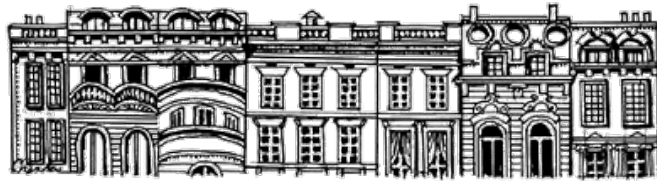


Ameritania Hotel Illegal LED Sign

Evidence Package Addendum

New Findings from May 6, 2026 FOIL Responses



West 50s Neighborhood Association, 501(c)(3)

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This addendum supplements the [April 2026 Evidence Package](#). It does not replace the original. All new findings here are drawn from three FOIL responses received from the New York City Department of Buildings on May 6, 2026 (FOIL-2026-810-01904, 01954, and 01965) and from supplemental DOB NOW, BIS, ACRIS, statute, and OATH research conducted the same day. Every factual statement in the sections that follow is sourced to a primary-source file retrieved directly from a DOB or other agency system.

SECTION 1: NEW FINDINGS THAT STRENGTHEN THE CASE

A. OAC 1111 Status: 13-Month Operating Lapse Confirmed by DOB's Own Records

The April 16, 2026 Evidence Package stated that Outdoor Advertising Company Registration #1111, held by New Tradition Outdoor LLC and authorizing the Ameritania sign, expired on December 7, 2023. The May 6 FOIL response confirms that prior expiration date and produces a primary-source document that materially refines the picture. DOB delivered a "Notice of Active Registration" letter dated January 8, 2025, signed by Daniel Lin, Esq., Sign Enforcement Unit. The letter establishes that OAC #1111 is currently active with an effective date of January 8, 2025 and an expiration date of January 8, 2027. The application and check for \$2,625 were received on December 8, 2024.

The same FOIL response produced two BIS receipts dated January 8, 2025 documenting the \$2,625 in fees. Receipt 62428447 records \$1,500 paid for an "OAC REGISTRATION FEE LATE RENEWAL." Receipt 62428448 records \$1,125 paid for an "OAC PER SIGN FEE ORIGINAL." The "LATE RENEWAL" classification is DOB's own characterization of the transaction, recorded in DOB's billing system on the day of the renewal.

The interval between expiration and reactivation is December 7, 2023 to January 8, 2025, a period of approximately thirteen months, or roughly 395 days. Throughout that period, the operator engaged in the outdoor advertising business at this property without a valid registration. Section 28-502.6.4 of the New York City Administrative Code provides that an outdoor advertising company that violates the article is subject to a civil penalty of up to fifteen thousand dollars for a first violation and up to twenty-five thousand dollars for a second or subsequent violation, with each day's continuance treated as a separate and distinct violation.

Two clauses in the renewal letter itself materially limit any defense available to the current sign owner. The letter states verbatim:

"Issuance of this registration number shall not be deemed to constitute permission or authorization to maintain a sign which is otherwise illegal pursuant to any provision of law, nor shall such issuance of this registration number constitute a defense in an action or proceeding with respect to such unlawful sign."

"This registration is not transferable."

The first clause establishes that the January 2025 renewal does not legitimize, and may not be invoked as a defense against, the §32-64 illumination violation, the expired annual sign permit, or the false-certification claims described in the original Evidence Package. The renewal restored New Tradition Outdoor's authorization to engage in the outdoor advertising business, nothing more. The second clause establishes that whatever rights may have transferred to BTO Nitro Buyer LLC under the June 8, 2023 ACRIS RPTT filing, the OAC registration was not among them.

B. BTO Nitro Buyer LLC Has Never Registered as an OAC

DOB's response to FOIL-2026-810-01954 contains a direct admission on this point. The Department wrote that "a diligent search has revealed that there are no registration documents from BTO Nitro Buyer LLC responsive to your request." Combined with the non-transferability clause in the renewal letter, this establishes that the entity that acquired the sign rights from the members of New Tradition Holdings LLC on June 8, 2023, recorded in ACRIS at CRFN 2024000230113 for total consideration of \$3,664,558.60 across roughly thirty parcels including 230 W 54th, has no DOB authorization to engage in the outdoor advertising business at this location or any other.

This is not a historical compliance question. It is a current and ongoing condition. BTO Nitro Buyer LLC, an acquisition vehicle of Blackstone Tactical Opportunities, has owned the advertising rights on this sign continuously since June 2023. It has never registered as an outdoor advertising company. Its operation of commercial outdoor advertising in New York City is therefore a current §28-502.2 violation, distinct from and in addition to the historical lapse by New Tradition Outdoor described above.

C. Inspector Documentation of §32-644 Misapplication

The original Evidence Package described DOB's stated defense on the §32-64 enforcement question as the "legal interpretation of reflection" answer that Deputy Commissioner Chintan Desai gave at the April 13, 2023 Owner's Night. The May 6 BIS pulls add two records that go further. They show DOB inspectors at the working level either applying the predecessor statute that Assembly Member Rosenthal had already corrected, or denying DOB jurisdiction entirely.

Inspector Badge #2882 inspected on March 16, 2020 in response to Complaint #1499512 and recorded the following disposition note in the BIS record:

"SIGN INSPECTION PERFORMED, REVIEWED BY SIGNS UNIT. SIGN IS LEGAL PER PERMIT #'S 123121576, AND 140676445. LOCATION IS A C6-7 ZONE, NO SIGN RESTRICTIONS."

The "no sign restrictions" framing tracks the language and assumptions of §32-644, the predecessor 1973 provision, applied to a C6-7 commercial zone. By March 2020, DOB had already received the June 11, 2019 letter from Assembly Member Linda Rosenthal to Commissioner Melanie La Rocca that explicitly identified §32-64 as the controlling residential-illumination provision and asked DOB to re-inspect under the correct standard. Nine months after that legislative correspondence, a DOB inspector still treated the parcel as if no residential illumination restrictions existed.

Inspector Badge #2889 inspected on May 25, 2023 in response to Complaint #1633460 and recorded:

“SIGN PERMIT NO : 122707400-01-SG ISSUED 07/18/2018 LIGHT POLLUTION IS NOT WITHIN DOB JURISDICTION.”

The Department of City Planning had confirmed in the same month, May 2023, that “Section 32-64 applies” and that the matter “falls entirely under DOB.” A DOB inspector, in the BIS record, denied that DOB has jurisdiction over the precise category of harm the Department of City Planning had just told DOB it was responsible for.

These two entries, taken together, document a pattern of DOB inspectors actively misapplying or denying the controlling zoning provision after both legislative correspondence and inter-agency confirmation had identified the correct provision. This pattern is the foundation for an Article 78 mandamus theory that DOB’s enforcement decisions on this specific sign are not the product of reasoned discretion but of repeated, record-based misapplication. The complaint records also confirm that on October 16, 2018, Inspector Badge #2185 closed Complaint #1489082 with the note “SIGN HAS JOB#12707400..SIGNOFF AND NO LED LIGHT SHINNING ON ANY WINDOW,” a daytime paperwork inspection of a nighttime light-intrusion complaint, completing the picture of a sustained inspection methodology that does not reach the violating condition.

D. Three 2017 ECB Violations: Full Case File Now Documented

The three Class 1 Immediately Hazardous violations issued October 14, 2017 against Bryant Associates LLC, ECB numbers 35295204K, 35295205M, and 35295206Y, are now backed by complete primary-source case files retrieved directly from BIS. Each violation was issued by Inspector ID 2727, Special Operations, with a violation type of SIGNS and infraction code 162 under §28-502.6 (with an additional 160 under §28-105.1 on 35295204K). Each violation references “DAILY MAIL TV” advertising content and demands the remedy “REMOVE ILLEGAL SIGN.”

The procedural history is now established by primary records. All three violations were heard at OATH on June 7, 2018 at 8:30 AM and resulted in findings of “IN VIOLATION.” The first set of Certificates of Correction was submitted and disapproved by DOB on August 2, 2018. A second set was submitted on June 5, 2019 and accepted the same day. The penalty imposed on each violation was \$5,000.00, for a total of \$15,000.00 across the three. All three currently show “Penalty Balance Due: \$0.00” and certification status “CERTIFICATE ACCEPTED.”

The sign described in each violation, including the “SIGN COVERING OVER WINDOWS, NOT BLOCKED BY WALL STRUCTURE OR PROJECTING SIGN STRUCTURE” cited in 35295205M and the “PROPERTY OWNER ACTING AS OUTDOOR ADVERTISING COMPANY. FAILURE TO OBTAIN REGISTRATION # WHILE ENGAGING IN THE OUTDOOR ADVERTISING BUSINESS” cited in 35295206Y, was not in fact removed. The same sign at the same location, with windows still covered and the same operator engaged in the same conduct, has continued to operate from October 2017 to the present. The accepted Certificates of Correction therefore attested to compliance with a remedy that demanded sign removal, where no such removal

occurred. This is the factual basis for the §28-211.1 false certification claim, now resting on primary records rather than on summary descriptions.

E. Prior Violation History at This Property

The ECB pulls confirm that all three 2017 sign violations were issued against Bryant Associates LLC at 224 West 49 Street, New York, NY 10019, the same property owner that holds the parcel today. The three violations together, totaling \$15,000 in imposed penalties for unauthorized “Daily Mail TV” commercial signage, establish a documented pattern of unauthorized commercial advertising at this exact property predating the current Blackstone-controlled LED installation. The current operating arrangement involves the same property owner of record, the same advertising-content category, and the same failure to maintain valid OAC registration that was specifically cited in the 2017 violation 35295206Y.

SECTION 2: CORRECTIONS TO THE APRIL 16 EVIDENCE PACKAGE

Subsequent legal review and primary-source verification have identified two corrections to the April 16 Evidence Package. The corrections do not affect the substance of the enforcement requests; they refine the citations and arithmetic.

A. Civil Penalty Citation: §28-502.6.4 (not §28-502.3)

The original package cited §28-502.3 of the New York City Administrative Code in connection with the \$25,000-per-day civil penalty for operating without a valid OAC registration. The correct citation is §28-502.6.4. Section 28-502.3 is the revocation and suspension provision, governing DOB’s authority to revoke, suspend, or refuse to renew an existing registration. Section 28-502.6.4 is the civil penalty provision. The penalty structure is also more nuanced than the prior framing suggested. Under §28-502.6.4, the penalty is up to fifteen thousand dollars for a first violation and up to twenty-five thousand dollars for a second or subsequent violation, with each day’s continuance treated as a separate and distinct violation.

B. Total ECB Fines: \$15,000 (not \$15,062.88)

The original package cited \$15,062.88 as the total in ECB fines paid in connection with the three 2017 violations. The BIS records produced on May 6th 2026 show “Penalty Imposed: \$5,000.00” on each of the three violations, for a total of \$15,000.00. The \$62.88 figure appears to have originated from a misread or calculation error in the campaign’s earlier research notes. The corrected figure does not change the analysis; it removes a small inaccuracy from the record.

SECTION 3: ANSWERED AND OUTSTANDING FOIL ITEMS

The May 6 FOIL responses produced primary-source records on a substantial portion of the requests. The OAC renewal letter for OAC #1111 was produced. BIS Application Details for Job 122707400 were produced, along with the B-SCAN Virtual Job Folder index, the Work Permit Data, and the supplementary BIS receipts. ECB case files for the three 2017 violations were produced. Complaint detail for the seven sign-related complaints filed at this property between 2017 and 2025 was produced, including the verbatim inspector entries quoted in Section 1, subsection C. The Property Profile Overview was produced. Each of these items is now in primary-source form in the campaign archive.

Several items were denied or remained outstanding. Legislative correspondence requested under FOIL-01904 item 4, including the June 11, 2019 Rosenthal letter to Commissioner La Rocca, was denied on the ground that no responsive records exist. The campaign possesses a copy of the Rosenthal letter through affected resident Brent Waligory and through Assembly Member Rosenthal's office, both of which can independently confirm the letter and its content. An administrative appeal of the FOIL denial has been filed. Communications between DOB and the operator entities requested under FOIL-01954 items 3 and 4 were denied as too broad. A resubmittal naming specific DOB custodians, including the Sign Enforcement Unit, the Padlock and Signs Unit, the Administrative Enforcement Unit, Special Operations, and the Manhattan Borough Office, has been filed. Sign permit plans and PW1 amendment content requested under FOIL-01904 items 1 and 2 were partially produced. The B-SCAN folder index lists three PW1 filings dated March 22, 2016, January 20, 2017, and March 15, 2017, but the substantive plan and amendment content was not delivered. A targeted second request for that content has been filed. FOIL-01965, addressing the separate Broadway-facing branding sign at the same property, was dismissed as a duplicate of FOIL-01904 and FOIL-01954. The Broadway-facing sign is a distinct sign with a distinct BIS sequence number and a distinct enforcement history, and warrants its own records production. An appeal of that dismissal has been filed.

SECTION 4: IMPLICATIONS FOR ENFORCEMENT REQUESTS

The four enforcement requests in the original Evidence Package remain. Each is now updated to reflect the new primary-source backing and refined statutory framing.

1. Civil penalty assessment under §28-502.6.4 against New Tradition Outdoor LLC for the approximately 395-day period from December 7, 2023 to January 8, 2025 during which the operator engaged in outdoor advertising at this property without valid OAC registration. DOB's own billing system classifies the January 8, 2025 transaction as a "LATE RENEWAL." The lapse is bounded, documented, and self-acknowledged in the agency's records. This reframes the prior package's "currently expired" framing into a closed-period civil penalty exposure.
2. Enforcement action under §28-502.2 against BTO Nitro Buyer LLC for current and ongoing operation of an outdoor advertising sign at 230 W 54th Street without a valid

OAC registration. DOB has admitted that no registration documents from BTO Nitro exist. The June 8, 2023 ACRIS transfer assigned the advertising interest in this sign and roughly thirty other NYC parcels to BTO Nitro for \$3,664,558.60, and the OAC renewal letter expressly states the registration is not transferable. This is a new violation theory not framed in the original package, supported entirely by primary records.

3. Reopening of the three 2017 ECB violations (35295204K, 35295205M, 35295206Y) under §28-211.1 for false certification. The procedural history is now documented in primary form: rejection August 2, 2018, acceptance June 5, 2019, sign never removed, conditions persist. This claim is strengthened, not changed.
4. Nighttime re-inspection under §32-64, with explicit instruction that inspectors apply §32-64 (not §32-644) per the legislative correspondence and inter-agency confirmation, and with the BIS record of inspector misapplication as the documentary basis for that instruction. This claim is strengthened, not changed.

All primary-source files cited in this addendum are available for review on request. Direct correspondence and document requests to Jacob van Winkle, Treasurer, West 50s Neighborhood Association, at jacobnyc54@gmail.com or (212) 518-3162.