ECR penalties) may apply before a cure can be granted. For more information regarding "cures", see reverse side of the respondent copy of this Notice of Violation.

The hearing date above is mandatory if you are either charged with a Class 1 violation, or the violation is marked as an Aggravated II condition, or if no "cure date" is given on this Notice of Violation. Also, the above hearing date is mandatory for all other types of charges if a certificate of correction (for a cure) is not received by the date indicated in the left, or is not approved by the Department, or if you are offered but have not timely accepted a pre-hearing stipulation or admit the violation. Refer to the DOB ECR Penalty Schedule at www.dob.nyc.gov/buildings or check the status on ECR query on this website. YOU MUST ATTEND THE HEARING AT THE ENVIRONMENTAL CONTROL BOARD IF YOU WISH TO CONTEST THE VIOLATION.

Environmental Control Board hearing locations:

- ☐ Queens, 1-844-OATH-NYC (628-4692) - 144-06 84th Avenue, 1st fl.
- ☒ Manhattan, 1-844-OATH-NYC (628-4692) - 66 John Street, 10th fl.
- ☐ Brooklyn, 1-844-OATH-NYC (628-4692) - 9 Bond Street, 7th fl.
- ☐ Bronx, 1-844-OATH-NYC (628-4692) - 3030 3rd Ave., 2nd fl.
- ☐ Staten Island, 1-844-OATH-NYC (628-4692) - 350 St. Marks Place, 1st fl.

Proceedings will be held under the authority of the NYC Charter section 1049-a and the rules promulgated thereunder. This hearing is your opportunity to answer and defend against the allegations set forth above. Failure to appear, unless you admit the violation or an appearance is not required through availability of a Cure or Stipulation (see reverse) will result in a default and imposition of maximum penalties.

For more information, To reschedule your hearing or inquire about the case status, call the Environmental Control Board at the numbers listed above. For information on certifying correction of this violation, read instructions on the Certificate of Correction form, call Department of Buildings at 311, or visit the ECR Violation section at www.dob.nyc.gov/buildings.

Issuing officer's last name, first initial (print)
Patel, S.

I personally observed the violation(s) charged and/or verified their existence through review of departmental records

12/27/16 **11C**
Badge number Unit Code

Issuing officer's signature **Su Patel**
This statement is affirmed under penalty of perjury

35167759H

ECR-PC (Rev. 5/15)

ORIGINAL - ECR COPY

Affidavit / Affirmation of Service

STATE OF NEW YORK, COUNTY OF NEW YORK ss.

The undersigned affirms, or being duly sworn, deposes and says That I am over 18 years of age, and not a party to this proceeding, and that on the 6 day of Oct, 2016 at 10:25 a.m. / p.m. (circle one) at 659 W 181 St (full address)

I served the within Notice of Violation and Hearing on the respondent named therein

Note: You must complete either section A or B or C. Section D must also be completed if service was effected through A1, A2, or B1.

A. INDIVIDUAL OR PARTNERSHIP

1. ☐ Individual or Partnership - Personal Service, by delivering and leaving a true copy with _____ respondent personally.
2. ☐ Individual or Partnership - Substituted Service, by delivering a true copy to _____ a person of suitable age and discretion at respondent's actual place of business, dwelling or usual place of abode within the state.
- ☐ Required Mailing (Use with 2). On ____/____/____ I enclosed a copy of same in a first class post paid envelope properly addressed to respondent's last known residence or actual place of business and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service. The envelope bore the legend "personal & confidential" and did not indicate on the outside thereof, by return address or other wise that the communication was from an attorney or concerned an action against the respondent.

B. CORPORATION

1. ☐ Corporation/LLC, by delivering and leaving a true copy with _____ an officer, director, managing agent, or general agent (circle one) of said respondent corporation, or any member of the LLC or person designated to receive service of process.
2. ☐ Secretary of State Service, by delivering to and leaving two copies with _____ in the Office of the Secretary of State of the State of New York, personally at the Office of the Secretary of State of the State of New York. Said service was made pursuant to article three of the Business Corporation Law. Deponent further says that s/he knew the person so served as aforesaid to be employed in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said respondent.

C. ALTERNATE METHOD/CHARTER SERVICE (Posting at place of occurrence)

- X Alternate method of service pursuant to New York City Charter §1049-a(d)(2) [Affix and Mail Service]. I made the following reasonable but unsuccessful attempt to effectuate service upon respondent or upon any other person whom service may be made as follows: AS Per Building Rules
NO ANSWER AT MY John Paul the owner
or authorized person present

A true copy of the notice of violation was posted at the following conspicuous place on the premises where the violation occurred: Post on Belmont entrance door
Additional information: near super office along W 182 St
above

D. DESCRIPTION OF INDIVIDUAL SERVED (Complete for A1, A2, or B1)

Deponent further states that s/he describes the person actually served as follows:

GENDER	SKIN COLOR	HAIR COLOR	OTHER	AGE	HEIGHT	WEIGHT
<input type="checkbox"/> Male	<input type="checkbox"/> Black	<input type="checkbox"/> Black	<input type="checkbox"/> Balding	<input type="checkbox"/> 14-20 yrs.	<input type="checkbox"/> under 5'	<input type="checkbox"/> under 100 lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Brown	<input type="checkbox"/> Blond	<input type="checkbox"/> Mustache	<input type="checkbox"/> 21-35 yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 101-130 lbs.
	<input type="checkbox"/> White	<input type="checkbox"/> Brown	<input type="checkbox"/> Beard	<input type="checkbox"/> 36-50 yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 lbs.
		<input type="checkbox"/> Gray	<input type="checkbox"/> Glasses	<input type="checkbox"/> 51-65 yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 lbs.
		<input type="checkbox"/> Red		<input type="checkbox"/> Over 65 yrs.	<input type="checkbox"/> Over 6'0"	<input type="checkbox"/> Over 200 lbs.
		<input type="checkbox"/> White				

Other identifying characteristics _____

Served by	For process server
Signature <u>Su Park</u>	SWORN TO BEFORE ME ON:
Print full name <u>Satish Patel</u>	_____ day of _____
<input checked="" type="checkbox"/> Issuing officer, City of New York This service statement is affirmed under penalty of perjury	Notary signature _____
<input type="checkbox"/> Process Server (complete next box)	

Supervisor's Signature [Signature]
(FOR OFFICE USE ONLY)

SCRN: CVPSSQV1

DEPT OF ENVIRONMENTAL PROTECTION

DATE: 1/31/17

TERM: 0067

VIOLATION INQUIRY (HISTORY) - PAGE 1

TIME: 12:02:40

VIOLATION: 035167759H ROLL: 00000 IMAGE: 00000 STATUS: DEFAULTED

INSTALLATION: 1081498 FACILITY NO: DISP: DEFAULTED

DUE: PENALTY+COMPLIANCE

RESP LAST NAM: THE 4260 BROADWAY CONDOMINIUMS FIRST NAM:

HOUSE: 50

BORO: 1 MANHATTAN

STREET: WEST 17 STREET

CITY: NEW YORK

STATE: NY ZIP: 10011

VIOLATION ADDR: HOUSE: 659

BORO: 1 MANHATTAN

STREET: WEST 131 STREET

RTC:

INFRACTIONS: 1 AC28-301.1

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VIOLATION INPUT DATE: 10/28/16

VIOLATION CODE: 202

TAX LIEN: N

VIOLATION DATE/TIME: 10/06/16 1025

OFFICER ID: 2271

RPT LEV: 1C

SCHEDULED DATE/TIME: 12/01/16 0830

ALJ ID:

EXHB ATT: Y

SCHEDULED LOCATION: 9 MANHATTAN

INT:

0.00+ DOCKET:

FACE AMOUNT: 500.00+

IMPOSED AMOUNT: 2500.00+

ADD'L PENALTIES: 0.00+

PAID TO DATE: 0.00+

NET ALL ADJUSTS: 0.00+

BALANCE DUE: 2500.00+

CMD: _____

MSG: *PRESS PF6 TO DISPLAY ACTUAL DEFAULT DATE

V

SCRN: CVPSSQV2

DEPT OF ENVIRONMENTAL PROTECTION

DATE: 1/31/17

TERM: 0067

VIOLATION INQUIRY (HISTORY) - PAGE 01 OF 01

TIME: 12:02:45

VIOLATION NO.: 035167759H

ROLL: 00000

IMAGE: 00000

SEQ	REC DATE	EVENT	AMOUNT	---BALANCE DUE---	CHANGE	NEW BAL
001	10/06/16	ISS - NEW VIOL ISSUANCE	+500.00		+0.00	+0.00
RMK: 1C, 1, 20161201, 0830, 9, R= , I=						
002	12/08/16	DEF - DEFAULT PROC - BATCH	+530.00		+530.00	+530.00
RMK: ,						
003	12/27/16	PHA - REV PHASE ACTION	+0.00		+0.00	+530.00
RMK: C, , DU1						
004	01/23/17	PHA - REV PHASE ACTION	+2500.00		+1970.00	+2500.00
RMK: C, , SKM						

RMK:

RMK:

RMK:

RMK:

CMD: _____

MSG: REMARKS ARE SUPPRESSED - PRESS PF6 TO DISPLAY

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OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

HEARING LOCATION:
OATH Hearings Division
66 John Street
10th Floor
New York, NY 10038
(844) 628-4692

Method of Appearance
Live Hearing



1388767215ADDF5E093

DECISION

Summons #: 035167759H (1 Summons)
Hearing Date: March 16, 2017

To: COHEN HOCHMAN & ALLEN
75 MAIDEN LANE
SUITE 802
NEW YORK, NY 10038

City of New York v. THE 4260 BROADWAY
CONDOMINIUMS

Total Civil Penalty: \$0.00

I Summons(es) was/were issued to the Respondent. On the record before me, and upon the Further Findings of Fact/Conclusions of Law stated below, I find as follows and, where applicable, order payment and compliance.

SUMMONS: 035167759H
PLACE OF OCCURRENCE: 659 WEST 181 STREET MANHATTAN
DATE OF OCCURRENCE: 10/06/2016
ISSUING OFFICER/AGENCY: 2271 DOB
INFRACTION CODE: B202
CHARGE: AC 28-301.1
DISPOSITION: DISMISSED

CIVIL PENALTY IMPOSED: \$0.00

FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW

SUMMONS 035167759H AC 28-301.1

Lindsay Garraway, Esq. appeared for the Respondent, Alba Services Inc. Andrew C. Quale III, the Condo Board Treasurer, appeared and testified. Deandra Clinton, Esq. appeared for the Petitioner DOB.

The Respondent received a summons as indicated above for failure to maintain building in code compliant manner under 28-301.1, a class 2 violation: failure to comply with law for drainage system per PC 702.1, 27-911. Noted: water leak (intermittent) from 2nd floor (super says it is located in apt. 210) damaging ceiling of "Tanor" pizzeria located at street level, at 659 West 181 Street.

The Petitioner submitted 4 photos that show the condition at the time of the inspection as well as Appeal No. 1401269 NYC v. Diplomat Condominium 2/26/15.

The Respondent submitted a copy of the condominium unit deed to the owner of unit 210, Jose F. Garcia, a copy of an HPD Building Registration Summary Report, a copy of a decision by hearing officer Alan Bromfeld, copies of two civil court cases relating to the issues at hand (Smith v. Parkchester North, and Gazdo Props. Corp. v. Lava). Ms. Garraway stated that the Condo was not a proper party to be named as it does not have control of the interior of the unit cited. She added that this summons should be dismissed and the Petitioner should issue a summons against the owner of the unit.

Mr. Quale stated that the condominium has been in litigation with the owner to foreclose the unit of Mr. Garcia. Among other issues he has an unregistered tenant in the unit and has not gone through the necessary procedures of the bylaws.

Ms. Clinton indicated that the cited appeal (NYC v. Diplomat Condominium) indicates that even though the Condo directly controls the common elements as opposed to the individual units, it can also control the individual units by the requirements of the bylaws.

Ms. Garraway stated that the Appeal and this case are distinguishable in that the appeal applies to a case of transient occupancy which required the installation of sprinkler systems and other fire safety measures in the common areas, of which the condo has direct control. In this case the pipes are in the owner's unit and the condo cannot get access to the apartment absent the litigation in place to remove the owner and gain access to the unit tenant.

In addition Mr. Quale stated that the condo encouraged the pizzeria to take action against the owner of the unit.

I note that the Civil Court Gazdo case states that the code violations inside individual condo units must be corrected by the unit owner.


New York City OATH Hearings Division

1388767215ADDF5E093

The board of managers and the managing agent (and condo) are not responsible for maintenance inside the individual units. They are responsible only for the common areas. The Smith case also indicated that any defective conditions within the unit must be remedied by the unit owner since they are within his /her control.

In this case the facts show that the leak came from unit 210, with an absentee owner, that the condo has no control over the unit causing the problem and can not get access, and that the condo is trying to remove the tenant.

Based on the above I find that the cited Respondent is not a proper party to be named as Respondent. The leak occurred in the condo unit of which the unit owner not the condo has control. Accordingly, the summons is dismissed.

TOTAL CIVIL PENALTY: \$0.00		
Fri Mar 2017 03/17/17 16:29:46 Stephen Haken, Hearing Officer	 Control 2	03/17/2017 Date

**PAYMENT DUE WITHIN TEN (10) DAYS
READ BACK OF THIS ORDER – PROTECT YOUR RIGHTS**



NOTICE OF VIOLATION AND HEARING

COMMISSIONER OF THE DEPARTMENT OF BUILDINGS
OF THE CITY OF NEW YORK, PETITIONER, AGAINST

Violation No. 35167759H

Respondent	First name (or entity name) The 4260 Broadway CONDOMINIUM	Last name The Argo Corporation		
<input type="checkbox"/> Mailing address (Check if same address as place of occurrence)	Number and street 50 W 17 th St.	City New York	State NY	Zip code 10011
Additional mailing to be sent (agent, care of, other):		License No. (if Applicable)		Construction Activity
Name	First name	Last name	Company	
Mailing address	Number and street	City	State	Zip code

Commissioner's Order To Correct Violations

Place of occurrence GSA West 181 St.	Boro M	Date of violation 10/06/16	Type C	Dist. 12	Code SP	No. 01
Construction type II	BIN 1061498	No. of stories 7	Block 2164	Lot 7501	Occupancy at time of inspection COM + RES.	Basis of violation 1434247

Based on an inspection of the premises and/or records of the Department, the undersigned has determined that you are in violation of the section of law cited below, of Title 27 or Title 28 of the NYC Administrative Code, the NYC Construction Codes, the NYC Electrical Code, the NYC Zoning Resolution, the Reference Standards and/or Titles 1 or 2 of the Rules of the City of New York.

Violating Conditions Observed		Stop Work Order <input type="checkbox"/> Full <input type="checkbox"/> Partial	Class 1 <input type="checkbox"/>	Class 2 <input checked="" type="checkbox"/>	Class 3 <input type="checkbox"/>	Recurring Condition <input type="checkbox"/>
Infraction Code 13 202	Provision of Law 28-201.1	Failure to maintain building in code compliant manner. Note - At time of inspection observed evidence of water leaking from bathroom of Apartment - 210 (Broadway side) into commercial space on ground floor and damaging the ceiling.				
Remedy: Repair all defects and maintain the building.						
<input type="checkbox"/> ILLEGAL CONVERSION - CLASS 1: Per 28-202.1 & 1RCNY 102-01, additional daily penalties for continued violation of Article 210 of Title 28 also applicable.						
<input type="checkbox"/> Per 28-202.1 & 1RCNY 102-01, additional "Class 1" daily or "Class 2" monthly penalty also applicable.						
<input type="checkbox"/> Aggravated II Condition per 1RCNY 102-01(f)						
The Commissioner orders that you timely correct these conditions and file a certificate of such correction. Uncorrected violations are subject to additional violations and penalties. IMPORTANT: See 'Certifying Correction' on reverse.						

Important Information: As detailed in §28-201.4 and Section 102-01 of Subchapter B of Title 1 of the Rules of the City of New York, violations may be subject to aggravated penalties of the first order, which shall be imposed in accordance with the ECB Buildings Penalty Schedule.

Cure and Hearing options

CURE DATE 11/15/16

HEARING DATE 12/01/16 at 8:30 AM ☒ 10:30 AM ☐ 1:30 PM

If a date appears in the box above, you may have the option to admit the violation and certify correction by the "cure date." By doing so, you avoid a hearing before the Environmental Control Board and any penalties which would be assessed at the hearing. Note: Depending on the violation, additional DOB civil penalties (separate from ECB penalties) may apply before a cure can be granted. For more information regarding "cures", see reverse side of the respondent copy of this Notice of Violation.

The hearing date above is mandatory if you are either charged with a Class 1 violation, or the violation is marked as an Aggravated II condition, or if no "cure date" is given on this Notice of Violation. Also, the above hearing date is mandatory for all other types of charges if a certificate of correction (for a cure) is not received by the date indicated to the left, or is not approved by the Department, or if you are offered but have not timely accepted a pre-hearing stipulation or admit the violation. Refer to the DOB ECB Penalty Schedule at www.nyc.gov/buildings or check the status on BIS query on this website. YOU MUST ATTEND THE HEARING AT THE ENVIRONMENTAL CONTROL BOARD IF YOU WISH TO CONTEST THE VIOLATION.

Environmental Control Board hearing locations:

- ☐ Queens, 1-844-OATH-NYC (628-4692) - 144-06 94th Avenue, 1st fl.
☒ Manhattan, 1-844-OATH-NYC (628-4692) - 66 John Street, 10th fl.
☐ Brooklyn, 1-844-OATH-NYC (628-4692) - 9 Bond Street, 7th fl.
☐ Bronx, 1-844-OATH-NYC (628-4692) - 3030 3rd Ave., 2nd fl.
☐ Staten Island, 1-844-OATH-NYC (628-4692) - 350 St. Marks Place, 1st fl.

Proceedings will be held under the authority of the NYC Charter section 1049-a and the rules promulgated thereunder. This hearing is your opportunity to answer and defend against the allegations set forth above. Failure to appear, unless you admit the violation or an appearance is not required through availability of a Cure or Stipulation (see reverse) will result in a default and imposition of maximum penalties.

For more information. To reschedule your hearing or inquire about the case status, call the Environmental Control Board at the numbers listed above. For information on certifying correction of this violation, read instructions on the Certificate of Correction form, call Department of Buildings at 311, or visit the ECB Violation section at www.nyc.gov/buildings.

Issuing officer's last name, first initial (print)

Patel. S.

I personally observed the violation(s) charged and/or verified their existence through review of departmental records.

Badge number 22711 Unit Code 11C

Issuing officer's signature

This statement is affirmed under penalty of perjury.

35167759H

ECB-PC (Rev. 5/15)

ORIGINAL - ECB COPY

Affidavit / Affirmation of Service

STATE OF NEW YORK, COUNTY OF NEW YORK ss:

The undersigned affirms, or, being duly sworn, deposes and says: That I am over 18 years of age, and not a party to this proceeding, and that on the 6 day of Oct, 2016 at 10:25 a.m. / p.m. (circle one) at 659 W 181 St (full address)

I served the within Notice of Violation and Hearing on the respondent named therein:

Note: You must complete either section A or B or C. Section D must also be completed if service was effected through A1, A2, or B1.

A. INDIVIDUAL OR PARTNERSHIP

1. ☐ Individual or Partnership - Personal Service, by delivering and leaving a true copy with _____ respondent personally.
2. ☐ Individual or Partnership - Substituted Service, by delivering a true copy to _____ a person of suitable age and discretion at respondent's actual place of business, dwelling or usual place of abode within the state.
- ☐ Required Mailing (Use with 2). On ____/____/____ I enclosed a copy of same in a first class post paid envelope properly addressed to respondent's last known residence or actual place of business and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service. The envelope bore the legend "personal & confidential" and did not indicate on the outside thereof, by return address or other wise that the communication was from an attorney or concerned an action against the respondent.

B. CORPORATION

1. ☐ Corporation/LLC, by delivering and leaving a true copy with _____ an officer, director, managing agent, or general agent (circle one) of said respondent corporation, or any member of the LLC or person designated to receive service of process.
2. ☐ Secretary of State Service, by delivering to and leaving two copies with _____ in the Office of the Secretary of State of the State of New York, personally at the Office of the Secretary of State of the State of New York. Said service was made pursuant to article three of the Business Corporation Law. Deponent further says that s/he knew the person so served as aforesaid to be employed in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said respondent.

C. ALTERNATE METHOD/CHARTER SERVICE (Posting at place of occurrence)

- ☒ Alternate method of service pursuant to New York City Charter §1049-a(d)(2) [Affix and Mail Service]. I made the following reasonable but unsuccessful attempt to effectuate service upon respondent or upon any other person whom service may be made as follows: As per Building Super
He advised that Mr. John Paul the owner
or authorized person preferred

A true copy of the notice of violation was posted at the following conspicuous place on the premises where the violation occurred: Post on Backmen entry door

Additional Information: Heard super office along W 182 St
along

D. DESCRIPTION OF INDIVIDUAL SERVED (Complete for A1, A2, or B1)

Deponent further states that s/he describes the person actually served as follows:

GENDER	SKIN COLOR	HAIR COLOR	OTHER	AGE	HEIGHT	WEIGHT
<input type="checkbox"/> Male	<input type="checkbox"/> Black	<input type="checkbox"/> Black	<input type="checkbox"/> Balding	<input type="checkbox"/> 14-20 yrs.	<input type="checkbox"/> under 5'	<input type="checkbox"/> under 100 lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Brown	<input type="checkbox"/> Blond	<input type="checkbox"/> Mustache	<input type="checkbox"/> 21-35 yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 101-130 lbs.
	<input type="checkbox"/> White	<input type="checkbox"/> Brown	<input type="checkbox"/> Beard	<input type="checkbox"/> 36-50 yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 lbs.
		<input type="checkbox"/> Gray	<input type="checkbox"/> Glasses	<input type="checkbox"/> 51-65 yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 lbs.
		<input type="checkbox"/> Red		<input type="checkbox"/> Over 65 yrs.	<input type="checkbox"/> Over 6'0"	<input type="checkbox"/> Over 200 lbs.
		<input type="checkbox"/> White				

Other identifying characteristics _____

Served by: Signature <u>Su Park</u> Print full name <u>Satish Patel</u> <input checked="" type="checkbox"/> Issuing officer, City of New York This service statement is affirmed under penalty of perjury.	<input type="checkbox"/> Process Server (complete next box)	For process server SWORN TO BEFORE ME ON: ____ day of _____ Notary signature _____
--	--	---

Supervisor's Signature [Signature]
(FOR OFFICE USE ONLY)



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

Manhattan Office
66 John Street 10th Floor, New York, NY 10038
(844) 628-4692

NOTICE OF APPEARANCE

Summons Number(s): 035167759H
Respondent: THE 4260 BROADWAY CONDOMINIUMS
Respondent/Representative: THE 4260 BROADWAY CONDOMINIUMS
Decision Mail Address: 50 WEST 17 STREET
NEW YORK, NY 10011

Respondent/Representative Signature

(FOR OATH USE ONLY)

The aforementioned participant appeared before me on this 16th day of March 2017

- ☐ Hearing adjourned (You will have to return to OATH on a date in the future.)
☐ Decision reserved (The hearing is complete. You will receive a decision in the mail.)

Additional Comments: _____

Stephen Haken NYC8090 0787



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66 John Street 10th Floor, New York, NY 10038
(844) 628-4692

NOTICE OF APPEARANCE

Summons Number(s): 035167759H
Respondent: THE 4260 BROADWAY CONDOMINIUMS
Respondent/Representative: Lindsay Garroway Esq
Decision Mail Address: 75 MAIDEN LANE, SUITE 802
NEW YORK, NY 10038

Respondent/Representative Signature

(FOR OATH USE ONLY)

The aforementioned participant appeared before me on this 16th day of March 2017

- ☐ Hearing adjourned (You will have to return to OATH on a date in the future.)
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Additional Comments: _____

Stephen Haken NYC8090 0787