



OATH The Environmental Control Board

A Division of the Office of Administrative Trials and Hearings

ECB Manhattan
66 John St., 10th Floor
New York, NY 10038
Telephone: (212) 560-6270

For Internal Use Only

NSL Mailed
Date: _____

ALJ: _____
Date: _____

Grant
I/O Req'd Yes No

Grant w/in 45 Days

Abandoned

No Standing

Deny 1 2 3 4 5 6 7 N/A

Notes:

Request for a New Hearing After a Failure to Appear (Vacating a Default)

- This request may only be made once.
- A separate request must be made for each notice of violation.
- Please read the entire form before filling it out.
- Answer every question in the space provided.
- You must fill out both sides.
- Please attach each document that is requested. If you do not, your request will be denied.

INFORMATION ABOUT YOU AND YOUR VIOLATION

VIOLATION NUMBER (only one violation per form): _____

Name of Respondent, exactly as it is written on the top of the ticket:

Print your name here: _____

This request will not be processed unless you include the Respondent's current mailing address.

RESPONDENT'S MAILING ADDRESS:

YOUR MAILING ADDRESS (if different):

_____	_____
_____	_____
_____	_____

Are you the named Respondent on the ticket? Yes _____ No _____

If no, answer these questions:

a) **Are you authorized to represent the Respondent?** Yes _____ No _____

b) **What is the name of the person who asked you to make this request?**

c) **What is that person's relationship to the Respondent? For example, if the ticket names a corporation as the Respondent, tell us what that person's job or title is at the corporation.**

On what date did the Respondent first learn about this ticket? _____

How did the Respondent learn about the ticket? _____

REASON FOR WHICH A NEW HEARING SHOULD BE GRANTED

YOU MUST CHECK ONE OF THE REASONS LISTED BELOW. MORE THAN ONE REASON MAY BE CHECKED IF IT APPLIES.
IF NO REASON IS CHECKED, THIS REQUEST WILL BE DENIED.

This request will be received by ECB within 45 calendar days of the missed hearing date. If this is the case, NO EXPLANATION IS NEEDED.

--- or ---

It is more than 45 days from the missed hearing date, but it is less than 30 days from the mailing date* of the default order. If that is the case, EXPLAIN WHY YOU MISSED THE HEARING. _____

* If you are unsure of the mailing date, call Customer Service at (212) 560-6270

The Respondent did not receive the ticket (notice of violation) or the issuing agency did not serve the ticket correctly.

If the ticket names the property owner or owner's agent as Respondent, attach a copy of a New York City tax bill and/or multiple dwelling registration forms (if applicable) for the building for the year during which the ticket was issued.

If the ticket does NOT name the property owner or owner's agent, attach proof of respondent's mailing address at the time the ticket was issued. Such proof may be a driver's license, permit, or an authorization to collect sales taxes.

The ticket and notices from ECB identify the respondent as "Owner", "Agent", "Condo President" or another general title.

Do not check this box if the ticket names a person, business, corporation, organization or other entity.

The Respondent died on or before the hearing date.

This applies only when the deceased is the person who is named as Respondent on the ticket. If so, attach a copy of the death certificate of the named Respondent.

The Respondent was legally incompetent at the time of the hearing.

Provide a copy of a court order stating that the Respondent was incompetent.

The Respondent owned the place of occurrence at one time, but sold or transferred it before the date of the ticket.

Provide proof of the transfer, including a complete deed and a New York State Real Property Transfer Tax Form.

Respondent never owned the place of occurrence, or did not own it when the ticket was issued, and the ticket describes a violation that involves a building or specific property.

If this reason applies, attach supporting documents, such as proof that someone else owned the building or property at the time the ticket was issued.

This reason does NOT apply if the ticket is issued for a violation that does not relate to a building or property; for example, illegal posting of handbills, littering, vending or tickets that name building managers, tenants, contractors, or other people working at a property.

The Respondent is a former agent, tenant or person in control of the property where the violation occurred, but was no longer an agent, tenant or person in control at the time the ticket was issued. State:

a) respondent's connection to the property and when that connection ended: _____

b) attach a copy of any relevant agreements or leases that show when the respondent's connection to the property ended.

I swear/affirm under penalty of perjury that: (a) the information above is true, and (b) I have not previously submitted a "Request for a New Hearing After a Failure to Appear" for this violation.

Signature: _____ Date: _____

Print Name: _____ Phone: _____