

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

----- X
In the Matter of the Application of

JACOB VAN WINKLE,

Petitioner,

For a Judgment Pursuant to Article 78 of the Civil
Practice Law and Rules,

against

**NEW YORK CITY DEPARTMENT OF
BUILDINGS,**

Respondent.
----- X

Index No. _____

NOTICE OF PETITION

PLEASE TAKE NOTICE that, upon the annexed Verified Petition of Jacob van Winkle, sworn to on _____, 2026, and upon all of the exhibits annexed thereto, Petitioner Jacob van Winkle will petition this Court, pursuant to Article 78 of the CPLR, at the Supreme Court of the State of New York, at the Courthouse located at 60 Centre Street, New York, New York, on October 14, 2026 at 9:30 AM, or as soon thereafter as counsel may be heard, for a judgment granting the petition and providing the following relief:

- 1) Ordering Respondent to comply with its duty under the Freedom of Information Law to disclose the records sought in Petitioner's FOIL requests FOIL-2026-810-01904, FOIL-2026-810-02752, and FOIL-2026-810-03731, or to submit withheld material for in camera review, and, as to the no-records responses, to conduct a diligent search and file a sworn certification detailing its scope and results, with an evidentiary hearing if Respondent maintains that no responsive records exist;
- 2) Awarding reasonable attorney's fees and litigation costs as allowed under New York Public Officers Law section 89; and
- 3) Granting such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 7804, Respondent is directed to serve on Petitioner their Verified Answer, Memorandum of Law and supporting affidavits, if any, in accordance with CPLR 7804(c).

Dated: _____, 2026
New York, New York

Jacob van Winkle, Petitioner pro se
200 West 54th Street, Apt 3B
New York, NY 10019
(212) 518-3162
jacobnyc54@gmail.com

To:

The New York City Department of Buildings
280 Broadway
New York, New York 10007

Corporation Counsel of the City of New York
100 Church Street
New York, New York 10007

SUPREME COURT OF THE STATE OF NEW YORK
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VERIFIED PETITION

Petitioner Jacob van Winkle, appearing pro se, for this verified petition pursuant to CPLR Article 78 and Public Officers Law Article 6, alleges as follows:

Preliminary Statement

1. This proceeding challenges three determinations of the New York City Department of Buildings ("DOB" or "the Department") under the Freedom of Information Law ("FOIL"), Public Officers Law sections 84 through 90, each concerning records about a single illuminated advertising sign at 230 West 54th Street, Manhattan, also known as 1701 Broadway (BIN 1024839), permitted under DOB Job 122707400.

2. In the first determination, the Department withheld a draft written response that its staff prepared in 2019 to a written inquiry from a Member of the New York State Assembly, after the Department decided to respond to the legislator by telephone in lieu of sending the drafted response. The Department claims the draft is exempt as inter-agency deliberative material under Public Officers Law section 87(2)(g).

3. In the second determination, the Department claimed that no records exist of the internal review supporting its June 5, 2019 acceptance of certificates of correction for three Class

1 violations, an acceptance the Department granted the same day the certificates were received, despite its own prior disapproval letters imposing specific physical conditions, and despite sworn statements in the accepted certificates that are contradicted by the photographs attached to those very certificates. The Department cited no FOIL exemption.

4. In the third determination, the Department claimed it could not find the plan examiner objection sheet from the March 20, 2017 disapproval of the sign's permit application, an examination event recorded in the Department's own systems, which was followed within forty-eight hours by approval. The Department located and produced the objection sheet of the same type, for the same job, by the same examiner, from the examination one year earlier, and the file properties of that produced record show it was generated by Department staff on the day of the FOIL response, demonstrating the Department's ability to retrieve or generate such records on demand.

5. This is the same agency, the same sign, and the same pattern three times: records that must exist, and a response that they cannot be found or must be withheld. On one of these requests the Department produced the responsive records only on administrative appeal, having neither produced them, denied that portion of the request in writing, nor certified their nonexistence in its initial response. Petitioner seeks the records, or search certifications that identify what was actually searched, an evidentiary hearing if the Department maintains that no records exist, and attorney's fees and litigation costs under Public Officers Law section 89(4)(c).

Parties

6. Petitioner Jacob van Winkle resides at 200 West 54th Street, Apt 3B, New York, NY 10019, directly across the street from the sign that is the subject of the underlying records. Petitioner is the named requester on each FOIL request at issue and serves as Treasurer of the West 50s Neighborhood Association, a 501(c)(3) neighborhood organization, on whose behalf the underlying inquiries were pursued.

7. Respondent New York City Department of Buildings is an agency of the City of New York with its principal office at 280 Broadway, New York, NY 10007, and is an "agency" subject to FOIL under Public Officers Law section 86(3).

Jurisdiction and Venue

8. This Court has jurisdiction under CPLR 7803(3) to review whether the determinations were affected by an error of law, arbitrary and capricious, or an abuse of discretion. Judicial review of FOIL determinations following exhaustion of administrative remedies is available under Public Officers Law section 89(4)(b).

9. Venue lies in New York County under CPLR 506(b) because the determinations were made in New York County, where the Department maintains its principal office.

10. Each claim is timely. The final determinations issued on May 15, 2026, May 29, 2026, and July 23, 2026 respectively, and this proceeding is commenced within four months of each under CPLR 217(1).

11. The three claims are properly joined in one proceeding. They lie against the same respondent, arise from the same property and the same permit, and present common questions of law and fact concerning the adequacy of the Department's searches and certifications.

Background Common to All Claims

12. Since 2017, an illuminated LED advertising sign has operated on the facade of the Ameritania Hotel, 230 West 54th Street, under DOB Job 122707400. The sign faces buildings containing hundreds of residential apartments.

13. In October 2017, DOB issued three Class 1 (immediately hazardous) violations concerning the sign (ECB summonses 35295204K, 35295205M, 35295206Y), each carrying the handwritten remedy "Remove illegal sign." The sign was never removed and operates today.

14. On June 11, 2019, Assembly Member Linda Rosenthal wrote to the DOB Commissioner, stating that the Department had advised her office that the sign was governed by

Zoning Resolution section 32-644, a provision dating to 1973, that the surface area and illumination provisions of section 32-64 adopted in 2001 prohibit an illuminated sign from projecting or reflecting on residences, and urging re-inspection under the newer provisions. (Exhibit B.)

15. Petitioner, individually and as Treasurer of the West 50s Neighborhood Association, has filed a series of FOIL requests with the Department since April 2026 seeking the records of the Department's handling of this sign. The three requests at issue here, and the Department's responses, are described below. True copies of each request, response, administrative appeal, and appeal determination are annexed as exhibits and listed in the Index of Exhibits annexed hereto.

First Claim: FOIL-2026-810-01904, the Withheld 2019 Draft Response

16. On April 8, 2026, Petitioner filed FOIL-2026-810-01904 seeking, among other items, legislative correspondence concerning the sign. (Exhibit A.)

17. The Department's initial response produced no legislative correspondence records. Petitioner administratively appealed on or about May 9, 2026. (Exhibit F.)

18. On May 15, 2026, the Department's Records Access Appeals Officer granted the appeal in part, producing the Rosenthal letter and an internal November 2019 email chain, and withholding a draft written response to the Assembly Member under Public Officers Law section 87(2)(g), together with one intra-email redaction on the same ground. (Exhibits C, G.)

19. The produced chain shows that Department staff drafted a written response to the Assembly Member, escalated the matter to the Commissioner, and then decided, in the words of a November 2019 email by an Assistant Commissioner, on "a phone call in lieu of the attached draft response to her letter." (Exhibit D.)

20. The May 15, 2026 determination is the Department's final determination. Administrative remedies are exhausted.

21. The withholding is affected by an error of law. The deliberative materials exemption of section 87(2)(g) protects pre-decisional inter-agency or intra-agency materials, and does not

protect materials that are final, that were adopted, or that are factual. Upon information and belief, once the Department decided to respond by telephone, the draft was no longer pre-decisional as to that decision; it is the record of what the Department had prepared to say and chose not to put in writing. The exemption also cannot be applied to factual statements within the draft, which must be segregated and disclosed.

22. FOIL is to be liberally construed and its exemptions narrowly construed, and the burden is on the agency to demonstrate that withheld material falls squarely within an exemption. *Matter of Gould v. New York City Police Dept.*, 89 N.Y.2d 267, 274-275 (1996). A conclusory invocation of section 87(2)(g) does not carry that burden. Petitioner respectfully requests that the Court review the withheld draft and the redaction in camera and order disclosure of all non-exempt and reasonably segregable portions.

23. The Department's conduct on this same request also bears on the claims that follow. The Department's initial response produced none of the requested legislative correspondence, and neither denied that portion of the request in writing nor certified that no responsive records existed. Only on administrative appeal were the records produced. The Department's initial responses concerning records of this sign therefore cannot be accepted at face value.

Second Claim: FOIL-2026-810-02752, the "No Records" Response for the Certificate-of-Correction Review

24. On May 18, 2026, Petitioner submitted FOIL-2026-810-02752 via OpenRecords, seeking three categories of records concerning the certificates of correction for the three 2017 violations: the accepted certificate text, the previously disapproved certificate text, and the Administrative Enforcement Unit's internal review notes supporting the June 5, 2019 acceptance. (Exhibit H.)

25. On May 20, 2026, the Department closed the request with partial production. It produced two disapproval letters dated March 7, 2018, issued by its Administrative Enforcement Unit, disapproving earlier certificates and requiring, among other conditions, that the sign's

"anchors must be removed." It produced no accepted certificate text, no disapproval letter for the third summons, and produced no internal review notes. It cited no FOIL exemption. (Exhibits I, J, K.)

26. Petitioner administratively appealed on May 20, 2026, within hours of the closure. The Department denied the appeal on May 29, 2026, stating that no responsive documents had been located; no additional records were produced and no exemption was cited. The May 29, 2026 determination is final. Administrative remedies are exhausted. (Exhibits L, M.)

27. The no-records response is not credible on the Department's own record, and no certification of any search accompanied it. The Department's Administrative Enforcement Unit disapproved earlier certificates in writing, with stated reasons and conditions; those letters were located and produced. The same unit then accepted second certificates on June 5, 2019, the same day the Department's own case records show they were submitted. An administrative unit that generates written disapprovals with reasons, and then reverses itself, cannot plausibly possess no record whatsoever of the reversal. Records subsequently obtained by Petitioner through other FOIL requests show what that acceptance approved: sworn statements that the "sign was taken down and anchors have been removed and is no longer in site/property," accompanied by photographs that themselves show a large sign panel mounted on the wall. The sign stands today. (Exhibit N.)

28. A determination that records cannot be found is reviewable, and the person requesting records is entitled to a certification that the agency does not have possession of the record or that the record cannot be found after diligent search. Public Officers Law section 89(3)(a); *Matter of Rattley v. New York City Police Dept.*, 96 N.Y.2d 873, 875 (2001). The Department has provided no certification of any kind on this claim, and has identified no system, location, or custodian searched. An agency must establish that it actually conducted a search, or that the descriptions in the request were insufficient to locate and identify the documents sought, before denying a FOIL request on no-records grounds. *Aron Law PLLC v. New York City Dept. of Education*, 192 A.D.3d 552 (1st Dept 2021); *Matter of Asian Am. Legal Defense & Educ.*

Fund v. New York City Police Dept., 125 A.D.3d 531 (1st Dept 2015), lv denied 26 N.Y.3d 919 (2016).

29. Petitioner has articulated a demonstrable factual basis that the requested records existed and were within the Department's control: the Department's own produced disapproval letters prove the unit conducted substantive written review of these very certificates, and the same-day acceptance that followed is itself an event of that review. Where a petitioner articulates such a basis, the petitioner is entitled to an evidentiary hearing if the agency maintains that no records exist. Matter of Oddone v. Suffolk County Police Dept., 96 A.D.3d 758, 759 (2d Dept 2012). Petitioner requests that hearing in the alternative, at which the Department must produce a witness with knowledge of the search conducted.

Third Claim: FOIL-2026-810-03731, the Missing 2017 Objection Sheet

30. On July 13, 2026, Petitioner filed FOIL-2026-810-03731 seeking the plan examiner objection sheets for Job 122707400 for each of its three examination events, March 24, 2016 (disapproved), March 20, 2017 (disapproved), and March 22, 2017 (approved), together with any record explaining the March 22, 2017 approval and related internal communications. (Exhibit O.)

31. The Department's own Building Information System records all three examination events, including the March 20, 2017 disapproval, followed by approval on March 22, 2017, forty-eight hours later. (Exhibit U.)

32. On July 17, 2026, the Department closed the request as "fulfilled in part and denied in part," producing a single record: an objection sheet for the March 24, 2016 examination, listing seven objections by the plan examiner. As to everything else sought, including the two 2017 examination records, any approval explanation, and internal communications, the Department's closing notice stated: "The Department is releasing a copy of the records we located. All other requested records were not found." (Exhibits P, Q.)

33. Petitioner administratively appealed on July 19, 2026, noting that the produced 2016 sheet establishes that the record type was created for this job by this examiner; that a disapproval necessarily rests on objections; that the Department's procedure transmits objection sheets to applicants, creating a second search path in outbound correspondence; and requesting a certification identifying the systems searched. (Exhibit S.)

34. On July 23, 2026, the Department denied the appeal in a two-sentence determination stating: "I hereby certify that responsive no records were found following a diligent search of the files of this Department." No systems, locations, or custodians were identified. The determination states it is the Department's final determination. Administrative remedies are exhausted. (Exhibit T.)

35. The certification is inadequate and is contradicted by the Department's own production. The one record the Department produced, the 2016 objection sheet, is a Microsoft Word file whose properties show it was created by Department staff on July 17, 2026, the day of the Department's FOIL response, and was posted to the records portal later that same day. The Department thus demonstrated that it can retrieve or generate the objection record for the 2016 examination on demand. As to the materially identical record for the March 20, 2017 examination, an event the Department's own systems record, one of three things must be true: the information was retrieved and not produced, was never entered, or was destroyed. Each possibility is inconsistent with a bare certification of diligent search that describes nothing about the search performed, for the one examination record that would explain a forty-eight hour reversal from disapproval to approval. (Exhibit R.)

36. The July 23, 2026 certification recites a diligent search but describes nothing about it: no system, no location, no custodian. A certification that describes nothing about the search performed, offered for a record whose adjacent counterpart the agency generated on demand the same day, does not satisfy Public Officers Law section 89(3)(a) on this record, and the agency has not established that it actually conducted a search within the meaning of Aron Law and Asian American Legal Defense and Education Fund.

37. Petitioner has articulated a demonstrable factual basis that the March 20, 2017 objection records existed and were within the Department's control: the Department's Building Information System records the March 20, 2017 disapproval event; a disapproval necessarily rests on objections; the Department created and transmitted the same record type for the same job by the same examiner one year earlier; and the Department generated that adjacent record on demand on July 17, 2026. Under Oddone, 96 A.D.3d at 759, Petitioner is entitled in the alternative to an evidentiary hearing at which the Department must produce a witness with knowledge of the timing and scope of the search conducted.

The Pattern, and What This Petition Does Not Ask

38. Across the three claims, the Department has withheld the only written record of what it planned to tell a State legislator who identified its legal error; claimed no record exists of an internal review that its own disapproval letters prove occurred; and claimed it cannot find the examination record for the disapproval that immediately preceded its approval of this sign, while generating the adjacent year's identical record on demand. FOIL is to be liberally construed and its exemptions narrowly construed, Gould, 89 N.Y.2d at 274-275, and an agency's obligations do not diminish because the records concern the agency's own conduct.

39. Petitioner does not ask the Court to compel the creation of records the Department does not possess, and does not dispute that FOIL does not require an agency to prepare records not possessed or maintained. Public Officers Law section 89(3)(a). Petitioner asks for production of records that the Department's own documents and systems show existed, or, failing production, certifications that identify what was actually searched and that survive scrutiny, and a hearing where they do not.

40. Nor does this petition rest on speculation or inference from public commentary. Each factual basis alleged here is a document the Department itself produced, an entry in the Department's own systems, or a file property of the Department's own production. This record is therefore unlike cases in which a requester relied on inference from public statements to assert

that records must exist; here the Department's own productions and databases directly contradict its no-records responses.

Attorney's Fees and Costs

41. Under Public Officers Law section 89(4)(c), the Court shall assess reasonable attorney's fees and litigation costs where the person requesting records substantially prevails and the agency had no reasonable basis for denying access, and may assess them where the person substantially prevails and the agency failed to respond or determine within the statutory times. *Matter of Madeiros v. New York State Educ. Dept.*, 30 N.Y.3d 67, 74 (2017). Fee awards serve to encourage compliance with FOIL and deter unreasonable denials of access. *Madeiros*, 30 N.Y.3d at 74.

42. The Department cited no exemption at all for its no-records responses on the second and third claims, provided no certification on the second claim, and on the first claim produced the responsive legislative correspondence only after administrative appeal. A no-records denial contradicted by the agency's own produced documents is not a denial with a reasonable basis. Petitioner reserves and requests fees and costs to the fullest extent permitted, including for any counsel who may appear in this proceeding.

No Prior Application

43. No prior application has been made to this or any other court for the relief sought herein.

Relief Requested

WHEREFORE, Petitioner respectfully requests judgment:

(a) On the first claim, annulling so much of the May 15, 2026 determination as withheld the draft response attached to the November 2019 email and the related redaction, directing Respondent to

produce them, or to submit them to the Court for in camera review, and to disclose all non-exempt and reasonably segregable portions;

(b) On the second claim, annulling the May 29, 2026 determination, and directing Respondent, within thirty days of service of the judgment with notice of entry, to conduct a diligent search for the Administrative Enforcement Unit review records supporting the June 5, 2019 acceptances, and to produce the responsive records together with a sworn certification detailing the scope and results of the search, including the systems, locations, and custodians searched;

(c) On the third claim, annulling the July 23, 2026 determination, and directing Respondent, within thirty days of service of the judgment with notice of entry, to conduct a diligent search for the March 20, 2017 objection sheet and related examination records, encompassing the plan examination unit's systems and drives, the examiner's files, and outbound correspondence to the applicant and filing representative, and to produce the responsive records together with a sworn certification detailing the scope and results of the search, including the systems, locations, and custodians searched;

(d) Ordering that, if Respondent continues to assert that no responsive records exist as to the second or third claim, the Court shall hold an evidentiary hearing at which Respondent must produce a witness with knowledge of the timing and scope of the search conducted;

(e) Awarding Petitioner attorney's fees and litigation costs pursuant to Public Officers Law section 89(4)(c), or reserving that issue pending completion of Respondent's search and any evidentiary hearing, together with the costs and disbursements of this proceeding;

(f) Granting such other and further relief as the Court deems just and proper.

Dated: _____, 2026
New York, New York

Jacob van Winkle, Petitioner pro se
200 West 54th Street, Apt 3B
New York, NY 10019
(212) 518-3162
jacobnyc54@gmail.com

VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

Jacob van Winkle, being duly sworn, deposes and says: I am the Petitioner in this proceeding. I have read the foregoing Verified Petition and know its contents. The contents are true to my own knowledge, except as to matters alleged upon information and belief, and as to those matters I believe them to be true.

Jacob van Winkle

Sworn to before me this ____ day of _____, 2026

Notary Public

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

In the Matter of the Application of JACOB VAN WINKLE, Petitioner, For a Judgment Pursuant to Article 78 of the Civil Practice Law and Rules, against NEW YORK CITY DEPARTMENT OF BUILDINGS, Respondent.	----- x Index No. _____ INDEX OF EXHIBITS
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First Claim, FOIL-2026-810-01904

Ex.	Document
A	FOIL-2026-810-01904 request as filed, April 8, 2026
B	Letter of Assembly Member Linda Rosenthal to the DOB Commissioner, June 11, 2019
C	November 2019 internal DOB email chain as produced, with redaction
D	Extract: November 6, 2019 email stating the decision to respond by telephone in lieu of the drafted written response
E	DOB records production cover letter for FOIL-2026-810-01904, produced in native Word format, stating the section 87(2)(b) redaction basis
F	Administrative appeal as filed, May 9, 2026
G	Appeal determination of the Records Access Appeals Officer, May 15, 2026

Second Claim, FOIL-2026-810-02752

Ex.	Document
H	FOIL-2026-810-02752 request as filed, May 15, 2026
I	DOB response closing the request, May 20, 2026
J	Administrative Enforcement Unit disapproval letter, March 7, 2018, ECB summons 35295204K
K	Administrative Enforcement Unit disapproval letter, March 7, 2018, ECB summons 35295206Y
L	Administrative appeal as filed, May 20, 2026

M	Appeal denial of the Records Access Appeals Officer, May 29, 2026
N	AEU20 certificates of correction with attached photographs and BIS OATH/ECB case details, ECB summonses 35295204K, 35295205M, 35295206Y

Third Claim, FOIL-2026-810-03731

Ex.	Document
O	FOIL-2026-810-03731 request as filed, July 13, 2026
P	Closing notice for FOIL-2026-810-03731, July 17, 2026, as received by email, with OpenRecords portal capture
Q	Objection sheet for the March 24, 2016 examination, as produced by the Department in native Word format, rendered without alteration
R	File-properties record of the produced objection sheet showing creation by Department staff on July 17, 2026; native file preserved and available to the Court on request
S	Administrative appeal as filed, July 19, 2026
T	Appeal denial of the Records Access Appeals Officer, July 23, 2026
U	Building Information System Plan Examination Overview for Job 122707400 showing the March 24, 2016, March 20, 2017, and March 22, 2017 examination events

EXHIBIT A

FOIL-2026-810-01904 Request as Filed, April 8, 2026

FOIL Request — 230 W 54th Street Sign Records

From: Jacob van Winkle **To:** NYC Department of Buildings, FOIL Officer
Date: April 8, 2026 **Re:** Freedom of Information Law Request — 230 W 54th Street (BIN 1024839)

Dear FOIL Officer,

Pursuant to the New York State Freedom of Information Law (Public Officers Law §§84-90), I am requesting copies of the following records related to the property at **230 W 54th Street, New York, NY 10019** (BIN 1024839, Block 1025, Lot 44):

Records Requested

1. Sign Permit — Job #122707400

- All approved plans, drawings, and specifications submitted with the sign permit application (Job #122707400, filed 3/9/2016, approved 3/22/2017, signed off 9/6/2018)
- The complete application file including any amendments, objections, or conditions
- All professional certifications and sign-off documentation
- Any correspondence between DOB and the applicant (Olusoji Ojeyemi / Arctone Architects PC) or property owner (Bryant Associates, LLC / Steven Goldman / Ameritania 54th Associates, LLC) regarding this permit

2. Inspection Reports for Sign Complaints

- All inspection reports responsive to complaints about signage or illumination at this address, including but not limited to Complaint Nos. 1494261, 1499512, 1499526, and 1633460
- Inspector field notes, photographs, and measurement data (if any) from these inspections
- Any internal memoranda or communications regarding the disposition of these complaints

3. ECB Violation Records

- Complete records for ECB violations 35295204K, 35295205M, and 35295206Y (all issued 10/14/2017), including the original violation notices, respondent submissions, hearing records, and Certificates of Correction

4. Legislative Correspondence

- All correspondence between DOB and any elected official, legislative office, or their staff regarding signage, illumination, or §32-64 compliance at 230 W 54th Street
- Specifically, any record of or response to a letter dated approximately **June 11, 2019** from NYS Assembly Member Linda Rosenthal to DOB Commissioner Melanie La Rocca regarding this property and the application of §32-64 vs. §32-644

5. Sign Permit Applications

- Any sign permit applications or pre-applications for this property

Format and Fee Waiver

I request records in electronic format (PDF) where available. If any records are available only in paper form, I request copies.

If there are fees associated with this request, please inform me of the estimated cost before proceeding. I request a fee waiver on the basis that disclosure of these records is in the public interest: they concern the enforcement of zoning law protecting residential quality of life, and I am requesting them on behalf of a 501(c)(3) neighborhood association.

Response Timeline

Pursuant to FOIL, I understand you must respond within five business days acknowledging receipt and providing an estimated date for production.

Thank you for your attention to this request.

Respectfully,

Jacob van Winkle 200 W 54th St, Apt 3B New York, NY 10019 (212) 518-3162 jacobnyc54@gmail.com

EXHIBIT B

Letter of Assembly Member Linda Rosenthal to the DOB Commissioner, June 11, 2019



LINDA B. ROSENTHAL
Assemblymember 67th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Alcoholism & Drug Abuse

COMMITTEES
Agriculture
Codes
Health
Housing

MEMBER
Task Force on Women's Issues
Legislative Women's Caucus

June 11, 2019

Melanie La Rocca
Commissioner
New York City Department of Buildings
280 Broadway
New York, NY 10007

Dear Commissioner La Rocca:

I am writing on behalf of my constituent, Brent Waligory, who resides at 205 West 54th Street, 10B, within my Assembly District, who contacted my office to express concern about an illuminated sign on the Ameritania Hotel at 230 West 54th Street that shines directly into his apartment.

My office contacted the New York City Department of Building (DOB) and requested an inspection of the LED sign. At that time, DOB instructed my staff that pursuant to NYC Zoning Resolution 32-644 there are no restrictions on lighting and/or illuminated signage in C6-7 Zoning District, where the aforementioned sign is located. ZR32-644 dates back to June 21st, 1973. A more recent regulation effective February 27th, 2001, Zoning Resolution Article III, Chapter 2, Surface Area and Illumination Provisions 32-64, which applies in Zoning Districts C1, C2, C3, C4, C5, C6, C7 and C8 and would include the Ameritania Hotel sign, dictates that an illuminated sign must not project or reflect on residences.

Since the 2001 Zoning Resolution supersedes the 1973 law previously cited by DOB, I urge DOB to re-inspect the area and take appropriate remedial action. Should you have any questions or would like to discuss further, please contact my district office at (212) 873-6368 and ask to speak to Caitlyn Letterii.

Sincerely,

Linda B. Rosenthal
Member of Assembly- District 67

EXHIBIT C

November 2019 Internal DOB Email Chain as Produced, with Redaction

Deborah Glikin (Buildings)

From: Ophelia Phipps (Buildings) <OPhipps@buildings.nyc.gov>
Sent: Monday, May 8, 2023 1:43 PM
To: Guillermo Patino (Buildings)
Subject: FW: Illuminated Sign Letter
Attachments: AM Rosenthal 230 West 54th Street Illuminated Sign 08.02.19.doc

G,

Please see attached.

From: Patrick Wehle (Buildings) <PWehle@buildings.nyc.gov>
Sent: Wednesday, November 6, 2019 4:15 PM
To: Melanie La Rocca (Buildings) <MLaRocca@buildings.nyc.gov>; Gus (Constadino) Sirakis (Buildings) <CSirakis@buildings.nyc.gov>
Cc: Ophelia Phipps (Buildings) <OPhipps@buildings.nyc.gov>
Subject: FW: Illuminated Sign Letter

[REDACTED] We decided on a phone call in lieu of the attached draft response to her letter.

From: Ophelia Phipps (Buildings)
Sent: Monday, November 04, 2019 12:31 PM
To: Patrick Wehle (Buildings)
Subject: FW: Illuminated Sign Letter

Patrick,

Please see AM Rosenthal's inquiry below.

Regards,

Ophelia Phipps
Senior Liaison, Manhattan
Office of Community Engagement & Programming
Department of Buildings
City of New York
280 Broadway, 3rd floor
New York, NY 10007
Phone: 212.393.2926
Email: ophipps@buildings.nyc.gov



build safe | live safe

From: Caitlyn Letterii [<mailto:letteriic@nyassembly.gov>]
Sent: Monday, November 04, 2019 12:30 PM
To: Ophelia Phipps (Buildings); Stephen Nuzzo (Buildings)
Subject: Re: Illuminated Sign Letter

Hello-

I am writing to follow up from the conversation the Assemblymember had with the commissioner regarding this sign and the light code. Can you provide an update from DOB on where they are in creating the standards needed to enforce the law? It has been a few months since the conversation.

Thanks,
Caitlyn

From: "Caitlyn Letterii" <letteriic@nyassembly.gov>
To: "ophipps" <OPhipps@buildings.nyc.gov>, "Stephen Nuzzo, Buildings" <SNuzzo@buildings.nyc.gov>
Sent: Tuesday, July 16, 2019 3:45:17 PM
Subject: Illuminated Sign Letter

Good Afternoon,

I am writing to share with you a letter the Assemblymember has written to the DOB regarding 205 West 54th Street, 10B.

Thanks,
Caitlyn

EXHIBIT D

Extract: November 6, 2019 Email Stating the Decision to Respond by Telephone in Lieu of
the Drafted Written Response

Deborah Glikin (Buildings)

From: Ophelia Phipps (Buildings) <OPhipps@buildings.nyc.gov>
Sent: Monday, May 8, 2023 1:43 PM
To: Guillermo Patino (Buildings)
Subject: FW: Illuminated Sign Letter
Attachments: AM Rosenthal 230 West 54th Street Illuminated Sign 08.02.19.doc

G,

Please see attached.

From: Patrick Wehle (Buildings) <PWehle@buildings.nyc.gov>
Sent: Wednesday, November 6, 2019 4:15 PM
To: Melanie La Rocca (Buildings) <MLaRocca@buildings.nyc.gov>; Gus (Constadino) Sirakis (Buildings) <CSirakis@buildings.nyc.gov>
Cc: Ophelia Phipps (Buildings) <OPhipps@buildings.nyc.gov>
Subject: FW: Illuminated Sign Letter

[REDACTED] We decided on a phone call in lieu of the attached draft response to her letter.

From: Ophelia Phipps (Buildings)
Sent: Monday, November 04, 2019 12:31 PM
To: Patrick Wehle (Buildings)
Subject: FW: Illuminated Sign Letter

Patrick,

Please see AM Rosenthal's inquiry below.

Regards,

Ophelia Phipps
Senior Liaison, Manhattan
Office of Community Engagement & Programming
Department of Buildings
City of New York
280 Broadway, 3rd floor
New York, NY 10007
Phone: 212.393.2926
Email: ophipps@buildings.nyc.gov



build safe | live safe

EXHIBIT E

DOB Records Production Cover Letter for FOIL-2026-810-01904, Produced in Native Word
Format, Stating the Section 87(2)(b) Redaction Basis



Ahmed, Tigani
Commissioner

July 31, 2026

Yulanda Whitaker
Records Coordinator
ywhitaker@buildings.nyc.gov

Jacob Van Winkle
Jacobnyc54@gmail.com

FOIL Unit
Office of the General Counsel

Re: 230 W. 54th Street, NY
FOIL-2026-810-01904

280 Broadway
7th Floor
New York, NY 10007
nyc.gov/buildings

Dear: Jacob Van Winkle:

1 212 393 2473 Tel
1 212 566 3843 Fax

This responds to your request for information governed by the Freedom of Information Law (FOIL).

Attached are copies of your requested documents. Under §87(2)(b) of the Public Officer's Law all personal information has been redacted because, if disclosed, it would constitute an unwarranted invasion of personal privacy.

You have the right to appeal this determination by writing to Deborah Glikin, FOIL Appeals Officer, 280 Broadway, 7th Floor, New York, NY 10007, within 30 days of the date of this letter.

Sincerely,

Yulanda Whitaker
Records Coordinator

Note on the Date Line of the Preceding Document

The Department produced this redaction letter in native Microsoft Word (.doc) format. The date line in the letter is an automatic date field that displays the date on which the file is opened or rendered, not a fixed date. Any printed copy therefore shows the date of printing rather than the date of the letter.

The OLE metadata embedded in the native file as produced records: Created May 6, 2026 at 15:16 UTC; Last Saved May 6, 2026 at 15:16 UTC; Last Saved By Yulanda Whitaker (Buildings). The letter was produced to Petitioner in the Department's May 6, 2026 production for FOIL-2026-810-01904. The native file is preserved unmodified and is available to the Court on request.

EXHIBIT F

Administrative Appeal as Filed, May 9, 2026 (FOIL-2026-810-01904)

Administrative Appeal of FOIL-2026-810-01904

From: Jacob van Winkle, Treasurer, West 50s Neighborhood Association
To: Deborah Glikin, Records Appeals Officer, NYC Department of Buildings
Date: May 9, 2026 **Submitted via:** Email to AppealFoILDob@buildings.nyc.gov **cc:** Committee on Open Government (coog@dos.ny.gov)

April 29, 2026

Deborah Glikin Records Appeals Officer NYC Department of Buildings
280 Broadway, 7th Floor New York, NY 10007

Re: Administrative Appeal of FOIL-2026-810-01904

Dear Ms. Glikin,

Pursuant to New York Public Officers Law Section 89(4)(a), I respectfully submit this administrative appeal of the Department of Buildings' response to FOIL-2026-810-01904, received April 29, 2026. I am the original requester and submit this appeal on behalf of the West 50s Neighborhood Association, a 501(c)(3) organization.

Original Request

FOIL-2026-810-01904 was filed April 8, 2026 and sought records relating to 230 West 54th Street (BIN 1024839, Block 1025, Lot 44), specifically including:

1. Sign permit plans
2. PW1 amendments to Job 122707400, including the amendment referenced in Section 24 stating "FILING HERewith PW1 TO CHANGE JOB DESCRIPTION AND SECTION 23"
3. Inspection reports related to sign permit 15726 and complaint history
4. ECB violation records, including underlying inspection narratives for violations 35295204K, 35295205M, and 35295206Y
5. Legislative correspondence concerning the property, including the June 2019 letter from Assembly Member Linda Rosenthal to Commissioner La Rocca and any DOB response thereto

Basis for Appeal

The April 29 response consisted of three hyperlinks to the publicly accessible Buildings Information System (BIS): the Property Profile Overview, the Complaints by Address page, and the OATH/ECB Violations page. These pages are available to any member of the public without a FOIL request and contain only summary data, not the underlying records requested.

This response constitutes a constructive denial of the records actually sought. Specifically, the following items in the original request were not produced and are not contained in the linked BIS pages:

1. Sign permit plans. No drawings, schematics, or filed plans were produced.
2. PW1 amendments. No amendment documents were produced. The amendment referenced in Section 24 of Job 122707400 is not

- visible on the public BIS pages.
3. Inspection reports. The OATH/ECB summary table lists violations but does not contain inspector narratives, field reports, or the underlying inspection documentation. No inspection reports were produced.
 4. Legislative correspondence. No correspondence between DOB and Assembly Member Rosenthal, between DOB and any other elected official concerning this property, or any DOB internal correspondence concerning constituent complaints was produced.
 5. DOB response to the Rosenthal letter. No DOB response document was produced.

Under Public Officers Law Section 89(3), an agency must either produce responsive records, deny the request in writing with specific reasons, or certify that the records do not exist. None of these occurred for items 1 through 5 above. Pointing the requester to publicly accessible summary databases does not satisfy the agency's obligations under FOIL when the request specifically sought the underlying records that those databases summarize.

Relief Requested

I respectfully request that the Records Appeals Officer:

1. Determine that the April 29 response constituted a constructive denial of items 1 through 5 of the original request;
2. Direct the Records Access Officer to conduct a search for and produce the responsive records, or, if any responsive record is being withheld in whole or in part, to provide a written denial citing the specific statutory exemption claimed; and
3. Provide a written determination within ten business days of receipt as required by Public Officers Law Section 89(4)(a).

Per Public Officers Law Section 89(4)(b), if this appeal is denied in whole or in part, please provide notice of the right to seek judicial review under Article 78 of the Civil Practice Law and Rules.

Thank you for your attention to this matter.

Respectfully,

Jacob van Winkle Treasurer, West 50s Neighborhood Association

cc: Committee on Open Government, Department of State
(committee@dos.ny.gov)

EXHIBIT G

Appeal Determination of the Records Access Appeals Officer, May 15, 2026



Ahmed Tigani
Commissioner

Deborah R. Glikin
Senior Assistant General Counsel
Office of the General Counsel
dglikin@buildings.nyc.gov

280 Broadway, 7th floor
New York, NY 10007
www.nyc.gov/buildings

+1 212 393 2068 tel
+1 212 566 3843 fax

May 15, 2026

Jacob van Winkle
Treasurer, West 50s Neighborhood Association
200 West 54th Street, Apt 3B
New York, NY 10019

Via email: jacobnyc54@gmail.com

Re: **FOIL Appeal – 230 West 54th St., M**
FOIL # 2026-810-01904

Dear Mr. van Winkle:

The New York City Department of Buildings (“the Department”) is in receipt of your May 10, 2026 Freedom of Information Law appeal seeking any record of or response to a letter dated approximately June 11, 2019 from NYS Assembly Member Linda Rosenthal to DOB Commissioner Melanie La Rocca regarding the above address.

Your request is granted. Attached are the Assembly Member’s letter and an email chain responsive to your request.

The draft letter that was attached to the email has been withheld and a redaction was made to the email pursuant to §87(2) (g) of the Public Officer’s Law: “inter-agency or intra-agency materials which are not: ...

- i. statistical or factual tabulations or data;
- ii. instructions to staff that affect the public;
- iii. final agency policy or determinations;
- iv. external audits, including but not limited to audits performed by the comptroller and the federal government.”

This letter constitutes the Department’s final determination.

Sincerely,

Deborah R. Glikin

Deborah R. Glikin
Senior Assistant General Counsel/Records Appeals Officer

c: Juliet Neisser, Esq., Associate General Counsel
Terria Ray, Records Access Officer
Committee on Open Government, Dept. of State

atts.

EXHIBIT H

FOIL-2026-810-02752 Request as Filed, May 15, 2026

FOIL-2026-810-02752 — Original Request as Filed

From: Jacob van Winkle, Treasurer, West 50s Neighborhood Association
Date Filed: May 15, 2026 (submitted May 18, 2026 at 9:42 PM ET via OpenRecords)
Subject: Certificate of Correction text for ECB 35295204K, 35295205M, 35295206Y

Pursuant to the New York State Freedom of Information Law (Public Officers Law §§84-90), I am requesting the following records related to 230 W 54th Street, New York, NY 10019 (BIN 1024839, Block 1025, Lot 44), also known as 1701 Broadway:

Items Requested

1. **(a)** The complete Certificate of Correction text accepted by the Administrative Enforcement Unit on June 5, 2019 for ECB violations 35295204K, 35295205M, and 35295206Y.
2. **(b)** The prior disapproved Certificate of Correction text from before August 2, 2018, including the AEU's basis for disapproval as documented in the disapproval letters dated March 7, 2018.
3. **(c)** AEU internal review notes supporting the acceptance of the June 5, 2019 Certificate of Correction — any internal memoranda, review checklists, inspector notes, or supervisory approvals documenting the AEU's review process that led to acceptance of the correction after the prior disapproval.

Context

The three ECB violations (35295204K, 35295205M, 35295206Y) were issued on October 14, 2017 for illegal signage at the above address. The initial Certificate of Correction submission was disapproved by AEU on March 7, 2018 (for 35295204K and 35295206Y), with the disapproval letters signed by [Sirakis] requiring that "anchors must be removed." A second submission was accepted on June 5, 2019. I am seeking the documentation of the review process between the disapproval and the acceptance.

Format and Fee Waiver

I request records in electronic format (PDF) where available. I request a fee waiver on the basis that disclosure of these records is in the public interest: they concern the enforcement of zoning law protecting residential quality of life, and I am requesting them on behalf of a 501(c)(3) neighborhood association.

Respectfully,

Jacob van Winkle Treasurer, West 50s Neighborhood Association 200 W 54th St, Apt 3B New York, NY 10019 (212) 518-3162
jacobnyc54@gmail.com

EXHIBIT I

DOB Response Closing the Request, May 20, 2026

[1.nyc.gov/account/user/profile.htm?](http://www1.nyc.gov/account/user/profile.htm?)[target=aHR0cHM6Ly9hODYwLW9wZW5yZWNVcmRzLm55Yy5nb3YvcmlVxdWVzdC92aWV3L0ZPSUwtMjAyNi04MTAtMDI3NTI=\)](#)

(/)

FOIL-2026-810-02752

Title:

Certificate of Correction Text for ECB 35295204K, 35295205M, 35295206Y at 230 W 54th

Description:

Pursuant to the New York Freedom of Information Law (Public Officers Law Article 6), I respectfully request the complete substantive text of the Certificates of Correction filed by Bryant Associates LLC and processed by the DOB Administrative Enforcement Unit for the following three ECB violations at 230 West 54th Street, Manhattan, BIN 1024839, Block 1025, Lot 44:

1. ECB 35295204K
2. ECB 35295205M
3. ECB 35295206Y

All three violations were issued October 14, 2017 by Inspector ID 2727, Special Operations. The remedy ordered on each summons was "Remove illegal sign." The BIS case files show that the first set of Certificates of Correction was disapproved by DOB on August 2, 2018 and a second set was submitted and accepted on June 5, 2019.

Records requested:

(a) The complete text of the three Certificates of Correction accepted on June 5, 2019, including all attestation statements, supporting documentation, photographs, affidavits, and any referenced permit numbers, job numbers, or other compliance evidence.

(b) The complete text of the three Certificates of Correction submitted prior to August 2, 2018 that were disapproved, and the basis stated by the Administrative Enforcement Unit for that disapproval.

(c) Any AEU internal review notes, correspondence, or reasoning supporting the June 5, 2019 acceptance of the second submission.

These records were not produced in response to FOIL-2026-810-01904, which sought

ECB violation records including underlying inspection narratives. The BIS production for that request included only the case-file summary metadata showing "CERTIFICATE ACCEPTED" with the June 5, 2019 compliance date, not the underlying certificate filings or the documents Bryant Associates attested to as compliance with the "Remove illegal sign" remedy.

Electronic delivery via the OpenRecords portal is preferred.

Requester: Jacob van Winkle, Treasurer, West 50s Neighborhood Association (501(c)(3)).

Closed

Department of Buildings (DOB)

Contact the Agency

Responses ⓘ

1

CLOSING

Your request under the Freedom of Information Law (FOIL) is being closed. Your req...
Wednesday, 05/20/2026 at 11:53 AM

2

NOTE

Please contact aeu and oath using provided links for any additional related records.
Wednesday, 05/20/2026 at 11:51 AM

3

NOTE

The complete records available for the accepted certificate of corrections were submitted
Wednesday, 05/20/2026 at 11:46 AM

4

LINK

oath contact
Wednesday, 05/20/2026 at 11:40 AM

5

LINK

aeu contact

Wednesday, 05/20/2026 at 11:37 AM



Directory of City Agencies (<http://www1.nyc.gov/nyc-resources/agencies.page>)

Contact NYC Government (<http://www1.nyc.gov/home/contact-us.page>)

City Employees (<https://a127-ess.nyc.gov>)

Notify NYC (<http://www.nyc.gov/notifynyc>)

CityStore (<http://a856-citystore.nyc.gov/>)

Stay Connected (<http://www1.nyc.gov/connect/social-media.page>)

NYC Mobile Apps (<http://www1.nyc.gov/connect/applications.page>)

Maps (<http://www1.nyc.gov/nyc-resources/nyc-maps.page>)



Resident Toolkit (<http://www1.nyc.gov/nyc-resources/resident-toolkit.page>)

City of New York. 2025 All Rights Reserved,
NYC is a trademark and service mark of the City
of New York
Privacy Policy
(<http://www1.nyc.gov/home/privacy-policy.page>). Terms of Use
(<http://www1.nyc.gov/home/terms-of-use.page>).

EXHIBIT J

AEU Disapproval Letter, March 7, 2018, ECB Summons 35295204K



NYC Department of Buildings
280 Broadway, New York, NY 10007
Constadino Gus Sirakis, Acting Commissioner

35295204K

Administrative Enforcement Unit
280 Broadway, 5th Floor
New York, NY 10007

CERTIFICATE OF CORRECTION DISAPPROVAL

STEVEN GOLDMAN
-230 WEST 54TH STREET
NEW YORK, NY 10019

RESPONDENT:
BRYANT ASSOCIATES

Date: March 07, 2018

Place of Violation Occurrence:

1701 Broadway
Manhattan
BIN #: 1024839

Summons/Violation: 35295204K

DOB Violation No.: 101417SGSPOBA12

Date of Violation: 10/14/2017

Hearing Date: 03/09/18

Dear Sir / Madam:

A Certificate of Correction was received by the Administrative Enforcement Unit on March 06, 2018. It has been disapproved for the following reason(s):

Reason 8: Additional proof of correction is required and was not submitted.

(g) DOB Civil Penalty Payment required - Provide proof of payment

(iii) \$5,000 for work without a permit per 28-213.1 - reference the violation number

Reason 11: Other

please provide a statement from a licensed sign hanger
anchors must be removed

Note: When resubmitting, please enclose all documents necessary to demonstrate correction of the violating condition(s). Please submit an original Certificate of Correction form and/or statement in support (affidavit); photocopies will not be accepted.

You are advised to check the HEARING DATE indicated above. If there is a future hearing scheduled at OATH/ECB for this violation, you must attend or face high default penalties. If the violation is in Default status with OATH/ECB, you may inquire with OATH/ECB whether or not you are still eligible for a new hearing and possible reduced penalties. The OATH/ECB location and contact information is: 66 John Street, 10th Fl., Manhattan (844) 628-4692

Additional Instructions:	DOB accepts payment in the form of certified check or money orders payable to "NYC Department of Buildings". Credit cards payments are accepted for Immediately Hazardous (Class 1) Violations with AEUHAZ civil penalties.
--------------------------	---

Sincerely,

NYCDOB Administrative Enforcement Unit

(212) 393-2405

EXHIBIT K

AEU Disapproval Letter, March 7, 2018, ECB Summons 35295206Y



NYC Department of Buildings
280 Broadway, New York, NY 10007
Constadino Gus Sirakis, Acting Commissioner

35295206Y

Administrative Enforcement Unit
280 Broadway, 5th Floor
New York, NY 10007

CERTIFICATE OF CORRECTION DISAPPROVAL

STEVEN GOLDMAN
-230 WEST 54TH STREET
NEW YORK, NY 10019

RESPONDENT:
BRYANT ASSOCIATES

Date: March 07, 2018

Place of Violation Occurrence:

1701 Broadway
Manhattan
BIN #: 1024839

Summons/Violation: 35295206Y

DOB Violation No.: 101417SGSPOBA13

Date of Violation: 10/14/2017

Hearing Date: 03/09/18

Dear Sir / Madam:

A Certificate of Correction was received by the Administrative Enforcement Unit on March 06, 2018. It has been disapproved for the following reason(s):

Reason 11: Other

please provide a statement from a licensed sign hanger
anchors must be removed

Note: When resubmitting, please enclose all documents necessary to demonstrate correction of the violating condition(s). Please submit an original Certificate of Correction form and/or statement in support (affidavit); photocopies will not be accepted.

You are advised to check the HEARING DATE indicated above. If there is a future hearing scheduled at OATH/ECB for this violation, you must attend or face high default penalties. If the violation is in Default status with OATH/ECB, you may inquire with OATH/ECB whether or not you are still eligible for a new hearing and possible reduced penalties. The OATH/ECB location and contact information is: 66 John Street, 10th Fl., Manhattan (844) 628-4692

Additional
Instructions:

Sincerely,

NYCDOB Administrative Enforcement Unit
(212) 393-2405

EXHIBIT L

Administrative Appeal as Filed, May 20, 2026 (FOIL-2026-810-02752)

From: Jacob van Winkle <jacobnyc54@gmail.com>

To: "Appeal Foil DOB (Buildings)" <AppealFoilDOB@buildings.nyc.gov>

Cc: "coog@dos.ny.gov" <coog@dos.ny.gov>

Date: Wed, 20 May 2026 18:36:49 +0000

Subject: [EXTERNAL] Appeal of FOIL-2026-810-02752 Closure

You don't often get email from jacobnyc54@gmail.com. Learn why this is important<<https://aka.ms/LearnAboutSenderIdentification>>

CAUTION! EXTERNAL SENDER. Never click on links or open attachments if sender is unknown, and never provide user ID or password. If suspicious, report this email by hitting the Phish Alert Button. If the button is unavailable or you are on a mobile device, forward as an attachment to phish@oti.nyc.gov<<mailto:phish@oti.nyc.gov>>.

Hi,

I am appealing the closure of FOIL-2026-810-02752 on the ground that DOB's production is materially incomplete.

The request sought three categories of records related to ECB 35295204K, 35295205M, and 35295206Y at 1701 Broadway, BIN 1024839: (a) the accepted Certificate of Correction text from June 5, 2019, (b) the prior disapproved Certificate of Correction text and AEU's basis for disapproval, and (c) AEU internal review notes supporting the June 5, 2019 acceptance.

DOB produced two Certificate of Correction Disapproval letters dated March 7, 2018 from the Administrative Enforcement Unit, for violations 35295204K and 35295206Y. The

production omitted three things:

1. The accepted Certificate of Correction text from June 5, 2019 for all three violations.
2. The Certificate of Correction Disapproval letter for 35295205M, the third violation in the same case, issued by the same inspector and shown in BIS as having the same certification disapproval and acceptance dates as the other two.
3. Any AEU internal review notes regarding the acceptance.

DOB closed the request stating "the complete records available for the accepted certificate of corrections were submitted," which is ambiguous as between (i) the records exist and were produced, (ii) the records do not exist, or (iii) the records exist but are exempt. The disapproval letters from 2018 are not the accepted certificates from 2019.

I request that DOB reopen the request, complete the search for the accepted June 5, 2019 certificate filings and the missing 35295205M disapproval letter, and issue a written determination on any records DOB maintains do not exist or are exempt.

--

Jacob van Winkle

Treasurer

West 50s Neighborhood Association

w50s.org<<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fw50s.org%2F&data=05%7C02%7Cappealfoildob%40buildings.nyc.gov%7Cee2ed071428f401f13d408deb69ec9a2%7C32f56fc75f814e22a95b15da66513bef%7C0%7C0%7C639148990266923442%7CUnknown%7CTWFPbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIiYiOilwLjAuMDAwMCIsIIAiOiJXaW4zMilslkFOljoiTWFpbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=wm1KNw3PHRUnR9ti120pc5eqnyVr0ASJ56Btbgzl73k%3D&reserved=0>>
501(c)(3)

jacobnyc54@gmail.com<<mailto:jacobnyc54@gmail.com>>

212-518-3162

EXHIBIT M

Appeal Denial of the Records Access Appeals Officer, May 29, 2026



Ahmed Tigani
Commissioner

Deborah R. Glikin
Senior Assistant General Counsel
Office of the General Counsel
dglikin@buildings.nyc.gov

280 Broadway, 7th floor
New York, NY 10007
www.nyc.gov/buildings

+1 212 393 2068 tel
+1 212 566 3843 fax

May 29, 2026

Jacob van Winkle
Treasurer, West 50s Neighborhood Association
200 West 54th Street, Apt 3B
New York, NY 10019

Via email: jacobnyc54@gmail.com

Re: **FOIL Appeal – 230 West 54th St., M**
FOIL # 2026-810-02752

Dear Mr. van Winkle:

The New York City Department of Buildings (“the Department”) is in receipt of your May 20, 2026 Freedom of Information Law appeal seeking (a) the accepted Certificate of Correction text from June 5, 2019, (b) the prior disapproved Certificate of Correction text and AEU's basis for disapproval, and (c) AEU internal review notes supporting the June 5, 2019 acceptance regarding violation #s 35295204K, 35295205M, and 35295206Y issued at the above address.

Your request is denied. The accepted certificates of correction were provided in response to your FOIL request ending in 01904 on May 14, 2026. The certificate of correction disapproval letters were provided on May 20 in response to your original request. There were no responsive documents found regarding your request for AEU internal review notes.

This letter constitutes the Department's final determination.

Sincerely,

Deborah R. Glikin

Deborah R. Glikin
Senior Assistant General Counsel/Records Appeals Officer

c: Juliet Neisser, Esq., Associate General Counsel
Terria Ray, Records Access Officer
Committee on Open Government, Dept. of State

EXHIBIT N

AEU20 Certificates of Correction with Attached Photographs and BIS OATH/ECB Case
Details, ECB Summonses 35295204K, 35295205M, 35295206Y



AEU20: Statement in Support of Certificate of Correction

IMPORTANT NOTE: Except in cases where an AEU3321 form has been submitted, this form is required for the Certification of a NYC Department of Buildings OATH Summons or Violation.

VIOLATION INFORMATION

SUMMONS NUMBER

3 5 2 - 9 5 2 - 0 4 - K

Place of occurrence 1701 Broadway, New York, NY 10019

(As listed on summons)

(Street Address)

(City, State, Zip)

I, Garett Cococan, duly swear under penalty of perjury that I am the (check one):

☐ Respondent

☐ Contractor

☐ Licensed Professional

☐ Owner (not respondent)

☐ Respondent's Employee

☒ Other (specify) Officer

I personally performed the following work to correct the above-cited violation 5/14/2019

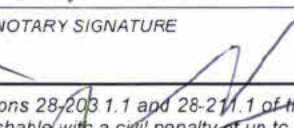
(Date)

Describe the work performed (use attached supplement if additional space is needed)

I respectfully request to remove above mentioned ECB violation issued for outdoor advertising company sign on display without a permit.

Please note that sign was taken down and anchors have been removed and is no longer in site/property. Also note that civil penalty has been paid under invoice #13413092. Please see attachments.

In light of the above, I respectfully request that a certificate of correction to be issued for this violation.

NAME (print) Garett Cococan	Notarization: State of New York, County of: <u>Kings</u>	NOTARY SEAL 
SIGNATURE 	Sworn to or affirmed under penalty of perjury 16th day of May 20 19	
DATE 5/14/19	NOTARY SIGNATURE 	

False certification is a criminal misdemeanor under sections 28-203 1.1 and 28-211.1 of the NYC Administrative Code, punishable by up to one (1) year imprisonment and/or fine of up to \$25,000. It is also punishable with a civil penalty of up to \$25,000.

Return this form in-person, with supporting documents to: NYC Department of Buildings
Administrative Enforcement Unit
280 Broadway, 1st Floor
New York, NY 10007
Phone: (212) 393-2405



Before - 352 952 04K



After - 352 952 0414



Before - 352 952 05 M



After - 352 952 05M



Before - 352 952 064



After - 352 952 064



NYC Department of Buildings
OATH/ECB Violation Details

[Click here for more information about Severity, Violation and Hearing Statuses](#)

Premises: 1701 BROADWAY MANHATTAN
BIN: [1024839](#) Block: 1025 Lot: 44

Filed At: 1701 BROADWAY , MANHATTAN , NY 10019
Community Board: 105

OATH/ECB Violation Summary

VIOLATION RESOLVED

OATH/ECB Violation Number: 35295204K

[View Image of Summons/Notice at OATH](#)

Severity: CLASS - 1

Penalty Balance Due: \$0.00

Certification Status: CERTIFICATE ACCEPTED

Hearing Status: IN VIOLATION

Respondent Information

Name: BRYANT ASSOCIATES
Mailing Address: 224 WEST 49 STREET , NEW YORK , NY 10019

Violation Details

Violation Date:	10/14/2017	Violation Type:	SIGNS
Served Date:	02/01/2018	Inspection Unit:	SPECIAL OPERATIONS
Infraction Codes	Section of Law	Standard Description	
162	28-502.6	MISC SIGN VIOL'N BY OUTDOOR AD CO OF TIT.27;TIT.28;OR BC	
160	28-105.1	OUTDOOR AD CO SIGN ON DISPLAY STRUCTURE WITHOUT A PERMIT	

Specific Violation Condition(s) and Remedy:

OUTDOOR ADVERTISING COMPANY.SIGN ON DISPLAY W/O PERMIT.(DAILY MAIL TV)REM:REMOVE ILLEGAL SIGN

Issuing Inspector ID: 2727

Issued as Aggravated Level: NO

DOB Violation Number:
101417SGSPOBA12

Dept. of Buildings Compliance History and Events

Certification Status: CERTIFICATE ACCEPTED

Certification Submission Date: 06/05/2019

Compliance On: 06/05/2019

Certification Disapproval Date: 08/02/2018

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by OATH/ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by OATH/ECB.

OATH/ECB Hearing Information

Scheduled Hearing Date/Time: 06/07/2018 8:30

Hearing Status: IN VIOLATION

OATH/ECB Penalty Information

Penalty Imposed: \$5,000.00

Adjustments: \$20.96

Penalty Balance Due: \$0.00

Amount Paid: \$5,020.96

Court Docket Date: 09/30/2018



[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

NYC Department of Buildings
OATH/ECB Violation Details

[Click here for more information about Severity, Violation and Hearing Statuses](#)

Premises: 1701 BROADWAY MANHATTAN
BIN: [1024839](#) Block: 1025 Lot: 44

Filed At: 1701 BROADWAY , MANHATTAN , NY 10019
Community Board: 105

OATH/ECB Violation Summary

VIOLATION RESOLVED

OATH/ECB Violation Number: 35295205M

[View Image of Summons/Notice at OATH](#)

Severity: **CLASS - 1**

Penalty Balance Due: \$0.00

Certification Status: CERTIFICATE ACCEPTED

Hearing Status: IN VIOLATION

Respondent Information

Name: BRYANT ASSOCIATES
Mailing Address: 224 WEST 49 STREET , NEW YORK , NY 10019

Violation Details

Violation Date:	10/14/2017	Violation Type:	SIGNS
Served Date:	02/01/2018	Inspection Unit:	SPECIAL OPERATIONS
Infraction Codes	Section of Law	Standard Description	
162	28-502.6	MISC SIGN VIOL'N BY OUTDOOR AD CO OF TIT.27;TIT.28;OR BC	

Specific Violation Condition(s) and Remedy:

OUTDOOR ADVERTISING COMPANY SIGN COVERING OVER WINDOWS,NOT BLOCKED BYWALL STRUCTURE OR PROJECTING SIGN STRUCTURE(DAILY MAIL TY)REM:REMOVE ILLEGAL SIGN.

Issuing Inspector ID: 2727

DOB Violation Number:
101417SGSPOBA11

Issued as Aggravated Level: NO

Dept. of Buildings Compliance History and Events

Certification Status: CERTIFICATE ACCEPTED

Compliance On: 06/05/2019

Certification Submission Date: 06/05/2019

Certification Disapproval Date: 08/02/2018

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by OATH/ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by OATH/ECB.

OATH/ECB Hearing Information

Scheduled Hearing Date/Time: 06/07/2018 8:30

Hearing Status: IN VIOLATION

OATH/ECB Penalty Information

Penalty Imposed: \$5,000.00

Adjustments: \$20.96

Penalty Balance Due: \$0.00

Amount Paid: \$5,020.96

Court Docket Date: 09/30/2018



NYC Department of Buildings
OATH/ECB Violation Details

[Click here for more information about Severity, Violation and Hearing Statuses](#)

Premises: 1701 BROADWAY MANHATTAN
BIN: [1024839](#) Block: 1025 Lot: 44

Filed At: 1701 BROADWAY , MANHATTAN , NY 10019
Community Board: 105

OATH/ECB Violation Summary

VIOLATION RESOLVED

OATH/ECB Violation Number: 35295206Y

[View Image of Summons/Notice at OATH](#)

Severity: **CLASS - 1**

Penalty Balance Due: \$0.00

Certification Status: CERTIFICATE ACCEPTED

Hearing Status: IN VIOLATION

Respondent Information

Name: BRYANT ASSOCIATES
Mailing Address: 224 WEST 49 STREET , NEW YORK , NY 10019

Violation Details

Violation Date:	10/14/2017	Violation Type:	SIGNS
Served Date:	02/01/2018	Inspection Unit:	SPECIAL OPERATIONS
Infraction Codes	Section of Law	Standard Description	
162	28-502.6	MISC SIGN VIOL'N BY OUTDOOR AD CO OF TIT.27;TIT.28;OR BC	

Specific Violation Condition(s) and Remedy:

PROPERTY OWNER ACTING AS OUTDOOR ADVERTISING COMPANY.FAILURE TO OBTAIN REGISTRATION # WHILE ENGAGING IN THE OUTDOOR ADVERTISING BUSINESS(DAILY MAIL TV)REM:REMOVE ILLEGAL SIGN

Issuing Inspector ID: 2727

DOB Violation Number:
101417SGSPOBA13

Issued as Aggravated Level: NO

Dept. of Buildings Compliance History and Events

Certification Status: CERTIFICATE ACCEPTED

Compliance On: 06/05/2019

Certification Submission Date: 06/05/2019

Certification Disapproval Date: 08/02/2018

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by OATH/ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by OATH/ECB.

OATH/ECB Hearing Information

Scheduled Hearing Date/Time: 06/07/2018 8:30

Hearing Status: IN VIOLATION

OATH/ECB Penalty Information

Penalty Imposed: \$5,000.00

Adjustments: \$20.96

Penalty Balance Due: \$0.00

Amount Paid: \$5,020.96

Court Docket Date: 09/30/2018

EXHIBIT O

FOIL-2026-810-03731 Request as Filed, July 13, 2026

FOIL-2026-810-03731 — Original Request as Filed

From: Jacob van Winkle, Treasurer, West 50s Neighborhood Association
Date Filed: July 13, 2026 (submitted 9:07 PM ET via OpenRecords)
Subject: Plan Examiner Objection Sheets for Job 122707400 — all three exam events plus internal communications

Pursuant to the New York State Freedom of Information Law (Public Officers Law §§84-90), I am requesting the following records related to 230 W 54th Street, New York, NY 10019 (BIN 1024839, Block 1025, Lot 44):

Items Requested

1. **Plan Examiner Objection Sheet from the FIRST plan examination (March 24, 2016)** — the standard objection form prepared by Plan Examiner Higinio Topino (code HTO) for the initial disapproval of Job #122707400.
2. **Plan Examiner Objection Sheet from the SECOND plan examination (March 20, 2017)** — the objection form prepared by Examiner Topino for the second disapproval, filed approximately one year after the first examination.
3. **Plan Examiner Objection Sheet from the THIRD plan examination (March 22, 2017 — approval date)** — any record of the plan examination conducted on the approval date, including any objection sheet, approval memorandum, or examiner notes documenting the basis for approval following the second disapproval.
4. **Any record explaining how the application was approved on March 22, 2017** — including but not limited to: appointment records, meeting notes, supervisory review documentation, correspondence between the plan examination unit and the applicant or filing representative, or any internal communication documenting the 48-hour reversal from disapproval (March 20) to approval (March 22).
5. **Internal DOB communications about the plan examination process for Job 122707400** — including emails, memoranda, or other correspondence between plan examination staff, supervisory staff, and any other DOB unit regarding the review history, objection resolution, or approval of this sign permit application.

Context

BIS records show that Job #122707400 was examined three times by the same plan examiner: disapproved March 24, 2016; disapproved March 20, 2017; and approved March 22, 2017 — a 48-hour reversal. The objection sheets from these examinations are standard DOB forms created by the plan examiner and transmitted to the applicant per the Department's published plan examination procedure.

Format and Fee Waiver

I request records in electronic format (PDF) where available. I request a fee waiver on the basis that disclosure of these records is in the public interest: they concern the enforcement of zoning law protecting residential quality of life, and I am requesting them on behalf of a 501(c)(3) neighborhood association.

Respectfully,

Jacob van Winkle Treasurer, West 50s Neighborhood Association 200
W 54th St, Apt 3B New York, NY 10019 (212) 518-3162
jacobnyc54@gmail.com

EXHIBIT P

Closing Notice for FOIL-2026-810-03731, July 17, 2026, as Received by Email, with
OpenRecords Portal Capture



Jacob van Winkle <jacobnyc54@gmail.com>

[OpenRecords] Request FOIL-2026-810-03731 Closed

1 message

donotreply@records.nyc.gov <donotreply@records.nyc.gov>

Fri, Jul 17, 2026 at 3:42 PM

Reply-To: foil@buildings.nyc.gov

To: jacobnyc54@gmail.com

The Department of Buildings (DOB) has **closed** your FOIL request [FOIL-2026-810-03731](#) for the following reasons:

- Your request under the Freedom of Information Law (FOIL) is being closed. Your request is being fulfilled in part and denied in part. The Department is releasing a copy of the records we located. All other requested records were not found.

You may appeal by contacting the agency's FOIL Appeals Officer: Appealfoildob@buildings.nyc.gov , within 30 days of the date of this letter.

Please check your email inbox's spam folder to ensure you received all records provided by the agency.

Profile (<https://www1.nyc.gov/account/user/profile.htm?>

returnOnSave=true&target=aHR0cHM6Ly9hODYwLW9wZW5yZW50cmRzLm55Yy5nb3YvcmlvdWVzdC92aWV3L0ZPSUwtMjAyNi04MTAtMDMzMzE=)



Select Language



Powered by Google Translate (<https://translate.google>

 $(\wedge)$

FOIL-2026-810-03731

Title:

Plan Examiner Objection Sheets for Job 122707400

Description:

Pursuant to the New York Freedom of Information Law (POL Article 6), I request the following records from the Department of Buildings:

Plan Examiner Objection Sheets (also known as "objection lists" or "plan examination objection reports") for Job #122707400 (BIN 1024839, 1701 Broadway / 230 W 54th Street, Manhattan), for all plan examination events, specifically including but not limited to:

FIRST examination dated March 24, 2016 (result: DISAPPROVED)

Closed

**Department
of Buildings
(DOB)**

Contact the Agency

RE-EXAMINATION dated March 20, 2017 (result: DISAPPROVED)

RE-EXAMINATION dated March 22, 2017 (result: APPROVED)

Any and all examiner notes, comments, objection text, disapproval reasons, or written communications from the plan examiner (Higinio Topino, code HTO, Manhattan Plan Examination unit) related to Job #122707400, including any documents explaining the substantive reasons for the two disapprovals and the subsequent approval.

Any internal DOB communications, memoranda, or notes regarding the plan examination review of Job #122707400, including any documents reflecting changes or amendments made between the March 20, 2017 disapproval and the March 22, 2017 approval.

Background: The BIS Plan Examination Overview shows examiner Higinio Topino disapproved this job twice before approving it on the third attempt, with only 48 hours between the second disapproval and the approval. The substantive objection text is not

available through the BIS public portal or the B-SCAN Virtual Job Folder. I previously requested the physical job folder (Records Request REC-0315022, filed May 19, 2026) but the objection sheets were not included in the materials provided.

Format: Electronic format preferred (PDF or image files via the OpenRecords portal).

Fee waiver request: As these records relate to a matter of significant public interest — enforcement of NYC sign regulations and residential quality of life protections under Zoning Resolution section 32-64 — I request a fee waiver. If any fees apply, please notify me before processing.

Responses

1

CLOSING

Your request under the Freedom of Information Law (FOIL) is being closed. Your request is b...
Friday, 07/17/2026 at 9:42 PM

2

FILE

first plan exam objection

Friday, 07/17/2026 at 9:41 PM

3

ACKNOWLEDGMENT

Tuesday, 07/14/2026 at 4:53 PM

Directory of City Agencies (<http://www1.nyc.gov/nyc-resources/agencies.page>)

Contact NYC Government (<http://www1.nyc.gov/home/contact-us.page>)

City Employees (<https://a127-ess.nyc.gov>)

Notify NYC (<http://www.nyc.gov/notifynyc>)

CityStore (<http://a856-citystore.nyc.gov/>)

Stay Connected (<http://www1.nyc.gov/connect/social-media.page>)

NYC Mobile Apps (<http://www1.nyc.gov/connect/applications.page>)

Maps (<http://www1.nyc.gov/nyc-resources/nyc-maps.page>)

Resident Toolkit (<http://www1.nyc.gov/nyc-resources/resident-toolkit.page>)

Search

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(<http://www1.nyc.gov/home/terms-of-use.page>).

EXHIBIT Q

Objection Sheet for the March 24, 2016 Examination, as Produced by the Department in
Native Word Format, Rendered Without Alteration



THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS
 http: www.nyc.gov/buildings

X

MANHATTAN (1) 280 BROADWAY 3 RD FLOOR New York, NY 10007	BRONX (2) 1932 ARTHUR AVENUE BRONX, NY 10457	BROOKLYN (3) 210 JORELOMON STREET BROOKLYN, NY 11201	QUEENS (4) 120-55 QUEENS BLVD. QUEENS, NY 11424	STATEN ISLAND (5) BORO HALL - ST. GEORGE STATEN ISLAND, NY 10301
--	---	---	--	---

DOB Application # 122707400	Examiner:.....GINIO TOPINO	Date... 03/24/2016
	Application Type:....SIGN	Doc (\$): 01
	Address / Location....1701 BROADWAY	Block... 1025
	Zoning District... C6-2	Lot..... 44
	Multiple Dwell Classification:	

Examiners Signature:

To discuss and resolve these objections, please call 311 to schedule an appointment with the Plan Examiner listed above. You will need the application number and document number found at the top of this objection sheet. To make the best possible use of the plan examiners and your time, please make sure you are prepared to discuss and resolve these objections before your scheduled plan exam appointment.

	Doc #	Section of Code	Objections	Date Resolved	Comments
1.			All new Signs must comply with 2008 Building Code.		
2.			Also provide Sign Hanger Certification Form		
3.			Sign will not block any windows, doors and fire escape.		
4.			Show compliance with ZR 32-66 on PW1 form and on drawing to verify whether the sign is not within certain distance of an arterial highway or park.		
5.			Provide structural sign application.		
6.			Also indicate max projection of sign from the wall.		
7.			Correct the height of the sign on PW-1 from; application show 35'-0" but the dwgs show 42'-0" above the sidewalk.		

EXHIBIT R

File-Properties Record of the Produced Objection Sheet, Created July 17, 2026 by
Department Staff

**File Properties of the Objection Sheet Produced by the
Department of Buildings on July 17, 2026 (FOIL-2026-810-03731)**

The record produced by the Department as the objection sheet for the March 24, 2016 plan examination of Job 122707400 was produced in native Microsoft Word (.doc) format. The following properties are read directly from the OLE metadata embedded in that native file, which is preserved unmodified and is available to the Court on request. Times are stored in UTC; 18:38 UTC on July 17, 2026 is 2:38 PM Eastern Daylight Time. The record was posted to the OpenRecords portal later that same day.

Property	Value
Title	Item No
Author	Department of Buildings
Last Saved By	Paula Odellas (Buildings)
Revision Number	2
Created	Friday, July 17, 2026, 18:38:00 UTC (2:38 PM EDT)
Last Saved	Friday, July 17, 2026, 18:38:00 UTC (2:38 PM EDT)
Last Printed	Monday, September 14, 2009 (template artifact)
Pages	1
Words	99
Characters	568
Creating Application	Microsoft Office Word
Template	Normal
Company	New York City Department Of Buildings

Properties extracted July 30, 2026 from the native file as received from the OpenRecords portal.

EXHIBIT S

Administrative Appeal as Filed, July 19, 2026 (FOIL-2026-810-03731)

From: Jacob van Winkle <jacobnyc54@gmail.com>

To: "Appeal Foil DOB (Buildings)" <AppealFoilDOB@buildings.nyc.gov>

Date: Mon, 20 Jul 2026 00:32:22 +0000

Subject: [EXTERNAL] Administrative Appeal of FOIL-2026-810-03731

CAUTION! EXTERNAL SENDER. Never click on links or open attachments if sender is unknown, and never provide user ID or password. If suspicious, report this email by hitting the Phish Alert Button. If the button is unavailable or you are on a mobile device, forward as an attachment to phish@oti.nyc.gov<<mailto:phish@oti.nyc.gov>>.

To the Records Access Appeals Officer, Department of Buildings:

Pursuant to Public Officers Law section 89(4)(a), I appeal the July 17, 2026 determination closing FOIL-2026-810-03731, which fulfilled the request in part and denied it in part on the ground that "all other requested records were not found."

The request sought Plan Examiner Objection Sheets and related examination records for Job 122707400 for three examination events: the first examination of March 24, 2016 (disapproved), the re-examination of March 20, 2017 (disapproved), and the re-examination of March 22, 2017 (approved). The Department produced the objection sheet for the March 24, 2016 examination and determined that no records were found for the two 2017 events.

I appeal on the following grounds.

1. The Department's own production establishes that the requested record type was created and retained for this job. The Department located and produced the objection sheet for the first examination, prepared by the same examiner, on the same standard form, under the

same job number. A record of the identical type for the March 20, 2017 re-examination is the subject of this appeal.

2. The Department's own systems record the examination event for which no objections were found. The BIS Plan Examination Overview for Job 122707400 records a re-examination on March 20, 2017 with the result DISAPPROVED. A disapproval necessarily rests on objections. The Department's published plan examination procedure provides that objections are recorded on an objection sheet and transmitted to the applicant, and the produced 2016 sheet itself instructs the applicant to schedule an appointment with the plan examiner to discuss and resolve the objections listed.

3. The transmittal to the applicant creates a second search path the determination does not address. Because objection sheets are sent to applicants, a copy of the March 20, 2017 sheet would exist in the Department's outbound correspondence to the applicant of record or the filing representative of record (Registration #1499), in addition to the plan examination unit's own files. The produced 2016 sheet is a word-processing document rather than a scan, indicating that these records are maintained in editable form on Department systems. I respectfully request that the search encompass the Manhattan plan examination unit's shared and local drives, the examiner's files, the B-SCAN and job folder systems, and outbound correspondence to the applicant and filing representative for the period March 15 through March 31, 2017.

4. If no responsive records are located after such a search, I request a certification pursuant to Public Officers Law section 89(3)(a) that the Department conducted a diligent search, identifying the systems, locations, and custodians searched.

The Freedom of Information Law is to be liberally construed and its exemptions narrowly construed. A determination that records were not found is reviewable, and the adequacy of the search is measured against the specificity of the request and the agency's own recordkeeping practices, which the Department's partial production here documents.

Please acknowledge receipt of this appeal and issue a determination within ten business days as required by Public Officers Law section 89(4)(a).

Respectfully,

Jacob van Winkle

(212) 518-3162

jacobnyc54@gmail.com <<mailto:jacobnyc54@gmail.com>>

EXHIBIT T

Appeal Denial of the Records Access Appeals Officer, July 23, 2026



Ahmed Tigani
Commissioner

Deborah R. Glikin
Senior Assistant General Counsel
Office of the General Counsel
dglikin@buildings.nyc.gov

280 Broadway, 7th floor
New York, NY 10007
www.nyc.gov/buildings

+1 212 393 2068 tel
+1 212 566 3843 fax

July 23, 2026

Jacob van Winkle
Treasurer, West 50s Neighborhood Association
200 West 54th Street, Apt 3B
New York, NY 10019

Via email: jacobnyc54@gmail.com

Re: **FOIL Appeal – 1701 Broadway/230 West 54th St., M**
FOIL # 2026-810-03731

Dear Mr. van Winkle:

The New York City Department of Buildings ("the Department") is in receipt of your July 19, 2026 Freedom of Information Law appeal seeking Plan Examiner Objection Sheets and related examination records for Job 122707400 for March 20, 2017 (disapproved), and the March 22, 2017 (approved) related to the above address.

I hereby certify that responsive no records were found following a diligent search of the files of this Department. Your appeal is, therefore, denied.

This letter constitutes the Department's final determination.

Sincerely,

Deborah R. Glikin

Deborah R. Glikin
Senior Assistant General Counsel/Records Appeals Officer

c: Juliet Neisser, Esq., Associate General Counsel
Terria Ray, Records Access Officer
Committee on Open Government, Dept. of State

EXHIBIT U

BIS Plan Examination Overview for Job 122707400

NYC Department of Buildings

Plan Examination Overview for Job #:122707400

Page: 1

Premises: 1701 BROADWAY MANHATTAN
BIN: [1024839](#) Block: 1025 Lot: 44

Job No: [122707400](#)

Job Type: SG - SIGN

DOC NUM	WORK TYPE	EXAM TYPE	EXAM DATE	EXAMINED BY	RESULT
01	OT	FIRST	03/24/2016	HTO HIGINIO TOPINO.MAN PLAN EXAM	DISAPPROVED
		RE-EXAM	03/20/2017	HTO HIGINIO TOPINO.MAN PLAN EXAM	DISAPPROVED
		RE-EXAM	03/22/2017	HTO HIGINIO TOPINO.MAN PLAN EXAM	APPROVED
01	SG	FIRST	03/24/2016	HTO HIGINIO TOPINO.MAN PLAN EXAM	DISAPPROVED
		RE-EXAM	03/20/2017	HTO HIGINIO TOPINO.MAN PLAN EXAM	DISAPPROVED
		RE-EXAM	03/22/2017	HTO HIGINIO TOPINO.MAN PLAN EXAM	APPROVED

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.