

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

Index No.:

-against-

SUMMONS

US SUITE MANAGEMENT LLC d/b/a "Metro Apartments", US SUITE LLC, BEN ZION SUKY, 440 WEST 41<sup>ST</sup> ST. LLC, SDF92 WEST 41ST STREET LLC, THE LAND AND BUILDING KNOWN AS 440 WEST 41<sup>St</sup> St., BLOCK 1050, LOT 49, County, City and State of New York, and "JOHN DOE" and "JANE DOE," numbers 1 through 10, fictitiously named parties, true names unknown, the parties intended being the managers or operators of the business being carried on by defendants US SUITE MANAGEMENT LLC d/b/a "Metro Apartments", US SUITE LLC, BEN ZION SUKY, and/or 440 WEST 41<sup>ST</sup> ST. LLC, and any person claiming any right, title or interest in the real property which is the subject of this action.

Filed in the Office of the Clerk  
of the Court on 1/21/2015

Defendants.

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TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED TO ANSWER the verified complaint in this action and to serve a copy of your answer on the plaintiff CITY OF NEW YORK within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is the residence of the plaintiff and the county in which the property affected by this action is located. Plaintiff designates New York County as the place of trial.

Dated: New York, New York  
January 20, 2015

ZACHARY W. CARTER  
Corporation Counsel of the  
City of New York  
Attorney for Plaintiffs  
100 Church Street  
New York, New York 10007

By:

  
MARTIN I. NAGEL

Special Assistant Corporation Counsel  
Mayor's Office of Special Enforcement  
1 Centre Street, Room 1012N  
New York, NY 10007  
Tel.: (646) 576-3533

TO:

US SUITE MANAGEMENT  
440 West 41st St.  
New York NY 10036-6815

US SUITE LLC  
440 West 41st St.  
New York NY 10036-6815

BEN ZION SUKY  
450 East 83RD ST APT 8C  
NEW YORK, NY 10028-6140

440 WEST 41ST LLC  
440 West 41st St.  
New York NY 10036

SDF92 WEST 41ST STREET LLC  
C/O: Kriss and Feuerstein LLP  
360 Lexington Avenue, Suite 1200  
New York NY 10017

THE LAND AND BUILDING KNOWN  
AS 440 WEST 41<sup>st</sup> STREET, BLOCK 1050,  
LOT 49, County, City and State of New York

“JOHN DOE” and “JANE DOE,” numbers 1 through 10

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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THE CITY OF NEW YORK,

Index No.

Plaintiff,

-against-

VERIFIED COMPLAINT

US SUITE MANAGEMENT LLC d/b/a “Metro Apartments”, US SUITE LLC, BEN ZION SUKY, 440 WEST 41<sup>ST</sup> ST. LLC, SDF92 WEST 41ST STREET LLC, THE LAND AND BUILDING KNOWN AS 440 WEST 41<sup>St</sup> St., BLOCK 1050, LOT 49, County, City and State of New York, and “JOHN DOE” and “JANE DOE,” numbers 1 through 10, fictitiously named parties, true names unknown, the parties intended being the managers or operators of the business being carried on by defendants US SUITE MANAGEMENT LLC d/b/a “Metro Apartments”, US SUITE LLC, BEN ZION SUKY, and/or 440 WEST 41<sup>ST</sup> ST. LLC, and any person claiming any right, title or interest in the real property which is the subject of this action.

Defendants.

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Plaintiff, THE CITY OF NEW YORK, by its attorney, ZACHARY W. CARTER, Corporation Counsel of the City of New York, for its complaint against defendants, alleges as follows, upon information and belief:

1. Plaintiff THE CITY OF NEW YORK (“CITY”) is a municipal corporation incorporated under the laws of the State of New York.
2. This action is brought: to enjoin defendants from committing deceptive trade practices in the marketing and providing of illegal transient accommodations to visitors and tourists in New York City; to enjoin the public nuisances created by their practices; and to obtain civil penalties, and compensatory and punitive damages.

3. The CITY brings this action pursuant to and by authority of section 20 of the New York General City Law, section 394 of the New York City Charter, and Section 20-703 of the Consumer Protection Law, in order to enforce the Consumer Protection Law of 1969, Title 20, Chapter 5, Subchapter 1, Section 20-700 et seq., of the Administrative Code of the City of New York (the “Consumer Protection Law”); section 306 of the New York Multiple Dwelling Law; Sections 28-205.1, 7-704, and 7-706 of the Administrative Code of the City of New York (the “Administrative Code”); and pursuant to the common law doctrine of public nuisance.

4. This action involves a residential apartment Building which is illegally advertised, managed, and operated by defendant US SUITE MANAGEMENT LLC d/b/a “Metro Apartments”, for the purpose of providing illegal short-term transient occupancies. The current owner of the Building is Defendant US SUITE LLC. Defendant BEN ZION SUKY is a principal of each of the above entities, and is personally responsible for control and management of the property, including allowing, permitting, and conducting the illegal short-term transient use and occupancy of the Building.

5. The Building is known as 430 - 440 WEST 41<sup>ST</sup> ST., New York, New York, BLOCK 1050, LOT 49, County, City and State of New York (hereafter “440 WEST 41<sup>ST</sup> ST.”, the “Building”, or “Subject Premises”). 440 WEST 41<sup>ST</sup> ST. is a 13-story ‘Class A’ multiple dwelling containing ninety-six (96) apartments, a majority of which, upon information and belief, are being illegally operated and made available for short-term transient stays of less than 30 days.

6. The illegality of this operation at the Subject Premises has been confirmed in administrative proceedings conducted by the New York City Environmental Control Board.

7. The action has been brought for two reasons, first because co-defendants US SUITE MANAGEMENT LLC d/b/a “Metro Apartments” and BEN ZION SUKY, have been repeatedly committing deceptive trade practices against visitors and tourists seeking short-term accommodations in New York City, implicitly holding themselves out as engaging in a legal business when in fact they are conducting a business which places tourists and visitors in illegal occupancies and exposes them to serious fire safety risks. These practices include advertising and promoting the booking of short-term accommodations in the Building, a property in which transient, short-term occupancies of less than 30 days are prohibited by New York State and City laws.

8. The action has also been brought because of the public nuisance being maintained by all of the defendants, caused by (1) the illegal rental of permanent residential dwelling units to numerous transient occupants without those dwellings having the more stringent fire and safety features required in buildings legally designed to serve transient occupants, (2) the creation of significant security risks in a building not staffed to handle the security issues associated with transient occupancy, and a degradation in the quiet enjoyment, safety, and comfort of the surrounding residents, caused by noise, filth, and the excessive traffic of unknown and constantly changing individuals entering their places of abode; and (3) the illegal reduction of the stock of permanent housing available to the residents of New York City at a time in which there is a legislatively declared housing emergency. The conditions created by defendants’ illegal conduct in the Building negatively affect the health, safety, security, and general welfare of the residents of the City of New York and its visitors.

9. The illegal conduct perpetrated by defendants continues notwithstanding the issuance by the CITY of multiple notices of violations and violation orders to the defendant US

SUITE LLC by the New York City Fire Department and Department of Buildings, and notwithstanding the results of proceedings conducted by the Environmental Control Board finding US SUITE LLC “In Violation” of various provisions of the building code and fire code for which that property owner was charged in such notices.

10. By this action, plaintiff seeks injunctive relief, the imposition of civil penalties, and compensatory and punitive damages against the owners, managers, lessees, licensees, operators and agents of the Subject Premises, and against the Building itself, for violations of the New York Multiple Dwelling Law, for those portions of the New York City Administrative Code known as the New York City Consumer Protection Law, the New York City Building Codes (“Building Codes”), for creating nuisances as defined in the New York City Nuisance Abatement Law, and for creating common law public nuisances.

### **BACKGROUND**

11. Tourists and other visitors to New York City have been increasingly enticed by short-term “hotel” or “apartment” accommodations in buildings designed for permanent residency being offered on numerous web sites. Many of these visitors are thus unwittingly led to book accommodations which are not only illegal, but also pose a heightened risk to their health and safety.

12. For a business to mislead consumers by purveying illegal and unsafe consumer goods or services without any indication that it is not legal or safe, is one variety of deceptive trade practice prohibited by federal, state, and local consumer protection laws, including the New York City Consumer Protection Law, NYC Admin. Code §§ 20-700 to 20-706. See, City of New York v. Smart Apartments, 39 Misc.3d 221 (Sup.Ct., N.Y. Co., Engoron, J., 2013).

13. Moreover, the advertising and booking of transient accommodations in buildings where such accommodations are illegal creates a public nuisance under both New York City's Nuisance Abatement Law [at NYC Admin. Code §§ 7-701 to 7-721] and the common law. The Nuisance Abatement Law and the common law have long recognized that the conditions and practices complained of herein, which endanger or injure the property, health, safety or comfort of a considerable number of persons, constitute a public nuisance – a public nuisance which affects not only tourists and visitors to New York City, but those who permanently reside in residential apartment buildings which are being illegally used.

14. City government continually receives complaints from many sources - calls to “311”, letters and emails from the public, communications from elected officials and community groups - regarding excessive noise from tourists, overflowing trash, vomit in hallways, fires, loud fighting, drugs, prostitution, elevators damaged by constant suitcase traffic, and the like.

15. Notwithstanding occupancy and safety rules which prohibit such use, units in permanent residential apartment buildings in New York City are increasingly being utilized as transient, short-term occupancy units for tourists and other short-term occupants rather than tenants who intend to establish a permanent residence.

16. The practice has been abetted by the phenomenal growth of the internet travel industry, and comes at a time when available housing accommodations for the residents of New York City remain at historically low levels.

17. The spread of illegal transient occupancies, which some elected officials from New York City have termed an “epidemic,” creates a number of serious problems for the City:

- (1) a growing number of complaints from tourists who book accommodations over the internet, in most cases responding to advertisements unaware that rooms are being offered in violation of the law, only to find that the accommodations are in apartment



- buildings parading as “hotels” which often lack the barest essentials that short-term guests would normally expect;
- (2) serious safety hazards, in particular with regard to fire protection, as code requirements for permanent residency buildings are not nearly as stringent as those for units and buildings geared to transient occupancy, but also with regard to severe overcrowding;
  - (3) a burgeoning number of transient occupants, inter-mixed with permanent residents, whose presence poses significant security risks in buildings not equipped to handle the security problems associated with transient occupancy, as well as a degradation of quality of life for residents;
  - (4) harassment of permanent tenants by owners who seek to evict those tenants illegally in order to pursue a more lucrative transient market; and
  - (5) an illegal siphoning off of a significant portion of the city’s housing stock, occurring most acutely in the affordable housing stock sector.

18. To begin to address this situation the New York State Legislature enacted Chapter 225 of the Laws of New York State of 2010 (“Chapter 225”). Chapter 225, which went into effect on May 1, 2011, prohibits renting units in “Class A” multiple dwellings, as defined under the New York Multiple Dwelling Law (“MDL”) and the New York City Housing Maintenance Code (“HMC”), for less than 30 days.

19. Before the enactment of Chapter 225, the MDL and HMC provided that Class A multiple dwellings were to be “occupied, as a rule, for permanent residence purposes.” MDL § 4(8), NYC Admin. Code § 27-2004.a.8.(a). In January 2009, the Appellate Division, First Department, contrary to long-held administrative understanding, viewed the term “as a rule” to mean that owners of Class A SRO buildings could rent a significant portion of their rooms for “nonpermanent or transient occupancy,” so long as the majority of the rooms were used for

nontransient occupancy. See, City of N.Y. v. 330 Continental LLC, 60 A.D.3d 226, 230-31, 873 N.Y.S.2d 9, 12-13 (1st Dept. 2009).<sup>1</sup>

20. The State Legislature enacted Chapter 225 in response to the court's decision, thereby amending the MDL and other related laws to make clear, among other things, that the rental of any unit in a Class A building for less than 30 days is prohibited. Chapter 225 became effective May 1, 2011. The legislative justification for Chapter 225 was explained by the law's sponsor in this manner:

The Multiple Dwelling Law and local Building, Fire and Housing Maintenance Codes establish stricter fire safety standards for dwellings such as hotels that rent rooms on a day to day (transient) basis than the standards for dwellings intended for month to month (permanent) residence. There are substantial penalties for owners who use dwellings constructed for permanent occupancy (Class A) as illegal hotels. However, the economic incentive for this unlawful and dangerous practice has increased, while it is easier than ever to advertise illegal hotel rooms for rent to tourists over the internet. This is especially so in New York City, which is attracting visitors and tourists from around the world in record numbers. In most cases tourists responding to such advertisements are unaware that the rooms are being offered in violation of the law. Not only does this practice offer unfair competition to legitimate hotels that have made substantial investments to comply with the law but it is unfair to the legitimate "permanent" occupants of such dwellings who must endure the inconvenience of hotel occupancy in their buildings and it decreases the supply of affordable permanent housing. It endangers both the legal and illegal occupants of the building because it does not comply with fire and safety codes for transient use. Recently, law enforcement actions against illegal hotels have been hindered by challenges to the interpretation of "permanent residence" that enforcing agencies have relied on for decades.

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<sup>1</sup> After the enactment of Chapter 225, this case was settled, with the defendants agreeing to a permanent injunction against managing their properties as "illegal hotels," and to pay the City of New York \$600,000.

See New York State Assembly Memorandum in Support of Legislation (S. 6873-B, 233rd Leg. (N.Y. 2010 (Sponsor's Memo) Bill No. A10008).

21. As recognized in New York City v. Smart Apartments LLC, 39 Misc 3d 221 (Sup. Ct., N.Y. Co., Engoron, J. 2013), the advertising, maintenance and operation of permanent residential properties for short-term transient use where such use is prohibited and unsafe, deceives consumers and creates a public nuisance endangering or injuring the property, health, safety and comfort of residents in those buildings, residents in surrounding areas, and tourists and visitors to New York City.

### **PARTIES**

22. Defendant US SUITE MANAGEMENT LLC d/b/a “Metro Apartments” is a limited liability company organized under the laws of the State of New York, actually doing business as “Metro Apartments,” and is upon information and belief a lessee and/or manager or operator of numerous apartments in the Building located at 440 WEST 41<sup>ST</sup> ST., New York, New York, which are being advertised, marketed, operated, maintained, and made available for illegal short-term, transient occupancies for periods of less than thirty (30) days.

23. Defendant US SUITE LLC, a business corporation organized under the laws of the State of Delaware, is, upon information and belief, the owner of record of the real property located at 440 W 41<sup>ST</sup> ST., New York, New York.

24. Defendant BEN ZION SUKY is, upon information and belief, a natural person and a principal officer of US SUITE MANAGEMENT LLC and US SUITE LLC, and is actively engaged in the management and control of the real property located at 440 W 41<sup>ST</sup> ST., New York, New York.

25. Defendant 440 WEST 41<sup>ST</sup> ST. LLC, a business corporation organized under the laws of the State of New York, is, upon information and belief, partial owner of the corporation US SUITE LLC, and a corporation closely held by defendant BEN ZION SUKY.

26. Defendant THE LAND AND BUILDING KNOWN AS 440 WEST 41<sup>ST</sup> ST., BLOCK 1050, LOT 49, County, City and State of New York, is the real property whereupon the activities complained of have taken place and continue to take place.

27. Defendant SDF92 WEST 41<sup>ST</sup> STREET LLC, a business corporation organized under the laws of the State of New York, is, upon information and belief, the assignee of the mortgage to the Land and Building Known as 440 West 41<sup>ST</sup> ST. New York, NY from New York Community Bank, a subsidiary of New York Community Bancorp Inc., a Delaware Banking Corporation. Defendant is listed as a party solely based on its lien interest in the Building that is the subject of this action.

28. Defendants “JOHN DOE” and “JANE DOE,” numbers 1 through 20, are fictitiously named parties, true names unknown, the parties intended being the owners, managers or operators of the business being carried on by defendants at the building at 440 WEST 41<sup>ST</sup> ST., and any person claiming any right, title or interest in the real property which is the subject of this action.

## **STATEMENT OF FACTS**

### **Inspections at the Building at 440 West 41 Street & Violating Conditions Existing Therein**

29. The Building known as 440 WEST 41<sup>ST</sup> ST. is a Class “A” multiple dwelling, as defined by the MDL and HMC.

30. The current Certificate of Occupancy [C/O # 113993] for the Building lists the only permissible occupancies for Floors Three through Thirteen as Class “A” apartments: Eleven

(11) Class “A” apartments each on Floors Three – Nine; Six (6) Class “A” apartments each on Floors Ten – Twelve; and one (1) Class “A” apartment on Floor Thirteen, for a total of ninety-six Class “A” apartments allowed in the Building.

31. As a result of community complaints, personnel from the Mayor’s Office of Special Enforcement (“OSE”) inspected the Building on September 26, 2013, on May 5, 2014, and once again, on January 2, 2015, to determine whether it was being operated in violation of law and whether the use, occupancy and arrangement of the Building posed a danger to the health, welfare and safety of the occupants or of the public generally.

32. During each one of their three inspections, on September 26, 2013, May 5, 2014, and January 2, 2015, OSE personnel found, among other building violations, that Class “A” apartments that are legally only permitted for permanent residential use within the Building had been converted and were being rented and occupied on a transient basis for less than 30-day stays, in violation of the Multiple Dwelling Law and the New York City Building Code and Fire Code.

33. In addition, serious fire and safety violations were observed during each one of the three MTF inspections conducted at the Building – including violations involving the more stringent requirements for transient occupancy and use. No fire alarm system is installed; there is no automatic sprinkler system; egress is inadequate for transient accommodations; no diagrams are posted showing evacuation routes; and there is no fire safety plan or fire safety director.

34. As a result of these observations of hazardous violating conditions, Department of Buildings (“DOB”) Building Inspectors and a Fire Protection Inspector from the New York City Fire Department (“FDNY”), each assigned to OSE, issued a series of DOB Notices of Violation,

FDNY Violation Orders, and FDNY Criminal Court Summonses. Many of the violation notices also expressly directed the defendant property owner, US SUITE LLC, to discontinue the illegal short-term transient occupancy and use occurring within the Building.

35. Each of the violations issued by the DOB Inspector on September 26, 2013 either were admitted to by defendant US SUITE LLC or were upheld by Decision and Order of the Environmental Control Board, issued on February 20, 2014 and monetary penalties were imposed for each one of those violations charged.

36. Defendant US SUITE LLC pled guilty to the charges filed by the three FDNY Criminal Court Summonses issued on September 26, 2013 and monetary penalties were imposed in connection with each one of those three summonses.

37. In response to new community complaints, on May 5, 2014, OSE personnel again inspected the Building, and found that Class “A” apartments in the Building continued to be used for illegal transient occupancy. They also found that there continued to be numerous other serious fire and safety violations existing throughout the Building.

38. On May 5, 2014, as a result of these observations, a DOB Building Inspector, and an FDNY Fire Protection Inspector, both assigned to OSE, again issued a series of ECB Notices of Violation and Hearing, FDNY Violation Orders, and FDNY Criminal Court Summonses.

39. The violation notices, once again, expressly directed defendant US SUITE LLC to discontinue the illegal short-term transient use and occupancy occurring within the Building. The FDNY Criminal Court Summonses were issued due to the FDNY Fire Protection Inspector’s observations of new hazardous conditions observed that date, as well as his observation that previously issued FDNY Violation Orders had not been complied with by the Defendant US SUITE LLC.

40. On January 2, 2015, in response to yet additional complaints received by the CITY regarding illegal transient short-term occupancies occurring at the Building, the MTF conducted a third inspection of the Subject Premises. This time, the MTF determined that multiple Class “A” apartments throughout the Building were being occupied and used for unlawful transient short-term stays of less than thirty days. It also determined that there were multiple other fire-safety-related hazardous conditions occurring at the Building in violation of the New York City Building Code and Fire Code.

41. Consequently, once again, a DOB Building Inspector and FDNY Fire Protection Inspector issued a series of ECB Notices of Violation and Hearing, FDNY Violation Orders, and FDNY Criminal Court Summonses to defendant US SUITE LLC.

42. To date, the defendants have failed to comply with the Notices of Violation and FDNY Violation Orders and the Building continues to be advertised, booked, used, and occupied for transient short-term occupancy purposes, in violation of the Multiple Dwelling Law, and the Building Code, and the Fire Code.

**A. The Scope of the Business Operation of Defendants:  
US SUITE MANAGEMENT LLC d/b/a “METRO APARTMENTS”,  
US SUITE LLC, 440 WEST 41ST ST. LLC, and BEN ZION SUKY**

43. Co-defendants US SUITE MANAGEMENT d/b/a “Metro Apartments” and BEN ZION SUKY together operate a business of advertising, booking, operating and maintaining transient accommodations for short-term stays of less than 30-days at 440 WEST 41<sup>ST</sup> ST. in Manhattan, a building for which the legally permissible residential occupancy is only for Class “A” long-term permanent residential apartments.

44. Defendant US SUITE LLC, having as principal officer defendant BEN ZION SUKY, owns the Building, and has continuously permitted and allowed the aforesaid businesses to operate illegal short-term transient apartments at the Building.

45. Defendant 440 WEST 41<sup>ST</sup> LLC has a minority ownership stake in the corporation that owns the building at 440 WEST 41<sup>ST</sup> ST.: Defendant US SUITE LLC. 440 WEST 41<sup>ST</sup> LLC is a closely held corporation of Defendant BEN ZION SUKY.

46. Defendant US SUITE MANAGEMENT LLC d/b/a “Metro Apartments” is responsible for the day-to-day operation of the building at 440 WEST 41<sup>ST</sup> ST. as illegal transient accommodations. US SUITE MANAGEMENT LLC is the provider of hospitality services at 440 WEST 41<sup>ST</sup> ST.

47. Defendant US SUITE MANAGEMENT LLC d/b/a “Metro Apartments” maintains at least two web sites in conjunction with their illegal business. The first web site is named “Metro Apartments”, and can be found at “metroapartmentsnewyork.com.” On this site, Defendant US SUITE MANAGEMENT LLC D/B/A “METRO APARTMENTS” directly advertises short-term apartment accommodations at 440 WEST 41<sup>ST</sup> ST to tourists and visitors. This first web site openly offers and provides for booking of accommodations at the Subject Premises for less than 30 days.

48. Furthermore, a second website, named “NY Apartment Hotels,” which can be found at “nyapartmenthotels.com”, also serves as an advertisement for the illegal transient accommodations located at 440 WEST 41<sup>ST</sup> ST.

49. Defendant US SUITE MANAGEMENT LLC d/b/a “Metro Apartments” also advertises and takes bookings for these illegal accommodations at a variety of other internet travel web sites, targeting different markets, both nationally within the United States and in



international markets elsewhere around the world. Those web sites currently identified by the CITY as having listings for “Metro Apartments” or “440 WEST 41<sup>ST</sup> ST.” include: bookit.com, booking.com, expedia.com, hotels.com, kayak.com, priceline.com, hotelplanner.com, Hotelclub.com, oyster.com, hotelscombined.com, Getaroom.com, Agoda.com, and Travelocity.com.

50. Nowhere in any of the aforesaid advertising do defendants inform consumers that the accommodations are illegal and do not meet fire safety standards.

**FIRST CAUSE OF ACTION – CONSUMER  
PROTECTION LAW - DECEPTIVE  
TRADE PRACTICES**

51. Plaintiff repeats and realleges paragraphs “1” through “50” as if contained herein.

52. A merchant impliedly represents that the products and services which he advertises and sells are both legal and safe.

53. Defendants’ written statements and advertisements inducing tourists and other visitors to New York City to book accommodations in Class A multiple dwellings for stays of less than 30 days, such rentals being illegal and unsafe, have by false representations and omissions of material fact misled or deceived or tended to mislead and deceive consumers as to the use of those accommodations. Defendants have thereby committed deceptive trade practices in violation of § 20-700 of the Consumer Protection Law.

**SECOND CAUSE OF ACTION – ILLEGAL  
OCCUPANCY - VIOLATION OF THE  
MULTIPLE DWELLING LAW**

54. Plaintiff repeats and realleges paragraphs “1” through “53” as if fully set forth herein.

55. Subdivision 8.a. of Section 4 of the New York Multiple Dwelling Law (“MDL”) prohibits renting any unit in “Class A” multiple dwellings for less than 30 days. The law provides that “A class A multiple dwelling shall only be used for permanent residence purposes”, the term “permanent residence purposes” being defined by the statute to “consist of occupancy of a dwelling unit by the same natural person or family for thirty consecutive days or more....”

56. Notwithstanding the requirements of the MDL, defendants have permitted, maintained and used, and continue to permit, maintain and use dwelling units at 440 WEST 41<sup>ST</sup> ST for transient occupancies of less than 30 days, in violation of the MDL. Upon information and belief, multiple units at 440 WEST 41<sup>ST</sup> ST are being so illegally used and occupied, and have been so used since, at least, September 26, 2013.

57. By reason of the foregoing, pursuant to Section 306 of the MDL, the plaintiff is entitled to judgment against defendants, their agents, assigns, employees and all persons acting individually or in concert with them, permanently enjoining them from using or occupying, or maintaining, managing, operating, or permitting the use or occupancy of any of the units in the Subject Premises for transient use and occupancy as prohibited by the MDL, and further directing them to restore the Subject Premises to use and occupancy as permanent residences, as required by the MDL for Class A multiple dwellings.

**THIRD CAUSE OF ACTION – BUILDING  
CODE VIOLATIONS - ILLEGAL CHANGE  
OF OCCUPANCY**

58. Plaintiff repeats and realleges paragraphs “1” through “57” as if fully set forth herein.

59. NYC Admin. Code § 28-118.3.1 prohibits an alteration or change in the use or occupancy of any building unless and until a written permit has been issued by DOB in

accordance with the requirements of the Building Code, and a certificate of occupancy issued for the new use or occupancy.

60. NYC Admin. Code § 28-101.5 defines “alteration” to be “Any construction, addition, change of use or occupancy, or renovation to a building or structure in existence.”

61. NYC Admin. Code § 28-118.3.2 provides that no change may be made in the occupancy or use of an existing building which is inconsistent with the last issued certificate of occupancy of such building or which would bring it under some special provision of the code or other applicable law or regulation.

62. NYC Admin. Code § 28-118.3.4 provides that a building in existence prior to January 1, 1938, and legally used or occupied without a certificate of occupancy may continue to be so used only so long as there is no change in the existing use or occupancy.

63. NYC Admin. Code § 28-118.3 provides that §§ 28-118.3.1 through 28-118.3.4 apply to all completed buildings.

64. The legally permissible residential use and occupancy of 440 WEST 41<sup>ST</sup> ST is for permanent residential occupancy.

65. The defendants have caused and/or permitted the transient use and occupancy of 440 WEST 41<sup>ST</sup> ST in violation of its legally permissible use and occupancy.

66. Although Defendant US SUITE LLC has previously filed plans with the Department of Buildings to change the use and occupancy of 440 WEST 41<sup>ST</sup> ST for transient occupancy, the Department of Buildings has not issued permits for any such change of use and occupancy at 440 WEST 41<sup>ST</sup> ST for transient occupancy.

67. Thus, defendants have permitted, directed and maintained the arrangement, use, and occupancy of the Building at 440 WEST 41<sup>ST</sup> ST. in violation of its legally permissible use and occupancy.

68. Defendants have changed the use and occupancy of the Subject Premises contrary to their legally permissible use and occupancy, and have illegally done so without first obtaining a certificate of occupancy for such changed use.

69. The defendants are, therefore, in violation of NYC Admin Code §§ 28-105.1, and 28-118.3.1 through 28-118.3.4.

70. By reason of the foregoing, pursuant to NYC Admin. Code §§ 28-205.1, the plaintiff is entitled to judgment against the defendants, their agents, assigns, employees and all persons acting individually or in concert with them, permanently enjoining them from using or occupying or permitting the use or occupancy of any of the units in the Building for short-term, transient use or occupancy of less than 30 days, and further directing them to restore the Building to the arrangement and occupancy permitted for it, and to comply with all other sections of the Building Code.

71. Sections 28-205.1 and 28-202.1 of the Administrative Code provides that any person who shall violate any provision of the building laws, rules or regulations enforceable by the New York City Department of Buildings shall be subject to the payment of a civil penalty, to be recovered in a civil action brought in the name of the City in any court of record.

72. The defendants have violated the following building laws at the Subject Premises, all of which are enforceable by the New York City Department of Buildings: § 28-105.1 and §§ 28-118.3.1 through and 28-118.3.4 of the New York City Administrative Code.

73. Therefore, plaintiff THE CITY OF NEW YORK is entitled to a separate judgment against the defendants in the amount set forth in § 28-202.1 for each violation of the laws referenced above, which laws are enforceable by the New York City Department of Buildings.

**FOURTH CAUSE OF ACTION –**  
**STATUTORY PUBLIC NUISANCE -**  
**BUILDING CODE VIOLATIONS: ILLEGAL**  
**OCCUPANCY – INJUNCTION AND CIVIL**  
**PENALTIES**

74. Plaintiff repeats and realleges paragraphs “1” through “73” as if contained herein.

75. In 1977, the City Council enacted the Nuisance Abatement Law (since renumbered as section 7-701 et seq. of the Administrative Code), finding that:

Public nuisances exist in the City of New York in the operation of certain commercial establishments and the use or alteration of property in flagrant violation of the building code, zoning resolution,...multiple dwelling law..., all of which interfere with the interest of the public in the quality of life and total community environment, the tone of commerce in the city, property values and the public health, safety, and welfare; the council further finds that the continued occurrence of such activities and violations is detrimental to the health, safety, and welfare of the people of the city of New York ...

Admin. Code section 7-701.

76. Under 7-703(d) of the Nuisance Abatement Law, any premises wherein there is occurring a violation of section 27-147 [presently renumbered as section 28-105.1] or section 27-217 [presently renumbered as section 28-118.3.2] of the Administrative Code is deemed to be a public nuisance.

77. Section 28-105.1 [formerly section 27-147] prohibits building construction or alteration work without a permit having first been issued by the Department of Buildings.

Section 28-113.3.2 [formerly section 27-217] of the Administrative Code provides that no change in use or occupancy which is inconsistent with the last issued certificate of occupancy shall be made unless and until a new certificate of occupancy is first obtained from the Department of Buildings authorizing such change.

78. On September 26, 2013, May 5, 2014, and January 2, 2015, the CITY determined that there was a change in use or occupancy at the Building which is inconsistent with the last issued certificate of occupancy without first obtaining a permit or new certificate of occupancy from the Department of Buildings authorizing such change. There being violations of sections 28-105.1 and 28-118.3.1 through 28-118.3.4 of the Administrative Code, public nuisances exist at 440 WEST 41<sup>ST</sup> ST.

79. Defendant US SUITE LLC was provided with notices of the violations existing at the Building on September 26, 2013, May 5, 2014, and January 2, 2015.

80. Defendant US SUITE LLC was found to be “In Violation” of each one of the violations it was charged with on September 26, 2013 by Decisions and Orders issued by the Environmental Control Board on February 20, 2014, and “In Violation” of each one of the violations it was charged with on May 5, 2014, as a result of subsequent proceedings before the Environmental Control Board.

81. Notwithstanding the February 20, 2014 ECB Decision and Order and the results of the subsequent proceedings before the Environmental Control Board confirming the illegality of the transient occupancies, the defendants continue to illegally operate and manage the Subject Premises for such unlawful occupancies.

82. Pursuant to sections 7-706(a) and 7-714 of the Administrative Code, plaintiff THE CITY OF NEW YORK is entitled to a judgment against the defendants, their agents,

assigns, employees and all persons acting individually or in concert with them, permanently restraining such public nuisances.

83. Defendants have intentionally conducted, maintained or permitted the public nuisances alleged in this cause of action.

84. Pursuant to section 7-706(h) of the Administrative Code, plaintiff THE CITY OF NEW YORK is entitled to a judgment against the defendants, their agents, assigns, employees and all persons acting individually or in concert with them, permanently enjoining them from using or occupying, or maintaining, managing, operating, or permitting the use or occupancy of any of the units in the Subject Premises for transient use and occupancy, and further ordering that they pay a separate penalty of \$1,000 for each day that such defendant intentionally conducted, maintained or permitted the public nuisances alleged in this cause of action.

**FIFTH CAUSE OF ACTION – STATUTORY PUBLIC  
NUISANCE – MAINTAINING UNSAFE BUILDING  
CONDITIONS WHICH ENDANGER THE SAFETY OF THE  
PUBLIC – INJUNCTION AND CIVIL PENALTIES**

85. Plaintiff repeats and realleges paragraphs “1” through “84” as if contained herein.

86. Under the Nuisance Abatement Law, section 7-703(1) of the Administrative Code, any building, erection or place wherein there is occurring a criminal nuisance as defined in New York Penal Law section 240.45 is a public nuisance.

87. Pursuant to Penal Law section 240.45(1) a person has committed a criminal nuisance when, “[b]y conduct either unlawful in itself or unreasonable under all the circumstances, he knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of persons”.

88. Defendants have unreasonably and unlawfully created and maintained conditions which seriously endanger the life and safety of numerous persons who book transient

accommodations at 440 WEST 41<sup>ST</sup> ST., in violation of its legal and permissible use and occupancy, violations which were found to be Class 1 Hazardous Violations by the Environmental Control Board. These violations included a lack of fire safety measures required to be provided for transient occupancies. Additional fire safety violations led to the issuance of FDNY Violation Orders and FDNY Criminal Court Summonses.

89. The hazardous conditions at the Subject Premises have continued uncorrected over a substantial period of time, notwithstanding the findings by the Environmental Control Board.

90. Defendants' conduct has endangered the safety of a considerable number of persons, doing so intentionally and knowingly.

91. As a result of the foregoing, there exists a public nuisance at the Subject Premises.

92. Pursuant to sections 7-706(a) and 7-714 of the Administrative Code, plaintiff THE CITY OF NEW YORK is entitled to a judgment against the defendants, their agents, assigns, employees and all persons acting individually or in concert with them, permanently restraining such public nuisance.

93. Defendants have intentionally conducted, maintained or permitted the public nuisances alleged in this cause of action.

94. Pursuant to section 7-706(h) of the Administrative Code, plaintiff THE CITY OF NEW YORK is entitled to a judgment against the defendants, their agents, assigns, employees and all persons acting individually or in concert with them, permanently enjoining them from using or occupying, or maintaining, managing, operating, or permitting the use or occupancy of any of the units in the Subject Premises for transient use and occupancy, and further ordering



that they pay a separate penalty of \$1,000 for each day that such defendant intentionally conducted, maintained or permitted the public nuisances alleged in this cause of action.

**SIXTH CAUSE OF ACTION – STATUTORY PUBLIC  
NUISANCE –BUILDING AND FIRE CODE VIOLATIONS:  
FAILURE TO MAINTAIN – INJUNCTION AND CIVIL  
PENALTIES**

95. Plaintiff repeats and realleges paragraphs “1” through “94” as if contained herein.

96. Under the Nuisance Abatement Law, section 7-703(d) of the Administrative Code, any premises wherein there is occurring a violation of sections 27-127 or 27-128 [presently renumbered as section 28-301.1] of the Administrative Code is deemed to be a public nuisance.

97. Section 28-301.1 [formerly sections 27-127 and 27-128] of the Administrative Code requires that all buildings and all parts thereof be “maintained in a safe condition”, and that “All service equipment, means of egress, materials, devices, and safeguards that are required in a building by the provisions of this code, the 1968 building code or other applicable laws or rules, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working condition.”

98. At the time of the inspections of the Building by personnel from the MTF on September 26, 2013, May 5, 2014, and January 2, 2015, many of the violations which they observed constituted a failure to maintain the Subject Premises in a safe condition.

99. Upon information and belief, those conditions continue unabated to date.

100. As a result of the foregoing, there exists a public nuisance at the Subject Premises.

101. Pursuant to sections 7-706(a) and 7-714 of the Administrative Code, plaintiff THE CITY OF NEW YORK is entitled to a judgment against the defendants, their agents,

assigns, employees and all persons acting individually or in concert with them, permanently restraining such public nuisances.

102. Defendants have intentionally conducted, maintained or permitted the public nuisances alleged in this cause of action.

103. Pursuant to section 7-706(h) of the Administrative Code, plaintiff THE CITY OF NEW YORK is entitled to a judgment against the defendants, their agents, assigns, employees and all persons acting individually or in concert with them, permanently enjoining them from using or occupying, or maintaining, managing, operating, or permitting the use or occupancy of any of the units in the Subject Premises for transient use and occupancy, and further ordering that they pay a separate penalty of \$1,000 for each day that such defendant intentionally conducted, maintained or permitted the public nuisances alleged in this cause of action.

**SEVENTH CAUSE OF ACTION – STATUTORY PUBLIC  
NUISANCE - BUILDING CODE VIOLATION: WORK  
WITHOUT A PERMIT – INJUNCTION AND CIVIL  
PENALTIES**

104. Plaintiff repeats and realleges paragraphs “1” through “103” as if contained herein.

105. Under the Nuisance Abatement Law, section 7-703(d) of the Administrative Code, any premises wherein there is occurring a violation of section 27-147 [presently renumbered as section 28-105.1] of the Administrative Code is deemed to be a public nuisance.

106. Section 28-105.1 [formerly section 27-147] prohibits building construction or alteration work without a permit having first been issued by the Department of Buildings.

107. During the inspection conducted on September 26, 2013, a DOB Inspector

observed that full height partitions were removed on the Second Floor of the Building, with such work having been done without required permits, in violation of Section 28-105.1 of the Administrative Code.

108. An ECB Notice of Violation and Hearing was issued by the Department of Buildings as a result of that violation.

109. Defendant US SUITE LLC was held to be 'In Violation' for having conducted such work without the required permit and, upon information and belief, that violation has not been corrected to date.

110. During the inspection conducted on January 2, 2015, a DOB Inspector observed that, at the First Floor entrance to the Building, a storm enclosure had been erected and anchored to the sidewalk and the structure without first obtaining the required DOB work permit, in violation of Section 28-105.1 of the Administrative Code.

111. An ECB Notice of Violation and Hearing was issued by the Department of Buildings as a result of that violation.

112. As a result of the foregoing, there exists a public nuisance at the premises.

113. Pursuant to sections 7-706(a) and 7-714 of the Administrative Code, plaintiff THE CITY OF NEW YORK is entitled to a judgment against the defendants, their agents, assigns, employees and all persons acting individually or in concert with them, permanently restraining such public nuisance.

114. Defendants have intentionally conducted, maintained or permitted the public nuisance alleged in this cause of action.

115. Pursuant to section 7-706(h) of the Administrative Code, plaintiff THE CITY OF NEW YORK is entitled to a judgment against the defendants ordering that they pay a

separate penalty of \$1,000 for each day that such defendant intentionally conducted, maintained or permitted the public nuisances alleged in this cause of action.

**EIGHTH CAUSE OF ACTION – COMMON  
LAW NUISANCE – INJUNCTION, AND  
COMPENSATORY AND PUNITIVE  
DAMAGES**

116. Plaintiff repeats and realleges paragraphs “1” through “115” as if contained herein.

117. The defendants have advertised, operated, and maintained apartments for short-term stays of less than 30 days in multiple dwellings which legally are only available for permanent residency, creating serious safety risks for the transient occupants of those apartments, significant security risks in buildings not equipped to handle the security problems associated with transient occupancy, and a degradation in the quality and comfort of the surrounding residents, created by noise, filth, and the excessive traffic of unknown and constantly changing individuals entering their places of abode.

118. The unlawful activities promoted, maintained and allowed by the defendants through their illegal practices, and the unsafe building conditions allowed by defendants, as described in this complaint, are detrimental to the welfare, property, and safety of the citizens of the City of New York and the public at large.

119. They offend, interfere with and cause damage to the public in the exercise of rights common to all, in a manner such as to endanger or injure the property, safety and well-being of a considerable number of persons.

120. The defendants are therefore maintaining a public nuisance as known at common law and in equity jurisprudence.

121. Unless restrained by order of this court, the defendants will continue their illegal activities and will absorb the costs of any fines and penalties imposed upon them as routine operating expenses. In addition, the plaintiff CITY will be forced to continue expending its limited resources in continued attempts to abate this harmful nuisance through administrative inspections, summonses, and violation orders.

122. The plaintiff therefore, has no adequate remedy at law.

123. As a result of the foregoing, the plaintiff is entitled to a judgment against the defendants, their agents, assigns, employees and all persons acting individually or in concert with them, permanently restraining the above described common law public nuisance.

124. Defendants have acted willfully, wantonly, and with a recklessness betokening an improper motive, and have engaged in intentional misconduct and recklessly and wantonly disregarded the safety, welfare, and rights of others in permitting and maintaining the aforesaid common law public nuisance.

125. Defendants have continued to engage in their illegal business, unabated. They actively advertise and seek to rent numerous permanent residence units to tourist and visitors to New York City for stays of less than 30 days, knowing that this constitutes an illegal occupancy. Defendants have maintained this activity despite being put on notice by the City through the issuance of repeated violations by the Department of Buildings and the Fire Department, ordering that the transient occupancy violations cease.

126. Plaintiff is thus entitled to compensatory and punitive damages because of the knowing and ongoing common law nuisance created, maintained, and continued by defendants.

WHEREFORE, the plaintiffs demand judgment against the defendants as follows:

1. Declaring that the defendants and each of them had knowledge of the existence of the unlawful acts complained of herein, and failed to take reasonable measures to abate such unlawful activity;

2. Declaring that the defendants and each of them have managed, used, advertised, booked, and operated numerous dwelling units at the Subject Premises for illegal transient use and occupancy though prohibited by State and local laws, and continue to manage, use, advertise, book, and operate the Subject Premises in a manner as to constitute deceptive trade practices and a public nuisance;

3. With respect to the FIRST CAUSE OF ACTION, pursuant to sections 20-703 of the Administrative Code, an order:

a. Permanently enjoining defendants, their agents, employees or representatives, and every person or entity acting individually or in concert with them, from further violating the Consumer Protection Law and from committing the deceptive acts or practices alleged herein;

b. Imposing upon defendants fines in the amount of Five Hundred Dollars (\$500) for each and every knowing violation of the Consumer Protection Law, and Three Hundred Fifty Dollars (\$350) for each and every unknowing violation of the Consumer Protection Law.

4. With respect to the SECOND CAUSE OF ACTION, pursuant to section 306 of the Multiple Dwelling Law,

a. Permanently restraining the defendants, their agents, assigns, employees or representatives, and every person or entity acting individually or in

concert with them from in any way permitting the Subject Premises to be used, advertised, or occupied in any manner which violates the legal use and occupancy for the premises, as permitted by Section 4 of the Multiple Dwelling Law or other State and City laws.

5. With respect to the THIRD CAUSE OF ACTION, pursuant to sections 28-205.1 and 28-202.1 of the New York City Admin. Code,

a. Permanently restraining the defendants, their agents, assigns, employees or representatives, and every person or entity acting individually or in concert with them from in any way permitting the Subject Premises to be used, advertised, or occupied in any manner which violates the legal use and occupancy for the premises, as permitted by the Multiple Dwelling Law and the New York City Building Code, or which violates the provisions of the Building Code, which prohibit a change in the use or occupancy of a building without first having obtained a written permit from the Department of Buildings and a certificate of occupancy authorizing a change in occupancy.

b. Directing that the defendants and each of them pay to plaintiff THE CITY OF NEW YORK the maximum penalty set forth in sections 28-202.1 and 28-202.2 for each violation of the provisions of the building laws.

6. With respect to the FOURTH, FIFTH, SIXTH, and SEVENTH CAUSE OF ACTION, pursuant to sections 7-706(a) and 7-714 of the Administrative Code,

a. Directing that the Subject Premises shall be permanently and perpetually enjoined and restrained as a place in or upon which to conduct, maintain,

advertise, or continue the public nuisances complained of herein by the defendants and by any other person or persons.

b. Permanently restraining the defendants, their agents, assigns, employees or representatives, and every person or entity acting individually or in concert with them from in any way permitting the Subject Premises to be used, advertised, or occupied in any manner which violates the legally permitted use and occupancy for the premises.

c. Pursuant to section 7-706(h) of the Administrative Code, directing the defendants and each of them to pay to plaintiff THE CITY OF NEW YORK a separate penalty of \$1000 for each day that each such defendant intentionally conducted, maintained or permitted each public nuisance complained of in the FOURTH CAUSE OF ACTION, and for each day that each such defendant intentionally conducted, maintained or permitted each public nuisance complained of in the FIFTH CAUSE OF ACTION, and for each day that each such defendant intentionally conducted, maintained or permitted each public nuisance complained of in the SIXTH CAUSE OF ACTION, and for each day that each such defendant intentionally conducted, maintained or permitted each public nuisance complained of in the SEVENTH CAUSE OF ACTION.

7. With respect to the EIGHTH CAUSE OF ACTION, pursuant to the common law doctrine of public nuisance,

a. Permanently enjoining the defendants, their agents, assigns, employees or representatives, and every person or entity acting individually or in



concert with them, from conducting, maintaining or in any way permitting the common law public nuisance described herein.

- b. Awarding the plaintiff THE CITY OF NEW YORK compensatory damages in an amount to be set by the court, and punitive damages in the amount of \$500,000 for the willful and wanton perpetuation of a common law public nuisance by defendants.

8. Pursuant to section 7-714(a) of the Administrative Code, directing the sheriff of the City of New York to remove from the Subject Premises all furniture, fixtures, equipment, material, instruments and movable property of whatever kind and nature used in conducting or maintaining the nuisances complained of herein and directing said Sheriff to sell the same in the manner provided for the sale of chattels under execution;

9. Pursuant to section 7-714(g) of the Administrative Code, allowing, in addition to the costs and disbursements allowed by the Civil Practice Law and Rules, the actual costs, expenses and disbursements of plaintiff THE CITY OF NEW YORK in investigating, bringing and maintaining this action, and directing that plaintiff THE CITY OF NEW YORK have execution therefor;

10. Taxing and allowing the costs and disbursements against defendants and directing that plaintiff THE CITY OF NEW YORK have execution therefor;

11. Granting to plaintiffs such other and further relief as the Court may deem just, proper and equitable.

Pursuant to section 130-1.1a of the Rules of the Chief Administrator, it is certified that, to the best of my knowledge, information and belief, formed after a reasonable inquiry

under the circumstances, that the presentation of the papers attached hereto and the contentions contained therein are not frivolous.

Dated: New York, New York  
January 20, 2015

ZACHARY W. CARTER  
Corporation Counsel of  
The City of New York  
Attorney for Plaintiff



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By: MARTIN I. NAGEL  
Special Assistant Corporation Counsel  
The Mayor's Office of Special Enforcement  
One Centre Street, Room 1012N  
New York, NY 10007  
Tel.: (212) 788-7140

CITY VS THE LAND & BUILDING KNOWN AS 440 W. 41<sup>ST</sup> ST

VERIFICATION

SHERYL NEUFELD, an attorney admitted to practice before the Courts of the State of New York, hereby affirms the following to be true, under the penalties of perjury, pursuant to C.P.L.R. 2106:

I have been duly designated as Acting Corporation Counsel of the City of New York and, as such, I am an officer of the City of New York, the Plaintiff in the within action. I have read the foregoing complaint and know the contents thereof; the same are true to my knowledge except as to those matters therein alleged upon information and belief, and as to those matters I believe them to be true.

The reason why this verification is not made by the City of New York is that it is a corporation. My belief as to all matters not stated upon my knowledge is based upon information obtained from various departments of the city governments, from statements made to me by certain officers or agents of the City of New York, and from statements, affidavits or affirmations of other persons.

DATED: New York, New York  
January 16, 2015

  
\_\_\_\_\_  
SHERYL NEUFELD, ESQ.

Index No.

Year 2015

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

THE CITY OF NEW YORK,

Plaintiff,

-against-

US SUITE MANAGEMENT LLC, et al.,

Defendants,

SUMMONS & VERIFIED COMPLAINT

ZACHARY W. CARTER  
Corporation Counsel

*Attorney for... Plaintiff...*  
Mayor's Office of Special Enforcement  
1 Centre Street, Rm. 1012N  
New York, NY 10007  
Tel.: (646) 576 - 3533  
MARTIN I. NAGEL, Special Assistant Corporation Counsel

Due and timely service of a copy of the  
Within is hereby admitted.  
New York, .....2015.....

.....  
Attorney for .....  
To....., Esq.  
Attorney for

To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers of the contention therein are not frivolous as defined in subsection (c) of section 130-1.1 of the Rules of the Chief Administrator (22NYCRR)

Sign Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Address: Mayor's Office of Special Enforcement  
1 Centre Street, Rm. 1012N  
New York, NY 10007  
Telephone: (212) 788-7140