

P.O. Box 2339
Peck Slip Station
New York NY 10272-2339



Mailing date of this order: 11/26/2024
Respondent: DARWIN A TENE
Summons # : 039109461P



NACMIAS MICHAEL
592 PACIFIC ST STE A
BROOKLYN, NY 11217-2077

4/1257

DECISION BASED ON FAILURE TO ANSWER SUMMONS

On 03/20/2024 at 365 SHEPHERD AVENUE BROOKLYN NY 11208, an agent from the DEPT. OF BUILDINGS gave summons 039109461P to DARWIN A TENE. The agent claims that DARWIN A TENE violated section 28-408.1 of the Administrative Code, the Rules of the City of New York, the New York City Health Code, or another City or State Law. The summons or a further notice instructed DARWIN A TENE to come to OATH Hearings Division on 11/19/2024 for a hearing.

DARWIN A TENE did not come to OATH Hearings Division on 11/19/2024. The case has now been decided against DARWIN A TENE. DARWIN A TENE must pay a fine of \$25,000.00 and fix the problems shown on the summons immediately. To avoid paying \$25,000.00, DARWIN A TENE must either:

- (A) Admit the violation, pay a special reduced fine of \$5,030.00 and fix the problems shown on the summons. Full payment must be received by OATH Hearings Division no more than 30 days from 11/26/2024. See the back of this paper for more instructions; or
- (B) Immediately ask for a new hearing. This is done by filling out the form called "Request for a New Hearing After a Failure to Appear." You can find this form on our website at: www.nyc.gov/oath. Or you can pick up the form at any OATH Hearings Division office.

A first request for a new hearing will be granted if it is received by OATH Hearings Division:

- no more than 75 days of the mailing or hand delivery date of the default decision.

If DARWIN A TENE does not do either (A) or (B), DARWIN A TENE must pay \$25,000.00. If DARWIN A TENE does not pay \$25,000.00, the City will get a legal judgment against DARWIN A TENE. Then the City can take money and property from DARWIN A TENE to pay the fine.

The summons you received from the Department of Buildings contained an order from the Commissioner of the Department of Buildings directing you to timely correct the cited conditions and file a certificate of correction. Failure to do so may result in the Department of Buildings issuing you additional summonses charging violations of Administrative Code Section 28-201.1, for failure to comply with the order, and/or Administrative Code Section 28-204.4, for failure to file a certificate of correction.

See the back of this Order for more instructions