



# THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD U.S.P.S. 0114-660  
Printed on paper containing 30% post-consumer material

VOLUME CXLIII NUMBER 73

FRIDAY, APRIL 15, 2016

Price: \$4.00

## TABLE OF CONTENTS

### PUBLIC HEARINGS AND MEETINGS

|                                      |      |
|--------------------------------------|------|
| Borough President - Manhattan        | 1517 |
| Borough President - Queens           | 1517 |
| City Council                         | 1517 |
| Community Boards                     | 1518 |
| Board of Education Retirement System | 1518 |
| Environmental Control Board          | 1518 |
| Housing Authority                    | 1518 |
| Landmarks Preservation Commission    | 1518 |
| Rent Guidelines Board                | 1520 |
| Transportation                       | 1520 |

### PROPERTY DISPOSITION

|                                  |      |
|----------------------------------|------|
| Citywide Administrative Services | 1521 |
| Office of Citywide Procurement   | 1521 |
| Economic Development Corporation | 1521 |
| Police                           | 1521 |

### PROCUREMENT

|                                  |      |
|----------------------------------|------|
| Citywide Administrative Services | 1522 |
| Office of Citywide Procurement   | 1522 |
| Comptroller                      | 1522 |
| Asset Management                 | 1522 |
| Correction                       | 1522 |
| Central Office of Procurement    | 1522 |
| Design and Construction          | 1523 |
| Contracts                        | 1523 |
| Employees' Retirement System     | 1523 |

|                                      |      |
|--------------------------------------|------|
| Contracts                            | 1523 |
| Health and Mental Hygiene            | 1523 |
| Family Health Services               | 1523 |
| Housing Authority                    | 1523 |
| Supply Management                    | 1523 |
| Housing Preservation and Development | 1524 |
| Maintenance                          | 1524 |
| Human Resources Administration       | 1524 |
| Contracts                            | 1524 |
| Parks and Recreation                 | 1524 |
| Capital Projects                     | 1525 |
| Contracts                            | 1525 |

### CONTRACT AWARD HEARINGS

|                          |      |
|--------------------------|------|
| Aging                    | 1525 |
| Environmental Protection | 1526 |

### AGENCY RULES

|                                    |      |
|------------------------------------|------|
| Administrative Trials and Hearings | 1526 |
| Buildings                          | 1544 |
| Environmental Control Board        | 1544 |

### SPECIAL MATERIALS

|                                      |      |
|--------------------------------------|------|
| City Planning                        | 1547 |
| Citywide Administrative Services     | 1548 |
| Housing Preservation and Development | 1549 |
| Mayor's Office of Contract Services  | 1550 |
| Transportation                       | 1550 |
| Changes in Personnel                 | 1550 |

### LATE NOTICE

|                                  |      |
|----------------------------------|------|
| Economic Development Corporation | 1552 |
| Contracts                        | 1552 |
| Transportation                   | 1552 |

## THE CITY RECORD

**BILL DE BLASIO**  
Mayor

**LISETTE CAMILO**  
Commissioner, Department of Citywide  
Administrative Services

**ELI BLACHMAN**  
Editor, The City Record

Published Monday through Friday except legal holidays by the New York City Department of Citywide Administrative Services under Authority of Section 1066 of the New York City Charter.

Subscription \$500 a year, \$4.00 daily (\$5.00 by mail). Periodicals Postage Paid at New York, N.Y. POSTMASTER: Send address changes to THE CITY RECORD, 1 Centre Street, 17th Floor, New York, N.Y. 10007-1602

Editorial Office/Subscription Changes:  
The City Record, 1 Centre Street, 17th Floor,  
New York, N.Y. 10007-1602 (212) 386-0055

Visit The New City Record Online (CROL) at [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord) for a searchable database of all notices published in the City Record.

## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BOROUGH PRESIDENT - MANHATTAN

#### MEETING

The Manhattan Borough Board will meet Thursday, April 21, 2016, at 8:30 A.M., in the Office of Manhattan Borough President, 1 Centre Street, 19th Floor South, New York, NY.

a14-21

### BOROUGH PRESIDENT - QUEENS

#### MEETING

The Queens Borough Board will meet Monday, April 18, 2016 at 5:30 P.M., in the Queens Borough President Conference Room, 120-55 Queens Boulevard, 2<sup>nd</sup> Floor, Kew Gardens, NY 11424.

- Update on Queens Public Library System
- JFK Industrial Business Improvement District - Vote to be taken.

a12-18

### CITY COUNCIL

#### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Committee Room, 16<sup>th</sup> Floor, 250 Broadway, New York City, NY 10007, commencing at 9:30 A.M. on Monday, April 18, 2016:

**289 BLEECKER RESTAURANT** 20165357 TCM  
MANHATTAN - CB 2

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 289 Bleecker Restaurant LLC, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 289 Bleecker Street, Borough of Manhattan.

**WOODLAWN REZONING** C 160065 ZMX  
BRONX - CB 12

Application submitted by the New York City Department of City

Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 2a, changing an R7A District to an R4A District property bounded by a line midway between Vireo Avenue and Webster Avenue, a line perpendicular to the northerly street line of East 236<sup>th</sup> Street distant 115 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 236<sup>th</sup> Street and the northwesterly street line of Webster Avenue, East 236<sup>th</sup> Street, a line perpendicular to the southerly street line of East 236<sup>th</sup> Street distant 140 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of East 236<sup>th</sup> Street and the northwesterly street line of Webster Avenue, a line midway between East 236<sup>th</sup> Street and East 235<sup>th</sup> Street, a line perpendicular to the northerly street line of East 235<sup>th</sup> Street distant 100 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 235<sup>th</sup> Street and the northwesterly street line of Webster Avenue, East 235<sup>th</sup> Street, a line perpendicular to the southerly street line of East 235<sup>th</sup> Street distant 155 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of East 235<sup>th</sup> Street and the northwesterly street line of Webster Avenue, a line midway between East 235<sup>th</sup> Street and East 234<sup>th</sup> Street, a line perpendicular to the northerly street line of East 234<sup>th</sup> Street distant 130 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 234<sup>th</sup> Street and the northwesterly street line of Webster Avenue, and East 234<sup>th</sup> Street, as shown on a diagram (for illustrative purposes only) dated November 2, 2015, Borough of the Bronx.

**The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the Council Committee Room, 250 Broadway, 16<sup>th</sup> Floor, New York City, NY 10007, commencing at 11:00 A.M. on Monday, April 18, 2016.**

**The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matter in the Council Committee Room, 250 Broadway, 16<sup>th</sup> Floor, New York City, NY 10007, commencing at 1:00 P.M. on Monday, April 18, 2016:**

**ALBERT GOODMAN PLAZA**

**BRONX - CB 3** **20165481 HAX**  
 Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for an amendment to a previously approved real property tax exemption for property located at Block 2621, Lot 1 and Block 2632, Lot 1, Borough of the Bronx, Community Board 3, Council District 16.

**a12-18**

**COMMUNITY BOARDS**

**■ PUBLIC HEARINGS**

**PUBLIC NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 18 - Wednesday, April 20, 2016 at 7:00 P.M., 1097 Bergen Avenue, Brooklyn, NY.

**IN THE MATTER OF** BSA# 7-57-BZ - Premises affected - 2317-2327 Ralph Avenue, southeast corner of Ralph Avenue and Avenue M, Block 8364, Lot 34 - A Public Hearing on an application filed pursuant to Section 11-411 of the Zoning Resolution for a ten (10) year extension of term for a gasoline service station which expired on September 30, 2015 in an R3-2 Zoning District.

**a14-20**

**PUBLIC NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 02 - Tuesday, April 19, 2016 at 6:00 P.M., Long Island University-Metcalf Hall, Jonas Board Room, Flatbush & DeKalb Avenues, Brooklyn, NY.

Department of Consumer Affairs Unenclosed Sidewalk Café Application

**IN THE MATTER OF** an application (#3166-2016-ASWC) by Brooklyn Brownstone Kitchen LLC., doing business as Maison May Vanderbilt, for review pursuant to Section 20-226(b) of the New York City Administrative Code, to construct and operate an unenclosed

sidewalk café with 6 tables and 12 seats at 270 Vanderbilt Avenue, between DeKalb and Lafayette avenues, in the Borough of Brooklyn.

**a13-19**

**BOARD OF EDUCATION RETIREMENT SYSTEM**

**■ MEETING**

The Investment Committee of the Board of Trustees of the New York City Board of Education Retirement System will participate in a Common Investment Meeting of the New York City Pension Systems. The meeting will be held at 9:00 A.M. on Wednesday, April 20, 2016 at 1 Centre Street, 10th Floor (North Side), New York, NY 10007.

**a12-20**

The Board of Trustees of the Board of Education Retirement System of the City of New York will be meeting at 5:00 P.M. on April 20, 2016 at M.S. 131 (100 Hester Street, New York, NY 10002).

**a12-20**

**ENVIRONMENTAL CONTROL BOARD**

**■ MEETING**

*OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS/  
ENVIRONMENTAL CONTROL BOARD*

The next meeting will take place on Thursday, April 28, 2016, at 100 Church Street, 12th Floor, Training Room #143, New York, NY 10007 at 9:15 A.M., at the call of the Chairman.

**a14-18**

**HOUSING AUTHORITY**

**■ MEETING**

The next Board Meeting of the New York City Housing Authority is scheduled for Wednesday, April 27, 2016 at 10:00 A.M., in the Board Room on the 12th Floor, of 250 Broadway, New York, NY (unless otherwise noted). Copies of the Calendar are available on NYCHA's website or can be picked up at the Office of the Corporate Secretary at 250 Broadway, 12th Floor, New York, NY, no earlier than 24 hours before the upcoming Board Meeting. Copies of the Minutes are also available on NYCHA's website or can be picked up at the Office of the Corporate Secretary no earlier than 3:00 P.M. on the Thursday after the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's website at <http://www1.nyc.gov/site/nycha/about/board-calendar>. **page** to the extent practicable at a reasonable time before the meeting.

The meeting is open to the public. Pre-Registration at least 45 minutes before the scheduled Board Meeting is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will be limited to three minutes. The public comment period will conclude upon all speakers being heard or at the expiration of 30 minutes allotted by law for public comment, whichever occurs first.

Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Corporate Secretary at (212) 306-6088 no later than five business days before the Board Meeting.

For additional information, please visit NYCHA's website or contact (212) 306-6088.

**a13-27**

**LANDMARKS PRESERVATION COMMISSION**

**■ PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN** that pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, April 19, 2016, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties

and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**39-54 48th Street - Sunnyside Gardens Historic District**  
**180907** - Block 148 - Lot 63 - **Zoning:** R4  
**CERTIFICATE OF APPROPRIATENESS**

A rowhouse with Colonial Revival style details, designed by Clarence Stein, Henry Wright and Frederick Ackerman and built in 1925. Application is to legalize replacement of roofing, the installation of a deck and paving without Landmarks Preservation Commission permit(s), and to alter the entrance.

**37-17 83rd Street - Jackson Heights Historic District**  
**178696** - Block 1470 - Lot 12 - **Zoning:** R7-1/C4-3  
**CERTIFICATE OF APPROPRIATENESS**

A neo-Romanesque style apartment building designed by Franklin, Bates and Heinsdman and built in 1927-28. Application is to install a barrier-free access ramp.

**807 Manhattan Avenue - Greenpoint Historic District**  
**180183** - Block 2596 - Lot 12 - **Zoning:** C4-3a/R6A  
**CERTIFICATE OF APPROPRIATENESS**

A neo-Classical style bank building designed by Helmlé & Huberty and built in 1906, with additions built in 1925 and an extension added in 1954. Application is to redesign and enlarge the 1954 extension and install lampposts.

**9 Dekalb Avenue - Individual and Interior Landmark**  
**182034** - Block 149 - Lot 75 - **Zoning:** C6-4, 5  
**CERTIFICATE OF APPROPRIATENESS**

A neo-Classical style bank building with a designated banking hall designed by Mowbray & Uffinger, built in 1906-08, and enlarged and altered by Halsey, McCormack & Helmer in 1931-32. Application is to alter the designated interior and exterior, demolish a portion of the building and construct a new building partially on the Landmark site.

**373 Decatur Street - Bedford-Stuyvesant/Expanded Stuyvesant Heights Historic District**  
**183038** - Block 1676 - Lot 47 - **Zoning:** R6A  
**CERTIFICATE OF APPROPRIATENESS**

An altered Renaissance Revival style flats building built in 1881. Application is to install storefront infill, awnings and a painted mural sign.

**599 Vanderbilt Avenue - Prospect Heights Historic District**  
**181286** - Block 1138 - Lot 2 - **Zoning:** R7A  
**CERTIFICATE OF APPROPRIATENESS**

An Italianate style store and flats building built c. 1878. Application is to construct a rear yard addition.

**11 Fifth Avenue, aka 1-11 East 8th Street, 2-10 East 9th Street - Greenwich Village Historic District**  
**177985** - Block 566 - Lot 1 - **Zoning:** R10 R7-2  
**CERTIFICATE OF APPROPRIATENESS**

An apartment house built in 1953. Application is to replace cladding and storefront infill and install signage.

**303 Bleecker Street - Greenwich Village Historic District**  
**183588** - Block 591 - Lot 3 - **Zoning:** C4-5  
**CERTIFICATE OF APPROPRIATENESS**

A building built post 1965. Application is to legalize the installation of rooftop HVAC unit without Landmarks Preservation Commission Permit(s).

**35-37 Barrow Street, aka 74-76 7th Avenue South - Greenwich Village Historic District**  
**174546** - Block 587 - Lot 56 - **Zoning:** C2-6  
**CERTIFICATE OF APPROPRIATENESS**

A commercial building built in 1921. Application is to legalize façade work completed in non-compliance with Certificate of Appropriateness 07-2981.

**70 Pine Street - Individual and Interior Landmark**  
**183418** - Block 41 - Lot 1 - **Zoning:** C5-5  
**CERTIFICATE OF APPROPRIATENESS**

An Art Deco style skyscraper designed by Clinton and Russell, and Holton and George and built in 1932, with an Art Deco style lobby. Application is to establish a master plan governing the future installation of signage.

**404 West 20th Street - Chelsea Historic District**  
**182967** - Block 717 - Lot 46 - **Zoning:** R7B, R8  
**CERTIFICATE OF APPROPRIATENESS**

A Federal era rowhouse building with Greek Revival style alterations built in 1829-30. Application is to construct additions and excavate the rear yard.

**440 West 20th Street - Chelsea Historic District**  
**179049** - Block 717 - Lot 64 - **Zoning:** R7B  
**CERTIFICATE OF APPROPRIATENESS**

An Italianate style rowhouse built in 1853-54. Application is to construct

rooftop and rear yard additions.

**2 Park Avenue - Individual Landmark**  
**182450** - Block 862 - Lot 29 - **Zoning:** C5-2, C5-3  
**CERTIFICATE OF APPROPRIATENESS**

An Art Deco style office tower designed by Ely Jacques Kahn and built in 1926-28. Application is to install rooftop water tanks and HVAC equipment and construct an elevator bulkhead.

**1 East 28th Street, aka 251-253 Fifth Avenue - Madison Square North Historic District**  
**181366** - Block 858 - Lot 1 - **Zoning:** C5-2  
**CERTIFICATE OF APPROPRIATENESS**

A Queen Anne style flats building with ground floor stores designed by George B. Post and built in 1872-1874, and later altered in 1948 with the installation of a two-story marble front at the Fifth Avenue façade. Application is to install awnings.

**1165 Broadway - Madison Square North Historic District**  
**171554** - Block 829 - Lot 22 - **Zoning:** M1-6  
**CERTIFICATE OF APPROPRIATENESS**

A Beaux Arts style store and office building designed by Maynicke & Franke and built in 1906-07. Application is to install storefront and entrance infill, install lighting and replace windows.

**60 West 22nd Street - Ladies' Mile Historic District**  
**179537** - Block 823 - Lot 75 - **Zoning:** C6-2A  
**CERTIFICATE OF APPROPRIATENESS**

A converted dwelling built in 1853 and redesigned in a late 19th century commercial style by Jordan & Giller in 1891. Application is to remove vault covers and install paving.

**320 East 43rd Street - Individual and Interior Landmark**  
**183419** - Block 1335 - Lot 5 - **Zoning:** C5-2  
**CERTIFICATE OF APPROPRIATENESS**

A Modern style office building designed by Eero Saarinen Associates, later Kevin Roche John Dinkeloo Associates, and built in 1963-67. Application is to modify hardscape and planting areas at the garden; install a barrier-free access lift; install security cameras and A/V equipment; modify existing windows and doors; and install new doors.

**241 East 48th Street - Turtle Bay Gardens Historic District**  
**180251** - Block 1322 - Lot 18 - **Zoning:** R8B  
**CERTIFICATE OF APPROPRIATENESS**

A rowhouse built in 1860-61 and redesigned by Clarence Dean in 1920-23. Application is to replace windows and construct rooftop and rear yard additions.

**201 West 81st Street - Upper West Side/Central Park West Historic District**  
**183567** - Block 1229 - Lot 29 - **Zoning:** C2-7A  
**CERTIFICATE OF APPROPRIATENESS**

A Renaissance/Romanesque Revival style flats building designed by Gilbert A. Schellenger and built in 1894. Application is to install awnings and a barrier-free access ramp.

**25 West 94th Street - Upper West Side/Central Park West Historic District**  
**180585** - Block 1208 - Lot 23 - **Zoning:** R7-2  
**CERTIFICATE OF APPROPRIATENESS**

A house built in 1885-86 and altered in the 20th century. Application is to install a barrier-free access ramp, planters and fencing; construct a rooftop addition, elevator bulkhead, and solar array; modify a window opening, and replace windows and window security grilles.

**570-574 Columbus Avenue, aka 100-108 West 88th Street - Upper West Side/Central Park West Historic District**  
**174541** - Block 1218 - Lot 36 - **Zoning:** C1-9  
**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style apartment building with Romanesque style elements designed by Jacob H. Valentine and built in 1893-1894. Application is to install storefront infill and signage.

**252 West 71st Street - West End - Collegiate Historic District Extension**  
**177750** - Block 1162 - Lot 55 - **Zoning:** R8B  
**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style rowhouse designed by Thom & Wilson and built in 1892. Application is to construct rooftop and rear yard addition and alter fenestration.

**230 West 103rd Street, aka 2689 Broadway - Individual Landmark**  
**180680** - Block 1874 - Lot 52 - **Zoning:** R9A R8B/C1-5  
**CERTIFICATE OF APPROPRIATENESS**

A Beaux-Arts style apartment hotel designed by Harry Allen Jacobs and built in 1902-05. Application is to legalize the installation of windows in noncompliance with Certificate of Appropriateness 11-4194.

**1009 Fifth Avenue - Individual Landmark**  
**176929** - Block 1493 - Lot 69 - **Zoning:** R10  
**CERTIFICATE OF APPROPRIATENESS**

A Beaux Arts style mansion designed by Welch, Smith & Provot and built in 1899-1901. Application is to alter the areaway.

**RENT GUIDELINES BOARD**

■ MEETING

**NOTICE IS HEREBY GIVEN**, pursuant to Section 104 of the Public Officers' Law that a meeting of the New York City Rent Guidelines Board (RGB) will be held on Thursday, April 21, 2016 at 9:30 A.M., at the Landmarks Preservation Commission Conference Room, David N. Dinkins Manhattan Municipal Building, 1 Centre Street, 9th Floor, New York, NY 10007. The Board will be meeting to hear testimony from invited tenant and owner groups representing rent-stabilized apartments and hotels.

The public is invited to attend and observe the proceedings of the Board at this Meeting.

◀ a15

**TRANSPORTATION**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN**, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9<sup>th</sup> Floor, Room 945, commencing at 2:00 P.M. on Wednesday, April 27, 2016. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9<sup>th</sup> Floor South West, New York, NY 10041, or by calling (212) 839-6550.

**#1 IN THE MATTER OF** a proposed revocable consent authorizing 71 Greene LLC to construct, maintain and use a fenced-in area and stoop on the north sidewalk of Greene Avenue, west of Clermont Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to the Expiration Date - \$25/per annum.

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#2 IN THE MATTER OF** a proposed revocable consent authorizing 341 Sackett LLC to construct, maintain and use a walled-in area, including steps, planters and trash enclosure, on the north sidewalk of Sackett Street, west of Smith Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to the Expiration Date - \$100/per annum.

the maintenance of a security deposit in the sum of \$6,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#3 IN THE MATTER OF** a proposed revocable consent authorizing Chelsea Ventura LLC to construct, maintain and use a geothermal well to be drilled under the north sidewalk of West 16<sup>th</sup> Street, between Ninth and Eighth Avenues, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- From the Approval Date to June 30, 2016 - \$1,500/annum
- For the period July 1, 2016 to June 30, 2017 - \$1,538
- For the period July 1, 2017 to June 30, 2018 - \$1,576
- For the period July 1, 2018 to June 30, 2019 - \$1,614
- For the period July 1, 2019 to June 30, 2020 - \$1,652
- For the period July 1, 2020 to June 30, 2021 - \$1,690
- For the period July 1, 2021 to June 30, 2022 - \$1,728
- For the period July 1, 2022 to June 30, 2023 - \$1,766
- For the period July 1, 2023 to June 30, 2024 - \$1,804
- For the period July 1, 2024 to June 30, 2025 - \$1,842
- For the period July 1, 2025 to June 30, 2026 - \$1,880

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#4 IN THE MATTER OF** a proposed revocable consent authorizing Herve Senequier to construct, maintain and use a stoop and a fenced-in area on the south sidewalk of West 21<sup>st</sup> Street, west of Seventh Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- From the Approval to June 30, 2016 - \$741/per annum
- For the period July 1, 2016 to June 30, 2017 - \$760
- For the period July 1, 2017 to June 30, 2018 - \$779
- For the period July 1, 2018 to June 30, 2019 - \$798
- For the period July 1, 2019 to June 30, 2020 - \$817
- For the period July 1, 2020 to June 30, 2021 - \$836
- For the period July 1, 2021 to June 30, 2022 - \$855
- For the period July 1, 2022 to June 30, 2023 - \$874
- For the period July 1, 2023 to June 30, 2024 - \$893
- For the period July 1, 2024 to June 30, 2025 - \$912
- For the period July 1, 2025 to June 30, 2026 - \$931

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#5 IN THE MATTER OF** a proposed revocable consent authorizing J.F.K. Property Co. LLC to continue to maintain and use a force main under and along Rockaway Boulevard, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2016 to June 30, 2017 - \$11,734
- For the period July 1, 2017 to June 30, 2018 - \$12,034
- For the period July 1, 2018 to June 30, 2019 - \$12,334
- For the period July 1, 2019 to June 30, 2020 - \$12,634
- For the period July 1, 2020 to June 30, 2021 - \$12,934
- For the period July 1, 2021 to June 30, 2022 - \$13,234
- For the period July 1, 2022 to June 30, 2023 - \$13,534
- For the period July 1, 2023 to June 30, 2024 - \$13,834
- For the period July 1, 2024 to June 30, 2025 - \$14,134
- For the period July 1, 2025 to June 30, 2026 - \$14,434

the maintenance of a security deposit in the sum of \$15,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#6 IN THE MATTER OF** a proposed revocable consent authorizing James Kuhn and Marjorie Porter Kuhn to construct, maintain and use a fenced-in area, together with planters, and a snowmelt system on the south sidewalk of East 73<sup>rd</sup> Street, west of Lexington Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to the Expiration Date - \$25/per annum.

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#7 IN THE MATTER OF** a proposed revocable consent authorizing Luna Park Housing Corp. to continue to maintain and use conduits under and across West 12<sup>th</sup> Street, north of Surf Avenue, and under and across West 8<sup>th</sup> Street, south of Sheepshead Bay Road, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2016 to June 30, 2017 - \$11,368
- For the period July 1, 2017 to June 30, 2018 - \$11,659
- For the period July 1, 2018 to June 30, 2019 - \$11,950
- For the period July 1, 2019 to June 30, 2020 - \$12,241
- For the period July 1, 2020 to June 30, 2021 - \$12,532
- For the period July 1, 2021 to June 30, 2022 - \$12,823
- For the period July 1, 2022 to June 30, 2023 - \$13,114
- For the period July 1, 2023 to June 30, 2024 - \$13,405
- For the period July 1, 2024 to June 30, 2025 - \$13,696
- For the period July 1, 2025 to June 30, 2026 - \$13,987

the maintenance of a security deposit in the sum of \$14,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#8 IN THE MATTER OF** a proposed revocable consent authorizing NYU Hospitals Center to construct, maintain and use a conduit under, across and along East 30<sup>th</sup> Street, east of First Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2016 - \$7,685/ annum.

- For the period July 1, 2016 to June 30, 2017 - \$7,882
- For the period July 1, 2017 to June 30, 2018 - \$8,079
- For the period July 1, 2018 to June 30, 2019 - \$8,276
- For the period July 1, 2019 to June 30, 2020 - \$8,473
- For the period July 1, 2020 to June 30, 2021 - \$8,670
- For the period July 1, 2021 to June 30, 2022 - \$8,867
- For the period July 1, 2022 to June 30, 2023 - \$9,064
- For the period July 1, 2023 to June 30, 2024 - \$9,261

For the period July 1, 2024 to June 30, 2025 - \$9,458  
 For the period July 1, 2025 to June 30, 2026 - \$9,655

the maintenance of a security deposit in the sum of \$9,700 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#9 IN THE MATTER OF** a proposed revocable consent authorizing BOP MW Residential Market LLC to construct, maintain and use an entrance detail on the north sidewalk of West 31<sup>st</sup> Street and above the intersection of West 31<sup>st</sup> Street and Dyer Avenue, between Ninth and Tenth Avenues, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- From the Approval Date to June 30, 2016 - \$8,265/per annum.
- For the period July 1, 2016 to June 30, 2017 - \$8,477
- For the period July 1, 2017 to June 30, 2018 - \$8,689
- For the period July 1, 2018 to June 30, 2019 - \$8,901
- For the period July 1, 2019 to June 30, 2020 - \$9,113
- For the period July 1, 2020 to June 30, 2021 - \$9,325
- For the period July 1, 2021 to June 30, 2022 - \$9,537
- For the period July 1, 2022 to June 30, 2023 - \$9,749
- For the period July 1, 2023 to June 30, 2024 - \$9,961
- For the period July 1, 2024 to June 30, 2025 - \$10,173
- For the period July 1, 2025 to June 30, 2026 - \$10,385

the maintenance of a security deposit in the sum of \$90,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Five Million Dollars (\$5,000,000) aggregate.

a7-27

## PROPERTY DISPOSITION

### CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

The City of New York, in partnership with PropertyRoom.com, posts vehicle and heavy machinery auctions online every week at:  
<http://www.propertyroom.com/s/7300>

All auctions are open to the general public, and registration is free.

Vehicles can be viewed in person by appointment at: KenBen Industries, 364 Maspeth Avenue, Brooklyn, NY 11211. Phone: (718) 802-0022

a28-o6

### OFFICE OF CITYWIDE PROCUREMENT

■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>

To begin bidding, simply click on 'Register' on the home page.

There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more.

Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

j4-d30

## ECONOMIC DEVELOPMENT CORPORATION

■ PUBLIC HEARINGS

### DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

**PLEASE TAKE NOTICE**, that in accordance with Sections 201-204 (inclusive) of the New York State Eminent Domain Procedure Law ("EDPL"), a Public Hearing will be held by the City of New York Department of Housing Preservation and Development ("HPD"), on behalf of the City of New York, in connection with the acquisition of certain real property located in the Downtown Brooklyn section of the Borough of Brooklyn, City and State of New York, in furtherance of the revitalization of Downtown Brooklyn.

The time and place of the hearing are as follows:

DATE: Tuesday, May 10, 2016  
 TIME: 9:00 A.M.  
 LOCATION: Borough Hall, 209 Joralemon Street, Community Room, Brooklyn, NY 11201

The property proposed to be acquired is identified as Red Hook Lane, bounded by Fulton Street to the north and Boerum Place to the south on the Tax Map of the City of New York for the Borough of Brooklyn. As records indicating the City's ownership of the street bed are not readily available, the proposed acquisition will remove any impediments to title and clearly establish title to Red Hook Lane in the City of New York.

The purpose of this hearing is to inform and solicit comments from the public concerning a proposed acquisition of Red Hook Lane for the potential sale of Red Hook Lane and/or its development rights in furtherance of the revitalization of Downtown Brooklyn, pursuant to the Brooklyn Center Fifth Amended Urban Renewal Plan, as it may be amended, and the Downtown Brooklyn Development Plan.

Any person in attendance at this meeting shall be given a reasonable opportunity to present oral or written statements and to submit other documents concerning the proposed acquisition. Each speaker shall be allotted a maximum of three (3) minutes. In addition, written statements may be submitted to HPD at the address below, provided the comments are received by 5:00 P.M. on Thursday, May 20, 2016, which is 10 days after the public hearing date.

City of New York Department of Housing Preservation and Development  
 100 Gold Street, Room 9X  
 New York, NY 10038

Attention: Jocelyn Torio, Red Hook Lane Hearing Officer

Note: Pursuant to EDPL Section 202(C)(2): Those property owners who may subsequently wish to challenge the condemnation of their property via judicial review may do so only on the basis of issues, facts and objections raised at the public hearing.

a15-21

## POLICE

■ NOTICE

### OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT

The following listed property is in the custody of the Property Clerk Division without claimants:  
 Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

Items are recovered, lost, abandoned property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

#### INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

#### FOR MOTOR VEHICLES (All Boroughs):

- Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

**FOR ALL OTHER PROPERTY**

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675
- Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806
- Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678
- Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484

j4-d30

**PROCUREMENT**

*“Compete To Win” More Contracts!*

*Thanks to a new City initiative - “Compete To Win” - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.*

- Win More Contracts at [nyc.gov/competetowin](http://nyc.gov/competetowin)

*“The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City’s prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.”*

HHS ACCELERATOR

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York (“PPB Rules”), vendors must first complete and submit an electronic prequalification application using the City’s Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are required every three years.
- Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete.
- Prequalification applications will be reviewed to validate compliance with corporate filings, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

**Participating NYC Agencies**

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Agencies:

- Administration for Children’s Services (ACS)
- Department for the Aging (DFTA)
- Department of Consumer Affairs (DCA)
- Department of Corrections (DOC)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Homeless Services (DHS)
- Department of Probation (DOP)
- Department of Small Business Services (SBS)
- Department of Youth and Community Development (DYCD)
- Housing and Preservation Department (HPD)
- Human Resources Administration (HRA)
- Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit [www.nyc.gov/hhsaccelerator](http://www.nyc.gov/hhsaccelerator)

**CITYWIDE ADMINISTRATIVE SERVICES**

■ AWARD

*Goods*

**BAKING PRODUCTS AND BAKED GOODS** - Competitive Sealed Bids - PIN# 8571600319 - AMT: \$150,053.30 - TO: Valente Yeast Company Inc., 61-26 Maurice Avenue, Maspeth, NY 11378.

☛ a15

**BAKING PRODUCTS AND BAKED GOODS** - Competitive Sealed Bids - PIN# 8571600319 - AMT: \$60,476.38 - TO: H Schrier and Company Inc., 4901 Glenwood Road, Brooklyn, NY 11234.

● **BAKING PRODUCTS AND BAKED GOODS** - Competitive Sealed Bids - PIN# 8571600319 - AMT: \$460,612.50 - TO: Dependable Food Corporation, 29 Executive Avenue, Edison, NJ 08817-7839.

☛ a15

**OFFICE OF CITYWIDE PROCUREMENT**

■ AWARD

*Goods*

**BAKING PRODUCTS AND BAKED GOODS** - Competitive Sealed Bids - PIN# 8571600319 - AMT: \$5,248.50 - TO: Wild Penguin Corporation, 342 Broadway, Suite 110, New York, NY 10013.

☛ a15

**COMPTROLLER**

**ASSET MANAGEMENT**

■ AWARD

*Services (other than human services)*

**INTERNATIONAL EAFE ACTIVE EQUITY INVESTMENT MGMT** - Renewal - PIN# 015128151071Q - AMT: \$32,089,000.00 - TO: Walter Scott and Partners LTD., One Charlotte Square, Edinburgh, EH2-4DZ.

☛ a15

**CORRECTION**

**CENTRAL OFFICE OF PROCUREMENT**

■ SOLICITATION

*Services (other than human services)*

**FORENSIC LABORATORY TESTING SERVICES** - Competitive Sealed Bids - PIN# 072201633CIB - Due 5-9-16 at 11:00 A.M.

A Pre-Bid Conference is scheduled for April 26, 2016 at 11:00 A.M. Place: Bulova Corporate Center, 75-20 Astoria Boulevard, Suite 160, Conference Room 1B, East Elmhurst, NY 11370. Downloading the bid from DOC website is free, but if you need a hard copy of the bid book, please contact Jeanette Cheung, Contract Manager at (718) 546-0684. The cost of the bid document is \$25.00 check or money order (non-refundable).

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Correction, 75-20 Astoria Boulevard, Suite 160, East Elmhurst, NY 11370. Jeanette Cheung (718) 546-0684; Fax: (718) 278-6205; jeanette.cheung@doc.nyc.gov

☛ a15

## DESIGN AND CONSTRUCTION

### CONTRACTS

#### ■ AWARD

*Construction/Construction Services*

**DCA TESTING STATION REHABILITATION-DRAINAGE REPLACEMENT-BOROUGH OF BROOKLYN** - Competitive Sealed Bids - PIN# 85015B0158 - AMT: \$719,000.00 - TO: L.A. Mays Inc., 149 West 122nd Street, Suite 2-ll, New York, NY 10027. PROJECT PW77DCA-ST

☛ a15

## EMPLOYEES' RETIREMENT SYSTEM

### CONTRACTS

#### ■ AWARD

*Goods and Services*

**IT CONSULTING SERVICES TO HIRE ONE (1) SENIOR BUSINESS SYSTEM ANALYST** - Request for Proposals - PIN# 009103020151 - AMT: \$607,680.00 - TO: InfoJini Inc., 891 Elkridge Road, Suite 190, Linthicum Heights, MD 21090.

☛ a15

## HEALTH AND MENTAL HYGIENE

#### ■ AWARD

*Human Services/Client Services*

**HOME DELIVERED MEALS AND MNT TO SERIOUSLY ILL FAMILIES** - Sole Source - Available only from a single source - PIN# 15TB056001R0X00 - AMT: \$132,708.84 - TO: Evero Corporation, 630 Flushing Avenue, 7th Floor, Brooklyn, NY 11206.  
**MENTAL HYGIENE SERVICES** - BP/City Council Discretionary - PIN# 16AZ028401R0X00 - AMT: \$118,000.00 - TO: Riverdale Mental Health Association, Inc., 5676 Riverdale Avenue, Bronx, NY 10471.

☛ a15

*Services (other than human services)*

**CONSULTING SERVICES** - Negotiated Acquisition - Other - PIN# 16ID013301R0X00 - AMT: \$900,000.00 - TO: HLN Consulting LLC, 72810 Hedgehog Street, Palm Desert, CA 92260.

☛ a15

## FAMILY HEALTH SERVICES

#### ■ INTENT TO AWARD

*Goods*

**SAFETY GRACO PORTABLE CRIBS** - Sole Source - Available only from a single source - PIN# 17FN006001R0X00 - Due 4-26-16 at 12:00 P.M.

NYC Department of Health and Mental Hygiene (DOHMH) intends to enter a Sole Source agreement with Cribs For Kids to provide GRACO Pack N Play® cribs and educational materials regarding 'safe sleeping' and other important safety tips to protect infants. This procurement will promote safe sleep and help reduce the risk of Sudden Infant

Death Syndrome (SIDS) and accidental suffocation. DOHMH has determined that Cribs for Kids is a sole source provider, as they are the sole distributor of the 9H00FOF Pack'n Play for all commercial customers throughout the United States.

Any vendor that believes it can provide the proposed services are welcome to submit an expression of interest via email to swillia9@health.nyc.gov no later than 4/26/16 by 12:00 P.M. All questions and concerns regarding this sole source should also be submitted via email.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Health and Mental Hygiene, 42-09 28th Street, Long Island City, NY 11101. Shamecka Williams (347) 396-6656; Fax: (347) 396-6758; swillia9@health.nyc.gov

a13-19

## HOUSING AUTHORITY

### ■ SOLICITATION

*Construction/Construction Services*

**REPLACEMENT OF UNDERGROUND WATER AND FIRE LINE DISTRIBUTION PIPING-BUILDINGS 1 THRU 7 AT LAFAYETTE HOUSES** - Competitive Sealed Bids - PIN# PL1521733 - Due 5-5-16 at 11:00 A.M.

There will be a Pre-Bid Meeting on Thursday, April 28, 2016 at 10:00 A.M., at 387 Lafayette Avenue, Brooklyn, NY 11238. Although attendance is not mandatory, it is strongly recommended that you attend. NYCHA staff will be available to address all inquiries relevant to this contract.

This contract shall be subject to the New York City Housing Authority's Project Labor Agreement if the Bidder's bid price exceeds \$250,000.00.

Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check, made payable to NYCHA. Documents can also be obtained by registering with I-supplier and downloading documents. Please note that original bid bonds are due at time of bid opening.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Street, New York, NY 10007. Vaughn Banks (212) 306-6727; Fax: (212) 306-5152; vaughn.banks@nycha.nyc.gov

☛ a15

## SUPPLY MANAGEMENT

### ■ SOLICITATION

*Goods*

**SMD FURNISH MEPCO HEATING EQUIPMENT** - Competitive Sealed Bids - PIN# RFQ 63590 HS - Due 4-28-16 at 10:30 A.M.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ number; vendors are instructed to open the link: <http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page>. Once on that page, make a selection from the first three links highlighted in red: New suppliers for those who have never registered with iSupplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing Homepage" and then reference the applicable RFQ PIN/solicitation number.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor; obtain receipt and present it to the Supply Management Procurement Group; RFQ package will be generated at time of request.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. Harvey Shenkman (212) 306-4558; harvey.shenkman@nycha.nyc.gov

☛ a15

**HOUSING PRESERVATION AND DEVELOPMENT**

**MAINTENANCE**

■ AWARD

*Construction Related Services*

**EMERGENCY DEMOLITION** - Competitive Sealed Bids/Pre-Qualified List - Specifications cannot be made sufficiently definite - PIN#80616E0012001 - AMT: \$269,433.00 - TO: Granite Environmental Services Inc., 847 Shepherd Avenue, Brooklyn, NY 11208.

◀ a15

**HUMAN RESOURCES ADMINISTRATION**

■ INTENT TO AWARD

*Human Services/Client Services*

**SHELTER SERVICES FOR HOMELESS FAMILIES** - Negotiated Acquisition - Other - PIN#07113N0006001N001 - Due 4-18-16 at 2:00 P.M.

\* For Informational Purposes Only\*

HRA on behalf of DHS intends to enter into a Negotiated Acquisition Extension with the current vendor "Women in Need, Inc." to continue to provide shelter services for homeless families. Contract Amount: \$3,614,688.00 Term: 7/1/15 - 6/30/17

This Negotiated Acquisition Extension (NAE) will enable "Women in Need, Inc." to continue to provide necessary shelter services for homeless families while the Agency prepares and releases a Competitive Solicitation to provide these services. Any disruption in services could have negative consequences on this fragile population. Organizations that believe they are qualified to provide these services or are interested in similar future procurements may express their interest by filing with the New York City Vendor Enrollment Center at (212) 857-1680 or via email at [vendorenrollment@cityhall.nyc.gov](mailto:vendorenrollment@cityhall.nyc.gov).

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Human Resources Administration, 150 Greenwich Street, 37th Floor, New York, NY 10007. Barbara Beirne (929) 221-6348; [beirneb@hra.nyc.gov](mailto:beirneb@hra.nyc.gov)*

◀ a15

**CONTRACTS**

■ INTENT TO AWARD

*Human Services/Client Services*

**DOMESTIC VIOLENCE SHELTER SERVICES** - Negotiated Acquisition - Other - PIN#17NHMEI001 - Due 5-4-16 at 2:00 P.M.

HRA intends to enter into Negotiated Acquisitions (NAs) with the following vendors:

1. Allen Women's Resource Center: Amount – \$3,934,855.00
2. Women's Survival Space: Amount – \$7,997,722.30
3. Women Second Start: Amount – \$13,452,979.45
4. Family Project (New Beginnings): Amount – \$12,543,606.05
5. Freedom House: Amount – \$16,196,215.00
6. Henry Street DV Shelter: Amount – \$11,752,768.30
7. Genesis: Amount – \$7,034,486.90
8. New York Asian Women (Rose House): Amount – \$3,913,385.20
9. Park Slope Safe Dwelling: Amount – \$3,914,903.60
10. AEGIS/PALLADIA Inc.: Amount – \$7,002,679.25
11. Rosa Parks Place: Amount – \$3,544,559.80
12. Urban Women's Retreat: Amount – \$18,251,076.70
13. URI – New Beginning: Amount – \$14,407,902.80
14. URI – Safe Haven: Amount – \$19,287,263.60
15. Lotus House: Amount – \$9,081,549.30
16. Ivy House I (Parish I): Amount – \$7,642,287.55
17. Ivy House II (Parish II): Amount – \$7,825,120.90
18. S.I. Oasis Prelude: Amount – \$4,834,420.20
19. Dove House: Amount – \$6,178,657.85
20. Willow House: Amount – \$10,032,628.15
21. Liberty House: Amount – \$10,215,096.20
22. Peace House: Amount – \$4,098,044.80
23. Lang House: Amount – \$4,182,629.90

24. Transition Center Safe Dwelling: Amount – \$9,682,876.15
25. Project Kanfei N. Sharim: Amount – \$2,612,855.45
26. Safe Dwellings: Amount – \$3,437,971.15
27. Oasis Safe Dwelling, Sage I, Sage II: Amount – \$22,744,249.60
28. Morivivi: Amount – \$6,305,905.85
29. New Hope II, Network of Hope: Amount – \$8,084,975.10

PIN: 17NHMEI001  
EPIN: 09616N0003  
Term: 7/1/2016 - 6/30/2021

Emergency Domestic Violence Shelters provide temporary housing and supportive services in a safe environment to domestic violence survivors. Emergency Shelters programs are developed to help clients manage the crisis and trauma of domestic violence, strengthen their coping skills and enhance their self-sufficiency. In the best interest of the City these services, formally Purchase Orders, will be converted into Formal Contracts. In doing so, the City will be able to better review, monitor and evaluate the services being provided. Vendors interested in responding to this or other future solicitations for these types of services should contact the New York City Vendor Enrollment Center at (212) 857-1680 or at [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc)

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Human Resources Administration, 150 Greenwich Street, 37th Floor, New York, NY 10007. Barbara Beirne (929) 221-6348; [beirneb@hra.nyc.gov](mailto:beirneb@hra.nyc.gov)*

a14-20

**PARKS AND RECREATION**

■ VENDOR LIST

*Construction/Construction Services*

**PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION - NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION ("DPR") AND/OR "PARKS") PARKS AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS**

DPR is seeking to evaluate and pre-qualify a list of general contractors (a"PQL") exclusively to conduct non-complex general construction site work involving the construction and reconstruction of DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construction its parks, playgrounds, beaches, gardens and green-streets. DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business enterprise (M/WBE)\*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the joint venture being a certified M/WBE\*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE every work order awarded.

\*Firms that are in the process of becoming a New York City-certified M/WBE may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has begun the Certification process.

Application documents may also be obtained on-line at:

<http://a856-internet.nyc.gov/nycvendonline/home.asap.>; or  
<http://www.nycgovparks.org/opportunities/business>

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, Olmsted Center, Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6781; dmwbe.capital@parks.nyc.gov.*

j4-d30

#### ■ SOLICITATION

##### *Goods and Services*

#### **OPERATE A SNACK BAR CAFETERIA AND FOOD KIOSK AT FMCP, QUEENS - Request for Proposals - PIN# Q99-J-SB - Due 5-6-16 at 3:00 P.M.**

In accordance with Section 1-13 of the Concession Rules of the City of New York, the Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice, a RFP for the operation and maintenance of a Snack Bar/Cafeteria at Parks' Olmsted Center and a Food Kiosk located at David Dinkins' Circle, Flushing Meadows-Corona Park, Queens.

All proposals submitted in response to this RFP must be submitted by no later than Friday, May 6, 2016 at 3:00 P.M. to Parks' Revenue Division. There will be a recommended on-site proposer meeting and site tour Friday, April 15, 2016 at 3:00 P.M. We will meet at the proposed concession site at Olmsted Center, which is located at 117-02 Roosevelt Avenue, Flushing, NY 11368. If you are considering responding to this RFP, please make every effort to attend this meeting and site tour. To obtain directions to the proposed concession site, please call (718) 760-6600.

Hard copies of the RFP can be obtained, at no cost, commencing Monday, April 4, 2016 through Friday, May 6, 2016, during the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue division of the New York City Department of Parks and Recreation, which is located at The Arsenal, 830 Fifth Avenue, Room 407, New York, NY 10065.

The RFP is also available for download commencing Monday, April 4, 2016 through Friday, May 6, 2016 on Parks' website. To download the RFP, visit [www.nyc.gov/parks/businessopportunities](http://www.nyc.gov/parks/businessopportunities), click on the link for "Concessions Opportunities at Parks" and, after logging in, click on the "download" link that appears adjacent to the RFP's description.

For more information, contact Revenue Project Manager Glenn Kaalund at (212) 360-1397. You can also email him at [Glenn.Kaalund@parks.nyc.gov](mailto:Glenn.Kaalund@parks.nyc.gov). Thank you.

**TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)**  
(212) 504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, The Arsenal, 830 Fifth Avenue, Room 407, New York, NY 10065. Glenn Kaalund (212) 360-1397; Fax: (212) 360-3434; g\_kaalunde@yahoo.com*

a4-15

#### **CAPITAL PROJECTS**

#### ■ SOLICITATION

##### *Construction Related Services*

#### **CITYWIDE CONSULTANT FOR CIVIL/STRUCTURAL ENGINEERING SERVICES - Request for Proposals - PIN# 84616P0003 - Due 5-12-16 at 4:00 P.M.**

The City of New York is committed to achieving excellence in the design and construction of its capital program and building on the tradition of innovation. As part of this effort, Parks and Recreation is pleased to announce the following contracting opportunity:

Civil/Structural Engineering Services to prepare Construction Documents as needed for the Construction or Reconstruction of various Parks and Recreation facilities, located in the five boroughs of New York City.

Copies of the RFP can be obtained at the Agency's website <http://www.nyc.gov/parks>, The City Record's website [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord) and at the Olmsted Center Annex, Flushing Meadows-Corona Park, Flushing, NY 11368, during the hours of 9:00 A.M. to 4:00 P.M., Monday - Friday from April 15, 2016 to May 5, 2016.

M/WBE goals will be required for individual Work Orders under these contracts in accordance with Local Law 1 of 2013, NYC's Minority-Owned and Women-Owned Business Enterprise (M/WBE) program.

A Pre-Proposal Meeting is scheduled for April 27, 2016 at 1:30 P.M. at the Bid Room, Olmsted Center Annex, Flushing Meadows-Corona Park, Flushing, NY 11368.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, Olmsted Center Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Jaclyn Rabinowitz (718) 760-6818; Fax: (718) 760-6885; rfpsubmissions@parks.nyc.gov*

a15

#### **CONTRACTS**

#### ■ SOLICITATION

##### *Construction / Construction Services*

#### **CONSTRUCTION OF A COMFORT STATION - Competitive Sealed Bids - PIN# 84616B0061 - Due 5-10-16 at 10:30 A.M.**

In Green Central Knoll Park, located at Evergreen Avenue, Central Avenue, and Noll Street, Contract #: B395-115M

This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013.

To request the Plan Holder's List, please call the Blue Print Room at (718) 760-6576.

The Cost Estimate Range is under \$1,940,000.00 for this project.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of New York, Parks and Recreation. A separate check/money order is required for each project. The company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, Olmsted Center, Room 64, Flushing Meadows-Corona Park, Flushing, NY 11368. Michael Shipman (718) 760-6705; michael.shipman@parks.nyc.gov*

a15

#### **CONTRACT AWARD HEARINGS**

**NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, PUBLIC HEARINGS UNIT, 253 BROADWAY, 9TH FLOOR, NEW YORK, N.Y. 10007, (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICES.**

#### **AGING**

#### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Monday, May 2, 2016, at the Department for the Aging, 2 Lafayette Street, 4<sup>th</sup> Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** four (4) proposed contracts between the Department for the Aging of the City of New York and the Contractors listed below, for the provision of services for seniors, such as Case Management and Assistance, Information and Referrals, In-Home Visiting, and Transportation. The contract terms shall be from July 1, 2015 to June 30, 2016. The contract amount and the Community Districts in which the program is located are identified below.

| No. | Contractor/Address  | EPIN/PIN  | Amount    | Boro/CD                |
|-----|---|---|-----------|------------------------|
| 1   | Shorefront Jewish Community Council<br>128 Brighton Beach Avenue, 4 <sup>th</sup> Floor,<br>Brooklyn, NY 11235        | EPIN:<br>12516L0131001/<br>PIN:<br>12516DISC23N | \$212,386 | Brooklyn,<br>CD 13, 15 |
| 2   | Jewish Community Council of Canarsie<br>1170 Pennsylvania Avenue, Suite 1B,<br>Brooklyn, NY 11239                     | EPIN:<br>12516L0133001/<br>PIN:<br>12516DISC2UM | \$176,750 | Brooklyn<br>CD 2       |
| 3   | Bergen Basin Community Development Corp.<br>Millennium Development Corp.<br>2331 Bergen Avenue,<br>Brooklyn, NY 11234 | EPIN:<br>12516L0137001/<br>PIN:<br>12516DISC2N9 | \$250,000 | Brooklyn<br>CD 12      |
| 4   | Edith & Carl Marks Jewish Community House of Bensonhurst, Inc.<br>7802 Bay Parkway,<br>Brooklyn, NY 11214             | EPIN:<br>12516L0136001<br>PIN:<br>12516DISC2N6  | \$129,000 | Brooklyn<br>11, 13     |

The proposed contract is being funded through discretionary funds, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written requests to speak should be sent to Betty Lee, Agency Chief Contracting Officer at the Department for the Aging (DFTA), 2 Lafayette Street, 4<sup>th</sup> Floor, New York, NY 10007. If DFTA receives no written request to speak within the prescribed time, DFTA reserves the right not to conduct the public hearing.

A draft copy of the proposed contract is available for public inspection at the office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street, 4<sup>th</sup> Floor, New York, NY 10007, on business days, from April 15, 2016 to May 2, 2016, excluding holidays, from 10:00 A.M. to 4:00 P.M.

◀ a15

### ENVIRONMENTAL PROTECTION

#### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held at the Department of Environmental Protection Offices at 59-17 Junction Boulevard, 17<sup>th</sup> Floor Conference Room, Flushing, NY, on April 28, 2016 commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** a proposed contract between the Department of Environmental Protection and Camp Dresser McKee & Smith, 60 Crossways Park Drive West, Suite 340, Woodbury, NY 11797 for PW-TRC-PDR: Plant-Wide Total Residual Chlorine Preliminary Design Reports. The Contract term shall be 1,095 consecutive calendar days from the date of the written notice to proceed. The Contract amount shall be \$2,999,941.00 — Location: Various Counties: EPIN: 82616P0010.

This contract was selected by Competitive Sealed Proposal pursuant to Section 3-03 of the PPB Rules.

**IN THE MATTER OF** a proposed contract between the Department of Environmental Protection and The National Academy of Sciences, 500 5th Street North West Keck, 10th Floor, Washington, DC 20001 for CAT-447: Expert Panel Review of the City's use of Operations Support Tool for Turbidity Issues. The contract term shall be 3 years from the date of the written notice to proceed. The contract amount shall be \$615,000.00 — Location: NYC Watershed Region: EPIN 82615S0021

Contract was selected by Required Source pursuant to Section 1-02(d) of the PPB Rules.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if DEP does not receive, by April 21, 2016, from any individual a written request to speak at this hearing, then DEP need not conduct

this hearing. Written notice should be sent to Ms. Debra Butlien, NYCDEP, 59-17 Junction Boulevard, 17<sup>th</sup> Floor, Flushing, NY 11373 or via email to [dbutlien@dep.nyc.gov](mailto:dbutlien@dep.nyc.gov).

A copy of the contracts may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, NY, 11373, on the 17<sup>th</sup> Floor Bid Room, on business days from April 15, 2016 to April 28, 2016 between the hours of 9:30 A.M. – 12:00 P.M. and from 1:00 P.M. - 4:00 P.M.

Note: Individuals requesting Sign Language Interpreters should contact Ms. Debra Butlien, Office of the Agency Chief Contracting Officer, 59-17 Junction Boulevard, 17<sup>th</sup> Floor, Flushing, NY 11373, (718) 595-3423, no later than FIVE (5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

◀ a15



### ADMINISTRATIVE TRIALS AND HEARINGS

#### ■ PUBLIC HEARINGS

#### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Office of Administrative Trials and Hearings (OATH) proposes to modify various adjudication procedures at OATH and to allow the OATH Hearings Division to adjudicate summonses formerly heard at the Environmental Control Board and the Taxi and Limousine Tribunal. These changes reflect organizational changes at OATH and will simplify, clarify and expedite the adjudications process.

**When and where is the hearing?** OATH will hold a public hearing on the proposed rule. The public hearing will take place at **10:30 A.M.** on **May 16, 2016**. The hearing will be in the Conference Room located at 66 John Street, 10th Floor, New York, NY 10038.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to OATH through the NYC rules website at: <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to: [rules\\_oath@oath.nyc.gov](mailto:rules_oath@oath.nyc.gov).
- **Mail.** You can mail written comments to: OATH, Attention: Helaine Balsam, 100 Church Street, 12th Floor, New York, NY 10007.
- **Fax.** You can fax written comments to OATH at: (212) 933-3079.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Stacey Turner, Executive Assistant to the Deputy General Counsel, at (212) 933-3007. You can also sign up in the hearing room before the hearing begins on May 16, 2016. You can speak for up to three (3) minutes.

**Is there a deadline to submit written comments?** You may submit written comments up to May 16, 2016.

**Do you need assistance to participate in the hearing?** You must tell OATH staff if you need a reasonable accommodation for a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 933-3007. You must tell us by May 9, 2016.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at 100 Church Street, 12th Floor, New York, NY 10007.

**What authorizes OATH to adopt this rule?** Section 1049 of the New York City Charter (“Charter”) authorizes OATH to adopt this proposed rule. OATH’s regulatory agenda for this Fiscal Year anticipated that rulemaking may be necessary to amend its existing Rules of Practice to achieve greater efficiency, fairness, consistency and access to justice.

**Where can I find OATH’s rules?** OATH’s rules are found in Title 48 of the Rules of the City of New York, available at <http://rules.cityofnewyork.us/>.

**What laws govern the rulemaking process?** OATH must meet the requirements of Section 1043(b) in the Charter when creating or changing rules. This notice is made according to the requirements of Sections 1043(b) and 1049 of the Charter.

### Statement of Basis and Purpose

#### **Background**

Section 1049 of the New York City Charter (Charter) authorizes the Chief Administrative Law Judge of OATH to “direct the office...with respect to its management and structure” and to “establish rules for the conduct of hearings.” This proposed rule modifies OATH’s procedural rules, which are found in Title 48 of the Rules of the City of New York (RCNY), as follows:

- Sections 1 through 55 would amend the OATH Trials Division rules to clarify when a party is required or allowed to take specific actions. They would also clarify that language assistance will be provided to parties and witnesses. In addition, parties, prior to participating in a settlement conference, may now be required to submit to an administrative law judge a letter summarizing settlement negotiations and offers. They would also now be required to submit a pre-motion request for an informal conference prior to making a written motion that might allow for disposal of the case without a trial.
- Sections 56 through 79 would allow the OATH Hearings Division (Hearings Division) to adjudicate summonses formerly heard at the Environmental Control Board (ECB) and the Taxi and Limousine Tribunal (TLT).

More specifically, proposed changes in Sections 56 through 79 include revisions to Chapters 3, 5 and 6 of Title 48 of the RCNY:

- Subchapters A through F of Chapter 3 and Chapter 5 are proposed to be repealed and redrafted. Many sections contained in these Chapters and Subchapters are now contained in Chapter 6, which governs proceedings before the Hearings Division. (For example, rules pertaining to registered representatives and attorneys have been eliminated from Chapters 3 and 5, and additional requirements have been added to Chapter 6 to address concerns raised by incidents occurring over the past several years.)
- New Chapter 3 would include additional rules that are specific to hearings formerly heard before ECB.
- New Chapter 5 would include rules that are specific to hearings before the former TLT.
- Chapter 6, which contains rules governing procedures at the Hearings Division, is proposed to be amended to provide for adjudication of all cases before the Hearings Division. With respect to cases that were previously adjudicated by ECB, decisions by the Hearings Division are recommendations to the ECB. If an appeal is not filed, such decisions become final orders of the ECB that may be docketed pursuant to Section 1049-a(d)(1)(g) of the Charter.
- Chapter 6 is also proposed to be amended to modify the current requirement to pay penalties and fines in full within thirty (30) days of the date of the decision. Full payment of penalties and fines will not be required within thirty (30) days if the agency responsible for collecting the payment enters into a payment plan with the respondent. The requirement to pre-pay fines or penalties prior to appeal has also been modified to permit no prepayment if OATH grants a waiver due to financial hardship, or the agency responsible for collecting penalties waives pre-payment (such

as in the case of summonses previously adjudicated at the Taxi and Limousine Tribunal) or enters into a payment plan with the respondent. However, if the decision orders payment of restitution, the amount of restitution must be deposited with the issuing agency prior to acceptance of an appeal.

- Where the rules in Chapters 3 and 5 conflict with the rules in Chapter 6, the rules in Chapters 3 and 5 take precedence.

This reorganization will promote the fairness, efficiency, and consistency of adjudications. It will also allow new types of cases to be adjudicated at OATH in the future.

Deleted material is in [brackets].

New text is underlined.

“Shall,” “will” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

### **Section 1. Section 1-01 of Subchapter A of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

§ 1-01 **Definitions.** As used in this chapter:

**Administrative law judge.** “Administrative law judge” [shall mean] means the person assigned to preside over a case, whether the Chief Administrative Law Judge or a person appointed by the Chief Administrative Law Judge.

**Agency.** “Agency” [shall mean] means any commission, board, department, authority, office or other governmental entity authorized or required by law to refer a case to OATH, regardless of whether the agency is petitioner or respondent in such a case.

**CAPA.** “CAPA” [shall mean] means the City Administrative Procedure Act, §§ 1041 to 1047 of the New York City Charter (“Charter”).

**Case.** “Case” [shall mean] means an adjudication pursuant to CAPA, § 1046, referred to OATH pursuant to Charter, § 1048.

**Chief Administrative Law Judge.** “Chief Administrative Law Judge” [shall mean] means the director and chief executive officer of OATH appointed by the mayor pursuant to Charter, § 1048.

**Electronic means.** “Electronic means” [shall mean] means any method of transmission of information between computers or other machines designed for the purpose of sending and receiving such transmissions, and which allows the recipient to reproduce the information transmitted in a tangible medium of expression, e.g. facsimile transmission and e-mail.

**Filing.** “Filing” [shall mean] means submitting papers to OATH, whether in person, by mail, or by electronic means, for inclusion in the record of proceedings in a case.

**Mailing.** “Mailing” [shall mean] means the deposit, in a post office or official depository under the exclusive care and custody of the United States Postal Service, of a paper enclosed in a first class postpaid wrapper, addressed to the address designated by a person for that purpose or, if none is designated, at such person’s last known address.

**OATH.** “OATH” [shall mean] means the Office of Administrative Trials and Hearings, including the OATH Trials Division and the OATH Hearings Division (see Section 6-02).

**OATH Trials Division.** “OATH Trials Division” means the adjudicatory body authorized to conduct proceedings pursuant to Chapters 1 and 2 of this title.

**Petition.** “Petition” [shall mean] means a document, analogous to a complaint in a civil action, which states the claims to be adjudicated.

**Petitioner.** “Petitioner” [shall mean] means a party asserting claims.

**Respondent.** “Respondent” [shall mean] means a party against whom claims are asserted.

**Trial.** “Trial” [shall mean] means a proceeding before an administrative law judge in the OATH Trials Division.

**Section 2. Section 1-04 of Subchapter A of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-04 Construction and Waiver.**

This title [shall] will be liberally construed to promote just and efficient adjudication of cases.

This title may be waived or modified on such terms and conditions as may be determined in a particular case to be appropriate by an administrative law judge.

**Section 3. Section 1-05 of Subchapter A of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-05 Effective Date.**

This chapter [shall be] is effective on the first day permitted by CAPA, § 1043(e), and [shall apply] applies to all cases brought before the OATH Trials Division. However, for cases initiated prior to the effective date of these rules, no act which was valid, timely or otherwise proper under the rules applicable at the time of the act will be rendered improper by the subsequent effectiveness of this chapter.

**Section 4. Section 1-06 of Subchapter A of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-06 Computation of Time.**

Periods of days prescribed in this chapter [shall] will be calculated in calendar days, except that when a period of days expires on a Saturday, Sunday or legal holiday, the period [shall] will run until the next business day. Where this chapter prescribes different time periods for taking an action depending whether service of papers is personal or by mail, service of papers by electronic means [shall] will be deemed to be personal service, solely for purposes of calculating the applicable period of time.

**Section 5. Section 1-07 of Subchapter A of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-07 Filing of Papers.**

(a) Generally. Papers may be filed at OATH in person, by mail or by electronic means.

(b) Headings. The subject matter heading for each paper sent by personal service, mail or electronic means must indicate the OATH index number where one has been assigned pursuant to § 1-26(b).

(c) Means of service on adversary. Submission of papers by a party in a case to the administrative law judge by electronic means, mail or personal delivery without providing equivalent method of service to all other parties [shall] will be deemed to be an *ex parte* communication.

(d) Proof of service. Proof of service must be maintained by the parties for all papers filed at OATH. Proof of service [shall] must be in the form of an affidavit by the person effecting service, or in the form of a signed acknowledgement of receipt of papers by the person receiving the papers. A writing admitting service by the person to be served is adequate proof of service. Proof of service for papers served by electronic means, in addition to the foregoing, may also be in the form of a record confirming delivery or acknowledging receipt of the electronic transmission.

**Section 6. Section 1-08 of Subchapter A of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-08 Access to Facilities and Programs by People with Disabilities.**

OATH is committed to providing equal access to its facilities and programs to people with disabilities and OATH will make reasonable accommodations requested by people with disabilities. A person requesting an accommodation for purposes of participation in a case at OATH, including attendance as a member of the public, [shall] must request such accommodation sufficiently in advance of the proceeding in which the person wishes to participate to permit a reasonable time to evaluate the request. A request for accommodation [shall] must be submitted to OATH's [office manager] Calendar Unit.

**Section 7. Section 1-11 of Subchapter B of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-11 Appearances.**

(a) A party may appear in person, by an attorney, or by a duly authorized representative. A person appearing for a party, including by telephone conference call, is required to file a notice of appearance with OATH. Docketing of a case by an attorney or representative of a party [shall] will be deemed to constitute the filing of a notice of appearance by that person. The filing of any papers by an attorney or representative who has not previously appeared [shall] will constitute the filing of a notice of appearance by that person, and [shall] must conform to the requirements of subdivisions (b) [and], (d)

and (e) of this section.

(b) The appearance of a member in good standing of the bar of a court of general jurisdiction of any State or territory of the United States [shall] must be indicated by the suffix "Esq." and the designation "attorney for (petitioner or respondent)", and the appearance of any other person [shall] must be indicated by the designation "representative for (petitioner or respondent)".

(c) Absent extraordinary circumstances, no application [shall] may be made or argued by any attorney or other representative who has not filed a notice of appearance. [Participation in a telephone conference call on behalf of a party by an attorney or representative of the party shall] Any application submitted on behalf of a party or participation in a conference, whether by e-mail, letter or phone, will be deemed an appearance by the attorney or representative. [Nonetheless, upon] After making such an appearance, the attorney or representative [shall] must file a notice of appearance in conformity with subdivisions (b) [and], (d) and (e) of this section.

(d) A person may not file a notice of appearance on behalf of a party unless he or she has been retained by that party to represent the party before OATH. Filing a notice of appearance constitutes a representation that the person appearing has been so retained. Filing a notice of appearance pursuant to [§1-11(a) of this subchapter] subdivision (a) of this section constitutes a representation that the person appearing has read and is familiar with the rules of this subchapter.

(e) Each attorney or representative appearing before OATH must provide his or her address, telephone number, fax number, and an e-mail address on all notices of appearance and must provide prompt written notice of any change in name, address, telephone number, fax number, or e-mail address.

**Section 8. Section 1-12 of Subchapter B of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-12 Withdrawal and Substitution of Counsel.**

(a) An attorney who has filed a notice of appearance [shall] must not withdraw from representation without the permission of the administrative law judge, on application.

Withdrawals [shall] will not be granted unless upon consent of the client or when other cause exists as delineated in the applicable provisions of the Code of Professional Responsibility.

(b) Notices of substitution of counsel [may] must be served and filed [more than twenty days before trial without leave of the administrative law judge] with OATH and the opposing party. A party may substitute counsel without leave of the administrative law judge as long as the substitution is made more than twenty days before trial. Applications for later substitutions of counsel [shall] will be granted freely absent prejudice or substantial delay of proceedings.

**Section 9. Section 1-13 of Subchapter B of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-13 Conduct; Suspension from Practice at OATH.**

(a) Individuals appearing before OATH [shall] must comply with the rules of this chapter and any other applicable rules, and [shall] must comply with the orders and directions of the administrative law judge.

(b) Individuals appearing before OATH [shall] must conduct themselves at all times in a dignified, orderly and decorous manner. In particular, at the trial, all parties, their attorneys or representatives, and observers [shall] must address themselves only to the administrative law judge, avoid colloquy and argument among themselves, and cooperate with the orderly conduct of the trial.

(c) Attorneys and other representatives appearing before OATH [shall] must be familiar with the rules of this title.

(d) Attorneys appearing before OATH [shall] must conduct themselves in accordance with the canons, ethical considerations and disciplinary rules set forth in the code of professional responsibility in their representation of their clients, in their dealings with other parties, attorneys and representatives before OATH, and with OATH's administrative law judges and staff.

(e) Willful failure of any person to abide by the standards of conduct stated in paragraphs (a) through (d) of this section, may, in the discretion of the administrative law judge, be cause for the imposition of sanctions. Such sanctions may include formal admonishment or reprimand, assessment of costs or imposition of a fine, exclusion of the offending person from the proceedings, exclusion or limitation of evidence, adverse evidentiary inference, adverse disposition of the case, in whole or in part, or other sanctions as the administrative law judge may determine to be appropriate. The imposition of sanctions may be made after a reasonable opportunity to be heard. The form of the trial [shall] will depend upon the nature of the conduct and the circumstances of the case.

(f) In the event that an attorney or other representative of a party persistently fails to abide by the standards of conduct stated in paragraphs (a) through (d) of this section, the Chief Administrative Law Judge may, upon notice to the attorney or representative and a reasonable opportunity to rebut the claims against him or her, suspend that attorney or representative from appearing at OATH, either for a specified period of time or indefinitely until the attorney or representative demonstrates to the satisfaction of the Chief Administrative Law Judge that the basis for the suspension no longer exists.

**Section 10. Section 1-14 of Subchapter B of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-14 *Ex Parte* Communications.**

(a) Except for ministerial matters, [and except] on consent, in an emergency, or as provided in § 1-31(a), communications with the administrative law judge concerning a case [shall] must only occur with all parties present. If an administrative law judge receives an *ex parte* communication concerning the merits of a case to which he or she is assigned, then he or she [shall] must promptly disclose the communication by placing it on the record, in detail, including all written and oral communications and identifying all individuals with whom he or she has communicated. A party desiring to rebut the *ex parte* communication [shall] will be allowed to do so upon request.

(b) Communications between OATH and a party docketing a case, to the extent necessary to the placement of a case on the trial calendar or conference calendar pursuant to § 1-26(a), [shall] will be deemed to be ministerial communications. Communications between OATH and a party docketing a case, to the extent necessary to a request for expedited calendaring pursuant to § 1-26(c), [shall] will be deemed to be emergency communications.

**Section 11. Section 1-21 of Subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-21 Designation of OATH.**

Where necessary under the provision of law governing a particular category of cases, the agency head [shall] will designate the Chief Administrative Law Judge of OATH, or such administrative law judges as the Chief Administrative Law Judge may assign, to hear such cases.

**Section 12. Section 1-22 of Subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-22 The Petition.**

The petition [shall] must include a short and plain statement of the matters to be adjudicated, and, where appropriate, specifically allege the incident, activity or behavior at issue as well as the date, time, and place of occurrence. The petition [shall] must also identify the law, rule, regulation, contract provision, or policy that was allegedly violated and provide a statement of the relief requested. If the petition does not comply with this provision, the administrative law judge may direct, on the motion of a party or *sua sponte*, that the petitioner re-plead the petition.

**Section 13. Section 1-23 of Subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-23 Service of the Petition.**

(a) The petitioner [shall be responsible for serving] must serve the respondent with the petition. The petition [shall] must be accompanied by a notice of the following: the respondent's right to file an answer and the deadline to do so under § 1-24; the respondent's right to representation by an attorney or other representative; and the requirement that a person representing the respondent must file a notice of appearance with OATH. The notice [shall] must include the statement that OATH's rules of practice and procedure are published in Title 48 of the Rules of the City of New York, and that copies of OATH's rules are available at OATH's offices or on OATH's website [www.nyc.gov/oath](http://www.nyc.gov/oath).

(b) Service of the petition [shall] must be made pursuant to statute, rule, contract, or other provision of law applicable to the type of proceeding being initiated. Absent any such applicable law, service of the petition [shall] must be made in a manner reasonably calculated to achieve actual notice to the respondent. Service by certified mail, return receipt requested, contemporaneously with service by regular first-class mail, [shall] will be presumed to be reasonably calculated to achieve actual notice. Appropriate proof of service [shall] must be maintained.

(c) A copy of the petition and accompanying notices, with proof of service, [shall] must be filed with OATH at or before the commencement of the trial.

**Section 14. Section 1-25 of Subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-25 Amendment of Pleadings.**

Amendments of pleadings [shall] must be made as promptly as possible. If a pleading is to be amended less than twenty-five days before the commencement of the trial, amendment may be made only on consent of the parties or by leave of the administrative law judge on motion.

**Section 15. Section 1-26 of Subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-26 Docketing the Case.**

(a) A case [shall] must be docketed by filing with OATH a completed intake sheet, and either a petition or a written application for relief. Parties are encouraged to docket cases by electronic means. When a case is docketed, OATH [shall] will place it on the trial calendar, the conference calendar, or on open status. Absent prejudice, cases involving the same respondent or respondents [shall] will be scheduled for joint trials or conferences, as [shall] will cases alleging different respondents' involvement in the same incident or incidents.

(b) When a case is docketed, it [shall] will be given an index number and assigned to an administrative law judge. Assignments [shall] will be made and changed in the discretion of the Chief Administrative Law Judge or his or her designee, and motions concerning such assignments [shall] will not be entertained except pursuant to § 1-27.

(c) OATH may determine that the case is not ready for trial or conference and may adjourn the trial or conference, or may remove the case from the trial or conference calendar and place it on open status. In addition, OATH may determine that the case should proceed on an expedited basis, and may direct expedited procedures, including expedited pre-trial and post-trial procedures, shortened notice periods, and/or expedited calendaring.

(d) The party docketing a case may do so *ex parte*. If the case is placed on the conference calendar or the trial calendar rather than on open status, the party may at the time of docketing also select a trial date and/or conference date *ex parte*. However, OATH encourages selection of trial and conference dates by all parties jointly. In the event that a party selects a trial date or a conference date *ex parte*, that party [shall] must serve the notice of conference or trial required by § 1-28, within one business day of selecting that date. Whenever practicable, such notice [shall] must be served by personal delivery or electronic means.

(e) Cases docketed with the Trials Division are subject to review by the Chief Administrative Law Judge who shall determine whether the case should proceed at the Trials Division or removed to the Hearings Division.

**Section 16. Section 1-27 of Subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-27 Disqualification of Administrative Law Judges.**

(a) A motion for disqualification of an administrative law judge [shall] must be addressed to that administrative law judge, [shall be] accompanied by a statement of the reasons for such application, and [shall be] made as soon as practicable after a party has reasonable cause to believe that grounds for disqualification exist.

(b) The administrative law judge [shall] will be disqualified for bias, prejudice, interest, or any other cause for which a judge may be disqualified in accordance with § 14 of the Judiciary Law. In addition, an administrative law judge may, *sua sponte* or on motion of any party, withdraw from any case, where in the administrative law judge's discretion, his/her ability to provide a fair and impartial adjudication might reasonably be questioned.

(c) If the administrative law judge determines that his or her disqualification or withdrawal is warranted on grounds that apply to all of the existing administrative law judges, the administrative law judge [shall] must state that determination, and the reasons for that determination, in writing or orally on the record, and may recommend to the Chief Administrative Law Judge that the case be assigned to a special administrative law judge to be appointed temporarily by the Chief Administrative Law Judge. The Chief Administrative Law Judge [shall] will either accept that recommendation, or, upon a determination and reasons stated in writing or orally on the record, reject that recommendation. A special administrative law judge [shall] will have all of the authority granted to administrative law judges under this title.

**Section 17. Section 1-28 of Subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-28 Notice of Conference or Trial.**

(a) When a case is placed on either the trial calendar or the conference calendar, and within the time provided in § 1-26(d), if applicable, the party that placed the case on the calendar [shall] must serve each other party with notice of the following: the date, time and place of the trial or conference; each party's right to representation

by an attorney or other representative at the trial or conference; the requirement that a person representing a party at the trial or conference must file a notice of appearance with OATH prior to the trial or conference; and, in a notice of a trial served by the petitioner, the fact that failure of the respondent or an authorized representative of the respondent to appear at the hearing may result in a declaration of default, and a waiver of the right to a trial or other disposition against the respondent. The notice may be served personally or by mail, and appropriate proof of service [shall] must be maintained. A copy of the notice of conference, with proof of service, [shall] must be filed with OATH at or before the commencement of the conference. A copy of the notice of trial, with proof of service, [shall] must be filed with OATH at or before the commencement of the trial.

(b) When multiple petitions against a single respondent, or petitions against multiple respondents, are placed on the calendar or calendar conference for joint trial or conference pursuant to § 1-26(a), notice of trial or notice of conference pursuant to this section [shall] must include notice of such joinder.

**Section 18. Section 1-30 of Subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-30 Conduct of Conferences.**

(a) All parties are required to attend conferences as scheduled unless timely application is made to the administrative law judge. Participants [shall] must be prompt and prepared to begin on time. No particular format for conducting the conference is required. The structure of the conference may be tailored to the circumstances of the particular case. The administrative law judge may propose mediation and, where the parties consent, may refer the parties to the Center for Creative Conflict Resolution or other qualified mediators. In the discretion of the administrative law judge, conferences may be conducted by telephone.

(b) At the conference, all parties must be fully prepared to discuss all aspects of the case, including the formulation and simplification of issues, the possibility of obtaining admissions or stipulations of fact and of admissibility or authenticity of documents, the order of proof and of witnesses, discovery issues, legal issues, pre-hearing applications, scheduling, and settlement of the case.

(c) In the event that the case is not settled at the conference, outstanding pre-trial matters, including discovery issues, [shall] must be raised during the conference. In the event that the case is not settled at the conference, a trial date may be set, if such a date has not already been set. The parties [shall] will be expected to know their availability and the availability of their witnesses for trial.

**Section 19. Section 1-31 of Subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-31 Settlement Conferences and Agreements.**

(a) Prior to a conference at which settlement is to be discussed, the administrative law judge assigned to the conference may require each party to provide a pre-conference letter. The pre-conference letter must be sent solely to the administrative law judge by fax or e-mail and marked prominently "CONFIDENTIAL MATERIAL FOR USE AT SETTLEMENT CONFERENCE." The pre-conference letter must state succinctly:

- (1) the history of settlement negotiations, if any;
- (2) the party's settlement offer and the rationale for it; and
- (3) any other facts that would be helpful to the administrative law judge in preparation for the conference.

(b) If settlement is to be discussed at the conference, each party [shall] must have an individual possessing authority to settle the matter, either present at the conference or readily accessible. A settlement conference [shall] will be conducted by an administrative law judge or other individual designated by the Chief Administrative Law Judge, other than the administrative law judge assigned to hear the case. During settlement discussions, upon notice to the parties, the administrative law judge or other person conducting the conference may confer with each party and/or representative separately.

[ (b) ] (c) All settlement offers, whether or not made at a conference, [shall] will be confidential and [shall] will be inadmissible at trial of any case. Administrative law judges [shall] must not be called to testify in any proceeding concerning statements made at a settlement conference.

[ (c) ] (d) A settlement [shall] must be reduced to writing, or, in the discretion of the administrative law judge, placed on the record. In the event that a settlement is reached other than at a conference, OATH [shall] must be notified immediately pursuant to § 1-32(f). Copies of all written settlement agreements [shall] must be sent promptly to OATH.

**Section 20. Section 1-32 of Subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-32 Adjournments.**

(a) Applications for adjournments of conferences or trials [ shall] will be governed by this section and by § 1-34 or § 1-50. Conversion of a trial date to a conference date, or from conference to trial, [shall] will be deemed to be an adjournment.

(b) Applications to adjourn conferences or trials [shall] must be made to the assigned administrative law judge as soon as the need for the adjournment becomes apparent. Applications for adjournments are addressed [to] at the discretion of the administrative law judge, and [shall] will be granted only for good cause. Although consent of all parties to a request for an adjournment [shall] will be a factor in favor of granting the request, such consent [shall] will not by itself constitute good cause for an adjournment. Delay in seeking an adjournment [shall] will militate against grant of the request.

(c) If a party selects a trial or conference date without consulting with or obtaining the consent of another party pursuant to § 1-26(d), an application for an adjournment of such date by that other party, especially if such application is based upon a scheduling conflict, [shall] will be decided with due regard to the *ex parte* nature of the case scheduling.

(d) [ Counsel shall] An attorney must file an affirmation of actual engagement prior to a ruling on an adjournment sought on that basis. Such affirmation [shall] must state the name and nature of the conflicting matter, the court or tribunal hearing the matter, the judge before whom it is scheduled, the date that the conflicting engagement became known to counsel, and the date, time, place and approximate duration of the engagement.

(e) Approved adjournments, other than adjournments granted on the record, [shall] must be promptly confirmed in writing by the applicant, to all parties and to the administrative law judge.

(f) Withdrawal of a case from the calendar by the petitioner [shall] will not be subject to the "good cause" requirement of subdivision (b) of this section. However, such withdrawal, other than pursuant to settlement agreement or other final disposition of the case, [shall] will be permitted only upon application to the administrative law judge, who may grant or deny the application, either in full or upon stated terms and conditions.

(g) At the discretion of the administrative law judge, a grant of an adjournment may be conditioned upon the imposition of costs for travel, lost earnings and witness fees, which may be assessed against the party causing the need for an adjournment.

(h) If an administrative law judge determines that a case is not ready for trial or conference and that an adjournment is inappropriate, the judge may remove the case from the calendar. Unless otherwise directed by the administrative law judge, the case will be administratively closed if the parties do not restore the matter to the calendar within 30 days.

**Section 21. Section 1-33 of Subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-33 Discovery.**

(a) Requests for production of documents, for identification of trial witnesses, and for inspection of real evidence to be introduced at the trial may be directed by any party to any other party without leave of the administrative law judge.

(b) Depositions [shall] must only be taken upon motion for good cause shown. Other discovery devices, including interrogatories, [shall] will not be permitted except upon agreement among the parties or upon motion for good cause shown. Demands for bills of particulars [shall] will be deemed to be interrogatories. Resort to such extraordinary discovery devices [shall] will not generally be cause for adjournment of a conference or trial.

(c) Discovery [shall] must be requested and completed promptly, so that each party may reasonably prepare for trial. A demand for identification of witnesses, for production of documents, or for inspection of real evidence to be introduced at trial [shall] must be made not less than twenty days before trial, or not less than twenty-five days if service of the demand is by mail. An answer to a discovery request [shall] must be made within fifteen days of receipt of the request, or within ten days if service of the answer is by mail. An objection to a discovery request [shall] must be made as promptly as possible, but in any event within the time for an answer to that request. Different times may be fixed by consent of the parties, or by the administrative law judge for good cause. Notwithstanding the foregoing time periods, where the notice of the trial is served less than twenty-five days in advance of trial, discovery [shall] must proceed as quickly as possible, and time periods may be fixed by consent of the parties or by the administrative law judge.

(d) (1) Parties are encouraged to resolve discovery disputes without the intervention of an administrative law judge. A party objecting to discovery should immediately commence discussion with the requesting party to clarify and possibly resolve the dispute.

(2) Any unresolved discovery dispute [shall] must be presented to the assigned administrative law judge sufficiently in advance of the trial to allow a timely determination. [Discovery motions are addressed to the discretion of the administrative law judge. The] A written motion to compel discovery must be served on all parties and the administrative law judge assigned to conduct the trial. The motion must state what efforts the parties have made to resolve discovery disputes. Any party objecting to a discovery motion must state, in writing, the grounds for the objection. In deciding whether to grant a request, the administrative law judge may consider the timeliness of discovery requests and responses[,] and of discovery-related motions, the complexity of the case, the need for the requested discovery, and the relative resources of the parties [shall be among the factors in the administrative law judge's exercise of discretion].

[(e) (3) In ruling upon a discovery motion, the administrative law judge may deny the motion, order compliance with a discovery request, order other discovery, or take other appropriate action. The administrative law judge may grant or deny discovery upon specified conditions, including payment by one party to another of stated expenses of the discovery. Failure to comply with an order compelling discovery may result in imposition of appropriate sanctions upon the disobedient party, attorney or representative, such as the sanctions set forth in § 1-13(e), the preclusion of witnesses or evidence, drawing of adverse inferences, or, under exceptional circumstances, removal of the case from the calendar, dismissal of the case, or declaration of default.

**Section 22. Section 1-34 of Subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-34 Pre-Trial Motions.** (a) Pre-trial motions [shall] will be consolidated and addressed to the administrative law judge as promptly as possible, and sufficiently in advance of the trial to permit a timely decision to be made. Delay in presenting such a motion may, in the discretion of the administrative law judge, weigh against the granting of the motion, or may lead to the granting of the motion upon appropriate conditions.

(b) A moving party must request in writing an informal conference with the administrative law judge before any dispositive motion will be heard. The request must, in no more than two pages, set forth the nature of the motion.

(c) The administrative law judge may in his or her discretion permit pre-trial motions to be made orally, including by telephone, electronic means, or in writing. The administrative law judge may require the parties to submit legal briefs on any motion. Parties are encouraged to make pre-trial motions, or to conduct preliminary discussions and scheduling of such motions, by conference telephone call or by electronic means to the administrative law judge.

[(c) Motion papers shall] (d) When a motion is made on papers, the motion papers must state the grounds upon which the motion is made and the relief or order sought. Motion papers [shall] must include notice to all other parties of their time pursuant to subdivision (d) of this section to serve papers in opposition to the motion. Motion papers and papers in opposition [shall] must be served on all other parties, and proof of service [shall] must be filed with the papers. The filing of motion papers or papers in opposition by a representative who has not previously appeared [shall] will constitute the filing of a notice of appearance by that representative, and [shall] must conform to the requirements of § 1-11(b).

[(d) (e) Unless otherwise directed by the administrative law judge upon application or *sua sponte*, the opposing party [shall] must file and serve responsive papers no later than eight days after service of the motion papers if service of the motion papers was personal or by electronic means, and no later than thirteen days after service if service of the motion papers was by mail.

[(e) Reply] (f) The moving party must not file reply papers [shall not be filed] unless authorized by the administrative law judge, and oral argument [shall] will not be scheduled except upon the direction of the administrative law judge.

[(f) (g) Nothing in this section [shall limit] limits the applicability of other provisions to specific pre-trial motions. For instance, an application for withdrawal or substitution of counsel is also governed by § 1-12; an application for an adjournment is also governed by § 1-32; and an application for issuance of a subpoena is also governed by § 1-43.

**Section 23. Section 1-42 of Subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-42 Witnesses and Documents.**

The parties [shall] must have all of their witnesses available on the trial date. A party intending to introduce documents into evidence [shall] must bring to trial copies of those documents for the administrative law judge, the witness, and the other parties. Repeated failure to comply with this section may be cause for sanctions, as set forth in § 1-13(e).

**Section 24. Section 1-43 of Subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-43 Subpoenas.**

(a) A subpoena *ad testificandum* requiring the attendance of a person to give testimony prior to or at a trial or a subpoena *duces tecum* requiring the production of documents or things at or prior to a trial may be issued only by the administrative law judge upon application of a party or *sua sponte*.

(b) A request by a party that the administrative law judge issue a subpoena [shall] will be deemed to be a motion, and [shall] must be made in compliance with § 1-34 or § 1-50, as appropriate; provided, however, that such a motion [shall] must be made on 24 [hours] hours' notice by electronic means or personal delivery of papers, including a copy of the proposed subpoena, unless the administrative law judge directs otherwise. The proposed subpoena may be prepared by completion of a form subpoena available from OATH. The making and scheduling of requests for issuance of subpoenas by telephone conference call to the administrative law judge or by electronic means is encouraged.

(c) Subpoenas [shall] must be served in the manner provided by § 2303 of the Civil Practice Law and Rules, unless the administrative law judge directs otherwise. The party requesting the issuance of a subpoena [shall] will bear the cost of service, and of witness and mileage fees, which [shall] will be the same as for a trial subpoena in the Supreme Court of the State of New York.

(d) In the event of a dispute concerning a subpoena after the subpoena is issued, informal resolution [shall] must be attempted with the party who requested issuance of the subpoena. If the dispute is not thus resolved, a motion to quash, modify or enforce the subpoena [shall] must be made to the administrative law judge.

**Section 25. Section 1-44 of Subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-44 Interpreters.**

(a) OATH will [make reasonable efforts to] provide language assistance services to a party or their witnesses who are in need of [an interpreter] such services to communicate at a trial or conference. All requests for language assistance must be made to OATH's calendar unit.

(b) A request for language assistance by telephone may be made at any time before the trial or conference.

(c) A request for in-person interpretation must be made at least five (5) business days before the trial or conference

(d) A request for sign language interpretation must be made at least three (3) calendar days before the trial or conference.

**Section 26. Section 1-45 of Subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-45 Failure to Appear.**

All parties, [counsel] attorneys and other representatives are required to be present at OATH and prepared to proceed at the time scheduled for commencement of trial. Commencement of trial, or of any session of trial, [shall] will not be delayed beyond the scheduled starting time except for good cause as determined in the discretion of the administrative law judge. Absent a finding of good cause, and to the extent permitted by the law applicable to the claims asserted in the petition, the administrative law judge may direct that the trial proceed in the absence of any missing party or representative, render a disposition of the case adverse to the missing party, or take other appropriate measures, including the imposition of sanctions listed in § 1-13(e). Relief from the direction of the administrative law judge may be had only upon motion brought as promptly as possible pursuant to § 1-50 or § 1-52. The administrative law judge may grant or deny such a motion, in whole, in part, or upon stated conditions.

**Section 27. Section 1-46 of Subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-46 Evidence at the Trial.**

(a) Compliance with technical rules of evidence, including hearsay rules, [shall] will not necessarily be required. Traditional rules governing trial sequence [shall] will apply. In addition, principles of civil practice and rules of evidence may be applied to ensure an orderly proceeding and a clear record, and to assist the administrative law judge in the role as trier of fact. Traditional trial sequence may be altered by the administrative law judge for convenience of the parties, attorneys, witnesses, or OATH, where substantial prejudice will not result.

(b) The administrative law judge may limit examination, the presentation of testimonial, documentary or other evidence, and the

submission of rebuttal evidence. The administrative law judge may accept testimony at trial by telephone or other electronic means, including video conferencing. Objections to evidence offered, or to other matters, will be noted in the transcript, and exceptions need not be taken to rulings made over objections. The administrative law judge may call witnesses, may require any party to clarify confusion, fill gaps in the record, or produce witnesses, and may question witnesses directly.

(c) In the discretion of the administrative law judge, closing statements may be made orally or in writing. On motion of the parties, or *sua sponte*, the administrative law judge may direct written post-trial submissions, including legal briefing, proposed findings of fact and conclusions of law, or any other pertinent matter.

**Section 28. Section 1-47 of Subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-47 Evidence Pertaining to Penalty or Relief.**

(a) A separate trial [shall] will not be held as to the penalty to be imposed or the relief to be granted in the event that the petition is sustained in whole or in part.

(b) In the event that a personnel file, abstract of a personnel file, driver record, owner record, or other similar or analogous file is not admitted into evidence at the trial on the merits, the administrative law judge, upon determining that the petition [shall] will be sustained in whole or in part, may request that the petitioner forward such file or record to the administrative law judge for consideration relative to penalty or relief. That request may be conveyed to the petitioner or the petitioner's representative *ex parte* and without further notice to the respondent. The petitioner [shall] must forward only the requested file or record, without accompanying material, and such file or record [shall] must include only material which is available from the petitioner for inspection by the respondent as of right. In his or her report and recommendation, the administrative law judge [shall] will refer to any material from such file or record relied on in formulating the recommendation as to penalty or other relief.

**Section 29. Section 1-48 of Subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-48 Official Notice.**

(a) In reaching a decision, the administrative law judge may take official notice, before or after submission of the case for decision, on request of a party or *sua sponte* on notice to the parties, of any fact which may be judicially noticed by the courts of this state. Matters of which official notice is taken [shall] will be noted in the record, or appended thereto. The parties [shall] will be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by presentation of authority.

(b) Official notice may be taken, without notice to the parties, of rules published in the Rules of the City of New York or in The City Record. In addition, all parties are deemed to have notice that official notice may be taken of other regulations, directives, guidelines, and similar documents that are lawfully applicable to the parties, provided that any such materials that are unpublished are on file with OATH sufficiently before trial of the case to enable all parties to address at trial any issue as to the applicability or meaning of any such materials. Unpublished materials on file with OATH [shall] will be available for inspection by any party or attorney or representative of a party.

**Section 30. Section 1-49 of Subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-49 Public Access to Proceedings.**

(a) Other than settlement conferences, all proceedings [shall] be are open to the public, unless the administrative law judge finds that a legally recognized ground exists for closure of all or a portion of the proceeding, or unless closure is required by law. Trial witnesses may be excluded from proceedings other than their own testimony in the discretion of the administrative law judge.

(b) No person [shall] may make or cause to be made a stenographic, electronic, audio, audio-visual or other verbatim or photographic reproduction of any trial or other proceeding, whether such trial or other proceeding is conducted in person, by telephone, or otherwise, except upon application to the administrative law judge. Except or as otherwise provided by law (e.g. N.Y. Civil Rights Law, § 52), such, Such application [shall] must be addressed to the discretion of the administrative law judge, who may deny the application or grant it in full, in part, or upon such conditions as the administrative law judge deems necessary to preserve the decorum of the proceedings and to protect the interests of the parties, witnesses and any other concerned persons.

(c) Transcripts of proceedings made a part of the record by the administrative law judge [shall] will be the official record of proceedings at OATH, notwithstanding the existence of any other

transcript or recording, whether or not authorized under the previous subdivision of this section.

(d) Unless the administrative law judge finds that legally recognized grounds exist to omit information from a decision, all decisions will be published without redaction. To the extent applicable law or rules require that particular information remain confidential, including but not limited to the name of a party or witness or an individual's medical records, such information will not be published in a decision. On the motion of a party, or *sua sponte*, the administrative law judge may determine that publication of certain information will violate privacy rights set forth in applicable law or rules and may take appropriate steps to ensure that such information is not published.

**Section 31. Section 1-50 of Subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-50 Trial Motions.**

Motions may be made during the trial orally or in writing. Trial motions made in writing [shall] must satisfy the requirements of § 1-34. The administrative law judge may, in his or her discretion, require that any trial motion be briefed or otherwise supported in writing. In cases referred to OATH for disposition by report and recommendation to the head of the agency, motions addressed to the sufficiency of the petition or the sufficiency of the petitioner's evidence [shall] will be reserved until closing statements.

**Section 32. Section 1-51 of Subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-51 The Transcript.**

Trials [shall] will be stenographically or electronically recorded, and the recordings [shall] will be transcribed, unless the administrative law judge directs otherwise. In the discretion of the administrative law judge, matters other than the trial may be recorded and such recordings may be transcribed. Transcripts [shall] will be made part of the record, and [shall] will be made available upon request or as required by law.

**Section 33. Section 1-52 of Subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 1-52 Post-Trial Motions.**

Post-trial motions [shall] must be made in writing, in conformity with the requirements of § 1-34, to the administrative law judge, except that after issuance of a report and recommendation in a case referred to OATH for such motions, as well as comments on the report and recommendation to the extent that such comments are authorized by law, [shall] must be addressed to the deciding authority.

**Section 34. Section 2-01 of Subchapter A of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-01 Applicability.**

This subchapter [shall] apply applies solely to prequalified vendor appeals pursuant to § 324(b) of the Charter and the rules of the Procurement Policy Board, 9 RCNY § 3-10(m). Chapter 1 [shall] also [apply] applies to such proceedings except to the extent that it is inconsistent with this subchapter.

**Section 35. Section 2-02 of Subchapter A of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-02 Docketing; Service of the Petition.**

(a) A vendor [shall] must docket an appeal by delivering to OATH a completed intake sheet, with a petition and appropriate proof of service of the petition upon the agency whose prequalification determination is to be reviewed. The petition [shall] must include a copy of the determination to be reviewed and [shall] must state the nature and basis of the challenge to the determination.

(b) The petition [shall] must be accompanied by a notice to the respondent of its time to serve and file an answer. The notice described in § 1-23(a) [shall] is not [be] required.

**Section 36. Section 2-03 of Subchapter A of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-03 Answer; Reply.**

(a) If the petition is served personally on the respondent, the respondent [shall] must file an answer, with appropriate proof of service, within fourteen days of the respondent's receipt of the petition. If the petition is served by mail, it [shall] will be presumed that the respondent received the petition five days after it was served.

(b) The answer [shall] must include the determination to be reviewed, the basis of the determination, admission, denial or other response to each allegation in the petition, and a statement of any other defenses to the petition. The basis of the determination included in the answer

[shall] must consist of all documentation and information that was before the agency head, including any submissions by the vendor. To the extent that information in support of the determination was not written, it [shall] must be reduced to writing and included in the answer in the form of affidavits or affirmations, documentary exhibits, or other evidentiary material. Also, defenses may be supported by evidentiary material. The answer may be accompanied by a memorandum of law.

(c) If the respondent's attorney or other representative has not already filed a notice of appearance, such notice [shall] must be filed with the answer.

(d) Within fifteen days of the service of the answer, or within twenty days if such service is by mail, the petitioner may file a reply. The reply may include affidavits or affirmations, documentary exhibits, or other evidentiary material in rebuttal of the answer, including information provided to the agency head which was not written. The reply may be accompanied by a memorandum of law.

**Section 37. Section 2-04 of Subchapter A of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-04 Further Proceedings.**

An appeal [shall] will be decided on the petition, answer and reply, unless the administrative law judge directs further written submissions, oral argument, or an evidentiary hearing, as may be necessary to the decision of the appeal.

**Section 38. Section 2-05 of Subchapter A of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-05 Discovery.**

Discovery [shall] may not be permitted except upon order of the administrative law judge in connection with § 2-04.

**Section 39. Section 2-06 of Subchapter A of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-06 Determination.**

The administrative law judge [shall] will render as expeditiously as possible a determination as to whether the agency's decision is arbitrary or capricious.

**Section 40. Section 2-07 of Subchapter A of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-07 Copies of Determination.**

The respondent [shall] must send copies of the administrative law judge's determination to such non-parties as may be required, for instance, by the rules of the Procurement Policy Board, 9 RCNY §3-10(m)(5).

**Section 41. Section 2-21 of Subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-21 Applicability.**

This subchapter [shall apply] applies solely to cases brought by the New York City Commission on Human Rights pursuant to the City Human Rights Law, Title 8 of the New York City Administrative Code. Chapter 1 of this title [shall] also [apply] applies to such proceedings except to the extent that it is inconsistent with this subchapter.

**Section 42. Section 2-22 of Subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-22 Definitions.**

For purposes of this subchapter:

**Commission.** "Commission" [shall mean] means the New York City Commission on Human Rights.

**Complainant.** "Complainant" [shall be] is defined according to the Commission's rules, 47 RCNY § 1-03.

**Party.** "Party" [shall be] is defined according to the Commission's rules, 47 RCNY § 1-03.

**Petition.** [The] "Petition" means a complaint as defined in the Commission's rules, 47 RCNY §§ 1-11, 1-12 [shall constitute the petition as defined in § 1-01 of Chapter 1 of this title].

**Petitioner.** "Petitioner" [shall mean] means the Law Enforcement Bureau of the Commission.

**Report and recommendation.** The "report and recommendation" referred to in this title [shall constitute] constitutes the recommended decision and order referred to in the Commission's [Rules] rules.

**Section 43. Section 2-23 of Subchapter C of Chapter 2 of Title**

**48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-23 Proceedings Before Referral to OATH.**

Proceedings before the case is docketed at OATH [shall be] are governed by the Commission's rules (47 RCNY §§ 1-01 to 1-62).

**Section 44. Section 2-24 of Subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-24 Docketing the Case at OATH.**

(a) Notwithstanding the provisions of § 1-26 of this title, only the petitioner may docket a case at OATH. The petitioner [shall] must docket a case by delivering to OATH a completed intake sheet, the notice of referral required by the Commission's rules (47 RCNY § 1-71), the pleadings and any amendments to the pleadings, any notices of appearances filed with the petitioner pursuant to the Commission's rules (47 RCNY § 1-15), and any changes of address filed with the petitioner pursuant to the Commission's rules (47 RCNY § 1-16).

(b) Upon docketing the case at OATH, the petitioner [shall] must serve notice of trial, if a trial date has been selected, and notice of conference, if a conference date has been selected, in compliance with § 1-28 of this title.

**Section 45. Section 2-25 of Subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-25 Intervention.**

(a) A person may move to intervene as a party at any time before commencement of the trial. Intervention may be permitted, in the discretion of the administrative law judge, if the proposed intervenor demonstrates a substantial interest in the outcome of the case. In determining applications for intervention, the administrative law judge [shall] will consider the timeliness of the application, whether the issues in the case would be unduly broadened by grant of the application, the nature and extent of the interest of the proposed intervenor and the prejudice that would be suffered by the intervenor if the application is denied, and such other factors as may be relevant. The administrative law judge may grant the application upon such terms and conditions as he or she may deem appropriate and may limit the scope of an intervenor's participation in the adjudication.

(b) A complainant [shall] may be permitted to intervene as of right, upon notice to all parties and the [Administrative Law Judge] administrative law judge at or before the first conference in the case, or, if no conference is held, before commencement of trial. The Commission's Law Enforcement Bureau [shall] will prosecute the complaint. Complainants and respondents may be represented by [counsel] attorneys or other duly authorized representatives, who [shall] must file notices of appearance pursuant to the Commission's rules (47 RCNY § 1-15), if before referral of the case to OATH, or pursuant to § 1-11 of this title, if after such referral.

**Section 46. Section 2-26 of Subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-26 Withdrawal or Dismissal of the Petition.**

After referral of a case to OATH, but before commencement of the hearing, dismissal of the case by the petitioner on the grounds provided in the Commission's [Rules] rules (47 RCNY § 1-22), or withdrawal of the case by the petitioner pursuant to § 1-32(f) of this title, [shall] will be effected by notice to all other parties and to the [Administrative Law Judge] administrative law judge. The complainant may move to withdraw the complaint at any time before commencement of the hearing. All other motions to withdraw or dismiss the petition [shall be] are governed by §§ 1-34 and 1-50 of this title.

**Section 47. Section 2-27 of Subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-27 Entry of and Relief from Default.**

(a) If the notice of referral to OATH alleges that a respondent has not complied with the requirements of § 1-14 of the Commission's rules (47 RCNY § 1-14), the respondent [shall] must serve and file an affidavit asserting that the respondent has complied with those requirements, or asserting reasons constituting good cause for its failure to comply with those requirements. Such affidavit [shall] must be served and filed at or before the first conference in the case, or, if no conference is held, before commencement of the hearing. If the respondent fails to serve and file such an affidavit within the time allowed by this paragraph, the [Administrative Law Judge shall] administrative law judge will declare the respondent to be in default and [shall] will preclude the respondent from further participation in the adjudication. If the respondent timely serves and files such an affidavit, the [Administrative Law Judge shall] administrative law judge will decide the questions presented, and [shall] will either declare the respondent to be in default and preclude the respondent from further participation in the adjudication, or [shall]

will deny the default in full or upon stated terms and conditions which may include such limitations on the respondent's participation in the adjudication as the [Administrative Law Judge] administrative law judge deems to be equitable.

(b) A respondent against whom a default has been entered pursuant to paragraph (a) of this section may move at any time before issuance of the report and recommendation to open the default. Such a motion must include a showing of good cause for the conduct constituting the default, a showing of good cause for the failure to oppose entry of the default in accordance with paragraph (a) of this section, and a meritorious defense to the petition, in whole or in part. In granting any such motion, the [Administrative Law Judge] administrative law judge may impose such terms and conditions as he or she deems to be equitable.

**Section 48. Section 2-29 of Subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-29 Discovery.**

(a) *Policy.* Although strict compliance with the provisions of Article 31 of the Civil Practice Law and Rules [shall not be] is not required, the principles of that article may be applied to ensure orderly and expeditious preparation of cases for trial.

(b) *Scope of discovery.*

(1) With the exception of the substance of any oral or written communications made by and between a complainant or complainant's [counsel] attorney and the petitioner subsequent to a determination that probable cause exists, the materials contained in the petitioner's investigatory file [shall] must be available as of right to any party for inspection and copying subsequent to docketing at OATH upon reasonable notice, unless a default has been entered against that party by the [Administrative Law Judge] administrative law judge.

(2) In the absence of an agreement by the parties, the number of interrogatories, including subparts, [shall be] is limited to fifteen. The [Administrative Law Judge] administrative law judge may permit additional interrogatories upon application for good cause shown.

(3) Any party may take the deposition of any other party as of right. Other depositions [shall] may be taken only upon leave of the [Administrative Law Judge] administrative law judge for good cause shown. No person [shall] may be deposed by the party conducting the examination for a period aggregating more than seven hours except upon consent of all parties or leave of the administrative law judge for good cause shown. Deposition testimony may be recorded by a stenographer or by videotape or audiotape recording, at the option of the party conducting the deposition. The cost of the recording and transcription of deposition testimony [shall] must be borne by the party conducting the deposition.

(c) *Sanctions.* Failure to comply with or object to a discovery request in a timely fashion as provided by § 1-33 of this title may result in the imposition of sanctions as appropriate, including those specified in § 1-33(e) of this title.

**Section 49. Section 2-30 of Subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-30 Interlocutory Review.**

(a) Within five days after issuance of any interlocutory order or decision, a party may move for certification by the [Administrative Law Judge] administrative law judge that such order or decision may be submitted, in whole or in specified part, for review by the chair of the Commission. If the party moving for certification seeks a stay of proceedings, in whole or in part, pending completion of the interlocutory review, the motion for certification [shall] must include a statement as to why the failure to grant the requested stay would materially prejudice the party. Certification may also be made, and a stay may be ordered, by the [Administrative Law Judge] administrative law judge on his or her own motion.

(b) As provided by the Commission's rules (47 RCNY § 1-74), failure of a party to seek interlocutory review of a decision or order [shall] does not preclude that party from making such challenge to the Commission in connection with the Commission's review of a report and recommendation in a case, provided that the party timely made its objection known to the [Administrative Law Judge] administrative law judge and that the grounds for such challenge [shall] must be limited to those set forth to the [Administrative Law Judge] administrative law judge.

**Section 50. Section 2-31 of Subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-31 Proceedings After Issuance of Report and Recommendation.** Proceedings following issuance by the [Administrative Law Judge] administrative law judge of the report and recommendation in the case [shall be] are governed by the Commission's [Rules] rules (47 RCNY §§ 1-75, 1-76).

**Section 51. Section 2-41 of Subchapter D of Chapter 2 of Title**

**48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-41 Applicability.**

This subchapter [shall apply] applies solely to cases brought to determine the validity of post-seizure retention of vehicles by the Police Department as evidence or for prospective or pending actions to forfeit such vehicles pursuant to §14-140 of the New York City Administrative Code. Chapter 1 of this title [shall] also [apply] applies to such cases except to the extent that it is inconsistent with this subchapter or with *Krimstock v. Kelly*, 99 Civ. 12041 (MBM), order and judgment (S.D.N.Y. Jan. 5, 2004), and any amendments, modifications and revisions thereof.

**Section 52. Section 2-42 of Subchapter D of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-42 Parties.**

For purposes of this subchapter, the Police Department [shall] will be the petitioner, and the claimant to the vehicle [shall] will be the respondent, as defined in §1-01 of this title.

**Section 53. Section 2-43 of Subchapter D of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-43 Pleadings.**

(a) The time provided in § 1-26(d) for service of the notice of trial [shall] does not apply.  
(b) Notwithstanding § 1-24 of this title, the respondent may serve and file an answer at any time until the commencement of the hearing.

**Section 54. Section 2-44 of Subchapter D of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-44 Trial Continuances.**

A motion by the petitioner, after the conclusion of the respondent's evidence, for a continuance of trial to present rebuttal evidence in the form of testimony from witnesses not called on the petitioner's case-in-chief, [shall] may be granted for good cause shown.

**Section 55. Section 2-46 of Subchapter D of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§ 2-46 Transcription of Trials.**

Notwithstanding § 1-51 of this title, the recording of the trial or of other proceedings in the case, whether electronic or stenographic, [shall] may not be transcribed except (i) upon request and payment of reasonable transcription costs, (ii) upon direction of the administrative law judge, in his or her discretion, or (iii) as otherwise required by law.

**Section 56. Subchapters A through F of Chapter 3 of Title 48 of the Rules of the City of New York are REPEALED, and new Subchapters A and B are added to read as follows:**

**Chapter 3: Rules of Practice Applicable to Proceedings Brought Before the Environmental Control Board Pursuant to §1049-a of the New York City Charter and Provisions of the New York City Administrative Code or New York State Law**

**Subchapter A: General Rules**

**§3-11 Definitions.**

Definitions in Section 6-01 of this title apply to terms used in this chapter. In addition, as used in this chapter:

"Board" means the Environmental Control Board of the City of New York.

"Executive Director" means the executive director of the Board.

**§3-12 Scope of Rules.**

This chapter applies to the adjudications of summonses conducted by the Board pursuant to §1049-a of the New York City Charter and provisions of the New York City Administrative Code, any rules and regulations made thereunder, or provisions of New York State law, and special hearings conducted by the Board pursuant to Title 24 of the New York City Administrative Code.

All such adjudications, special hearings and enforcement proceedings will be conducted pursuant to the rules set forth in Chapter 6 of this title. Where there is a conflict between this Chapter and Chapter 6, this chapter takes precedence.

**§3-13 Computation of Time for Emergency Action.**

Any emergency action taken by the Board that requires action within a 24-hour period will be taken regardless of whether the 24-hour period includes a Saturday, Sunday or legal holiday.

**§3-14 Claims of Prior Adjudication.**

Whenever a party claims that a summons was previously adjudicated, the hearing officer must allow both parties to present all relevant evidence on all the issues in the case, including the claim of prior adjudication. If a party has raised a claim of prior adjudication, the

hearing officer must not decide such claim, but must preserve the claim for the purposes of subsequent appeal to the Appeals Unit, a panel of Board members, or the Board pursuant to §3-15. If, on appeal, a party properly raises and preserves a claim of prior adjudication, the Appeals Unit will review the records of the first and any subsequent hearings in order to assist the panel or Board in determining the claim of prior adjudication. In deciding the claim, the panel or the Board will consider the interests of justice and public safety.

### **§3-15 Panel or Board Review of Appeals.**

(a) The Board will establish panels from among its members to review recommended decisions issued by the Appeals Unit pursuant to §6-19(e), and to issue decisions. A panel may refer a case to the Board for review if the panel is unable to reach a decision. Such case will be considered by the Board and the Board will issue a decision. Unless a party files a request pursuant to subdivision (b) of this section, the decision of the panel or the Board will be deemed to have been issued by, and become the final decision of, the Board. The Board's final decision is also the final decision of the Tribunal.

(b) Superseding appeal decisions. Within 10 days of the mailing of the Board's decision, a party may apply to the Board for a superseding appeal decision to correct ministerial errors or errors due to mistake of fact or law. This superseding appeal decision will become the final decision of the Board. The Board's final decision is also the final decision of the Tribunal.

### **§3-16 Judicial Review of Board Decisions.**

(a) If a Respondent appeals and the Board has not issued a final decision within 180 days from the filing of the appeal, the Respondent may at any time file a petition seeking judicial review of the Hearing Officer's recommended decision pursuant to Article 78 of the New York Civil Practice Law and Rules (CPLR). Such Respondent may rely on the recommended decision as the final decision of the Board, provided that the following three conditions are met:

- (1) at least forty-five days before the filing of such petition, the Respondent files with the Board written notice of the Respondent's intention to file the petition; and
- (2) the Board has still not issued a final decision when the Respondent files the petition; and
- (3) the Respondent serves the petition on the Board pursuant to the CPLR.

(b) The Board may issue a final decision after a Respondent files with the Board written notice of intention to file a petition for judicial review under subdivision (a) and before the Respondent has filed the petition.

### **§3-17 Admission After Default.**

Where the Board issues a default decision, in accordance with §6-20 of this title, permitting Respondent to admit the charge and pay by mail, Respondent may enter a late admission and payment by mail within thirty days of the mailing date of the default decision. OATH may impose a fee of \$30 for the processing of such late admission.

### **§3-18 Stipulation in Lieu of Hearing.**

(a) At any time before the Hearing Officer issues a recommended decision, the Petitioner may offer the Respondent a settlement of the summons by stipulation in lieu of further hearing. The stipulation must contain an admission of the violation, the further facts stipulated to, if any, the amount of the penalty to be imposed, and the compliance ordered, if any.

(b) If entered into by Respondent and filed with the Board prior to the first scheduled hearing date in the manner and form set by the Board, the stipulation will be reviewed by the Executive Director or his or her designee. The Board will, after receiving such stipulation, issue a final decision incorporating the terms of the stipulation. If the stipulation is not acceptable to the Board, the matter will be rescheduled for further hearing.

(c) If entered into during the course of a hearing and approved by the Hearing Officer, the stipulation will be incorporated into the Hearing Officer's recommended decision.

(d) Decisions based upon stipulations may not be appealed.

### **§3-19 Post Judgment Amendment of Records.**

(a) Upon the written motion of any party, the Board may amend any judgment to designate a judgment debtor by the correct legal name.

(b) The movant must file the written motion with the Executive Director. The movant must also file an affidavit setting forth the facts and evidence relied on and an affidavit of service, by certified or registered mail and regular mail, of the motion on the judgment debtor at the last known address and at the address or addresses at which the summons was or summonses were served. Such motion must be served on the judgment debtor and any other party. The motion must set forth the date and time of the hearing in accordance with the direction of the Executive Director, provided that such date and time will not be sooner than ten (10) days after the service of such motion on the judgment debtor. At such hearing, any party may appear, in person or otherwise, with or without an attorney, cross-examine witnesses, present evidence and testify. If the judgment debtor does not appear at the hearing, the Hearing Officer may proceed to determine the evidence presented by

the movant in support of the motion.

(c) If the Hearing Officer finds that the movant has established, by a preponderance of evidence, (i) the correct legal name of the judgment debtor, (ii) that such name is the same party designated on the summons or summonses as responsible for the alleged violation or violations and (iii) that service of the summons or summonses and of all other papers in the proceeding or proceedings was or were properly made upon such judgment debtor, the Hearing Officer will grant such motion and issue a recommended decision directing the amendment of the judgment to reflect the correct legal name of the judgment debtor and of all records relating to the proceedings commenced by the service of the summons or summonses, including the records of judgments filed with the civil court and in the office of the county clerk.

(d) The Hearing Officer will file the recommended decision with the Board and OATH will serve the recommended decision on all parties. Any party who appeared at the hearing, in person or otherwise, may file an appeal of such recommended decision in the manner provided in § 6-19 and the Board will render a final decision on the appeal. Such final decision is the final decision of the Board for purposes of review pursuant to Article 78 of the CPLR.

(e) If an appeal is not filed within the time provided for in § 6-19, the Hearing Officer's recommended decision will become the final decision of the Board and is not subject to review pursuant to Article 78 of the CPLR.

(f) An order correcting a judgment does not affect the duration of a judgment. The judgment will remain in full force and effect for eight (8) years from the date that the judgment was originally entered.

## **Subchapter B: Special Hearings**

### **§3-21 Cease and Desist Actions.**

(a) Scope. This section governs cease and desist actions brought by the Board pursuant to Administrative Code §§ 24-178, 24-257, or 24-524, after Respondent has had notice and an opportunity for a hearing on the violations alleged pursuant to the provisions of §§ 24-184, 24-263, or 24-524 as appropriate, and has failed to comply with orders issued by the Board in such proceedings.

(b) Issuance of Order and Notice. Cease and desist actions are commenced by the Board issuing an order to cease and desist and a notice of special hearing. The order and notice will identify the particular compliance order, previously issued after an adjudicatory hearing or finding of default, which Respondent is alleged to have disregarded, and the activity, equipment, device and/or process involved. The order will direct Respondent to show cause at a special hearing why the equipment, device or process should not be sealed and additional penalties should not be imposed, and will notify Respondent that, if Respondent does not appear as directed, the Board's order will be implemented.

(c) Service. The order to cease and desist and notice of special hearing will be served personally and by regular mail.

### **§3-22 Special Hearing.**

(a) Pre-Sealing Hearing. The special hearing will be presided over by a Hearing Officer who has all of the powers and duties in Subchapter C of Chapter 6 of these rules, except as specifically provided in this section. The Hearing Officer may receive evidence presented by the Petitioner who requested the Board to issue the cease and desist order, any intervenor, and the Respondent.

(b) Motions to Intervene.

(1) A person may intervene as of right in a special hearing if such person may be directly and adversely affected by a cease and desist order of the Board. An order imposing a monetary penalty is not an order directly or adversely affecting any person other than a Respondent.

(2) Such person intervening as of right must file a written application with the Tribunal and serve it upon each party to the proceeding not less than five (5) days before the special hearing. Such written application must set forth in detail the reasons why the person seeks to intervene. When such written application is made by any person, the matter will be assigned to a Hearing Officer for disposition. Within three (3) days of being served with such written application, any party may file a response and any supporting documents with the Tribunal. Such response and documents, if any, must be served upon the applicant and all other parties.

(3) An intervenor as of right will have all the rights of an original party, except that the Hearing Officer may provide that the intervenor will be bound by orders previously entered or evidence previously received and that the intervenor will not raise issues or seek to add parties which might have been raised or added more properly at an earlier stage of the proceeding.

(c) Report. In lieu of a recommended hearing decision, the Hearing Officer will prepare a report summarizing the evidence and arguments and including the Hearing Officer's findings of fact and recommendation as to whether the sealing should proceed and additional penalties should be imposed. The Hearing Officer will promptly file the report with the Board.

(d) Board Order. Upon receipt of the Hearing Officer's report, the

Board may adopt, reject or modify the findings and recommendation, and direct such further hearings or issue such further orders to Respondent as are appropriate under the circumstances to assure correction of the violations. In any case in which the Board issues an order requiring the Respondent to take affirmative action, such order may also require the Respondent to file with the Board a report or reports attesting under oath that the Respondent has complied with the order. Failure to file a required report within the time limit set forth in the order may, in the Board's discretion, constitute a violation of the order regardless of whether the Respondent has otherwise complied with the provisions of the order.

(e) Post-Sealing Hearing. At any time after a sealing has taken place, a Respondent may request a special hearing to present evidence as to why the seal should be removed or sealing order modified. The Respondent must make the request by letter addressed to the Board or the Executive Director or his or her designee. A special post-sealing hearing will then be scheduled and presided over by a Hearing Officer and conducted in accordance with the provisions of subparagraphs (a), (b) and (c) of this section.

### **§3-23 Application for a Temporary or Limited Unsealing or Stay.**

If it appears that remediation undertaken by a Respondent cannot proceed or its effectiveness cannot be tested while a seal remains in place, the Respondent may, by written application addressed to the Executive Director or his or her designee, request that a seal be temporarily removed or stayed for a limited period. The Executive Director or his or her designee may authorize a temporary unsealing or stay of sealing for the above specified reasons for such limited period and subject to such conditions as the Executive Director or his or her designee deems appropriate.

### **§3-24 Hearings after Emergency Cease and Desist Orders.**

When the Board has issued an emergency cease and desist order, without hearing, due to an imminent peril to public health or safety, pursuant to Administrative Code §§ 24-178(f), 24-346(a) and (e) or 24-523(a) and (b), any person affected by such emergency order may, by written notice to the Board, request a hearing or an accelerated hearing in accordance with those provisions. The hearing held pursuant to the request will be held by the Board and not referred to a Hearing Officer. The hearing will otherwise be conducted in accordance with the relevant provisions of law and the applicable Board rules for adjudicatory hearings.

**Section 57, Chapter 5 of Title 48 of the Rules of the City of New York is REPEALED, and a new Chapter 5 is added to read as follows:**

## **Chapter 5: Rules Applicable to Violations of Laws or Regulations Enforced by the Taxi and Limousine Commission**

### **§5-01 Scope of this Chapter**

This chapter applies to all charges of violations of any laws, rules and regulations enforced by the Taxi and Limousine Commission (TLC). Adjudications of such charges are conducted pursuant to the rules in Chapter 6 of this title. Where there is a conflict between this chapter and Chapter 6, this chapter takes precedence. Definitions in Section 6-01 apply to terms used in this chapter.

### **§5-02 Respondent's Right to Confront Complaining Witness**

(a) Pursuant to Administrative Code § 19-506.1, the TLC must produce the complaining witness in person where such witness's credibility is relevant to the summons being adjudicated. If the TLC is unable to produce such witness in person, the TLC must make reasonable efforts to make the witness available during the hearing by videoconferencing or teleconferencing.

(b) If the TLC is unable to produce the witness in person or by videoconference or teleconference, it must provide the Hearing Officer with a statement outlining its efforts to produce the witness. If the Hearing Officer determines that the TLC's efforts were inadequate, the Hearing Officer will dismiss the summons.

(c) If the Respondent previously requested an adjournment to obtain the testimony of the complaining witness, the non-attendance of the complaining witness will be considered a failure by the TLC to produce a complaining witness under paragraph (b) and may be grounds for the Hearing Officer to dismiss the summons.

### **§5-03 Respondent's Right to Challenge a Default Decision**

Pursuant to Administrative Code § 19-506.1, a Respondent may move to vacate a default decision by filing a written motion to vacate within two (2) years from the date of entry of the default decision.

### **§5-04 Appeals**

(a) Expedited appeals. Either party may appeal a decision pursuant to Section 6-19. Where the appeal involves the suspension or revocation of a TLC-issued license, the Appeals Unit will issue an expedited decision.

(b) A party responding to a request for appeal where the appeal involves the suspension or revocation of a TLC-issued license must file the response with the Tribunal within seven (7) days after being served with the appeal. The responding party must also serve a copy of the response on the appealing party, and file proof of such service with the Tribunal.

(c) Requests for hearing recording. Pursuant to Administrative Code § 19-506.1(d), if a Respondent appealing a decision requests in writing a copy of the hearing recording, the recording will be produced to the Respondent within thirty (30) days after receipt of the request. If the recording cannot be produced within the thirty (30) day period, the determination being appealed will be dismissed without prejudice.

(d) Finality. A decision of the Appeals Unit becomes the final determination of the Tribunal, unless either party petitions the TLC Chairperson in accordance with §68-12(c) of Chapter 68 of Title 35 of the Rules of the City of New York (RCNY).

### **§5-05 Chairperson Review**

(a) Scope of review. The TLC Chairperson or, if designated by the TLC Chairperson, the General Counsel for the TLC, may review any determination of the Appeals Unit that interprets any of the following:

(1) A rule in Title 35 of the RCNY;

(2) A provision of law in Chapter 5 of Title 19 of the Administrative Code; (3) A provision of law in Chapter 65 of the Charter.

(b) Decision. Upon review, the TLC Chairperson or General Counsel may issue a decision adopting, rejecting or modifying the Appeals Unit decision. The TLC Chairperson or General Counsel will be bound by the findings of fact in the record and will set forth his or her decision in a written order. The TLC Chairperson or General Counsel's interpretation of the TLC's rules and the laws it administers will be considered agency policy and must be applied by the Tribunal in future adjudications involving the same rules or statutes.

### **§5-06 Special Procedures**

(a) Summary suspension based on a failure to be timely tested for drug use. When the TLC submits to the Tribunal written documentation pursuant to 35 RCNY § 68-16(d) submitted by a Licensee, as defined in §35 RCNY 51-03, refusing summary suspension based on a failure to be timely tested for drug use, the Tribunal will issue a decision based on the written documentation. The decision will include findings of fact and conclusions of law. The decision may be appealed in accordance with the process established in § 6-19.

(b) Unlicensed activity. Pursuant to §19-529.2 of the Administrative Code, a decision on unlicensed activity with a commuter van will be issued within one (1) business day of the conclusion of the hearing or the default.

**Section 58, Section 6-01 of Subchapter A of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

### **§6-01 Definitions Specific to this Chapter**

As used in this chapter:

"Adjournment" means a request made to a Hearing Officer during a hearing to postpone the hearing to a later date.

"Appeals Unit" means the unit authorized under §6-19 of this Title to review hearing officer decisions.

"Appearance" means a communication with the Tribunal that is made by a party or the representative of a party in connection with a [Notice of Violation] summons that is or was pending before the Tribunal. An appearance may be made in person, online or by other remote methods approved by the Tribunal.

"Board" means the Environmental Control Board of the City of New York.

"Charter" means the New York City Charter.

"Chief Administrative Law Judge" means the director and chief executive officer of OATH appointed by the Mayor pursuant to New York City Charter § 1048.

"Hearing Officer" means a person designated by the Chief Administrative Law Judge of OATH, or his or her designee, to carry out the adjudicatory powers, duties and responsibilities of the Tribunal.

"Inspector" means the inspector, public health sanitarian, or other person who conducted the inspection or investigation that resulted in the issuance of a summons.

["Notice of Violation" or "NOV" means the document, including a summons, issued by the petitioner to a respondent which specifies the charges forming the basis of an adjudicatory proceeding before the Tribunal.]

"OATH" means the New York City Office of Administrative Trials and Hearings, including the OATH Trials Division and the OATH Hearings Division (see Section 6-02).

"OATH Trials Division" means the adjudicatory body authorized to conduct proceedings pursuant to Chapters 1 and 2 of this title.

"Party" means the Petitioner or the person named as Respondent in a proceeding before the Tribunal.

"Person" means any individual, partnership, unincorporated association, corporation, limited liability company or governmental agency.

"Petitioner" means the [New York City] governmental agency [authorized to issue Notices of Violations returnable to the Tribunal] or individual who issued a summons.

"Reschedule" means a request made to the Tribunal prior to the scheduled hearing for a later hearing date.

"Respondent" means the person against whom the charges alleged in a [Notice of Violation] summons have been filed.

"Summons" means the document, including a notice of violation, issued by Petitioner to Respondent, which specifies the charges forming the basis of an adjudicatory proceeding before the Tribunal.

"Tribunal" means the OATH Hearings Division, including the Health Tribunal, the Environmental Control Board and the Administrative Tribunal referenced in Title 19 of the Administrative Code of the City of New York.

**Section 59. Section 6-02 of Subchapter A of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-02 Jurisdiction, Powers and Duties**

(a) Jurisdiction. Pursuant to Charter [section] § 1048, the Tribunal has jurisdiction to hear and determine [Notices of Violation] summons issued by [any] a City agency or, when permitted by law, an individual, consistent with the following applicable laws, rules and regulations[, including, but not limited to,]:

(1) In accordance with the delegations of the Commissioner of the Department of Health and Mental Hygiene and the Board of Health, the Tribunal has jurisdiction to hear and determine [Notices of Violation] summons alleging non-compliance with the provisions of the Health Code codified within Title 24 of the Rules of the City of New York, the New York State Sanitary Code, those sections of the New York City Administrative Code relating to or affecting health within the City and any other laws or regulations that the Department of Health and Mental Hygiene has the duty or authority to enforce.

(2) The Tribunal has jurisdiction to hear and determine summons returnable to the Board pursuant to §1049-a of the New York City Charter and provisions of the New York City Administrative Code, any rules and regulations made thereunder, or provisions of New York State law, and to conduct special hearings and enforcement proceedings before the Board pursuant to Title 24 of the New York City Administrative Code.

(3) In accordance with Mayoral Executive Order No. 148, dated June 8, 2011, and pursuant to Charter §1048(2), the Tribunal has jurisdiction to hear and determine summons charging violations of any laws or regulations that the Taxi and Limousine Commission has the duty or authority to enforce, and to impose penalties in accordance with applicable laws, rules and regulations.

(b) General Powers and Duties. The Tribunal [and], including the Hearing Officers [have], has the following general powers and duties:

(1) To conduct fair and impartial hearings;

(2) To take all necessary action to avoid delay in the disposition of proceedings;

(3) To maintain order in the functioning of the Tribunal, including the conduct of hearings;

(4) To decide cases and, if applicable, impose fines and other penalties in accordance with [applicable] law; and

(5) To compile and maintain complete and accurate records relating to the proceedings of the Tribunal, including copies of all [Notices of Violation] summons served, responses, appeals and briefs filed and decisions rendered by Hearing Officers.

**Section 60. Section 6-05 of Subchapter B of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-05 Pre-Hearing Requests to Reschedule**

The [petitioner] Petitioner or [respondent] Respondent may request that a hearing be rescheduled to a later date. A request by a [respondent] Respondent to reschedule must be received by the Tribunal prior to the [date and] time of the scheduled hearing. If a [petitioner] Petitioner requests to reschedule, the [petitioner] Petitioner must notify the [respondent] Respondent at least three (3) days prior to the originally-scheduled hearing date and file proof of that notification with the Tribunal. Respondent may, on a form provided by the Tribunal, waive its right to such notice of the Petitioner's request to reschedule. If a [petitioner] Petitioner fails to provide such proof of notification or waiver, the request will be denied and the hearing will proceed as originally scheduled. Good cause is not necessary for a request to reschedule. No more than one (1) request to reschedule will be granted for each party for each [NOV] summons. [A request by a respondent for the appearance of an inspector, public health sanitarian or other person who issued an NOV (the "inspector") made in the manner described in §6-06 will constitute a request to reschedule under this section.]

**Section 61. Section 6-06 of Subchapter B of Chapter 6 of Title 48 of the Rules of the City of New York is REPEALED and reserved.**

**Section 62. Section 6-07 of Subchapter B of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-07 Pre-Hearing Discovery**

[If an opportunity to obtain pre-hearing discovery is offered by the petitioner, discovery] Discovery may be obtained in the following manner:

(a) Upon written request received by the opposing party at least five business days prior to the scheduled hearing date, any party is entitled to receive from the opposing party a list of the names of witnesses who may be called and copies of documents intended to be submitted into evidence.

(b) Pre-hearing discovery shall be limited to the matters enumerated above. All other applications or motions for discovery shall be made to a Hearing Officer at the commencement of the hearing and the Hearing Officer may order such further discovery as is deemed appropriate in his or her discretion.

(c) Upon the failure of any party to properly respond to a lawful discovery order or request or such party's wrongful refusal to answer questions or produce documents, the Hearing Officer may take whatever action he or she deems appropriate including but not limited to preclusion of evidence or witnesses. It shall not be necessary for a party to have been subpoenaed to appear or produce documents at any properly ordered discovery proceeding for such sanctions to be applicable.

**Section 63. Section 6-08 of Subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-08 Proceedings before the OATH Hearings Division**

(a) [Notice of Violation] Issuance and Filing of Summons.

(1) [All proceedings are commenced by the issuance of a Notice of Violation ("NOV") and filing of the NOV with the Tribunal.

2) The petitioner must file an original or a copy of the [NOV must be filed] summons, together with proof of service, with the Tribunal prior to the first scheduled hearing date. Electronic filing of the summons and proof of service is required unless the Tribunal grants an exception. Failure to timely file all proofs of service shall not divest the Tribunal of jurisdiction to proceed with a hearing or to issue a default order.

(2) Notwithstanding paragraph one of this subdivision, where property has been seized, the Tribunal may adjudicate a summons after it is served and before it is filed.

(3) If the NOV is sworn to under oath or affirmed under penalty of perjury, the NOV will be admitted into evidence and will be prima facie evidence of the facts stated in the NOV. The NOV may include the report of the inspector, public health sanitarian, or other person who conducted the inspection or investigation that resulted in the NOV. When such report is served in accordance with this section, such report will also be prima facie evidence of the factual allegations contained in the NOV.]

(b) Service of the [Notice of Violation] Summons. There must be service of [a Notice of Violation] the summons.

(1) Service of a [Notice of Violation] summons in the following manner will be considered sufficient:

[(1)] (i) The [NOV] summons may be served in person upon:

[(i)] (A) the person alleged to have committed the violation,

[(ii)] (B) the permittee, licensee or registrant,

[(iii)] (C) the person who was required to hold the permit, license or to register,

[(iv)] (D) a member of the partnership or other group concerned,

[(v)] (E) an officer of the corporation,

[(vi)] (F) a member of a limited liability company,

[(vii)] (G) a managing or general agent, or

[(viii)] (H) any other person of suitable age and discretion as may be appropriate, depending on the organization or character of the person, business or institution charged.

[(2)] (ii) Alternatively, the [NOV] summons may be served by mail deposited with the U.S. Postal Service, or other mailing service, to any such person at the address of the premises that is the subject of the [NOV] summons or, as may be appropriate, at the residence or business address of:

[(i)] (A) the alleged violator,

[(ii)] (B) the individual who is listed as the permittee, licensee or applicant in the permit or license or in the application for a permit or license,

[(iii)] (C) the registrant listed in the registration form, or

[(iv)] (D) the person filing a notification of an entity's existence with the applicable governmental agency where no permit, license or registration is required.

[(3)] If the [NOV] summons is served by mail, documentation of

mailing will be accepted as proof of service of the [NOV] summons.  
 (2) A summons may be served pursuant to the requirements of §1049-a(d)(2) of the New York City Charter, Chapter 68 of Title 35 of the Rules of the City of New York, or as provided by the statute, rule, or other provision of law governing the violation alleged. For the purpose of serving a summons pursuant to New York City Charter §1049-a(d)(2)(a)(i) and (ii), the term "reasonable attempt" as used in New York City Charter §1049-a(d)(2)(b) may be satisfied by a single attempt to effectuate service upon the Respondent, or another person upon whom service may be made, in accordance with Article 3 of the Civil Practice Law and Rules or Article 3 of the Business Corporation Law.  
 (3) The Tribunal's decision may be automatically docketed in Civil Court where the summons has been served in accordance with §1049-a(d)(2) of the New York City Charter or the statute or rule providing for such docketing. Where a summons is lawfully served in a manner other than that provided in §1049-a(d)(2) or such other provision of law, the Tribunal may hear and determine such summons but the decision will not be automatically docketed in Civil Court or any other place provided for entry of civil judgments without further court proceedings.

(c) Contents of [Notice of Violation] Summons. The [NOV] summons must contain, at a minimum:

- (1) The name and address, when known, of a Respondent;
- (2) A clear and concise statement sufficient to inform the [respondent] Respondent with reasonable certainty and clarity of the essential facts alleged to constitute the violation or the violations charged, including the date, time where applicable, and place when and where such facts were observed;
- (2) (3) Information adequate to provide specific notification of the section or sections of the law, rule or regulation alleged to have been violated;
- (3) (4) Information adequate for the [respondent] Respondent to calculate the maximum penalty authorized to be imposed if the facts constituting the violation are found to be as alleged;
- (4) (5) Notification of the date, time and place when and where a hearing will be held by the Tribunal or instructions to the Respondent on how to schedule a hearing date. Such date must be at least fifteen (15) calendar days after the [NOV] summons was served, unless another date is required by applicable law. Where Respondent waives the fifteen (15) day notice and requests an expedited hearing, the Tribunal may assign the case for immediate hearing, upon appropriate notice to Petitioner and opportunity for Petitioner to appear.
- (5) (6) Notification that failure to appear [on the] at the place, date and [at the place] time designated for the hearing will be deemed a waiver of the right to a hearing, thereby authorizing the rendering of a default decision; and
- (6) (7) Information adequate to inform the [respondent] Respondent of his or her rights under §6-09 of this chapter.

(d) In the interest of convenient, expeditious and complete determination of cases involving the same or similar issues or the same parties, the Tribunal may consolidate two (2) or more summonses for adjudication at one (1) hearing.

(e) Where a Petitioner withdraws a summons, even if it has been adjudicated, is open or has been decided by the Tribunal, the Petitioner must promptly notify the Tribunal and the Respondent in writing. Thereafter the Tribunal will issue a decision indicating the summons has been withdrawn.

**Section 64. Section 6-09 of Subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-09 Appearances**

(a) Where the summons states that a penalty for the cited violation may be paid by mail prior to the scheduled hearing or other applicable date provided, a Respondent may admit to the violation charged and pay the penalty in the manner and by the time directed by the summons. Payment in full is deemed an admission of liability and no further hearing or appeal will be allowed.

(b) A Respondent may appear for a hearing by:

- (1) Appearing in person at the place, date and time scheduled for the hearing; or,]
- (2) Sending an authorized representative to appear on behalf of such person at the place, date and time scheduled for the hearing who is:
  - (i) an attorney admitted to practice law in New York State, or
  - (ii) a representative registered to appear before the Tribunal pursuant to §6-23 of this chapter, or
  - (iii) any other person, subject to the provisions of §6-23 of this chapter[.]; or
- (3) [Unless the NOV] Appearing pursuant to §6-10, when the opportunity to appear remotely is offered by the Tribunal, unless the summons specifies that a Respondent must appear in person at a hearing [a respondent may appear by:
  - (i) making a written submission for an adjudication by mail, using the U.S. Postal Service or other mailing service

- (ii) making a written submission for an adjudication online pursuant to §6-10; or
- (iii) telephone or by other remote methods when the opportunity to do so is offered by the Tribunal].

(b) (c) In addition to the persons allowed to appear in paragraph (b), the current owner of a property may appear on behalf of the prior owner of the property, if the summons:

- (1) names the prior owner,
- (2) is a premises-related violation, and
- (3) was issued after title to the property was transferred.

However, the current property owner may only appear for the purposes of presenting a deed indicating when title passed. The current owner of the property may only present a defense on the merits if the current owner agrees to substitute him or herself for the prior owner, waiving all defenses based on service.

(c) (d) Failure to Appear by Respondent. A [respondent's] Respondent's failure to appear at the scheduled time or to make a timely request to reschedule pursuant to §6-05 of this chapter constitutes a default to the charges, and subjects the [respondent] Respondent to penalties in accordance with §6-20 of this chapter.

(c) (e) A [petitioner] Petitioner may appear for a hearing through an authorized representative at the place, date and time scheduled for the hearing or by other remote methods when the opportunity to do so is offered by the Tribunal.

(d) (f) Failure to Appear by Petitioner. If a [petitioner] Petitioner fails to appear at the scheduled place, date and time, the hearing [will] may proceed without the [petitioner] Petitioner.

(g) Discretionary Intervention. Any person may move for discretionary intervention. The Hearing Officer, taking into account the need to conduct an orderly, expeditious and fair hearing, may permit such intervenor if good cause is shown or if the intervenor is in a position to assist in the proof or defense of the proceeding. Such intervenor will be allowed to participate in the proceeding as the Hearing Officer may direct. In determining the extent of the intervenor's participation, the Hearing Officer will consider the avoidance of unfairness to the parties and the intervenor, and the avoidance of undue delay. An intervenor is not a party to the proceeding and has no standing to appeal the Hearing Officer's decision.

**Section 65. Section 6-10 of Subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-10 [Adjudication by Mail and Online] Remote Adjudications**

(a) [Unless the NOV specifies that a respondent must appear in person at a hearing] When the opportunity to do so is offered by the Tribunal, a [respondent] Respondent may contest a violation by mail [or], online, by telephone or by other remote methods.

(b) [Submissions for] Adjudication by Mail.

(1) A written submission in an adjudication by mail must be received by the Tribunal before the scheduled hearing date or bear a postmark or other proof of mailing indicating that it was mailed to the Tribunal before the scheduled hearing date. If a request bearing such a postmark or proof of mailing is received by the Tribunal after a first default decision has been issued on that [Notice of Violation] summons, such default will be vacated.

(2) The written submission must contain any denials, admissions and explanations related to the individual violations charged, and documents, exhibits or witness statements, if any, to be considered as evidence in support of Respondent's defense. Violations that are not denied or explained will be deemed to have been admitted; defenses not specifically raised will be deemed to have been waived.

(3) After a review by a Hearing Officer of the written submission, the Tribunal will:

- (i) issue a written decision and send the decision to the parties; or
- (ii) require the submission of additional documentary evidence; or
- (iii) require an in-person hearing or hearing by telephone, in which case the parties will be notified.

(c) Adjudication Online.

(1) Submissions [for] in an adjudication online must be received by the Tribunal before or on the scheduled hearing date.

(d) If the respondent chooses to make a written submission for an adjudication by mail or online, the submission must contain any denials, admissions and explanations pertaining to the individual violations charged, and documents, exhibits or witness statements, if any, to be considered as evidence in support of respondent's defense. Violations that are not denied or explained will be deemed to have been admitted; defenses not specifically raised will be deemed to have been waived.

(e) After a review by a Hearing Officer of the submission for adjudication by mail or online, the Tribunal will:

- (1) issue a written decision and send the decision to the parties; or
- (2) require the submission of additional documentary evidence; or

- (3) require an in-person hearing.
- (f) If an in-person hearing is required, the parties will be notified.]
- (2) The submission must contain any denials, admissions and explanations related to the individual violations charged, and documents, exhibits or witness statements, if any, to be considered as evidence in support of Respondent's defense. Violations that are not denied or explained will be deemed to have been admitted; defenses not specifically raised will be deemed to have been waived.
- (3) After a review by a Hearing Officer of the submission, the Tribunal will:
- (i) issue a written decision and send the decision to the parties; or
- (ii) require the submission of additional documentary evidence; or
- (iii) require an in-person hearing or hearing by telephone, in which case the parties will be notified.
- (d) Adjudication by Telephone. Before or on the scheduled hearing date, a respondent may request a hearing by telephone by contacting the Tribunal.

**Section 66. Section 6-11 of Subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-11 Hearing Procedures**

- (a) A hearing will be presided over by a Hearing Officer, proceed with reasonable expedition and order and, to the extent practicable, not be postponed or adjourned.
- (b) Language assistance services at the hearing.
- (1) At the beginning of any hearing, the Hearing Officer will advise the [respondent] Respondent of the availability of language assistance services. In determining whether language assistance services are necessary to assist the [respondent] Respondent in communicating meaningfully with the Hearing Officer and others at the hearing, the Hearing Officer will consider all relevant factors, including but not limited to the following:
- (i) information from Tribunal administrative personnel identifying a [respondent] Respondent as requiring language assistance services to communicate meaningfully with a Hearing Officer;
- (ii) a request by the [respondent] Respondent for language assistance services; and
- (iii) even if language assistance services were not requested by the [respondent] Respondent, the Hearing Officer's own assessment whether language assistance services are necessary to enable meaningful communication with the [respondent] Respondent.

If the [respondent] Respondent requests an interpreter and the Hearing Officer determines that an interpreter is not needed, that determination and the basis for the determination will be made on the record.

(2) When required, language assistance services will be provided at hearings by a professional interpretation service that is made available by the Tribunal[, unless the respondent requests the use of another interpreter,]. If the professional interpretation service is not available for that language, the Respondent may request the use of another interpreter, in which case the Hearing Officer in his or her discretion may use the [respondent's] Respondent's requested interpreter. In exercising that discretion, the Hearing Officer will take into account all relevant factors, including but not limited to the following:

- (i) [the respondent's preference, if any, for his or her own interpreter;
- (ii) the apparent skills of the [respondent's] Respondent's requested interpreter;
- [(iii)] (ii) whether the [respondent's] Respondent's requested interpreter is a child under the age of eighteen (18);
- [(iv)] (iii) minimization of delay in the hearing process;
- [(v)] (iv) maintenance of a clear and usable hearing record; and
- [(vi)] (v) whether the [respondent's] Respondent's requested interpreter is a potential witness who may testify at the hearing.

The Hearing Officer's determination and the basis for this determination will be made on the record.

- (c) When a party appears on more than one (1) summons on a single hearing day, the Tribunal has the discretion to determine the order in which the summonses will be heard.
- (d) Each party has the right to present evidence, to examine and cross-examine witnesses, to make factual or legal arguments and to have other rights essential for due process and a fair and impartial hearing. Witnesses may be excluded from the hearing room, except while they are actually testifying.
- [(d) Each party has the right to be represented by counsel or other authorized representative as set forth in §§6-09 and 6-23 of this chapter.
- (1) A representative or attorney appearing at the Tribunal must provide sufficient staffing to ensure completion of his or her

hearings. Factors in determining whether sufficient staffing has been provided may include:

- (i) the number of cases the representative or attorney had scheduled on the hearing date;
- (ii) the number of representatives or attorneys sent to handle the cases;
- (iii) the timeliness of the arrival of the representatives or attorneys;
- (iv) the timeliness of the arrival of any witnesses, and;
- (v) any unforeseeable or extraordinary circumstances.

The failure of a representative or attorney to provide sufficient staffing, as described above, may be considered misconduct under §6-24 of this chapter.

- (2) When a representative or attorney appears on more than one NOV on a single hearing day, the Tribunal has the discretion to determine the order in which the NOVs will be heard.]
- (e) Oaths. All persons giving testimony as witnesses at a hearing must be placed under oath or affirmation.
- (f) All adjudicatory hearings will proceed in the following order, subject to modification by the Hearing Officer:

- (1) Presentation and argument of motions preliminary to a hearing on the merits;
- (2) Petitioner's opening statement, if any;
- (3) Respondent's opening statement, if any;
- (4) Petitioner's case in chief;
- (5) Respondent's case in chief;
- (6) Petitioner's case in rebuttal;
- (7) Respondent's case in rebuttal;
- (8) Respondent's closing argument;
- (9) Petitioner's closing argument.

- (g) A record will be made of all summonses filed, proceedings held, written evidence admitted and rulings rendered, and such record will be kept in the regular course of business for a period of time in accordance with applicable laws and regulations. Hearings will be mechanically, electronically or otherwise recorded by the Tribunal under the supervision of the Hearing Officer, and the original recording will be part of the record and will constitute the sole official record of the hearing. No other recording or photograph of the hearing may be made without prior written permission of the Tribunal. A copy of the recording will be provided upon request to the Tribunal. The Tribunal may charge a reasonable fee in accordance with Article 6 of the New York State Public Officers Law.
- (h) Unless permitted or ordered by the Hearing Officer, parties are prohibited from submitting additional material or argument after the hearing has been completed.

**Section 67. Section 6-12 of Subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-12 [Burden of Proof] Evidence**

- (a) Burden of Proof. The [petitioner] Petitioner has the burden of proving the factual allegations contained in the [NOV] summons by a preponderance of the evidence. The [respondent] Respondent has the burden of proving an affirmative defense, if any, by a preponderance of the evidence.
- (b) Admissibility of Summons. If the summons is sworn to under oath or affirmed under penalty of perjury, the summons will be admitted as prima facie evidence of the facts stated therein. The summons may include the report of the inspector, public health sanitarian or other person who conducted the inspection or investigation that resulted in the summons. When such report is served with the summons, such report will also be prima facie evidence of the factual allegations contained in the report.
- (c) Admissibility of Evidence. Relevant and reliable evidence may be admitted without regard to technical or formal rules or laws of evidence applicable in the courts of the State of New York. Irrelevant, immaterial, unreliable or unduly repetitious evidence will be excluded. Immaterial or irrelevant parts of an admissible document must be segregated and excluded to the extent practicable.
- (d) Types of Evidence. Evidence at a hearing may include, but is not limited to, witness testimony, documents and objects. Documents may include, but are not limited to, affidavits or affirmations, business records or government records, photographs and other documents.
- (e) Official Notice. Official notice may be taken of all facts of which judicial notice may be taken and other facts within the specialized knowledge and experience of the Tribunal or the Hearing Officer. Opportunity to disprove such noticed fact will be granted to any party making a timely motion.
- (f) Objections. Objections to evidence must be timely and must briefly state the grounds relied upon. Rulings on all objections must appear on the record.

**Section 68. Section 6-13 of Subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-13 Hearing Officers**

Hearing Officers may:

- (a) Administer oaths and affirmations, examine witnesses, rule upon offers of proof or other motions and requests, admit or exclude evidence, grant adjournments and continuances, and oversee and regulate other matters relating to the conduct of a hearing;
- (b) Issue Upon request of a party, issue subpoenas or adjourn a hearing for the appearance of individuals[,] or the production of documents or other types of information[,] when the Hearing Officer determines that necessary and material evidence will result;
- (c) Bar from participation in a hearing any person, including a party, representative or attorney, witness or observer who engages in disorderly, disruptive or obstructionist conduct that disrupts or interrupts the proceedings of the Tribunal, and continue the hearing without that person's presence;
- (d) Carry out adjudicatory powers of:
  - (i) the hearing examiner set forth in Title 17 of the New York City Administrative Code[,] and associated rules and regulations and the New York City Health Code as codified within Title 24 of the Rules of the City of New York, and
  - (ii) an administrative law judge set forth in Title 19 of the New York City Administrative Code;
- (e) Allow an amendment to [an NOV] a summons upon a motion at any time if:
  - (1) the subject of the amendment is reasonably within the scope of the original [NOV] summons;
  - (2) such amendment does not allege any additional violations based on an act not specified in the original [notice] summons;
  - (3) such amendment does not allege an act that occurred after the original [NOV] summons was served; and
  - (4) such amendment does not affect the [respondent's] Respondent's right to have adequate notice of the allegations made against him or her.
- (f) Request further evidence to be submitted by the [petitioner] Petitioner or [respondent] Respondent; and
- (g) Make final or recommended decisions pursuant to applicable law, rule or regulation; and
- (h) Take any other action authorized by applicable law, rule or regulation, or that is delegated by the Chief Administrative Law Judge.

**Section 69. Section 6-14 of Subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-14 Requests for Adjournment**

- (a) At the time of the scheduled hearing or upon motion, a Hearing Officer may [grant a request to adjourn the hearing to a later date only after a showing of good cause as determined by the Hearing Officer in his or her discretion] adjourn a hearing for the testimony of the Inspector or a complaining witness only if:
  - (1) Respondent consents or the Petitioner appears at the hearing, and
  - (2) the Hearing Officer concludes that the Inspector's or witness's testimony is reasonably likely to be necessary to a fair hearing of the violations charged or of the defenses to those charges.
- (b) [Good cause.] If a Hearing Officer has adjourned a hearing:
  - (1) solely for the purpose of obtaining the Inspector's testimony, and
  - (2) the Respondent timely appears on the adjourned hearing date, and
  - (3) the Inspector fails to timely appear on the adjourned hearing date,

the hearing shall not be further adjourned solely to obtain the testimony of such Inspector unless the Respondent consents to the second adjournment or the Hearing Officer determines that extraordinary circumstances warrant the second adjournment. "Extraordinary circumstances" are circumstances that could not have been reasonably foreseen by the Petitioner.
- (c) A Hearing Officer may not adjourn a hearing on more than two (2) occasions because of the unavailability of the Inspector.
- (d) For all other adjournment requests, a Hearing Officer may grant a request to adjourn the hearing to a later date only after a showing of good cause as determined by the Hearing Officer in his or her discretion. In deciding whether there is good cause for an adjournment, the Hearing Officer will consider:
  - (1) Whether granting the adjournment is necessary for the party requesting the adjournment to effectively present the case;
  - (2) Whether granting the adjournment is unfair to the other party;
  - (3) Whether granting the adjournment will cause inconvenience to any witness;
  - (4) The age of the case and the number of adjournments previously granted;
  - (5) Whether the party requesting the adjournment had the opportunity to prepare for the scheduled hearing;
  - (6) Whether the need for the adjournment is due to facts that are

beyond the requesting party's control;

(7) The balance of the need for efficient and expeditious adjudication of the case and the need for full and fair consideration of the issues relevant to the case; and

(8) Any other fact that the Hearing Officer considers to be relevant to the request for an adjournment.

[(c) (e) Once a hearing has been adjourned, neither party may request a reschedule pursuant to Section 6-05 of these rules. A denial of an adjournment request is not subject to separate or interim review or appeal.

**Section 70. Section 6-15 of Subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-15 Appearances of Inspectors**

- (a) At the time of the hearing, a respondent may request the presence of the inspector, public health sanitarian or other person who issued an NOV (the "inspector"). The Hearing Officer will determine whether the presence of the inspector will afford the respondent a reasonable opportunity to present relevant, non-cumulative testimony or evidence that would contribute to a full and fair hearing of each party's side of the dispute. Upon such finding, the Hearing Officer will order the appearance of the inspector, or if the inspector is unavailable at the time of the hearing, the Hearing Officer will adjourn the hearing for the appearance of the inspector on a later date.
- (b) If at a hearing a respondent denies the factual allegations contained in the NOV, the Hearing Officer may require the presence of the inspector without a request by the respondent, and, if needed, adjourn the hearing for the inspector to be present.
- (c) In the event that the [inspector] Inspector does not appear at the hearing, the Hearing Officer may adjourn the hearing pursuant to §6-14 of this chapter, or may proceed with the hearing without the inspector[,] and sustain or dismiss all or part of the [NOV] summons, as the Hearing Officer may deem appropriate. [In no event will a hearing be adjourned on more than two occasions by the Hearing Officer because of the unavailability of an inspector.]

**Section 71. Section 6-16 of Subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is REPEALED and a new Section 6-16 is added to read as follows:**

**§6-16 Representation**

- (a) Each party has the right to be represented by an attorney or another authorized representative, as set forth in §§6-09 and 6-23 of this chapter.
- (b) An attorney or representative appearing at the Tribunal must provide staffing sufficient to ensure completion of his or her hearings. The failure of a representative or attorney to provide sufficient staffing may be considered misconduct under §6-25 of this chapter. The Tribunal may consider the following factors in determining whether sufficient staffing has been provided:
  - (1) the number of cases the representative or attorney had scheduled on the hearing date;
  - (2) the number of representatives or attorneys sent to handle the cases;
  - (3) the timeliness of the arrival of the representatives or attorneys;
  - (4) the timeliness of the arrival of any witnesses; and
  - (5) any unforeseeable or extraordinary circumstances.
- (c) When any attorney or representative appears on more than one (1) summons on a single hearing day, the Tribunal has the discretion to determine the order in which such summonses will be heard.

**Section 72. Section 6-17 of Subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-17 [Decision and Order] Decisions**

- (a) Decisions. After a hearing, the Hearing Officer who presided over the hearing will promptly write a [written] decision sustaining or dismissing each charge in the [NOV will be promptly rendered by the Hearing Officer who presided over the hearing] summons. The Tribunal will promptly serve the decision on all parties. Each decision will contain findings of fact and conclusions of law. Where a violation is sustained, the Hearing Officer will impose the applicable penalty, which may include a fine, penalty points, a suspension or revocation of the respondent's license or any other penalty authorized by applicable laws, rules and regulations.
- (b) Except as provided in subdivision (c), the decision of the Hearing Officer is the final decision unless an appeal is filed pursuant to §6-19 of this chapter.
- (c) Recommended Decisions.
  - (1) For all violations of Article 13-E of the New York State Public Health Law, the Hearing Officer will issue a recommended decision and order, which the Commissioner of the Department of Health and Mental Hygiene may adopt, reject or modify, in whole or in part.
  - (2) For all violations of Article 13-F of the New York State Public Health Law where the Department of Health and Mental Hygiene

is the petitioner, the Hearing Officer will issue a recommended decision and order, which the Commissioner of such department may adopt, reject or modify, in whole or in part.

(3) For all violations in which summonses are returnable to the Board under §1049-a of the New York City Charter and provisions of the New York City Administrative Code, any rules and regulations made thereunder, or provisions of New York State law, the Hearing Officer's decision is a recommended decision to the Board. If an appeal is not filed pursuant to §6-19, the Hearing Officer's recommended decision will be automatically adopted by the Board and will constitute the Board's final decision in the matter. The Board's final decision is also the final decision of the Tribunal.

(d) The Tribunal may, due to Tribunal needs or the unavailability of the Hearing Officer who heard the case, designate another Hearing Officer to write the recommended decision. The decision will state the reason for the designation and will be based on the record, which includes (i) the summons, (ii) all briefs filed and all exhibits received in evidence, and (iii) a complete audio recording of the hearing or, if a complete audio recording is unavailable for any reason, a complete transcript of the hearing.

**Section 73. Section 6-18 of Subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-18 Payment of Penalty**

A copy of the decision, other than a default decision mailed or otherwise provided in accordance with §6-20 of this chapter, will be served immediately on the [respondent] Respondent or on the [respondent's] Respondent's authorized representative, either personally or by mail. Any fines, penalties or restitution imposed must be paid within thirty (30) days of the date of the decision, or thirty-five (35) days if the decision was mailed, unless the agency responsible for collecting payment of the fines and penalties imposed enters into a payment plan with the Respondent.

**Section 74. Section 6-19 of Subchapter D of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-19 Appeals**

(a) [When an appeal is filed, the Appeals Unit within the Tribunal will determine whether the facts contained in the findings of the Hearing Officer are supported by substantial evidence in the record, and whether the determinations of the Hearing Officer, as well as the penalties imposed, are supported by law. The Appeals Unit has the power to affirm, reverse, remand or modify the decision appealed from.]

(b) A party may appeal, in whole or in part, a decision of a Hearing Officer, except that a) An appeal must contain a concise statement of the issues presented, specific objections to the findings of fact and conclusions of law set forth in the Hearing Officer's recommended decision, and arguments presenting clearly the points of law and facts relied on in support of the position taken on each issue. A party may not appeal a decision rendered on default, a denial of a motion to vacate a default decision, or a plea admitting the violations charged.

[(c)] (b) Appeals decisions are made upon the record of the hearing. The record of the hearing includes all items enumerated in §6-16] §6-11(g) of this Chapter as well as the Hearing Officer's written decision. The Appeals Unit will not consider any evidence that was not presented to the Hearing Officer. [The] Except as provided in §5-04 of this title, the absence of a recording of the hearing does not prevent determination of the appeal.

[(d)] (c) Appeals Procedure.

(1) Within thirty (30) days of the date of service of the Hearing Officer's decision, or thirty-five (35) days if the decision was mailed, a party seeking review of the decision must file with the Tribunal an appeal [application] on a form prescribed by the Tribunal and serve a copy of it on the non-appealing party. An appeal will be accepted by the Tribunal only if:

- (i) the appealing party files an appeal [application] on the Tribunal's form; and
- (ii) the appealing party files proof that a copy of the appeal [application] has been served on the non-appealing party; and
- (iii) Respondent [pays] provides proof of payment in full of any fines [or], penalties or restitution imposed by the decision, [as set forth in this subdivision, unless the respondent has been granted a waiver of such prior payment] except as provided in subdivision (d).

(2) [Within] Except as provided in § 5-04 of this title, within thirty (30) days of being served with the appeal [application], or thirty-five (35) days if service is made by mail, the non-appealing party may file a response to the appeal. The response must be on a form prescribed by the Tribunal and will be accepted only if the non-appealing party serves a copy of the response on the other party and files proof of that service with the Tribunal.

(3) An application may be made to the Tribunal to extend the time to file an appeal or a response to an appeal. Such request must be supported by evidence of impossibility or other explanation

of inability to file timely. A copy of such application [shall] must be served on all parties, and proof of such service filed with the Tribunal.

(4) Any application for a copy of the hearing recording [shall] must be made within the time allotted for the filing of an appeal or a response to an appeal. A copy of such application [shall] must be served upon all parties, and proof of such service filed with the [tribunal] Tribunal within the time allotted for filing an appeal or response to an appeal. In that event, the time within which to file an appeal or respond to an appeal [shall] will be extended by thirty (30) days from the date when such hearing recording is delivered or mailed to the requesting party.

(5) Further filings with the Tribunal by either party are not permitted.

[(e)] (d) Fines, penalties, and restitution. Filing an appeal [application] will not delay the collection of any fine [or other], penalty or restitution imposed by the decision. An appeal by or on behalf of a [respondent] Respondent will not be permitted unless the fines [or], penalties or restitution imposed [have] has been paid in full prior to or at the time of the filing of the appeal [application, or a waiver of such prior payment is granted]; laws, rules, or regulations provide for a waiver of prior payment due to financial hardship; the Tribunal grants a waiver of prior payment due to financial hardship; or the agency responsible for collecting payment of the fines or penalties imposed enters into a payment plan with the Respondent prior to or at the time of the filing of the appeal.

(1) An application to the Tribunal for a waiver of prior payment due to financial hardship must be made before or at the time of the filing of the appeal [application] and must be supported by evidence of financial hardship. The Chief Administrative Law Judge or his or her designee has the sole discretion to grant or deny a waiver due to financial hardship. Application for a waiver does not extend the time to appeal.

(2) Notwithstanding paragraph (1), payment of restitution is not subject to waiver due to financial hardship. If a Hearing Officer has ordered payment of restitution, the Respondent must, prior to or at the time of the filing of the appeal, submit proof that the Respondent has deposited the amount of restitution with the agency responsible for collecting payment pending determination of the appeal.

[(f)] (e) Appeals Decision.

(1) [The] When an appeal is filed, the Appeals Unit within the Tribunal will determine whether the facts contained in the findings of the Hearing Officer are supported by a preponderance of the evidence in the record, and whether the determinations of the Hearing Officer, as well as the penalties imposed, are supported by law. Except as provided in Sections 3-15, 5-04 and 5-05 of this title, the Appeals Unit has the power to affirm, reverse, remand or modify the decision appealed from.

(2) Except as provided in Sections 3-15, 5-04 and 5-05 of this Title, the Appeals Unit will promptly issue a written decision [affirming, reversing, remanding or modifying the decision appealed from]. Such decision is the final decision of the Tribunal, and judicial review of such decision may be sought pursuant to Article 78 of the CPLR. A copy of the decision will be delivered to the [petitioner] Petitioner and served on the [respondent] Respondent by mail, stating the grounds upon which the decision is based.

Where appropriate, the decision will order the repayment to the [respondent] Respondent of any penalty that has been paid. [(2) The decision of the Appeals Unit is the final determination of the Tribunal, except in the case of a violation arising under Article 13-E of the New York State Public Health Law, entitled "Regulation of Smoking in Certain Public Areas," in accordance with §3.12 of the New York City Health Code codified within Title 24 of the Rules of the City of New York.]

(3) For summonses returnable to the Board pursuant to §1049-a of the New York City Charter and provisions of the New York City Administrative Code, any rules and regulations made thereunder, or provisions of New York State law, any decision of the Appeals Unit is a recommended decision to the Board. The Board or a panel consisting of members thereof will review the recommended decision pursuant to §3-15 of this title.

**Section 75. Section 6-20 of Subchapter E of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-20 Defaults**

(a) A [respondent] Respondent who fails to appear or to make a request to reschedule as required by these rules will be deemed to have defaulted.

(b) Upon such default, without further notice to the [respondent] Respondent and without a hearing being held, all facts alleged in the [NOV] summons will be deemed admitted, the [respondent] Respondent will be found in violation[,] and the penalties authorized by applicable laws, rules and regulations will be applied.

(c) Decisions rendered because of a default will take effect immediately.

(d) The Tribunal will notify the [respondent] Respondent of the issuance of a default decision by mailing a copy of the decision or by providing a copy to the [respondent] Respondent or the [respondent's]

Respondent's representative who appears personally at the Tribunal and requests a copy.

(e) The [respondent] Respondent may make a motion in writing requesting that a default be vacated pursuant to §6-21 of this chapter.

**Section 76. Section 6-21 of Subchapter E of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-21 Request for a New Hearing after a Failure to Appear (Motion to Vacate a Default)**

(a) Form of Motion. A motion to vacate a default is a request by a Respondent for a new hearing after the Respondent did not appear. The Respondent must make this motion by application to the Tribunal on a form approved by the Tribunal. The motion must be dated, contain a current mailing address for the Respondent; explain how and when the Respondent learned of the violation and be certified to under the penalties of perjury. If the motion is made by an attorney or other representative, the motion must explain the relationship between the Respondent and the person making the motion.

(b) A first [request] motion to vacate a default by a [respondent] Respondent [for a new hearing after a failure to appear (also known as a "motion to vacate a default")] that is submitted within sixty (60) days of the mailing or hand delivery date of the default decision will be granted. A motion to vacate a default that is submitted by mail must be postmarked within sixty (60) days of the mailing or hand delivery date of the default decision.

[(b)] (c) A motion to vacate a default that is submitted after sixty (60) days of the date of the mailing or hand delivery date of the default decision must be filed within one (1) year of the date of the default decision and be accompanied by a statement setting forth a reasonable excuse for the Respondent's failure to appear and any documents to support the motion to vacate the default. The Hearing Officer will determine whether a new hearing will be granted.

[(c)] (d) Reasons for Failing to Appear. In determining whether a Respondent has shown a reasonable excuse for failing to appear at a hearing, the Hearing Officer will consider:

- (1) Whether circumstances that could not be reasonably foreseen prevented the respondent from attending the hearing;
- (2) Whether the respondent had an emergency or condition requiring immediate medical attention;
- (3) Whether the matter had been previously adjourned by the respondent;
- (4) Whether the respondent attempted to attend the hearing with reasonable diligence;
- (5) Whether the respondent's inability to attend the hearing was due to facts that were beyond the respondent's control;
- (6) Whether the respondent's failure to appear at the hearing can be attributed to the respondent's failure to maintain current contact information on file with the applicable licensing agency;
- (7) Whether the respondent has previously failed to appear in relation to the same NOV; and
- (8) Any other fact that the Tribunal considers to be relevant to the motion to vacate.]

Whether the summons was properly served pursuant to applicable law.

(2) Whether the Respondent was properly named, including but not limited to:

- (i) Whether the Respondent was cited generally as "Owner" or "Agent" on all copies of the summons served on the Respondent; or
- (ii) Whether the Respondent was an improper party when the summons was issued, such as:
  - (a) An individual who was deceased or legally incompetent on the hearing date upon which the Respondent did not appear; or
  - (b) For a premises-related violation, the Respondent was not the owner, agent, lessee, tenant occupant or person in charge of or in control of the place of occurrence on the date of the offense.

A decision to grant a motion to vacate a default is not a final decision on the issues of whether the Respondent was properly served or a proper party on the date of the offense.

- (3) Whether circumstances that could not be reasonably foreseen prevented the Respondent from attending the hearing.
- (4) Whether the Respondent had an emergency or condition requiring immediate medical attention.
- (5) Whether the matter had been previously adjourned by the Respondent.
- (6) Whether the Respondent attempted to attend the hearing with reasonable diligence.
- (7) Whether the Respondent's inability to attend the hearing was due to facts that were beyond the Respondent's control.
- (8) Whether the Respondent's failure to appear at the hearing can be attributed to the Respondent's failure to maintain current contact information on file with the applicable licensing agency.
- (9) Whether the Respondent has previously failed to appear in relation to the same summons.

(10) Any other fact that the Tribunal considers to be relevant to the motion to vacate.

[(d) A denial of a motion to vacate a default is a final agency determination and is not subject to review or appeal at the Tribunal.]

(e) If a motion to vacate a default has been previously granted, and a new default decision has been issued, a motion to vacate the second default decision in relation to the same [NOV] summons will not be granted [except that in exceptional circumstances and in order to avoid injustice,]. Notwithstanding the foregoing, the Chief Administrative Law Judge or his or her designee will have the discretion, in exceptional circumstances and in order to avoid injustice, to grant a request for a new hearing.

(f) [In exceptional circumstances and in order to avoid injustice, the] Except as otherwise stated in §5-03 of the title, the Chief Administrative Law Judge or his or her designee will have the discretion, in exceptional circumstances and in order to avoid injustice, to consider a [request for a new hearing] motion to vacate a default filed more than one (1) year from the date of the default decision.

(g) If a motion to vacate a default is granted, the Tribunal will send a notice to the Respondent at the Respondent's address provided on the motion. If the Respondent is deceased or legally incompetent, a notice will be sent to Respondent's representative at the address provided by the representative on the motion. Notice will also be sent to the Petitioner upon request. If the Respondent is unable to appear on the hearing date scheduled after such motion is granted, the Respondent may request that the hearing be rescheduled one (1) final time.

(h) If a motion to vacate a default is granted and the [respondent] Respondent has already made a full or partial payment, no request of a refund will be considered until after the hearing is completed and a decision issued.

(i) A denial of a motion to vacate a default is the Tribunal's final determination and is not subject to review or appeal at the Tribunal. Judicial review of the denial may be sought pursuant to Article 78 of the New York Civil Practice Law and Rules.

**Section 77. Section 6-23 of Subchapter F of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:**

**§6-23 Registered Representatives**

[(a)] Requirements. A representative, other than a family member or an attorney admitted to practice in New York State, who represents two or more Respondents before the Tribunal within a calendar year must:

- [(1)] (a) Be at least eighteen (18) years of age;
- [(2)] (b) Register with the Tribunal by completing and submitting a form provided by the Tribunal. The form must include proof acceptable to the Tribunal that identifies the representative, and must also include any other information that the Tribunal may require. Registration must be renewed annually. Failure to register with the Tribunal may result in the Tribunal declining registration in the future;
- [(3)] (c) Notify the Tribunal within ten (10) business days of any change in the information required on the registration form;
- [(4)] (d) Not misrepresent his or her qualifications or service so as to mislead people into believing the representative is an attorney at law or a governmental employee if the representative is not. A representative who is not an attorney admitted to practice must refer to him or herself as "representative" when appearing before the Tribunal;
- [(5)] (e) Exercise due diligence in learning and observing Tribunal rules and preparing paperwork; and
- [(6)] (f) Be subject to discipline, including but not limited to suspension or revocation of the representative's right to appear before the Tribunal, for failing to follow the provisions of this subdivision and any other rules [in this chapter] of the Tribunal. A list of representatives who have been suspended or barred from appearing may be made public.

**Section 78. Section 6-24 of Subchapter F of Chapter 6 of Title 48 of the Rules of the City of New York is renumbered as Section 6-25 and amended, and a new Section 6-24 is added, to read as follows:**

**§6-24 Pre-Hearing Notification of Schedule for Attorneys and Registered Representatives.**

(a) No attorney or registered representative may appear on fifteen (15) or more summonses on a given hearing date unless the attorney or registered representative emails or faxes in advance a written list of all scheduled cases to the Tribunal office in the borough where the cases are scheduled to be heard. This list must be sent no later than noon, two (2) business days before the scheduled hearing date.

(b) Cases may be added to this list on the day of the hearing at the discretion of the Tribunal.

**[(§6-24) §6-25 Misconduct**

(a) Prohibited Conduct. A party, witness, representative or attorney must not:

- (1) Engage in abusive, disorderly or delaying behavior, a breach of the peace or any other disturbance which directly

or indirectly tends to disrupt, obstruct or interrupt the proceedings at the Tribunal;

(2) Engage in any disruptive verbal conduct, action or gesture that a reasonable person would believe shows contempt or disrespect for the proceedings or that a reasonable person would believe to be intimidating;

(3) Willfully disregard the authority of the Hearing Officer or other Tribunal employee. This may include refusing to comply with the Hearing Officer's directions or behaving in a disorderly, delaying or obstructionist manner;

(4) Leave a hearing in progress without the permission of the Hearing Officer;

(5) Attempt to influence or offer or agree to attempt to influence any Hearing Officer or employee of the Tribunal by the use of threats, accusations, duress or coercion, a promise of advantage, or the bestowing or offer of any gift, favor or thing of value;

(6) Enter any area other than a public waiting area unless accompanied or authorized by a Tribunal employee. Upon conclusion of a hearing, a party, witness, representative or attorney must promptly exit non-public areas;

(7) Request any Tribunal clerical staff to perform tasks that are illegal, unreasonable or outside the scope of the employee's job duties;

(8) Operate any Tribunal computer terminal or other equipment at any time unless given express authorization or the equipment has been designated for use by the public;

(9) Submit a document, or present testimony or other evidence [in a proceeding before a Hearing Officer] to the Tribunal which he or she knows, or reasonably should have known, to be false, fraudulent or misleading;

(10) Induce or encourage anyone [in a proceeding before a Hearing Officer] to make a false statement to the Tribunal;

(11) Solicit clients, or cause the solicitation of client by another person on Tribunal premises;

(12) Make or cause to be made a stenographic, electronic, audio, audio-visual or other verbatim or photographic reproduction of any hearing or other proceeding, whether such hearing or other proceeding is conducted in person, by telephone, or other remote methods, except upon application to the Hearing Officer. This does not include copies of documents submitted to the Tribunal during a hearing including written or electronic statements and exhibits. Except as otherwise provided by law, such application must be addressed to [the discretion of] the Hearing Officer, who may deny the application or grant it in full, in part, or upon such conditions as the Hearing Officer deems necessary to preserve the decorum of the proceedings and to protect the interests of the parties, witnesses and any other concerned persons.

(b) Prohibited Communication

(1) All parties must be present when communications with Tribunal personnel, including a Hearing Officer, occur, except as necessary for case processing and unless otherwise permitted by these rules, on consent or in an emergency.

(2) All persons are prohibited from initiating communication with a Hearing Officer or other employee before or after a hearing or before or after a decision on motion, in order to attempt to influence the outcome of a hearing or decision on motion.

(c) Penalties for Misconduct

(1) Failure to abide by these rules constitutes misconduct. The Chief Administrative Law Judge or his or her designee may, for good cause, suspend or bar from appearing before the Tribunal an attorney or representative who fails to abide by these rules. The suspension may be either for a specified period of time or indefinitely until the attorney or representative demonstrates to the satisfaction of the Chief Administrative Law Judge or his or her designee that the basis for the suspension no longer exists.

(2) However, the Chief Administrative Law Judge or his or her designee may not act until after the attorney or representative is given notice and a reasonable opportunity to appear before the Chief Administrative Law Judge or his or her designee to rebut the claims against him or her. The Chief Administrative Law Judge or his or her designee, depending upon the nature of the conduct, will determine whether said appearance will be in person or by a remote method.

This section in no way limits the [power] powers of a Hearing Officer as set out in §6-13 of this chapter.

(d) Discipline on Other Grounds

(1) [The Chief Administrative Law Judge may, in addition to] Notwithstanding the provisions of subdivision (c) of this section, the Chief Administrative Law Judge may summarily suspend or bar a representative upon a determination that the representative lacks honesty and integrity and that the lack of honesty and integrity will adversely affect his or her

practice before the Tribunal.

(2) Any action pursuant to this subdivision will be on notice to the representative [and]. After the summary suspension or bar, the representative will be given an opportunity to be heard in a proceeding prescribed by the Chief Administrative Law Judge or his or her designee. Factors to be considered in determining whether a representative lacks honesty and integrity include, but [need not be] are not limited to, considering whether the representative has made false, misleading or inappropriate statements to parties or Tribunal staff.

(e) Judicial Review. The decision of the Chief Administrative Law Judge or his or her designee under subdivision (c) or (d) of this section constitutes a final [agency action] determination. Judicial review of the decision may be sought pursuant to Article 78 of the New York Civil Practice Law and Rules.

**Section 79. Subchapter F of Chapter 6 of Title 48 of the Rules of the City of New York is amended to add three new sections after Section 6-25 to read as follows:**

**§6-26 Request for a New Hearing Due to Unauthorized Representation.**

Notwithstanding any other provision of these rules, a party may, within three (3) years after a decision pursuant to a hearing has become final, move to vacate the decision on the grounds that the person who appeared on the party's behalf at the hearing was not authorized to do so. Upon a determination that the person who appeared was not authorized to represent the party, the Tribunal may vacate the decision and schedule a new hearing. In exceptional circumstances and in order to avoid injustice, the Tribunal will have the discretion to grant a motion to vacate a decision after the three (3) year period has lapsed.

**§ 6-27 Defense Based on Sovereign or Diplomatic Immunity**

(a) A Respondent may present a defense based on sovereign or diplomatic immunity:

(1) in a written submission received no later than seven (7) business days before the hearing date stated on the summons, in which the Respondent may admit or deny the violation charged and the Tribunal will assign the matter to a Hearing Officer; or

(2) at a hearing orally or in writing, but only if an attorney or authorized representative of the Petitioner is present at the hearing or if the Respondent at that time consents to an adjournment of the hearing; or

(3) in a response submitted in any case in which adjudication by remote method is allowed pursuant to § 6-10.

(b) Upon presentation of a defense based on sovereign or diplomatic immunity, the Hearing Officer must issue an order:

(1) adjourning the hearing for no less than thirty (30) and no more than sixty (60) days;

(2) setting forth in detail the violations alleged in the summons; and  
(3) giving notice to the City entity charged with serving as the official liaison with foreign governments ("liaison") that the Respondent has presented a defense based on sovereign or diplomatic immunity, in which event the Tribunal will promptly serve such order to such liaison.

(c) After an adjournment is granted under subdivision (b), either party may request to extend the time period of the adjournment. The Hearing Officer must grant such request if it is accompanied by a written submission from the liaison indicating more time is necessary for the parties to resolve the matter.

(d) (1) At a hearing held following an adjournment granted pursuant to subdivision (b), the Hearing Officer must issue a determination whether or not the Respondent is entitled to sovereign or diplomatic immunity.

(2) If the Hearing Officer determines that the Respondent is entitled to sovereign or diplomatic immunity, he or she must dismiss the summons without a determination of the Respondent's liability.

(3) If the Hearing Officer rejects the defense of sovereign or diplomatic immunity, a hearing on the violation must be conducted pursuant to the rules governing hearings in this chapter.

**§ 6-28 Application to File a Post-Hearing Agreement.**

A written application to file a post-hearing agreement must be made jointly and with the consent of all the parties to a matter. Such applications must be made to the designated Deputy Commissioner of OATH, or his or her designee as approved by the Chief Administrative Law Judge. The post-hearing agreement will not amend the Hearing Officer's final written decision and when filed, will become part of the record.

NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028

CERTIFICATION PURSUANT TO
CHARTER §1043(d)

RULE TITLE: Amendment of Rules of Procedure of Trials and
Hearings divisions

REFERENCE NUMBER: 2015 RG 112

RULEMAKING AGENCY: Office of Administrative Trials and
Hearings (OATH)

I certify that this office has reviewed the above-referenced
proposed rule as required by Section 1043(d) of the New York City
Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing
provisions of law;
(ii) is not in conflict with other applicable rules;
(iii) to the extent practicable and appropriate, is narrowly drawn
to achieve its stated purpose; and
(iv) to the extent practicable and appropriate, contains a
statement of basis and purpose that provides a clear
explanation of the rule and the requirements imposed by the
rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: March 21, 2016

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400

CERTIFICATION/ANALYSIS
PURSUANT TO CHARTER Section 1043(d)

RULE TITLE: Amendment of Rules of Procedure of Trials and
Hearings divisions

REFERENCE NUMBER: OATH-ECB-65

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

I certify that this office has analyzed the proposed rule referenced
above as required by Section 1043(d) of the New York City Charter, and
that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the
discrete regulated community or communities;
(ii) Minimizes compliance costs for the discrete regulated
community or communities consistent with achieving the
stated purpose of the rule; and
(iii) Does not provide a cure period because it does not establish a
violation, modification of a violation, or modification of the
penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

March 21, 2016
Date

◀ a15

BUILDINGS

■ NOTICE

Statement of Substantial Need for Earlier Implementation

I hereby find, pursuant to §1043(f)(1)(c) of the New York City Charter,
and hereby represent to the Mayor, that there is substantial need for
the implementation of the amendment to Section 102-01, subdivision
(j), of Title 1 of the Rules of the City of New York ("RCNY") regarding
the classification of certain violations related to the safe operation of
construction equipment.

Construction safety is a critical concern for the Department. Therefore,
this rule seeks to enhance safety at construction projects by adding two
new violation classifications that will enable the Department to more
effectively enforce Commissioner's Orders related to the safe operation
of construction equipment.

/s/
Rick D. Chandler, P.E.
Commissioner
Department of Buildings

APPROVED: /s/
Bill de Blasio
Mayor

DATE: 4/7/16

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested
in the Commissioner of the Department of Buildings by Section 643
of the New York City Charter and in accordance with Section 1043
of the Charter, that the Department of Buildings hereby adopts the
amendments to Subdivision (j) of Section 102-01 of Chapter 100 of
Title 1 of the Official Compilation of the Rules of the City of New York,
regarding the classification of certain violations.

This rule was first published on February 23, 2016, and a public
hearing thereon was held on March 24, 2016.

Dated: 4/7/16 /s/
New York, NY Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose of Rule

In order to encourage swift and decisive compliance with safety-related
orders and other laws and rules at construction sites, the Department
of Buildings is adding two new violation classifications and amending
another. The new classifications enable the Department to help
ensure public safety and more effectively enforce the laws, rules and
Commissioner's orders related to the safe operation of construction
equipment. The Department is also amending one violation section
and description by deleting a reference to a section that was repealed
by Local Law 33 of 2007 and by clarifying two words that had been
abbreviated.

The Department of Buildings' authority for these rules is found in
Sections 643 and 1043 of the New York City Charter and Section 28-
201.2 of the New York City Administrative Code.

New material is underlined.
[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used
interchangeably in the rules of this department, unless otherwise
specified or unless the context clearly indicates otherwise.

Subdivision (j) of Section 102-01 Subchapter B of Chapter
100 of Title 1 of the Rules of the City of New York is amended
by adding, in numerical order by section of law, two new
entries relating to Section 28-201.1 of the New York City
Administrative Code, and by amending the entry relating to
Sections "BC 3316.2 & BC 3319.1 & 27-1054", to read as follows:

Table with 3 columns: Section of Law, Classification, Violation Description. Rows include 28-201.1 Class 1, 28-201.1 Class 2, and BC 3316.2 & BC 3319.1 [ & 27-1054] Class 1.

◀ a15

ENVIRONMENTAL CONTROL BOARD

■ NOTICE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY
VESTED in the Environmental Control Board (ECB) in accordance
with Sections 1049-a and 1043 of the New York City Charter and
Section 28-202.1 of the New York City Administrative Code. The ECB
has amended its Department of Buildings (DOB) Penalty Schedule.
This schedule is found in Section 3-103 of Subchapter G of Chapter 3 of
Title 48 of the Rules of the City of New York. It contains penalties for
notices of violation issued by the New York City DOB. The proposed
rule was published in The City Record on February 29, 2016, and a
public hearing was held on March 30, 2016.

**Statement of Basis and Purpose of Final Rule**

The New York City Environmental Control Board (“ECB”) has modified the ECB Buildings Penalty Schedule to reflect the 2014 updates to the NYC Construction Codes and to more clearly and effectively allow the New York City Department of Buildings (“DOB”) to enforce particular sections of law. The ECB held a public hearing on March 30, 2016, regarding amendments to its Department of Buildings Penalty Schedule found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York.

This modification to the penalty schedule adds two new infractions and

amends three existing infractions. The new infractions enable DOB to effectively enforce Commissioner’s Orders relating to the safe operation of construction equipment and other matters that ensure public safety. The amendments increase the penalties for inadequate safety measures during crane, derrick or other hoisting operations and for failure to safeguard all persons and property affected by construction operations, promoting DOB’s zero tolerance policy for abuses of public safety regulations.

[Deleted material is in brackets.]  
New material is underlined.

**Section 1. The Environmental Control Board proposes to amend its DOB Penalty Schedule, found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, by adding, in numerical order, new entries relating to Section 28-201.1 of the New York City Administrative Code, to read as follows:**

| Section of Law | Classification | Violation Description  | Cure | Stipulation | Standard Penalty (\$) | Mitigated Penalty (\$) | Default Penalty (\$) | Aggravated I Penalty (\$) | Aggravated I Default Penalty (\$) | Aggravated II Penalty (\$) | Aggravated II Default - Maximum Penalty (\$) |
|----------------|----------------|--|------|-------------|-----------------------|------------------------|----------------------|---------------------------|-----------------------------------|----------------------------|--|
| 28-201.1       | Class 1        | <u>Unlawful Acts. Failure to comply with a law, rule or Commissioner’s Order involving construction and/or equipment safety operations</u> | No   | No          | \$10,000              | No                     | \$25,000             | \$25,000                  | \$25,000                          | \$25,000                   | \$25,000                                     |
| 28-201.1       | Class 2        | <u>Unlawful Acts. Failure to comply with a law, rule or Commissioner’s Order involving construction and/or equipment safety operations</u> | No   | No          | \$5,000               | No                     | \$10,000             | \$10,000                  | \$10,000                          | \$10,000                   | \$10,000                                     |

**§ 2. The Environmental Control Board proposes to amend entries in its DOB Penalty Schedule, found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, for NYC Admin. Code BC 3316.2 & BC 3319.1 & 27-1054, Inadequate safety measures: Operation of crane/derrick/hoisting equipment in unsafe manner, and both classes 1 and 2 of NYC Admin. Code BC 3301.2 & 27-1009(a), Failure to safeguard all persons and property affected by construction operations, to read as follows:**

| Section of Law                     | Classification | Violation Description  | Cure | Stipulation | Standard Penalty (\$)    | Mitigated Penalty (\$) | Default Penalty (\$)       | Aggravated I Penalty (\$)  | Aggravated I Default Penalty (\$) | Aggravated II Penalty (\$) | Aggravated II Default - Maximum Penalty (\$) |
|------------------------------------|----------------|--|------|-------------|--------------------------|------------------------|----------------------------|----------------------------|-----------------------------------|----------------------------|--|
| BC 3316.2 & BC 3319.1 [ & 27-1054] | Class 1        | Inadequate safety measures: [Oper’n] <u>Operation of crane/derrick/hoisting [equip] equipment in unsafe manner</u> | No   | No          | [\$4800] <u>\$10,000</u> | No                     | [\$24,000] <u>\$25,000</u> | [\$12,000] <u>\$25,000</u> | \$25,000                          | [\$24,000] <u>\$25,000</u> | \$25,000                                     |
| BC 3301.2 [ & 27-1009(a)]          | Class 1        | Failure to safeguard all persons and property affected by construction operations.                                 | No   | No          | [\$2400] <u>\$10,000</u> | No                     | [\$12000] <u>\$25,000</u>  | [\$6000] <u>\$25,000</u>   | [\$24000] <u>\$25,000</u>         | [\$12000] <u>\$25,000</u>  | \$25,000                                     |
| BC 3301.2 [ & 27-1009(a)]          | Class 2        | Failure to safeguard all persons and property affected by construction operations.                                 | No   | No          | [\$1200] <u>\$5,000</u>  | No                     | [\$6000] <u>\$10,000</u>   | [\$3000] <u>\$10,000</u>   | \$10,000                          | [\$6000] <u>\$10,000</u>   | \$10,000                                     |

**FINDING OF SUBSTANTIAL NEED FOR EARLIER IMPLEMENTATION**

I hereby find, and represent to the Mayor, that there is a substantial need for the implementation, immediately upon its final publication in The City Record, of the new Office of Administrative Trials and Hearings (OATH) rules that create and amend penalties for offenses Relating to failure to comply with safety-related orders and other regulations at construction sites.

This declaration is made pursuant to Section 1043, Subdivision f,

Paragraph 1(c) of the City Charter. Summonses alleging violations of this law are issued pursuant to Section 28-201.1 and Building Code 3316.2 and 3319.1 of Title 28 of the New York City Administrative Code (Code). These summonses are heard and decided by the Environmental Control Board, a division of OATH, pursuant to Sections 1048 and 1049-a of the Charter and Chapter 3 of Title 48 of the Rules of the City of New York (RCNY).

This rule will add two new infractions and amend three existing infractions. The new infractions will enable the Department of

Buildings (DOB) to more effectively enforce Commissioner’s Orders relating to the safe operation of construction equipment and other matters that ensure the safety of public and property. The amendments increase the penalties for inadequate safety measures during crane, derrick or other hoisting operations.

By increasing penalties for safety-related infractions, the DOB intends to convey the seriousness of these offenses. It also seeks to help promote a zero tolerance policy for work, property and public safety regulation abuses.

Based on the seriousness of the charges involved, there is a substantial need for bringing this rule into effect immediately upon publication in The City Record.

/s/ Fidel F. Del Valle  
Fidel F. Del Valle, Commissioner  
Chief Administrative Law Judge, OATH  
Chairperson and Executive Director, ECB

APPROVED: /s/ Bill de Blasio  
Bill de Blasio  
Mayor

DATE: 4/7/16

◀ a15

■ PUBLIC HEARINGS

**Notice of Public Hearing and Opportunity to Comment on Proposed Rule**

**What are we proposing?** The Environmental Control Board (ECB) proposes to amend 48 RCNY §3-100 of its rules of procedure and repeal its Air Code Penalty Schedule. This schedule is found in Section 3-102 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, and contains penalties for notices of violation issued by the New York City Department of Environmental Protection (DEP) for violations of the Air Code. The proposed changes will allow hearing officers to impose penalties pursuant to penalty schedules contained in enforcement agency rules.

**When and where is the hearing?** ECB will hold a public hearing on the proposed rule. The public hearing will take place at **10:30 A.M.** on **May 16, 2016**. The hearing will be in the ECB Conference Room located at 66 John Street, 10th Floor, New York, NY 10038.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rule by:

- **Website.** You can submit comments to the ECB through the NYC rules website at <http://rules.cityofnewyork.us/>.
- **Email.** You can email written comments to Rules\_Oath@oath.nyc.gov.
- **Mail.** You can mail written comments to ECB, Attention: Counsel to the Board, ECB, c/o Helaine Balsam, 100 Church Street, 12th Floor, New York, NY 10007.
- **Fax.** You can fax written comments to ECB at (212) 361-1900.
- **Hearing.** You can speak at the hearing. Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Elizabeth Nolan at (212) 436-0708, or you can also sign up in the hearing room before the hearing begins on May 16, 2016. You can speak for up to three (3) minutes.

**Is there a deadline to submit written comments?** You may submit written comments up to May 16, 2016.

**What if I need assistance to participate in the hearing?** You must tell us if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 436-0708. You must tell us by May 9, 2016.

**Can I review the comments made on the proposed rule?** You can review the comments that have been submitted online by visiting the NYC rules website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at ECB, 66 John Street, New York, NY 10038.

**What authorizes ECB to make this rule?** Sections 1049-a of the City Charter authorizes ECB to make this proposed rule. This proposed rule was not included in ECB’s regulatory agenda for this Fiscal Year because it was not contemplated when ECB published the agenda.

**Where can I find the ECB’s rules?** ECB’s rules are in Title 48 of the Rules of the City of New York.

**What rules govern the rulemaking process?** ECB must meet the requirements of Section 1043(b) of the City Charter when creating or changing rules. This notice is made according to the requirements of Sections 1043(b) and 1049-a of the City Charter.

**Statement of Basis and Purpose of Proposed Rule**

The Office of Administrative Trials and Hearings’ Environmental Control Board (OATH ECB) is centralizing and streamlining its hearings to make it more efficient for the public to have their cases heard. As part of this process, OATH ECB is proposing to amend 48 RCNY §3-100, which instructs Hearing Officers to impose penalties set forth in OATH ECB’s rules, to instruct Hearing Officers to impose penalties set forth in the current or future rules of enforcement agencies.

In addition, OATH ECB is repealing its Air Code Penalty Schedule. This schedule is found in 48 RCNY §3-102, and contains penalties for summonses issued by the New York City Department of Environmental Protection (DEP) for violations of the Air Code. At the same time, DEP will also enact a penalty schedule within its own rules at 15 RCNY Chapter 43. In the future, OATH ECB will repeal all penalty schedules in its rules at Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) so that they, like the Air Code Penalty Schedule, can be relocated to the rules of the agencies with primary rulemaking and policymaking jurisdiction over the laws underlying the violations.

Although OATH ECB is empowered to impose penalties under the New York City Charter and has until now promulgated penalty schedules, the enforcement agencies have the expertise to recommend appropriate penalties based on the severity of each violation and its effect on City residents. Moving the penalty schedule will also make it easier for the public to find the penalties, which will be located within the same chapter as the rules supporting the violations alleged in the summonses. Finally, the proposed rule repeal will speed up the rulemaking process by eliminating the need for OATH ECB approval of proposed or amended penalties for agency rules that have already gone through the City Administrative Procedure Act (“CAPA”) rulemaking process. The public will still have the opportunity to comment on proposed penalties during this process.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise

**Section 1. Section 3-100 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended to read as follows:**

Whenever a respondent is found in violation of any [of the following provisions] provision of the New York City Administrative Code, Rules of the City of New York, New York City Health Code, New York State Public Health Law, New York Codes, Rules and Regulations, New York City Zoning Resolution, New York State Vehicle and Traffic Law, or New York State Environmental Conservation Law, and the summons (as defined in §6-01 of this Title) for such violation is returnable to the Environmental Control Board, any civil [penalties] penalty recommended by a Hearing Officer pursuant to §3-57(a) [and/or], any default [penalties] penalty imposed pursuant to §3-81(a) and in accordance with §1049-a(d)(1)(d) of the Charter, and[or] any civil [penalties] penalty imposed for admissions of violation(s) pursuant to §3-32 or late admissions pursuant to §3-81(b) will be imposed pursuant to the [penalty schedules] Penalty Schedules set forth below. If no Penalty Schedule is contained in these rules, any such civil penalty and default penalty will be imposed pursuant to the Penalty Schedule contained in the rules of the agency with primary jurisdiction to enforce the provisions of law related to the violation alleged in the summons.

Please note that some of the penalties in the Penalty Schedules set forth below are established by law as flat penalties. Thus, for some of the penalties set forth below, no range of dollar amounts is set forth in

the Administrative Code or other applicable law. However, solely for the convenience of the public, these flat penalties are included in the Penalty Schedules set forth below, to ensure, to the extent possible, that these Penalty Schedules are comprehensive.

§ 2. The Air Code Penalty Schedule, found in Section 3-102 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, is REPEALED, effective May 6, 2016.

NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028

CERTIFICATION PURSUANT TO  
CHARTER §1043(d)

**RULE TITLE:** Penalty Determinations by Hearing Officers of Environmental Control Board; Repeal of Air Code Penalty Schedule of Environmental Control Board

**REFERENCE NUMBER:** 2016 RG 025

**RULEMAKING AGENCY:** Environmental Control Board

I certify that this office has reviewed the above-referenced proposed rule as required by Section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- i. is drafted so as to accomplish the purpose of the authorizing provisions of law;
- ii. is not in conflict with other applicable rules;
- iii. to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- iv. to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: March 28, 2016

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400

CERTIFICATION/ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)

**RULE TITLE:** Penalty Determinations by Hearing Officers of Environmental Control Board; Repeal of Air Code Penalty Schedule of Environmental Control Board

**REFERENCE NUMBER:** OATH ECB-67

**RULEMAKING AGENCY:** Office of Administrative Trials and Hearings

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ [Stephen Narloch]  
Mayor's Office of Operations

[March 28, 2016]  
Date

## SPECIAL MATERIALS

### CITY PLANNING

#### ■ NOTICE

#### FORMULATION of the PROPOSED 2017 CONSOLIDATED PLAN ONE-YEAR ACTION PLAN

TO ALL INTERESTED AGENCIES, COMMUNITY BOARDS, GROUPS, AND PERSONS:

In accordance with 24 CFR 91.105 of the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan regulations regarding citizen participation, the Department of City Planning, along with the agencies responsible for implementing the City of New York's *Consolidated Plan* have scheduled a:

**Public Hearing on the Formulation of the Proposed 2017 Consolidated Plan: One-Year Action Plan.**  
**Wednesday, April 20, 2016, 2:30 P.M. to 4:00 P.M.**  
**Spector Hall, Department of City Planning, 22 Reade Street, Manhattan**

The *Proposed Consolidated Plan* is required by the United States Department of Housing and Urban Development (HUD). It consolidates the statutory requirements of the Cranston-Gonzalez Housing Act's Comprehensive Housing Affordability Strategy, and the City's annual application for the four HUD Office of Community Planning and Development's entitlement programs: Community Development Block Grant (CDBG), HOME Investment Partnership, Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

The Proposed Action Plan serves not only as the City's application for the funds, but also as the HOPWA grant application for the New York HOPWA Eligible Metropolitan Statistical Area (HOPWA EMSA). The HOPWA EMSA is comprised of the five boroughs of the City of New York plus three upstate New York counties (Westchester, Rockland and Orange), as well as three counties in central New Jersey: Middlesex, Monmouth and Ocean, respectively. The County of Westchester administers the HOPWA funds for the cities of Mount Vernon, New Rochelle, and Yonkers which are incorporated within its boundaries.

The Public Hearing has been scheduled to obtain comments on the formulation of the document and on the City's use of Federal funds to address housing, services for the homeless, supportive housing service and community development needs, and the development of proposed activities. Another purpose of this session is to answer and discuss questions concerning the *Proposed 2017 Consolidated Plan: One Year Action Plan*. In addition, at this forum, agency representatives will receive comments on the City's performance of Consolidated Plan activities in 2015.

Questions concerning New York City's Consolidated Plan should be sent to Charles V. Sorrentino, the New York City Consolidated Plan Coordinator, the Department of City Planning, 22 Reade Street, 4N, New York, NY 10007, or call (212) 720-3337.

Public comments regarding the *Proposed 2017 Consolidated Plan One-Year Action Plan* may be submitted in a MS Word or Adobe PDF file to: Con-PlanNYC@planning.nyc.gov.

The City of New York  
Bill de Blasio, Mayor  
Carl Weisbrod, Director, Department of City Planning

**CITYWIDE ADMINISTRATIVE SERVICES**

■ NOTICE

**OFFICIAL FUEL PRICE SCHEDULE NO. 7697  
FUEL OIL AND KEROSENE**

| CONTR. NO. | ITEM NO. | FUEL/OIL TYPE |            | VENDOR                | CHANGE       | PRICE EFF. 4/11/2016    |
|------------|----------|---------------|------------|-----------------------|--------------|-------------------------|
| 3187251    | 11.0     | #1DULS        | >=80%      | CITY WIDE BY TW       | SPRAGUE      | -0.282 GAL. 1.9151 GAL. |
| 3187251    | 12.0     | B100          | B100 <=20% | CITY WIDE BY TW       | SPRAGUE      | -0.282 GAL. 3.1809 GAL. |
| 3187251    | 13.0     | #1DULS        | >=80%      | P/U                   | SPRAGUE      | -0.282 GAL. 1.8308 GAL. |
| 3187251    | 14.0     | B100          | B100 <=20% | P/U                   | SPRAGUE      | -0.282 GAL. 3.0965 GAL. |
| 3387022    | 15.1     | #2DULS        |            | BARGE MTF III & ST.   | SPRAGUE      | -0.462 GAL. 1.3642 GAL. |
| 3587137    | 1.1      | #2DULS        |            | CITY WIDE BY DELIVERY | SPRAGUE      | -0.462 GAL. 1.2683 GAL. |
| 3587137    | 2.1      | #2DULS        |            | P/U                   | SPRAGUE      | -0.462 GAL. 1.2268 GAL. |
| 3587137    | 3.1      | #2DULS        | Winterized | CITY WIDE BY DELIVERY | SPRAGUE      | -0.462 GAL. 1.2838 GAL. |
| 3587137    | 4.1      | #2DULS        | Winterized | P/U                   | SPRAGUE      | -0.462 GAL. 1.2468 GAL. |
| 3587137    | 7.1      | #2DULS        | >=80%      | CITY WIDE BY DELIVERY | SPRAGUE      | -0.462 GAL. 1.2761 GAL. |
| 3587137    | 8.1      | B100          | B100<=20%  | CITY WIDE BY DELIVERY | SPRAGUE      | -0.462 GAL. 1.4133 GAL. |
| 3587137    | 9.1      | #2DULS        | >=80%      | P/U                   | SPRAGUE      | -0.462 GAL. 1.2368 GAL. |
| 3587137    | 10.1     | B100          | B100<=20%  | P/U                   | SPRAGUE      | -0.462 GAL. 1.3703 GAL. |
| 3387090    | 1.1      | JET           |            | FLOYD BENNETT         | SPRAGUE      | -0.285 GAL. 1.8035 GAL. |
| 3587289    | 2.0      | #4B5          |            | MANHATTAN             | UNITED METRO | -0.263 GAL. 1.2937 GAL. |
| 3587289    | 5.0      | #4B5          |            | BRONX                 | UNITED METRO | -0.263 GAL. 1.2925 GAL. |
| 3587289    | 8.0      | #4B5          |            | BROOKLYN              | UNITED METRO | -0.263 GAL. 1.2867 GAL. |
| 3587289    | 11.0     | #4B5          |            | QUEENS                | UNITED METRO | -0.263 GAL. 1.2920 GAL. |
| 3587289    | 14.0     | #4B5          |            | RICHMOND              | UNITED METRO | -0.263 GAL. 1.3774 GAL. |
| 3687007    | 1.0      | #2B5          |            | MANHATTAN             | SPRAGUE      | -0.382 GAL. 1.2938 GAL. |
| 3687007    | 4.0      | #2B5          |            | BRONX                 | SPRAGUE      | -0.382 GAL. 1.2828 GAL. |
| 3687007    | 7.0      | #2B5          |            | BROOKLYN              | SPRAGUE      | -0.382 GAL. 1.2995 GAL. |
| 3687007    | 10.0     | #2B5          |            | QUEENS                | SPRAGUE      | -0.382 GAL. 1.2957 GAL. |
| 3687007    | 13.0     | #2B5          |            | RICHMOND              | SPRAGUE      | -0.382 GAL. 1.4601 GAL. |
| 3687007    | 16.0     | #2B10         |            | CITY WIDE BY TW       | SPRAGUE      | -0.373 GAL. 1.4935 GAL. |
| 3687007    | 17.0     | #2B20         |            | CITY WIDE BY TW       | SPRAGUE      | -0.355 GAL. 1.5974 GAL. |

**NOTE:**

|         |           |                               |  |                 |         |                         |
|---------|-----------|-------------------------------|--|-----------------|---------|-------------------------|
| 3587137 | #2DULSB5  | 95% ITEM 7.1 & 5% ITEM 8.1    |  | CITY WIDE BY TW | SPRAGUE | -0.462 GAL. 1.2830 GAL. |
| 3587137 | #2DULSB20 | 80% ITEM 7.1 & 20% ITEM 8.1   |  | CITY WIDE BY TW | SPRAGUE | -0.462 GAL. 1.3035 GAL. |
| 3587137 | #2DULSB5  | 95% ITEM 9.1 & 5% ITEM 10.1   |  | P/U             | SPRAGUE | -0.462 GAL. 1.2435 GAL. |
| 3587137 | #2DULSB20 | 80% ITEM 9.1 & 20% ITEM 10.1  |  | P/U             | SPRAGUE | -0.462 GAL. 1.2635 GAL. |
| 3187251 | #1DULSB20 | 80% ITEM 11.0 & 20% ITEM 12.0 |  | CITY WIDE BY TW | SPRAGUE | -0.282 GAL. 2.1683 GAL. |
| 3187251 | #1DULSB20 | 80% ITEM 13.0 & 20% ITEM 14.0 |  | P/U             | SPRAGUE | -0.282 GAL. 2.0839 GAL. |

**OFFICIAL FUEL PRICE SCHEDULE NO. 7698  
FUEL OIL, PRIME AND START**

| CONTR. NO. | ITEM NO. | FUEL/OIL TYPE |  | VENDOR                | CHANGE                | PRICE EFF. 4/11/2016    |
|------------|----------|---------------|--|-----------------------|-----------------------|-------------------------|
| 3487119    | 1.0      | #2B5          |  | MANHATTAN             | PACIFIC ENERGY        | -0.438 GAL. 1.4692 GAL. |
| 3487119    | 79.0     | #2B5          |  | BRONX & MANH CD 10    | PACIFIC ENERGY        | -0.438 GAL. 1.4692 GAL. |
| 3487119    | 157.0    | #2B5          |  | BKLYN, QUEENS, SI     | PACIFIC ENERGY        | -0.438 GAL. 1.4692 GAL. |
| 3487120    | 235.0    | #4B5          |  | CITY WIDE BY DELIVERY | F & S PETROLEUM Corp. | -0.423 GAL. 1.5331 GAL. |

**OFFICIAL FUEL PRICE SCHEDULE NO. 7699  
FUEL OIL AND REPAIRS**

| CONTR. NO. | ITEM NO. | FUEL/OIL TYPE    |  | VENDOR                | CHANGE           | PRICE EFF. 4/11/2016     |
|------------|----------|------------------|--|-----------------------|------------------|--------------------------|
| 3487034    | 1.0      | #2B5             |  | MANHATTAN & BRONX     | SJ FUEL Co. Inc. | -0.0438 GAL. 1.2120 GAL. |
| 3487034    | 80.0     | #2B5             |  | BKLYN, QUEENS, SI     | SJ FUEL Co. Inc. | -0.0438 GAL. 1.3470 GAL. |
| 3487034    | 156.0    | #4B5 HEATING OIL |  | CITY WIDE BY DELIVERY | SJ FUEL Co. Inc. | -0.0263 GAL. 1.2838 GAL. |

OFFICIAL FUEL PRICE SCHEDULE NO. 7700  
GASOLINE

| CONTR. NO. | ITEM NO. | FUEL/OIL TYPE |                       | VENDOR  | CHANGE     | PRICE EFF. 4/11/2016 |
|------------|----------|---------------|-----------------------|---------|------------|----------------------|
| 3187093    | 2.0      | PREM UL       | CITY WIDE BY TW       | SPRAGUE | -.0268 GAL | 1.5915 GAL.          |
| 3187093    | 4.0      | PREM UL       | P/U                   | SPRAGUE | -.0268 GAL | 1.5124 GAL.          |
| 3187093    | 1.0      | REG UL        | CITY WIDE BY TW       | SPRAGUE | -.0333 GAL | 1.4760 GAL.          |
| 3187093    | 3.0      | REG UL        | P/U                   | SPRAGUE | -.0333 GAL | 1.3999 GAL.          |
| 3187093    | 5.0      | E70           | CITY WIDE BY DELIVERY | SPRAGUE | .0209 GAL  | 1.6260 GAL.          |

**NOTE:**

The National Oilheat Research Alliance (NORA) will resume full operations in 2015 with the fee expanding to #4 heating oil. This fee will apply to heating oil invoices only. The fee collections began January 1, 2015. All other terms and conditions of these awards remain the same. Please contact this office if you have any questions.

The Bio-Diesel Blender Tax Credit was reinstated for 2014. As of January 1, 2015, the Bio-Diesel Blender Tax Credit has been rescinded for \$1.00 per gallon on B100. Therefore, for deliveries after January 1, 2015, the contractor will be collecting additional fees which will be shown as a separate line item on the invoice. The additional fee for items will range from \$0.05 for B5 to \$0.20 for B20 per gallon, varying on the percentage of biodiesel to be used. Should the tax credit be extended, this additional fee will be discontinued and removed from the invoice.

Federal excise taxes are imposed on taxable fuels, (i.e., gasoline, kerosene, and diesel), when removed from a taxable fuel terminal. This fuel excise tax does not include Leaking Underground Storage Tank (LUST) tax. LUST tax applies to motor fuels for both diesel and gasoline invoices. Going forward, LUST Tax will appear as an additional fee at the rate of \$0.001 per gallon and will be shown as a separate line item on your invoice.

**REMINDER FOR ALL AGENCIES:**

Please send inspection copy of receiving report for all gasoline (E70, UL & PREM) delivered by tank wagon to OCP/Bureau of Quality Assurance (BQA), 1 Centre Street, 18th Floor, New York, NY 10007.

◀ a15

**HOUSING PRESERVATION AND DEVELOPMENT**

■ NOTICE

**REQUEST FOR COMMENT  
REGARDING AN APPLICATION FOR A  
CERTIFICATION OF NO HARASSMENT**

Notice Date: April 8, 2016

To: Occupants, Former Occupants, and Other Interested Parties

| Property: Address                            | Application # | Inquiry Period            |
|--|---------------|---------------------------|
| 87 West 119 <sup>th</sup> Street, Manhattan  | 37/16         | March 8, 2013 to Present  |
| 340 West 46 <sup>th</sup> Street, Manhattan  | 40/16         | March 18, 2013 to Present |
| 19 West 128 <sup>th</sup> Street, Manhattan  | 41/16         | March 18, 2013 to Present |
| 8 Convent Avenue, Manhattan                  | 42/16         | March 18, 2013 to Present |
| 148 West 136 <sup>th</sup> Street, Manhattan | 43/16         | March 21, 2013 to Present |
| 256 West 75 <sup>th</sup> Street, Manhattan  | 47/16         | March 28, 2013 to Present |
| 135 St. James Place, Brooklyn                | 35/16         | March 1, 2013 to Present  |
| 103 Vernon Avenue, Brooklyn                  | 36/16         | March 2, 2013 to Present  |
| 896 Park Place, Brooklyn                     | 39/16         | March 17, 2013 to Present |
| 1239 Pacific Street, Brooklyn                | 44/16         | March 23, 2013 to Present |

Authority: SRO, Administrative Code §27-2093

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038 by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made

within the same period. To schedule an appointment for an in-person statement, please call (212) 863-5277 or (212) 863-8211.

a8-18

**REQUEST FOR COMMENT  
REGARDING AN APPLICATION FOR A  
CERTIFICATION OF NO HARASSMENT**

Notice Date: April 8, 2016

To: Occupants, Former Occupants, and Other Interested Parties

| Property: Address                           | Application # | Inquiry Period            |
|---|---------------|---------------------------|
| 340 West 46 <sup>th</sup> Street, Manhattan | 40/16         | March 18, 2001 to Present |

Authority: Special Clinton District, Zoning Resolution §96-110

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038 by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call (212) 863-5277 or (212) 863-8211.

a8-18

**REQUEST FOR COMMENT  
REGARDING AN APPLICATION FOR A  
CERTIFICATION OF NO HARASSMENT**

Notice Date: April 8, 2016

To: Occupants, Former Occupants, and Other Interested Parties

| Property: Address          | Application # | Inquiry Period             |
|----------------------------|---------------|----------------------------|
| 69 Engert Avenue, Brooklyn | 38/16         | October 4, 2004 to Present |

Authority: Greenpoint-Williamsburg Anti-Harassment Area, Zoning Resolution §§23-013, 93-90

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038 by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period.

a8-18

MAYOR'S OFFICE OF CONTRACT SERVICES

NOTICE

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2016 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2016 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Correction
Description of services sought: Professional Services/It Related to provide a Victim Information Notification System for the Department of Correction
Start date of the proposed contract: 7/1/2016
End date of the proposed contract: 6/30/2019
Method of solicitation the agency intends to utilize: Sole Source
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

a15

Notice of Intent to Extend Contract(s) Not Included in FY 2016 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be entering into the following extension(s) of (a) contract(s) not included in the FY 2016 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Environmental Protection
FMS Contract #: 20151410894
Vendor: SVAM International
Description of services: Online Water and Sewer Permitting System
Award method of original contract: Intergovernmental (25)
FMS Contract type: Standard General Contract (CT1)
End date of original contract: 6/30/2016
Method of renewal/extension the agency intends to utilize: contract extension
New start date of the proposed renewed/extended contract: 1/1/2016
New end date of the proposed renewed/extended contract: 1/1/2017
Modifications sought to the nature of services performed under the contract: No cost time extension
Reason(s) the agency intends to renew/extend the contract: Original Contract Date was 7/1/2014 actual work commenced January 1, 2015
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

a15

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2016 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2016 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Administration for Children's Services
Description of services sought: Mechanical Engineering Services-On-Call
Start date of the proposed contract: 12/1/2016
End date of the proposed contract: 11/30/2018
Method of solicitation the agency intends to utilize: Competitive Sealed Bid

Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

a15

TRANSPORTATION

NOTICE

The Department of Transportation intends to enter into negotiations with a firm to provide title sponsorship (the "Title Sponsor") for the Summer Streets Program (the "Program"). NYCDOT has conducted sponsorship outreach but was directly approached by the Title Sponsor to provide such funding and activations for the Program.

a5-18

CHANGES IN PERSONNEL

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes data for DEPARTMENT OF SANITATION FOR PERIOD ENDING 03/25/16.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes data for DEPARTMENT OF SANITATION FOR PERIOD ENDING 03/25/16.

|                |          |         |              |           |     |          |     |
|----------------|----------|---------|--------------|-----------|-----|----------|-----|
| CHARLIN        | LUIS     | 9140A   | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CHAVES JIMENEZ | JUAN     | S 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CHEN           | BO LIN   | 13622   | \$75000.0000 | APPOINTED | YES | 03/06/16 | 827 |
| CHENG          | CONNIE   | M 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CHERRY         | THOMAS   | 9140A   | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CHERY          | RICHARD  | D 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CHESTER        | ARMELLE  | J 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CHESTER        | IESHA    | 9140A   | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CHIARELLO      | JOHN     | L 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CHIN           | DEVON    | L 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CHIN           | WILLIAM  | 9140A   | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CHOICE         | TERRANCE | L 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CHOWDHURY      | AZHAR    | H 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CHRISTIAN      | RYAN     | O 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CHRISTIE       | ROY      | L 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CLARK          | KAREEM   | 9140A   | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CLARKE         | ANTONNAC | B 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CLARKE         | CEDRIC   | R 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CLARKE         | DEVON    | A 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CLARKE         | OSWAIN   | O 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CLEMENS JR     | GREGORY  | M 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CLEMENTE       | NORBERT  | 9140A   | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| CLYNE          | JARMIL   | 9140A   | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| COATES         | TREMAINE | A 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| COBB           | JAMEL    | 9140A   | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| COBRINGTON     | SULAYMAA | A 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| COHEN          | JONATHAN | M 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| COLE           | ELIJAH   | A 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| COLE           | SAMELICK | 9140A   | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| COLEMAN        | DORRET   | 9140A   | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| COLEMAN        | LINCOLN  | L 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| COLEMAN        | SHAMAR   | J 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| COLEMAN        | WILLIAM  | 9140A   | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| COLLAO         | JOSE     | R 9140A | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |
| COLLICA        | HOWARD   | 9140A   | \$13.5000    | APPOINTED | YES | 01/24/16 | 827 |

DEPARTMENT OF SANITATION  
FOR PERIOD ENDING 03/25/16

| NAME            | TITLE    | NUM     | SALARY    | ACTION    | PROV | EFF DATE | AGENCY |
|-----------------|----------|---------|-----------|-----------|------|----------|--------|
| COLLINS         | ABAYOMI  | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COLLINS         | DENISHA  | Z 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COLLINS JR      | DUNSTAN  | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COLON           | ADRIAN   | T 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COLON JR        | TIOFILO  | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COLON TORIBIO   | ENMANUEL | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COMMONS         | COUNTER  | M 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CONCEPCION      | NOAH     | D 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CONNAUGHT       | AIDEN    | U 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CONTRERAS ROJAS | ELVYS    | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CONWAY JR       | PURCELL  | M 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COOKS           | JAMAR    | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COOPER          | LESIE-AN | N 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COOPER          | THERON   | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CORBETT         | ELEAZAR  | P 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CORCINO         | ROGER    | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CORDERO         | EDGAR    | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CORREA          | SERGIO   | A 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CORTES JR       | WILFREDO | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CORTES URIBE    | ALVARO   | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CORTEZ          | ORLANDO  | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COULL           | JEFFREY  | J 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COURTOIS        | MAX      | F 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COUSAR          | TASHEEM  | M 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COX             | ADRIENNE | L 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COX             | JOSEPH   | T 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COX-WILLIAMS    | ANTONIO  | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| COXALL          | ANNETTE  | W 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CRIBBS          | DANIEL   | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CROCKELL        | ANDREW   | M 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CROMWELL        | ARNOLD   | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CROOKE          | DONNELL  | L 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CRUMP           | QUINASHA | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CRUZ            | JOSE     | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CRUZ            | ROBERTO  | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CRUZ ESCALANTE  | JONATHAN | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CRUZ RODRIGUEZ  | REYNALDO | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CUMBERBATCH     | KENNETH  | T 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CUNNINGHAM      | BRIAN    | K 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CUNNINGHAM      | CONROY   | C 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CUNNINGHAM      | KENNETH  | M 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CUNNINGHAM      | MARK     | M 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CUNNINGHAM      | SHAQUASH | T 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CURLEY          | KEVIN    | F 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CUTHBERT        | GERALD   | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| CZERWONKA       | FABIAN   | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| DAILEY          | CHARLES  | T 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| DALANNA         | ERICA    | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| DALEY           | RASHAD   | O 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| DALLARD         | JEAN     | M 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| DALRYMPLE       | VANESSA  | 9140A   | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |

DEPARTMENT OF SANITATION  
FOR PERIOD ENDING 03/25/16

| NAME     | TITLE    | NUM     | SALARY    | ACTION    | PROV | EFF DATE | AGENCY |
|----------|----------|---------|-----------|-----------|------|----------|--------|
| DANIEL   | DAVID    | D 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| DANIELS  | DA'KEM   | S 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| DANIELS  | DEJON    | U 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| DARNLEY  | TYKEY    | H 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| DARVILLE | LOUIS    | A 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| DATRI    | GIOVANNI | B 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |

|               |          |         |              |            |     |          |     |
|---------------|----------|---------|--------------|------------|-----|----------|-----|
| DAUGHERTY     | SHAWN    | L 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVID         | FOLAKE   | M 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVID         | SAMPSON  | A 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVILA        | EMMANUEL | R 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVILA        | JASON    | 9140A   | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVIS         | AARON    | L 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVIS         | CRYSTAL  | M 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVIS         | DEBRA    | J 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVIS         | JAHLIS   | D 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVIS         | JAMES    | D 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVIS         | KAREEM   | A 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVIS         | REGINALD | 9140A   | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVIS         | TANYA    | 9140A   | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVIS         | THEODORE | M 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVIS         | TONY     | 9140A   | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAVIS         | TYESHIA  | 9140A   | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAWKINS       | MILTON   | L 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAWSON        | BRIAN    | M 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DAZZELL       | SHERWIN  | A 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DE LEON GRANT | ALFA     | 9140A   | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DE'DE'        | DAVID    | 9140A   | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DEABREU       | TERRANCE | A 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DEASCENTIIS   | ANTHONY  | 70112   | \$38093.0000 | TERMINATED | NO  | 03/12/16 | 827 |
| DEFARIA       | RASHID   | A 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DEFREITAS     | JEMIEL   | M 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DEJESUS       | CHRISTIN | 9140A   | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DEL ROSARIO   | BIENVENI | 9140A   | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DELL ITALIA   | ERIC     | A 70112 | \$72153.0000 | DECEASED   | NO  | 02/24/16 | 827 |
| DELOSSANTOS   | JOSE     | A 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DELOSSANTOS   | KARINA   | M 10209 | \$11.3000    | APPOINTED  | YES | 03/06/16 | 827 |
| DENNIS        | ROLAND   | J 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DEPERGOLA     | LOUIS    | R 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DES VIONES    | LARRY    | S 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DEUS          | KERVINE  | 9140A   | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DEVEAUX       | BERNARD  | 9140A   | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DHAITI        | JEAN     | R 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DIAZ          | CASE     | A 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DIAZ          | CRUZ     | A 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DIAZ          | JOSE     | 9140A   | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DIAZ          | JOSHUA   | E 10251 | \$37821.0000 | APPOINTED  | YES | 01/27/16 | 827 |
| DIAZ          | JULIO    | T 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DIAZ          | LUIS     | F 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DIAZ          | NATHANIE | J 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DIAZ          | RAMON    | E 9140A | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |
| DIAZ          | ROGELIO  | 9140A   | \$13.5000    | APPOINTED  | YES | 01/24/16 | 827 |

DEPARTMENT OF SANITATION  
FOR PERIOD ENDING 03/25/16

| NAME            | TITLE    | NUM     | SALARY       | ACTION    | PROV | EFF DATE | AGENCY |
|-----------------|----------|---------|--------------|-----------|------|----------|--------|
| DIAZ            | TONY     | 9140A   | \$13.5000    | APPOINTED | YES  | 01/24/16 | 827    |
| DICKENS         | DARRYL   | W 9140A | \$13.5000    | APPOINTED | YES  | 01/24/16 | 827    |
| DICKERSON       | JAMES    | H 9140A | \$13.5000    | APPOINTED | YES  | 01/24/16 | 827    |
| DIDER           | ANDREW   | 9140A   | \$13.5000    | APPOINTED | YES  | 01/24/16 | 827    |
| DIKSEUL JR      | LOUIS    | 9140A   | \$13.5000    | APPOINTED | YES  | 01/24/16 | 827    |
| DILBO           | KALLY    | 9140A   | \$13.5000    | APPOINTED | YES  | 01/24/16 | 827    |
| DINGLE JR       | ROBERT   | 92505   | \$268.9600   | APPOINTED | YES  | 03/13/16 | 827    |
| DIPAOLA         | MICHAEL  | J 92508 | \$33782.0000 | APPOINTED | NO   | 03/06/16 | 827    |
| DIXON           | PATRICK  | J 9140A | \$13.5000    | APPOINTED | YES  | 01/24/16 | 827    |
| DOBBS           | AKEEYA   | 9140A   | \$13.5000    | APPOINTED | YES  | 01/24/16 | 827    |
| DOBSON          | JERRY    | A 9140A | \$13.5000    | APPOINTED | YES  | 01/24/16 | 827    |
| DOLEYRES-AURELI | GIOVANNI | N 9140A | \$13.5000    | APPOINTED | YES  | 01/24/16 | 827    |
| DOLMA           | DIKY     | 9140A   | \$13.5000    | APPOINTED | YES  | 01/      |        |

DEPARTMENT OF SANITATION  
FOR PERIOD ENDING 03/25/16

| NAME            | TITLE      | NUM   | SALARY    | ACTION    | PROV | EFF DATE | AGENCY |
|-----------------|------------|-------|-----------|-----------|------|----------|--------|
| EDWARDS         | TERRANCE A | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| EDWIN           | OSCAR C    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| EGBERONGBE      | ORE-OFE O  | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ELGOHARY        | AZZA A     | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ELLIOIT         | JASON A    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ELLIS           | SABRINA    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ELLIS           | UNIQUE M   | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| EMANUEL         | ISAIAH     | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| EMILIO          | FRANK      | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ENGLISH HOLLING | KHALIL A   | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ENSER           | KUMAR A    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ERSKINE         | ILYAS J    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ESPINAL         | ERIC M     | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ESPINAL         | RICARDO    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ESPINOSA        | ROLANDO S  | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ESPINOZA        | MICHAEL    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ESTEVEZ MARTINS | BRUNO      | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ESTRELLA        | HUGO F     | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ESTREMER JR     | EDUARDO    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ETIENNE         | ELIZABET R | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ETIENNE         | ROMIQUE T  | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| ETNEL           | ORENO J    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| EVANS           | MAURICE J  | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| EVANS           | RICKY      | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| EVERETT         | HERMAN F   | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FACEY           | KEVIN L    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FACEY           | MARLON E   | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FALADE          | OLUSEGUN A | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FALCONER        | ELIJAH     | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FAMBRO          | OSCAR      | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FANG            | GUO Y      | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FARLEY          | EDWARD M   | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FARRAR          | ANTHONY C  | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FAUSTIN         | KELLIE     | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FELICIANO       | WILFREDO   | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FELIPE REYES    | FRANCISC A | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FELIX           | JOSE       | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FENNELL         | MARQUISE S | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FENNELL         | SHORMAN S  | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FENTON          | KWESI R    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FERGUSON        | ALEXANDE J | 10209 | \$10.3500 | APPOINTED | YES  | 03/06/16 | 827    |
| FERGUSON        | DARRELL    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FERRARI         | MARK A     | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FLAKPOEY        | HANSON     | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FIDLE           | IMMANUEL A | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FIELDS          | FRANCINE   | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FIELDS          | WAYNE R    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FIGUEROA        | JAVIER     | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FIGUEROA        | LUZ E      | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FLETCHER        | SHANIYA    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |
| FLEURY          | ELIHU P    | 9140A | \$13.5000 | APPOINTED | YES  | 01/24/16 | 827    |

**LATE NOTICE**

**ECONOMIC DEVELOPMENT CORPORATION**

**CONTRACTS**

**SOLICITATION**

*Goods and Services*

**LEASE OF BERTH SPACE AT THE FULTON FERRY LANDING PIER IN BROOKLYN, NEW YORK FOR PURPOSES OF CULTURAL PROGRAMMING** - Request for Proposals - PIN#6470-00 - Due 6-15-16 at 4:00 P.M.

NYCEDC plans to select a respondent on the basis of factors stated in the RFP which include, but are not limited to: the proposal feasibility, team qualifications and financial resources, consistency with RFP objectives, provision of cultural programming that enriches the neighborhood at affordable prices, experience and quality of Respondent and the Respondent's team, completeness of the proposal; demonstrated successful experience in performing services similar to those encompassed in the RFP, and the rent payment proposal.

It is the policy of NYCEDC to comply with all Federal, State and City laws and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, age, disability, marital status and other protected category and to take affirmative action in working with contracting parties to ensure certified Minority and Women-Owned Business Enterprises (MWBEs) share in the economic opportunities generated by NYCEDC's projects and initiatives.

This project has Minority and Women Owned Business Enterprise ("M/WBE") participation goals, and all respondents will be required to submit an M/WBE Participation Proposal with their response. To learn more about NYCEDC's M/WBE program, visit <http://www.nycedc.com/opportunitymwbe>. For the list of companies who have been certified with the New York City Department of Small Business Services as M/WBE, please go to the [www.nyc.gov/buycertified](http://www.nyc.gov/buycertified).

NYCEDC established the Kick Start Loan programs for Minority, Women and Disadvantaged Business Enterprise (M/W/DBE) interested in working on public construction projects. Kick Start Loans facilitates financing for short-term mobilization needs such as insurance, labor, supplies and equipment. Respondents/contractors/subcontractors are strongly encouraged to visit the NYCEDC website at [www.nycedc.com/opportunitymwbe](http://www.nycedc.com/opportunitymwbe) to learn more about the program.

An optional site visit and information session will be held on Thursday, May 5, 2016 at 10:00 A.M., at the Fulton Ferry Landing Pier. Those who wish to attend should RSVP by email to [FultonFerryBargeSpace@edc.nyc](mailto:FultonFerryBargeSpace@edc.nyc) on or before Wednesday May 4, 2016.

Respondents may submit questions and/or request clarifications from NYCEDC no later than 5:00 P.M. on Tuesday, May 31, 2016. Questions regarding the subject matter of this RFP should be directed to [FultonFerryBargeSpace@edc.nyc](mailto:FultonFerryBargeSpace@edc.nyc). For all questions that do not pertain to the subject matter of this RFP, please contact NYCEDC's Contracts Hotline at (212) 312-3969. Answers to all questions will be posted by Wednesday, June 8, 2016, to [www.nycedc.com/RFP](http://www.nycedc.com/RFP).

To download a copy of the solicitation documents please visit [www.nycedc.com/RFP](http://www.nycedc.com/RFP). Please submit five (5) sets of your proposal.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Economic Development Corporation, 110 William Street, 4th Floor, New York, NY 10038. Maryann Catalano (212) 312-3969; Fax: (212) 312-3918; [fultonferrybargespace@edc.nyc](mailto:fultonferrybargespace@edc.nyc)*

• a15

**CONTRACT AWARD HEARINGS**

**NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, PUBLIC HEARINGS UNIT, 253 BROADWAY, 9TH FLOOR, NEW YORK, N.Y. 10007, (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICES.**

**TRANSPORTATION**

**PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Monday, April 25, 2016 at the NYC Department of Transportation, 55 Water Street, 8<sup>th</sup> Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** a proposed contract between the Department of Transportation of the City of New York and Miller's Launch, Inc., Pier 7 1/2, Staten Island, NY 10301 for the provision of Marine Launch Service between City Island Terminal and Hart Island Terminal. The contract amount shall be \$3,661,875.00. The contract term shall be 1,825 Consecutive Calendar Days from the Date of Written Notice to Proceed with an option to renew for an additional one (1) year under the same terms and conditions at the sole discretion of the City, E-PIN # 84115N0003001, PIN # 84115SIS1867.

The proposed consultant has been selected by means of the Negotiated Acquisition Procurement Method, pursuant to Section 3-04 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Transportation, Office of the Agency Chief Contracting Officer, 55 Water Street, New York, NY 10041, from April 15, 2016 to April 25, 2016, excluding Saturdays, Sundays and legal holidays, from 9:00 A.M. to 5:00 P.M.

• a15