

NYCServ Violation Copy

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38202565J



NOTICE OF VIOLATION AND HEARING



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

Violation No. 38202565J
ENVIRONMENTAL CONTROL BOARD

| | | | | | |
|--|---|-----------|-----------------------------|--------------------|--------------------------|
| Respondent | First name (or entity name) <i>T.S. Hotel LP</i> | | Last name | | |
| <input type="checkbox"/> Mailing address (Check if same as place of occurrence) | Number and street <i>505 9th Avenue</i> | | City <i>New York</i> | State <i>NY</i> | Zip code <i>10018</i> |
| Additional mailing to be sent (agent, care of, other): | | | License No: (if applicable) | Project Code | |
| Name | First name | Last name | | Company | |
| Mailing address | Number and street | | City | State | Zip code |

Commissioner's Order To Correct Violations

| | | | | | | | |
|----------------------------|--------------------------------------|----------------------|-------------------------------------|------------------|--|--------------------|-------------------------------|
| Place of occurrence | Block <i>255 West 43rd Street</i> | Boys <i>Manh.</i> | Date of violation <i>5/11/09</i> | Type <i>E</i> | Badge no. <i>2413</i> | Area <i>A</i> | Number <i>02</i> |
| Construction type | BIN # | No. of stories | Block | Lot | Occupancy at time of inspection <i>172523</i> | Escalator device # | Complaint no. <i>35825</i> |

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

| | | | | |
|---|--|---|---|---|
| FAILURE TO MAINTAIN- §28-301.1 / §27-987 / BC 3001.2 | <input type="checkbox"/> Class 1(B151) | <input checked="" type="checkbox"/> Class 2(B251) | <input type="checkbox"/> Class 3(B351) | <input type="checkbox"/> OTHER Infraction Code: Section of Law: Class 1 2 3 (circle one) |
| WORK WITHOUT A PERMIT - §28-105.1 | <input type="checkbox"/> Class 1(B101) | <input type="checkbox"/> Class 2(B201) | <input type="checkbox"/> Class 3(B301) | |
| <input type="checkbox"/> ILLEGAL OPERATION - BC 3007.1/§27-185 Class 2 (B252) | <input type="checkbox"/> Class 1(B101) | <input type="checkbox"/> Class 2(B201) | <input type="checkbox"/> Aggravated II Condition per IRCNY 102-01(f) | <input type="checkbox"/> per §28-202 & RCNY 102-01, §3001.1 Class 1 per §28-202 & RCNY 102-01, §3001.1 Class 2 |

| | | | | |
|-------------------------------------|---------------------------------|--------------------------------|--------------------------------|-------------------------------------|
| INSIDE CAR | 21. Interlocks | 41. Machine room door | 63. Motor brushes | ESCALATOR/MOVING WALK |
| E 01. Emergency stop switch | 22. Parking device | 42. Controller - selector | 64. NYC Device # | 83. Fire shutters |
| L 02. Alarm system | 23. Hall button station | 43. Reverse phase relay | 65. Unintended car movement | 84. Skirt switch |
| O 03. Car enclosure | 24. Indicators | 44. Friction sheave | 66. Emergency brakes/rope | 85. Skirt collection device |
| E 04. Side emergency exit | 25. Door safety retainer | 45. Governor | 67. Communication | 86. Comb plate/Comb plate tooth |
| V 05. Car door/gate | 26. Top emergency exit cover | 46. Governor switch | 68. Maintenance tag | 87. Landing plate / Impact switches |
| A 06. Car door/gate contact | 27. Governor release carrier | 47. Trips | 69. Code data plate | 88. Handrails / Handrail safeties |
| T 07. Door reopening device | 28. Door hangers & connectors | 48. Pump unit | 70. Buffers | 89. Step/thread |
| O 08. Car floor to landing sill | 29. Door operator | 49. Drive machine limit switch | 71. Pit | 90. Key switch |
| O 09. Car floor | 30. Normal limits | 50. Generator | 72. Pit light | 91. Emergency stop button |
| R 10. Car door gate | 31. Final limits | 51. Slack rope switch | 73. Pit stop switch | 92. Decking and ballustrades |
| R 11. Car button station | 32. Guide shoes/roller guides | 52. Hoist ropes | 74. Car guide-rails & brackets | 93. Coiling guides |
| L 12. Car lighting | 33. Counterweight | 53. Governor ropes | 75. Car counterweight rope | 94. Deck terraces |
| 13. Emergency lighting | 34. Hoistway | 54. Car counterweight rope | 76. Buffers | 95. Internal safeties |
| P 14. Car mirror | 35. Electric wiring | 55. Drum counterweight rope | 77. Car safety & tail rope | 96. Safety S-grage |
| A 15. Certificate frame | 36. Pipes and ducts | 56. Hoist machine | 78. Underside platform | ALL TYPES |
| OUTSIDE HOISTWAY | 37. Pinned and dices | 57. Hoist motor | 79. Section Weigh | 97. Entry device |
| R 16. Hoistway doors | 38. Overhead & Deflector sheave | 58. Worm/Gear/Bearings | 80. Comp/chains/rope/switch | 98. Current one year tag |
| T 17. Hoistway door gibs | 39. Traveling cables & junction | 59. Machine brake | 81. Counterweight runway | 99. Current one year tag |
| 18. Hoistway door reinforcements | 40. Machine room | 60. Lifting machine space | 82. Counterweight runway | 100. Miscellaneous |
| S 19. Hoistway door safety retainer | | 61. Machine disconnect switch | 83. Flange gripper | |
| 20. Vision panel | | 62. Commutator | | |

VIOLATING CONDITION

Recurring Condition

| | | | | | | | | |
|----------------|----------------|-------------------|---------------|--------------|-----------------------|-----------------------|----------------|--------------------|
| A. Altered | D. Unsecured | G. Improper Fuses | J. Misaligned | M. Missing | P. No means of access | S. Not fire retardant | V. Not level | Y. Oil leak |
| B. Inefficient | E. Rubbing | H. Worn | K. Rusted | N. By-passed | Q. Unguarded | T. Unisolated | W. Unlocked | Z. Water leak |
| C. Paddedlock | F. Lost motion | I. Damaged | L. Defective | O. Dirty | R. Illegal | U. Device not tagged | X. Inoperative | AA. Carbon buildup |
| | | | | | | | | BB. Expired tag |

SUGGESTED REMEDY

| | | | | | | |
|--------------------|-------------------------|--------------|-------------|----------------|-----------------------------|---|
| 01. Adjust | 04. Patch | 07. Provide | 10. Repair | 13. Seal | 16. Provide means of access | <input type="checkbox"/> FILE APPLICATION AND OBTAIN PERMIT |
| 02. Clean | 05. Perform & file test | 08. Regroove | 11. Replace | 14. Shorten | 17. Re-inspection required | |
| 03. Install Guards | 06. Properly secure | 09. Remove | 12. Retrack | 15. Tag Device | | |

| | | | | | | | | | |
|----------------------------|-----------------------|--|--|--|--|--|--|--|--|
| ELEVATOR PART | <i>68 69 39 21 07</i> | | | | | | | | |
| VIOLATING CONDITION | <i>19 17 13 X</i> | | | | | | | | |
| SUGGESTED REMEDY | <i>07 07 07 11 10</i> | | | | | | | | |

Additional information:
(39-M-07) City EO # & Car EO # on crosshead

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

The Commissioner of the Department of Buildings orders that you correct these conditions and file a certificate of such correction.

Resolution options

| | | | |
|---|----------------|---------------------|--|
| CURE DATE | <i>6/22/09</i> | HEARING DATE | <i>7/02/09</i> at <input type="checkbox"/> 8:30 AM <input checked="" type="checkbox"/> 10:30 AM <input type="checkbox"/> 1:30 PM |
| <p>If a date appears in the box above, you may have the option to admit the violation and certify correction by the "cure date." By doing so, you avoid a hearing before the Environmental Control Board and any penalties which would be assessed at the hearing. Note: Depending on the violation, non-ECB civil penalties may apply before a cure can be granted. For more information, see reverse side of the respondent copy of this Notice of Violation.</p> | | | |
| <p>For more information. To reschedule your hearing or inquire about the case status, call the Environmental Control Board at the numbers listed above. For information on certifying correction of this violation, read instructions on the Certificate of Correction form, call the Department of Buildings at 311, or go to www.nyc.gov/buildings.</p> | | | |

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

Badge number
2413

Unit Code
13

Supervisor's signature
A. Harbo

I personally observed the violation(s) charged and/or verified their existence through review of departmental records.
Issuing officer's signature
Michael Colvin

This statement is affirmed under penalty of perjury.

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ECB-PE (Rev. 9/08)