

# Exhibit F

Summons Issued to  
Plaintiff-Petitioner  
Ascher Berkowitz



**SUMMONS NUMBER: 30376-19L0****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION:** Disease Control **BUREAU:** Immunization**AGENCY ADDRESS AND PHONE NUMBER:** 42-09 28<sup>th</sup> Street, Long Island City, NY 11101 **Phone:** 347-396-7998**RESPONDENT:** ASCHER BERKOWITZ**ID NUMBER:** 50093815**ADDRESS:** 95 SKILLMAN ST #4C BROOKLYN, NY 11205**PHONE:****DATE AND TIME OF OCCURRENCE:** June 4, 2019 AT 9:30 AM **BOROUGH:** Brooklyn**PLACE OF OCCURRENCE :** 95 SKILLMAN ST #4C BROOKLYN, NY 11205

The respondent is summoned to appear and respond to the details of violation(s) stated below.

**HEARING DATE: July 24, 2019 AT 9:00 AM****\*\* RESPONDENT MUST APPEAR IN PERSON \*\*****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**☐ Manhattan☐ Staten Island☐ Bronx☐ Queens☒ Brooklyn

66 John Street

350 St. Marks Place

3030 Third Avenue 31-00 47<sup>th</sup> Avenue

9 Bond Street

10<sup>th</sup> & 11<sup>th</sup> Floor

Main Floor

Room 250

3<sup>rd</sup> & 4<sup>th</sup> Floor6<sup>th</sup> & 7<sup>th</sup> Floor

New York, NY 10038

Staten Island, NY 10301

Bronx, NY 10455

Long Island City, NY 11435

Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE OR ATTACHED.****REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.****WARNING:** If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.**Details of Violation(s)**

#	Code Section	Violation Description
1	NYC HC 3.05	In response to the active measles outbreak in certain parts of Brooklyn, the NYC Commissioner of Health declared a public health emergency on April 9, 2019 and published a Commissioner's Order ("Order") pursuant to Article 3 of the NYC Health Code ordering all persons who live, work or attend school within ZIP codes 11205, 11206, 11211 and 11249 to be vaccinated against measles within forty eight hours of the Order. On April 17, 2019, the NYC Board of Health unanimously approved a Resolution ("Resolution") continuing the public health emergency and requirement that all persons living, working or attending school in these affected ZIP codes be vaccinated against measles. The Resolution further provides that any person who is not vaccinated, or the parent and/or guardian of a child who is not vaccinated, shall be fined unless they demonstrate proof of immunity or that immunization is not medically appropriate. A copy of the Order and Resolution are attached to this Summons for reference. A review of Department records shows that Respondent's child, Z.B., who is at least six months old, lives at: 95 SKILLMAN ST #4C BROOKLYN, NY 11205, which is located in one of the affected zip codes listed in the Order. On June 4, 2019, a review of the Department's Citywide Immunization Registry, which collects immunization records for all children receiving vaccines in NYC and is required to be updated by medical providers, found that child Z.B. has no record of measles immunization. Respondent has failed to vaccinate child Z.B. or otherwise submit acceptable proof of immunity in violation of the Order.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Pooja Jani****Print Name****Signature****ID****06/04/2019****Date**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Print Name****Signature****Title****Date:**

**RESOLVED**, that the parent or guardian of any child six months of age or older who lives or attends school, preschool or child care within the affected zip codes and who has not received the MMR vaccine shall cause such child to be vaccinated against measles unless such parent or guardian can demonstrate that the child has immunity to the disease or document to the satisfaction of the Department that such child should be medically exempt from this requirement; and be it further

**RESOLVED**, that any person required by this declaration to be immunized against measles, or any parent or guardian required by it to immunize his or her child, shall be violating this order and be subject to the fines authorized by applicable law, rule and regulations each day that he, she, or such child continues to reside, work or attend school, preschool or child care in any of the affected zip codes without having been vaccinated against measles until such time that this outbreak is declared to be over by the Commissioner of the Department of Health and Mental Hygiene.

**RESOLVED** further, that this resolution shall take effect immediately and publication shall be in accordance with New York City Administrative Code §17-148.

(As adopted by the Board of Health on April 17, 2019)

The agency named on the front of this Summons has alleged that you committed the described violation or violations. Note: If the charge on the front of the Summons states you MUST APPEAR IN PERSON, then you or an authorized representative must attend the hearing in person. See the front of this Summons for the date, time and location of your hearing. In some cases, the agency may offer you the chance to enter into a stipulation or settlement agreement. If you are eligible, the agency will send you a letter in the mail. To accept the stipulation or settlement, follow the instructions in the letter.

If a stipulation or settlement is offered to you and you do not accept it, the independent NYC Office of Administrative Trials and Hearings will hear and decide your case. If you do not accept the settlement or show up for your hearing, a default judgment may be entered against you and additional penalties may be imposed.

If your case is NOT marked "MUST APPEAR IN PERSON," you may deny the charges or their severity by presenting a defense online, by phone or by mail.

- Online: To submit a defense online, visit [www.nyc.gov/oath](http://www.nyc.gov/oath).
- Phone: To schedule a hearing by phone, call (212) 436-0817.
- Mail: To submit a defense by mail, send a signed statement of facts that must say, "My signature in this statement certifies that all facts in it are true," with all documents you wish to have considered to: OATH Mail Unit, 66 John Street, 10th Floor, New York, NY 10038.

To present a defense in person:

- You or an authorized representative must appear in person on the hearing date at the time and location on the front of this Summons.
- If no location is listed or checked off, you may appear at any OATH Hearings Center on the date and time indicated on this Summons (see locations below).
- Please be fully prepared for a hearing at that time by bringing this Summons and all of your evidence with you.
- If you require assistance with English, free language assistance will be provided.

Reasonable Accommodation: If you have a disability and require a reasonable accommodation on the day of your hearing, call the phone number listed below.

Note: YOU HAVE THE RIGHT TO BE INFORMED OF THE MAXIMUM PENALTY. Pursuant to the New York City Health Code, §3.11, a penalty of not less than \$200 and not more than \$2000 may be imposed for each Health Code violation. For non-NYCHC violations please see the cited statute/regulation for maximum penalties. The penalty for certain violations may be found in regulations available at [nyc.gov/health](http://nyc.gov/health). Higher penalties may be imposed for each repeated violation up to the maximum penalty allowed by law or regulation.

#### OATH HEARINGS CENTERS

Tel: 1-844-OATH-NYC (1-844-628-4692) [www.nyc.gov/oath](http://www.nyc.gov/oath)

Manhattan: 66 John Street, 10th & 11th Floors, New York, NY 10038

Brooklyn: 9 Bond Street, 7th Floor, Brooklyn, NY 11201

Queens: 31-00 47th Avenue, 3rd Floor, Long Island City, NY 11435

Bronx: 3030 Third Avenue, Room 250, Bronx, NY 10455

Staten Island: 350 St. Mark's Place, Main Floor, Staten Island, NY 10301





## Information on Measles and the Civil Summons

This document provides information about measles exposure and the civil summons issued to you by the New York City Department of Health and Mental Hygiene related to the measles outbreak in Williamsburg, Brooklyn.

**Summons Number:** 30376-19L0

### **Why was I issued a summons?**

The Health Department has issued a civil summons to you for failing to comply with the April 9, 2019 Order of the Commissioner regarding measles.

You have the right to a hearing at the New York City Office of Administrative Trials and Hearings (OATH) (Hearings Division). Follow the instructions that are attached to the summons.

### **How can I provide information to show that I, or my child, have been vaccinated, have immunity or have a medical exemption?**

If you believe that you or your child have received the measles, mumps, and rubella (MMR) vaccine; have immunity to measles; or have a medical condition that prevents you from getting the MMR, you may submit medical records (these include vaccination records, serology report to prove immunity, or medical documentation for an exemption).

### ***New Residents***

If you or your child were not born in the city, your provider will need a copy of the immunization history to add to the Citywide Immunization Registry (CIR) record. You should contact your or your child's previous health care provider, or the last school you or your child attended, for your immunization records. The state where you previously lived may also have your records in its immunization registry.

If you moved to the city from elsewhere in New York State, the immunization record may already be in the CIR. You should contact your or your child's previous health care provider, the last school you or your child attended, the New York State Department of Health, or your local (county) health department for your immunization records.

All records submitted to the Health Department must be signed and dated by a medical professional. The Health Department will review the medical records and may withdraw the summons.

Submit the medical record to the Health Department. Fax it to 347-396-8844 or email a copy of the record to [measlesreview@health.nyc.gov](mailto:measlesreview@health.nyc.gov).

If your medical provider does not have MMR vaccine or if you need to find a vaccine clinic, call 311 or go to the Health Department website <https://www1.nyc.gov/site/doh/index.page>.

### **Where can I find information about the Order of the Commissioner, measles or the MMR vaccine?**

Information about the Order of the Commissioner, measles and the MMR vaccine is on the NYC Health Department's website at [nyc.gov/health](http://nyc.gov/health). Or call 347-396-7998 to speak to someone at the Health Department.



## **Frequently Asked Questions:**

### **NYC Measles Vaccine Order for ZIP codes 11205, 11206, 11211 and 11249**

On April 9, the Health Department declared a public health emergency and issued a measles vaccine order in response to the measles outbreak in ZIP codes 11205, 11206, 11211 and 11249 in Brooklyn. This FAQ provides additional information on this announcement as well as the associated measles vaccine order.

#### **Why did the Health Department declare a public health emergency in response to the measles outbreak in ZIP codes 11205, 11206, 11211 and 11249?**

The Commissioner of Health can declare a public health emergency when there is an urgent threat to the health of New Yorkers.

There is currently an active measles outbreak in the Williamsburg and Borough Park neighborhoods of Brooklyn that qualifies as such a threat. The outbreak began in early October 2018 and has resulted in nearly 300 cases of this vaccine-preventable disease. In the last three months the vast majority of these cases have been in residents of ZIP codes 11205, 11206, 11211 and 11249. The Health Department has tried multiple strategies to end this outbreak, including intensive outreach to the affected community and the medical providers who serve them. Additionally, the Health Department required any unvaccinated children to be excluded from yeshivas and child care programs serving this community. However, the outbreak continues due to low vaccination rates in these ZIP codes.

This outbreak is being fueled by the spread of dangerous misinformation on the safety and effectiveness of the MMR vaccine. The Health Department stands with the majority of people in this community who have worked hard to protect their children and others at risk. There is an urgent need to end this outbreak and protect New Yorkers from this potentially fatal infection. This declaration will help improve vaccination rates in the affected communities.

#### **What does the measles vaccine order do?**

To stop the spread of measles in New York City, the Health Department requires that adults and children ages 6 months and older who live, work or go to school in ZIP codes 11205, 11206, 11211 and 11249 receive a measles, mumps and rubella (MMR) vaccine. People who cannot receive the vaccine for valid medical reasons, including pregnant individuals, are exempt from the vaccine order.

The risk of getting the measles is low for vaccinated or immune individuals. For most people in ZIP codes 11205, 11206, 11211 and 11249, this order should encourage you to check your immunization records or talk to your health care provider to confirm your vaccination history or immunity status.

**Are infants 6 through 11 months included in the vaccine order?**

Yes, all infants living or attending child care in ZIP codes 11205, 11206, 11211 and 11249 are included in the vaccine order. The early dose of the MMR vaccine will protect them during the current outbreak. Children should then return to the recommended vaccine schedule and the first dose of the MMR vaccine should be repeated at 12 months of age. Children must have two doses of the MMR vaccine to attend school (kindergarten – 12<sup>th</sup> grade).

Please use the following guidance regarding an early dose of the MMR vaccine for infants 6 through 11 months of age who do not live in ZIP codes 11205, 11206, 11211 and 11249:

- Recommended for members of communities with a known measles outbreak in Borough Park and Crown Heights.
- Suggested for members of the Orthodox Jewish community in New York City.
- Recommended for all infants traveling internationally or to a community with a known measles outbreak.

**What if I work in ZIP codes 11205, 11206, 11211 and 11249?**

If you work for a business located in ZIP codes 11205, 11206, 11211 and 11249 then you are required to have the MMR vaccine to stop the spread of measles. We encourage you to check your immunization records or talk to your health care provider to confirm your vaccination history or immunity status.

**How will the Health Department know who isn't vaccinated?**

When Health Department staff identify a patient with measles, they also identify anyone that person has had contact with. The Health Department and health care providers connect these contacts with immunization or other preventive measures and work with them to reduce the risk of measles. Health Department staff also use the Citywide Immunization Registry (CIR) to check the vaccine record of any individual who may have been in contact with a patient with measles. If immunization records are not available, the Health Department may request other evidence of immunity to measles. For example, a blood test, called a measles serology, can prove that someone is immune to measles through prior vaccination or infection with the measles virus. Your health care provider can order this common test and arrange to have your blood drawn. Anyone in ZIP codes 11205, 11206, 11211 and 11249 who cannot prove they are immune to measles by producing immunization records or demonstrate immunity with a positive measles serology blood test will be considered non-immune and unvaccinated by the Health Department and will be in violation of the vaccine order.

**What happens if I refuse the vaccine?**

The Health Department has ordered everyone in ZIP codes 11205, 11206, 11211 and 11249 to get vaccinated if they have not already done so. The Health Department may issue a civil summons to anyone who lives, works or attends school in the affected ZIP codes and has not been vaccinated as of April 11, 2019, and does not provide proof of immunity or a valid medical exemption to the Health Department. If the unvaccinated person is a child, the summons will be issued to the parent. The person



receiving the summons will be entitled to a hearing at the New York City Office of Administrative Trials and Hearings. If the hearing officer upholds the summons, a \$1,000 penalty will be imposed. Failing to appear at the hearing or respond to the summons will result in a \$2,000 fine.

**What happens if I cannot take the vaccine because of a medical condition or other medical reason?**

There are few medical reasons that would prevent you from receiving the MMR vaccine. If you are a known contact of a measles case and there is a medical reason that would prevent you from receiving the MMR vaccine, including pregnancy, you will be asked to produce specific documentation from a healthcare provider licensed to practice in New York. This medical documentation must explicitly state the condition that makes it impossible for you or your child to be vaccinated. A general provider note without a clear statement of why you cannot receive the vaccine will not be accepted as a valid medical exemption. If your documentation is confirmed, the fine against you will be withdrawn.

Individuals with medical reasons that prevent them from receiving the MMR vaccine after exposure to measles may be able to receive another preventive treatment called immune globulin. The Health Department will provide guidance to eligible individuals who require immune globulin.

**What else is the Health Department doing to stop the spread of measles?**

The Health Department will continue to require yeshivas and child care programs that serve the affected community and are located in ZIP codes 11205, 11206, 11211 and 11249 to exclude children who do not have the required doses of the MMR vaccine. Children will be allowed to go back to their child care or yeshiva if they prove they are up to date on their MMR vaccines or have laboratory tests (measles serology) that show they are immune to measles. These exclusion requirements are in place until the end of the outbreak or until the Health Department determines it is safe for unvaccinated students to attend these yeshivas or child care facilities. The Health Department is also partnering with community-based medical providers, organizations, religious leaders and other locally trusted voices to share education on vaccinations and engage with concerned families.

**Which schools are affected by the exclusion requirements?**

Yeshivas and child care programs in ZIP codes 11205, 11206, 11211 and 11249 in Williamsburg have been given a Commissioner's Order to exclude unvaccinated children from attending school during the outbreak. Additional yeshivas and child care programs in ZIP codes 11204, 11218 and 11219 in Borough Park have also been notified and are required to exclude unvaccinated children. These schools are the only schools required to meet the outbreak exclusion requirements at this time. Students who attend child care or yeshivas in these ZIP codes must be excluded from attending school even if they have a religious or medical exemption or a medical note. Child care programs must also exclude staff who are not vaccinated and do not have proof of immunity. All unvaccinated or non-immune students in any child care or school, in any ZIP code, with a known measles case will also be excluded from school as determined by the Health Department.

### Outbreak-Related School Attendance Exclusions

Unvaccinated child lives in or attends a child care program or school located in the following ZIP code	Unvaccinated child is in nursery, Head Start or pre-K program	Unvaccinated child is in grade kindergarten through 12	Unvaccinated child is in grade 9-12 and school has grades 9-12 only
11204	Cannot attend	Can attend	Can attend
11205	Cannot attend	Cannot attend	Cannot attend
11206	Cannot attend	Cannot attend	Cannot attend
11211	Cannot attend	Cannot attend	Cannot attend
11218	Cannot attend	Can attend	Can attend
11219	Cannot attend	Cannot attend	Can attend
11249	Cannot attend	Cannot attend	Cannot attend

### Do the outbreak-related school exclusion requirements apply to public or private schools that do not serve the Orthodox Jewish community?

No, these exclusion requirements are currently only in effect for yeshivas or child care programs serving the Orthodox Jewish community in ZIP codes 11205, 11206, 11211 and 11249 in Williamsburg, and in ZIP codes 11204, 11218 and 11219 in Borough Park. To date there have been no cases or transmissions associated with children in these other types of programs or schools, so there is no reason to extend outbreak-related exclusions to public or private programs at this time. The Health Department will adjust these outbreak-related exclusions in the future if outbreak patterns change. For now, it is critical that all children in public or private schools follow the standard Department of Education immunization requirements as well as the current MMR vaccine order requirements to prevent additional measles cases. For more information on Department of Education immunization requirements, visit [schools.nyc.gov](https://schools.nyc.gov).

### What is measles?

Measles is a viral infection that causes fever and a rash. Almost 30% of people with measles will have complications from this infection, including pneumonia, brain swelling, diarrhea, ear infection, hospitalization and potentially death. It is highly contagious and anyone who is not vaccinated against the virus can get it at any age. Measles can be very severe in people with weakened immune systems and pregnant individuals.



**How is measles spread?**

Measles is spread through the air when an infected person sneezes or coughs, or even when they breathe. A person with measles is contagious four days before the rash appears and continues to be contagious for four days after the rash appears.

Measles is a highly contagious virus that remains active and capable of causing infection in the air and on surfaces for up to two hours.

**How can measles be prevented?**

Vaccination is the best way to prevent measles. Anyone who has received two doses of a measles-containing vaccine or was born before 1957 (likely immune because of natural infection) is considered immune and highly unlikely to get measles.

All children starting at 12 months old enrolled in pre-kindergarten, nursery school, child care programs and Head Start are required to receive one dose of the MMR vaccine.

Children must have two doses of the MMR vaccine to attend school (kindergarten through 12<sup>th</sup> grade).

**Where can I get the MMR vaccine?**

To get the MMR vaccine, check with your health care provider. You can also call 311 or visit [nyc.gov/health/clinics](http://nyc.gov/health/clinics).

**Where can I get more information about measles?**

Talk to your health care provider, call 311 or visit these online resources for more information:

- Measles: [nyc.gov/health](http://nyc.gov/health) and search for "measles"
- Measles (Immunization Action Coalition): [vaccineinformation.org/measles](http://vaccineinformation.org/measles)
- Measles Overview (Centers for Disease Control): [cdc.gov/measles](http://cdc.gov/measles)



NEW YORK CITY DEPARTMENT OF  
HEALTH AND MENTAL HYGIENE  
Oxiris Barbot, M.D.  
*Commissioner*

## **ORDER OF THE COMMISSIONER**

**TO: All persons who reside, work or attend school in the neighborhood of Williamsburg, Brooklyn, New York and to the parents and/or guardians of any child who resides, works or attends school in the neighborhood of Williamsburg, Brooklyn, New York**

**WHEREAS**, there is an active outbreak of measles among people residing in the neighborhood of Williamsburg in Brooklyn, New York who live within zip codes 11205, 11206, 11211 and 11249. Since September 2018, more than 250 cases of measles have been documented among people living in Williamsburg and that number continues to grow as new cases are still occurring; and

**WHEREAS**, measles is a highly contagious viral disease that can result in serious health complications, such as pneumonia and swelling of the brain. About a third of reported measles cases have at least one complication and in some cases, measles can cause death. Measles can be serious in all age groups. However, infants, young children, pregnant persons, people whose immune systems are weak and adults are more likely to suffer from measles complications; and

**WHEREAS**, measles is easily transmitted from a sickened person to others who lack immunity to the disease. The virus can live for up to two hours in air or on surfaces where an infected person coughed or sneezed and people who lack immunity are highly likely to become sick if they are in contact with an infectious person or near where an infectious person recently has been; and

**WHEREAS**, although measles is highly contagious, the Measles-Mumps-Rubella (MMR) vaccine is an effective and safe vaccine that will prevent its transmission. While measles remains one of the leading causes of death among young children in parts of the world where the vaccination is not available, the disease until this outbreak was largely eliminated in the United States; and

**WHEREAS**, the measles outbreak persists in Williamsburg despite other efforts taken by the Department of Health and Mental Hygiene to stop it, including orders excluding unvaccinated children from attending preschools and daycare programs, because a high rate of people living within Williamsburg have not been vaccinated against measles; and

**WHEREAS**, pursuant to section 556 of the Charter of the City of New York, the Department is responsible for controlling communicable diseases within the City of New York and for supervising the abatement of nuisances that affect or are likely to affect the public health; and

**WHEREAS**, pursuant to section 3.01 of the New York City Health Code, I am authorized to declare a public health emergency and issue orders and take actions that I deem

necessary for the health and safety of the City and its residents when urgent public health action is necessary to protect the public health against an existing threat; and

**WHEREAS**, I find the ongoing measles outbreak in Williamsburg to be an existing threat to public health in the City of New York; and

**WHEREAS**, I also find that the presence of any person in Williamsburg lacking the MMR vaccine, unless that vaccine is otherwise medically contra-indicated or such person has demonstrated immunity against measles, creates an unnecessary and avoidable risk of continuing the outbreak and is therefore a nuisance, as defined in New York City Administrative Code §17-142; and

**WHEREAS**, pursuant to New York City Health Code §3.07, no person “shall do or assist in any act which is or may be detrimental to the public health or to the life or health of any individual... or ...shall fail to do any reasonable act or take any necessary precaution to protect human life and health.”

**IT IS HEREBY ORDERED** that any person who lives, works or resides within the 11205, 11206, 11211 and/or 11249 zip codes and who has not received the MMR vaccine within forty eight (48) hours of this Order being signed by me shall be vaccinated against measles unless such person can demonstrate immunity to the disease or document to the satisfaction of the Department that he or she should be medically exempt from this requirement.

**IT IS FURTHER ORDERED** that the parent or guardian of any child older than six months of age who lives, works or resides within the 11205, 11206, 11211 and/or 11249 zip codes and who has not received the MMR vaccine within forty eight (48) hours of this order being signed by me shall cause such child to be vaccinated against measles unless such parent or guardian can demonstrate that the child has immunity to the disease or document that he or she should be medically exempt from this requirement.

**THIS ORDER** shall remain in effect until the next meeting of the New York City Board of Health scheduled for April 17, 2019 at which time it may be continued or rescinded by the Board.

A handwritten signature in black ink, appearing to read "Oxiris Barbot", with a stylized flourish at the end.

Dated: April 9, 2019

Oxiris Barbot, M.D.  
Commissioner of Health

## WARNING

Failure to comply with this Order is a violation of §3.05 of the New York City Health Code, and a misdemeanor for which you may be subject to civil and/or criminal fines, forfeitures and penalties, including imprisonment.

Anyone wishing to object to the order, please write or fax Thomas G. Merrill, General Counsel, New York City Department of Health and Mental Hygiene, 42-09 28th Street (WS 14-38) Long Island City NY 11101-4132; [tmerrill@health.nyc.gov](mailto:tmerrill@health.nyc.gov) telephone: 347-396-6116; fax: 347-396-6087, providing a statement of the reasons for your objection to the order. If you have any questions about how to comply with this Order, please telephone Jane R. Zucker, M.D., M.Sc., Assistant Commissioner, Bureau of Immunization at 347-396-2471.



The following resolution was adopted by the Board of Health on April 17, 2019 and will be published in accordance with §17-148 of the Administrative Code of the City of New York.

Resolution of the Board of Health of the  
Department of Health and Mental Hygiene  
of the City of New York

At a meeting of the Board of Health of the Department of Health and Mental Hygiene held on April 17, 2019, the following resolution was adopted:

**WHEREAS**, there is an active outbreak of measles among people residing in the neighborhood of Williamsburg in Brooklyn, New York who live within zip codes 11205, 11206, 11211 and 11249 (the “affected zip codes”); and

**WHEREAS**, on April 9, 2019 the Commissioner of the Department of Health and Mental Hygiene determined that an urgent public health action was necessary to protect the public from the measles outbreak occurring in the neighborhood of Williamsburg and declared a public health emergency; and

**WHEREAS**, pursuant to her authority under Health Code §3.01, the Commissioner ordered that anyone who lives, works or resides in the affected zip codes and any child older than six months of age living, residing, or working in any of the affected zip codes be immunized against measles; and

**WHEREAS**, the Order subjects a person to a civil fine , unless such person or, for a child, such person’s parent or guardian, can demonstrate that such person has immunity to the disease or document to the satisfaction of the Department that such person should be medically exempt from this requirement; and

**WHEREAS**, pursuant to Health Code §3.01, the Order issued by the Commissioner is only in effect until the Board of Health convenes and either continues or rescinds the Commissioner’s exercise of authority; and

**WHEREAS**, the Board of Health has taken and filed among its records and reports that since September 2018 more than 300 cases of measles have been documented in the City of New York with the vast majority occurring among people residing in the affected zip codes and that new cases of measles are still occurring at an alarming rate; and

**WHEREAS**, measles is a highly contagious viral disease that can result in serious health complications such as pneumonia, encephalitis (swelling of the brain) and death. About a third of reported measles cases have at least one complication. Measles can be serious in all age groups. However, infants, young children, pregnant persons, people whose immune systems are weak and adults are more likely to suffer from measles complications; and

**WHEREAS**, measles is easily transmitted from a sickened person to others who lack immunity to the disease. The virus can live for up to two hours in the air or on surfaces where an infected person coughed or sneezed and people who lack immunity are highly likely to become sick if they are in contact with an infectious person or near where an infectious person recently has been; and

**WHEREAS**, although measles is highly contagious, the Measles-Mumps-Rubella (MMR) vaccine is a proven safe and effective vaccine that will prevent its transmission. While measles remains one of the leading causes of death among young children in parts of the world where the vaccination is not available, the disease until this outbreak was eliminated in the United States; and

**WHEREAS**, because a high rate of people living within the affected zip codes in Williamsburg have not been vaccinated against measles, the measles outbreak persists in Williamsburg despite other efforts taken by the Department of Health and Mental Hygiene to stop it, including orders excluding unvaccinated children from attending preschools and daycare programs; and

**WHEREAS**, the Board of Health regards the aforesaid reports of over 300 cases of measles as sufficient proof to authorize the declaration that an outbreak of measles is occurring in Williamsburg that threatens the health and safety of New Yorkers and is immediately dangerous to human life and health and constitutes a public nuisance; and

**WHEREAS**, the outbreak is occurring because a large number of people residing in the affected zip codes have not been vaccinated against measles; and

**WHEREAS**, the only way to end the outbreak is to require that people residing, working or attending school in any of the affected zip codes be vaccinated against or otherwise have immunity against measles; and

**WHEREAS**, personal service or service pursuant to subdivisions (a) or (b) of §17-148 of the Administrative Code of the City of New York of orders requiring the abatement of such nuisances and conditions in effect dangerous to life and health upon each of the persons who, pursuant to the provisions of Title 17 of the Administrative Code of the City of New York, has a duty or liability to abate such nuisances and conditions, would result in a delay prejudicial to the public health, welfare, and safety; now, therefore, be it

**RESOLVED**, that the Board of Health hereby declares that an outbreak of measles is ongoing in the neighborhood of Williamsburg and that the outbreak poses a public nuisance because it is immediately dangerous to life and health; and be it further

**RESOLVED**, that the Board of Health hereby declares that any person who lives or works within the affected zip codes shall be vaccinated against measles unless such person can demonstrate immunity to the disease or document to the satisfaction of the Department that such person should be medically exempt from this requirement; and be it further

Summons Issued to  
Plaintiff-Petitioner  
Chava Biederman



**SUMMONS NUMBER: 30244-19L0****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE**

DIVISION: Disease Control BUREAU: Immunization

AGENCY ADDRESS AND PHONE NUMBER: 42-09 28<sup>th</sup> Street, Long Island City, NY 11101 Phone: 347-396-7998RESPONDENT: Chava Biederman ID NUMBER: 50091950

ADDRESS: 104 HEYWARD ST APT# 2FL, Brooklyn NY 11206

PHONE: \_\_\_\_\_

DATE AND TIME OF OCCURRENCE: April 29, 2019, 12:35 PM BOROUGH: Brooklyn

PLACE OF OCCURRENCE: 104 HEYWARD ST APT# 2FL, Brooklyn NY 11206

The respondent is summoned to appear and respond to the details of violation(s) stated below.

**HEARING DATE: June 19, 2019 AT: 9:00 AM****\*\* RESPONDENT MUST APPEAR IN PERSON \*\*****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**

<input type="checkbox"/> Manhattan	<input type="checkbox"/> Staten Island	<input type="checkbox"/> Bronx	<input type="checkbox"/> Queens	<input checked="" type="checkbox"/> Brooklyn
66 John Street	350 St. Marks Place	3030 Third Avenue	31-00 47 <sup>th</sup> Avenue	9 Bond Street
10 <sup>th</sup> & 11 <sup>th</sup> Floor	Main Floor	Room 250	3 <sup>rd</sup> & 4 <sup>th</sup> Floor	6 <sup>th</sup> & 7 <sup>th</sup> Floor
New York, NY 10038	Staten Island, NY 10301	Bronx, NY 10455	Long Island City, NY 11435	Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE OR ATTACHED.  
REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.****WARNING:** If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.**Details of Violation(s)**

#	Code Section	Violation Description
1	NYC HC 3.05	In response to the active measles outbreak in certain parts of Brooklyn, the NYC Commissioner of Health declared a public health emergency on April 9, 2019 and published a Commissioner's Order ("Order") pursuant to Article 3 of the NYC Health Code ordering all persons who live, work or attend school within ZIP codes 11205, 11206, 11211 and 11249 to be vaccinated against measles within forty eight hours of the Order. On April 17, 2019, the NYC Board of Health unanimously approved a Resolution ("Resolution") continuing the public health emergency and requirement that all persons living, working or attending school in these affected ZIP codes be vaccinated against measles. The Resolution further provides that any person who is not vaccinated, or the parent and/or guardian of a child who is not vaccinated, shall be fined unless they demonstrate proof of immunity or that immunization is not medically appropriate. A copy of the Order and Resolution are attached to this Summons for reference. A review of Department records shows that Respondent's child, B.B., who is at least six months old, lives at 104 HEYWARD ST APT# 2FL, Brooklyn NY 11206, which is located in one of the affected zip codes listed in the Order. On April 29, 2019, a review of the Department's Central Immunization Registry, which collects immunization records for all children receiving vaccines in NYC and is required to be updated by medical providers, found that child B.B. has no record of measles immunization. Respondent has failed to vaccinate child B.B. or otherwise submit acceptable proof of immunity in violation of the Order.

NYC Charter Sections 104B and 1049a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice.

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

Torian Easterling04/30/2019

Print Name

Signature

ID

Date

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.  
Received by:



Summons Issued to  
Plaintiff-Petitioner  
Beila Englander

B. Englander  
(718) 388-0904

**SUMMONS NUMBER: 30212-19L0**

**ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE**

**DIVISION: Disease Control BUREAU: Immunization**

**AGENCY ADDRESS AND PHONE NUMBER: 42-09 28<sup>th</sup> Street, Long Island City, NY 11101 Phone: 347-396-7998**

**RESPONDENT: Beila Englander ID NUMBER: 50092096**

**ADDRESS: 252 Keap Street APT# 4, Brooklyn NY 11211**

**PHONE: \_\_\_\_\_**

**DATE AND TIME OF OCCURRENCE: May 1, 2019, 11:30 AM BOROUGH: Brooklyn**

**PLACE OF OCCURRENCE: 252 Keap Street APT# 4, Brooklyn NY 11211**

The respondent is summoned to appear and respond to the details of violation(s) stated below.

**HEARING DATE: June 12, 2019 AT: 9:00 AM**

**\*\* RESPONDENT MUST APPEAR IN PERSON \*\***

**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**

☐ Manhattan  
66 John Street  
10<sup>th</sup> & 11<sup>th</sup> Floor  
New York, NY 10038

☐ Staten Island  
350 St. Marks Place  
Main Floor  
Staten Island, NY 10301

☐ Bronx  
3030 Third Avenue  
Room 250  
Bronx, NY 10455

☐ Queens  
31-00 47<sup>th</sup> Avenue  
3<sup>rd</sup> & 4<sup>th</sup> Floor  
Long Island City, NY 11435

**XX** Brooklyn  
9 Bond Street  
6<sup>th</sup> & 7<sup>th</sup> Floor  
Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE OR ATTACHED.**

**REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.**

**WARNING:** If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.

**Details of Violation(s)**

#	Code Section	Violation Description
1	NYC HC 3.05	In response to the active measles outbreak in certain parts of Brooklyn, the NYC Commissioner of Health declared a public health emergency on April 9, 2019 and published a Commissioner's Order ("Order") pursuant to Article 3 of the NYC Health Code ordering all persons who live, work or attend school within ZIP codes 11205, 11206, 11211 and 11249 to be vaccinated against measles within forty eight hours of the Order. On April 17, 2019, the NYC Board of Health unanimously approved a Resolution ("Resolution") continuing the public health emergency and requirement that all persons living, working or attending school in these affected ZIP codes be vaccinated against measles. The Resolution further provides that any person who is not vaccinated, or the parent and/or guardian of a child who is not vaccinated, shall be fined unless they demonstrate proof of immunity or that immunization is not medically appropriate. A copy of the Order and Resolution are attached to this Summons for reference. A review of Department records shows that Respondent's child, Z.E., who is at least six months old, lives at 252 Keap Street APT# 4, Brooklyn NY 11211, which is located in one of the affected zip codes listed in the Order. On May 1, 2019, a review of the Department's Central Immunization Registry, which collects immunization records for all children receiving vaccines in NYC and is required to be updated by medical providers, found that child Z.E. has no record of measles immunization. Respondent has failed to vaccinate child Z.E. or otherwise submit acceptable proof of immunity in violation of the Order.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice.

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Torian Easterling**

**05/02/2019**

**Print Name**

**Signature**

**ID**

**Date**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:**

**Print Name**

**Signature**

**Title**

**Date:**

Summons Issued to  
Plaintiff-Petitioner  
Israel Fishman

**SUMMONS NUMBER: 30412-19L0****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION:** Disease Control **BUREAU:** Immunization**AGENCY ADDRESS AND PHONE NUMBER:** 42-09 28<sup>th</sup> Street, Long Island City, NY 11101 **Phone:** 347-396-7998**RESPONDENT:** ISRAEL FISHMAN**ID NUMBER:** 50094215**ADDRESS:** 140 Hewes St BROOKLYN, NY 11211**PHONE:****DATE AND TIME OF OCCURRENCE:** June 12, 2019 AT 9:28 AM**BOROUGH:** Brooklyn**PLACE OF OCCURRENCE :** 140 Hewes St BROOKLYN, NY 11211

The respondent is summoned to appear and respond to the details of violation(s) stated below.

**HEARING DATE: July 31, 2019 AT 10:00 AM****\*\* RESPONDENT MUST APPEAR IN PERSON \*\*****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**☐ Manhattan☐ Staten Island☐ Bronx☐ Queens☒ Brooklyn

66 John Street

350 St. Marks Place

3030 Third Avenue 31-00 47<sup>th</sup> Avenue

9 Bond Street

10<sup>th</sup> & 11<sup>th</sup> Floor

Main Floor

Room 250

3<sup>rd</sup> & 4<sup>th</sup> Floor6<sup>th</sup> & 7<sup>th</sup> Floor

New York, NY 10038

Staten Island, NY 10301

Bronx, NY 10455

Long Island City, NY 11435

Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE OR ATTACHED.****REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.****WARNING:** If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.**Details of Violation(s)**

#	Code Section	Violation Description
1	NYC HC 3.05	In response to the active measles outbreak in certain parts of Brooklyn, the NYC Commissioner of Health declared a public health emergency on April 9, 2019 and published a Commissioner's Order ("Order") pursuant to Article 3 of the NYC Health Code ordering all persons who live, work or attend school within ZIP codes 11205, 11206, 11211 and 11249 to be vaccinated against measles within forty eight hours of the Order. On April 17, 2019, the NYC Board of Health unanimously approved a Resolution ("Resolution") continuing the public health emergency and requirement that all persons living, working or attending school in these affected ZIP codes be vaccinated against measles. The Resolution further provides that any person who is not vaccinated, or the parent and/or guardian of a child who is not vaccinated, shall be fined unless they demonstrate proof of immunity or that immunization is not medically appropriate. A copy of the Order and Resolution are attached to this Summons for reference. A review of Department records shows that Respondent's child, A.F., who is at least six months old, lives at: 140 Hewes St BROOKLYN, NY 11211, which is located in one of the affected zip codes listed in the Order. On June 12, 2019, a review of the Department's Citywide Immunization Registry, which collects immunization records for all children receiving vaccines in NYC and is required to be updated by medical providers, found that child A.F. has no record of measles immunization. Respondent has failed to vaccinate child A.F. or otherwise submit acceptable proof of immunity in violation of the Order.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

Pooja Jani**Print Name**  
**Signature****ID**06/13/2019**Date**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Print Name****Signature****Title****Date:**



## Information on Measles and the Civil Summons

This document provides information about measles exposure and the civil summons issued to you by the New York City Department of Health and Mental Hygiene related to the measles outbreak in Williamsburg, Brooklyn.

**Summons Number:** 30412-19L0

### **Why was I issued a summons?**

The Health Department has issued a civil summons to you for failing to comply with the April 9, 2019 Order of the Commissioner regarding measles.

You have the right to a hearing at the New York City Office of Administrative Trials and Hearings (OATH) (Hearings Division). Follow the instructions that are attached to the summons.

### **How can I provide information to show that I, or my child, have been vaccinated, have immunity or have a medical exemption?**

If you believe that you or your child have received the measles, mumps, and rubella (MMR) vaccine; have immunity to measles; or have a medical condition that prevents you from getting the MMR, you may submit medical records (these include vaccination records, serology report to prove immunity, or medical documentation for an exemption).

### ***New Residents***

If you or your child were not born in the city, your provider will need a copy of the immunization history to add to the Citywide Immunization Registry (CIR) record. You should contact your or your child's previous health care provider, or the last school you or your child attended, for your immunization records. The state where you previously lived may also have your records in its immunization registry.

If you moved to the city from elsewhere in New York State, the immunization record may already be in the CIR. You should contact your or your child's previous health care provider, the last school you or your child attended, the New York State Department of Health, or your local (county) health department for your immunization records.

All records submitted to the Health Department must be signed and dated by a medical professional. The Health Department will review the medical records and may withdraw the summons.

Submit the medical record to the Health Department. Fax it to 347-396-8844 or email a copy of the record to [measlesreview@health.nyc.gov](mailto:measlesreview@health.nyc.gov).

If your medical provider does not have MMR vaccine or if you need to find a vaccine clinic, call 311 or go to the Health Department website <https://www1.nyc.gov/site/doh/index.page>.

### **Where can I find information about the Order of the Commissioner, measles or the MMR vaccine?**

Information about the Order of the Commissioner, measles and the MMR vaccine is on the NYC Health Department's website at [nyc.gov/health](http://nyc.gov/health). Or call 347-396-7998 to speak to someone at the Health Department.

Summons Issued to  
Plaintiff-Petitioner  
Judith Fried



**SUMMONS NUMBER: 30304-19L0****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION:** Disease Control **BUREAU:** Immunization**AGENCY ADDRESS AND PHONE NUMBER:** 42-09 28<sup>th</sup> Street, Long Island City, NY 11101 **Phone:** 347-396-7998**RESPONDENT:** Judith Fried**ID NUMBER:** 50092652**ADDRESS:** 42 Walton Street APT# 3A, Brooklyn NY 11206**PHONE:****DATE AND TIME OF OCCURRENCE:** May 10, 2019 AT 2:22 PM **BOROUGH:** Brooklyn**PLACE OF OCCURRENCE :** 42 Walton Street APT# 3A, Brooklyn NY 11206

The respondent is summoned to appear and respond to the details of violation(s) stated below.

**HEARING DATE: July 3, 2019 AT 9:00 AM****\*\* RESPONDENT MUST APPEAR IN PERSON \*\*****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**☐ Manhattan☐ Staten Island☐ Bronx☐ Queens☒ **XX** Brooklyn

66 John Street

350 St. Marks Place

3030 Third Avenue 31-00 47<sup>th</sup> Avenue

9 Bond Street

10<sup>th</sup> & 11<sup>th</sup> Floor

Main Floor

Room 250

3<sup>rd</sup> & 4<sup>th</sup> Floor6<sup>th</sup> & 7<sup>th</sup> Floor

New York, NY 10038

Staten Island, NY 10301

Bronx, NY 10455

Long Island City, NY 11435

Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE OR ATTACHED.****REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.****WARNING:** If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.**Details of Violation(s)**

#	Code Section	Violation Description
1	NYC HC 3.05	In response to the active measles outbreak in certain parts of Brooklyn, the NYC Commissioner of Health declared a public health emergency on April 9, 2019 and published a Commissioner's Order ("Order") pursuant to Article 3 of the NYC Health Code ordering all persons who live, work or attend school within ZIP codes 11205, 11206, 11211 and 11249 to be vaccinated against measles within forty eight hours of the Order. On April 17, 2019, the NYC Board of Health unanimously approved a Resolution ("Resolution") continuing the public health emergency and requirement that all persons living, working or attending school in these affected ZIP codes be vaccinated against measles. The Resolution further provides that any person who is not vaccinated, or the parent and/or guardian of a child who is not vaccinated, shall be fined unless they demonstrate proof of immunity or that immunization is not medically appropriate. A copy of the Order and Resolution are attached to this Summons for reference. A review of Department records shows that Respondent's child, H.F., who is at least six months old, lives at: 42 Walton Street APT# 3A, Brooklyn NY 11206, which is located in one of the affected zip codes listed in the Order. On May 10, 2019, a review of the Department's Citywide Immunization Registry, which collects immunization records for all children receiving vaccines in NYC and is required to be updated by medical providers, found that child H.F. has no record of measles immunization. Respondent has failed to vaccinate child H.F. or otherwise submit acceptable proof of immunity in violation of the Order.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Jane Bedell****5/13/2019****Print Name****Signature****ID****Date**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Print Name****Signature****Title****Date:**

The agency named on the front of this Summons has alleged that you committed the described violation or violations. Note: If the charge on the front of the Summons states you **MUST APPEAR IN PERSON**, then you or an authorized representative must attend the hearing in person. See the front of this Summons for the date, time and location of your hearing. In some cases, the agency may offer you the chance to enter into a stipulation or settlement agreement. If you are eligible, the agency will send you a letter in the mail. To accept the stipulation or settlement, follow the instructions in the letter.

If a stipulation or settlement is offered to you and you do not accept it, the independent NYC Office of Administrative Trials and Hearings will hear and decide your case. If you do not accept the settlement or show up for your hearing, a default judgment may be entered against you and additional penalties may be imposed.

If your case is NOT marked "MUST APPEAR IN PERSON," you may deny the charges or their severity by presenting a defense online, by phone or by mail.

- Online: To submit a defense online, visit [www.nyc.gov/oath](http://www.nyc.gov/oath).
- Phone: To schedule a hearing by phone, call (212) 436-0817.
- Mail: To submit a defense by mail, send a signed statement of facts that must say, "My signature in this statement certifies that all facts in it are true," with all documents you wish to have considered to: OATH Mail Unit, 66 John Street, 10th Floor, New York, NY 10038.

To present a defense in person:

- You or an authorized representative must appear in person on the hearing date at the time and location on the front of this Summons.
- If no location is listed or checked off, you may appear at any OATH Hearings Center on the date and time indicated on this Summons (see locations below).
- Please be fully prepared for a hearing at that time by bringing this Summons and all of your evidence with you.
- If you require assistance with English, free language assistance will be provided.

Reasonable Accommodation: If you have a disability and require a reasonable accommodation on the day of your hearing, call the phone number listed below.

Note: YOU HAVE THE RIGHT TO BE INFORMED OF THE MAXIMUM PENALTY. Pursuant to the New York City Health Code, §3.11, a penalty of not less than \$200 and not more than \$2000 may be imposed for each Health Code violation. For non-NYCHC violations please see the cited statute/regulation for maximum penalties. The penalty for certain violations may be found in regulations available at [nyc.gov/health](http://nyc.gov/health). Higher penalties may be imposed for each repeated violation up to the maximum penalty allowed by law or regulation.

#### OATH HEARINGS CENTERS

Tel: 1-844-OATH-NYC (1-844-628-4692) [www.nyc.gov/oath](http://www.nyc.gov/oath)

Manhattan: 66 John Street, 10th & 11th Floors, New York, NY 10038

Brooklyn: 9 Bond Street, 7th Floor, Brooklyn, NY 11201

Queens: 31-00 47th Avenue, 3rd Floor, Long Island City, NY 11435

Bronx: 3030 Third Avenue, Room 250, Bronx, NY 10455

Staten Island: 350 St. Mark's Place, Main Floor, Staten Island, NY 10301



Summons Issued to  
Plaintiff-Petitioner  
Malka Friedman

**SUMMONS NUMBER: 30378-19L0****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION: Disease Control BUREAU: Immunization****AGENCY ADDRESS AND PHONE NUMBER: 42-09 28<sup>th</sup> Street, Long Island City, NY 11101 Phone: 347-396-7998****RESPONDENT: MALKA FRIEDMAN****ID NUMBER: 50093819****ADDRESS: 564 WYTHE AVE #8A BROOKLYN NY 11249****PHONE:****DATE AND TIME OF OCCURRENCE: June 4, 2019 AT 9:36 AM BOROUGH: Brooklyn****PLACE OF OCCURRENCE: 564 WYTHE AVE #8A BROOKLYN NY 11249**

The respondent is summoned to appear and respond to the details of violation(s) stated below.

**HEARING DATE: July 24, 2019 AT 9:00 AM****\*\* RESPONDENT MUST APPEAR IN PERSON \*\*****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**☐ Manhattan☐ Staten Island☐ Bronx☐ Queens☒ Brooklyn

66 John Street

350 St. Marks Place

3030 Third Avenue 31-00 47<sup>th</sup> Avenue

9 Bond Street

10<sup>th</sup> & 11<sup>th</sup> Floor

Main Floor

Room 250

3<sup>rd</sup> & 4<sup>th</sup> Floor6<sup>th</sup> & 7<sup>th</sup> Floor

New York, NY 10038

Staten Island, NY 10301

Bronx, NY 10455

Long Island City, NY 11435

Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE OR ATTACHED.****REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.****WARNING:** If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.**Details of Violation(s)**

#	Code Section	Violation Description
1	NYC HC 3.05	In response to the active measles outbreak in certain parts of Brooklyn, the NYC Commissioner of Health declared a public health emergency on April 9, 2019 and published a Commissioner's Order ("Order") pursuant to Article 3 of the NYC Health Code ordering all persons who live, work or attend school within ZIP codes 11205, 11206, 11211 and 11249 to be vaccinated against measles within forty eight hours of the Order. On April 17, 2019, the NYC Board of Health unanimously approved a Resolution ("Resolution") continuing the public health emergency and requirement that all persons living, working or attending school in these affected ZIP codes be vaccinated against measles. The Resolution further provides that any person who is not vaccinated, or the parent and/or guardian of a child who is not vaccinated, shall be fined unless they demonstrate proof of immunity or that immunization is not medically appropriate. A copy of the Order and Resolution are attached to this Summons for reference. A review of Department records shows that Respondent's child, Y.F., who is at least six months old, lives at: 564 WYTHE AVE #8A BROOKLYN NY 11249, which is located in one of the affected zip codes listed in the Order. On June 4, 2019, a review of the Department's Citywide Immunization Registry, which collects immunization records for all children receiving vaccines in NYC and is required to be updated by medical providers, found that child Y.F. has no record of measles immunization. Respondent has failed to vaccinate child Y.F. or otherwise submit acceptable proof of immunity in violation of the Order.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Pooja Jani****Print Name****Signature****06/04/2019****ID****Date**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Print Name****Signature****Title****Date:**

The agency named on the front of this Summons has alleged that you committed the described violation or violations. Note: If the charge on the front of the Summons states you **MUST APPEAR IN PERSON**, then you or an authorized representative must attend the hearing in person. See the front of this Summons for the date, time and location of your hearing. In some cases, the agency may offer you the chance to enter into a stipulation or settlement agreement. If you are eligible, the agency will send you a letter in the mail. To accept the stipulation or settlement, follow the instructions in the letter.

If a stipulation or settlement is offered to you and you do not accept it, the independent NYC Office of Administrative Trials and Hearings will hear and decide your case. If you do not accept the settlement or show up for your hearing, a default judgment may be entered against you and additional penalties may be imposed.

If your case is NOT marked "MUST APPEAR IN PERSON," you may deny the charges or their severity by presenting a defense online, by phone or by mail.

- Online: To submit a defense online, visit [www.nyc.gov/oath](http://www.nyc.gov/oath).
- Phone: To schedule a hearing by phone, call (212) 436-0817.
- Mail: To submit a defense by mail, send a signed statement of facts that must say, "My signature in this statement certifies that all facts in it are true," with all documents you wish to have considered to: OATH Mail Unit, 66 John Street, 10th Floor, New York, NY 10038.

To present a defense in person:

- You or an authorized representative must appear in person on the hearing date at the time and location on the front of this Summons.
- If no location is listed or checked off, you may appear at any OATH Hearings Center on the date and time indicated on this Summons (see locations below).
- Please be fully prepared for a hearing at that time by bringing this Summons and all of your evidence with you.
- If you require assistance with English, free language assistance will be provided.

Reasonable Accommodation: If you have a disability and require a reasonable accommodation on the day of your hearing, call the phone number listed below.

Note: YOU HAVE THE RIGHT TO BE INFORMED OF THE MAXIMUM PENALTY. Pursuant to the New York City Health Code, §3.11, a penalty of not less than \$200 and not more than \$2000 may be imposed for each Health Code violation. For non-NYCHC violations please see the cited statute/regulation for maximum penalties. The penalty for certain violations may be found in regulations available at [nyc.gov/health](http://nyc.gov/health). Higher penalties may be imposed for each repeated violation up to the maximum penalty allowed by law or regulation.

#### OATH HEARINGS CENTERS

Tel: 1-844-OATH-NYC (1-844-628-4692) [www.nyc.gov/oath](http://www.nyc.gov/oath)

Manhattan: 66 John Street, 10th & 11th Floors, New York, NY 10038

Brooklyn: 9 Bond Street, 7th Floor, Brooklyn, NY 11201

Queens: 31-00 47th Avenue, 3rd Floor, Long Island City, NY 11435

Bronx: 3030 Third Avenue, Room 250, Bronx, NY 10455

Staten Island: 350 St. Mark's Place, Main Floor, Staten Island, NY 10301





## Information on Measles and the Civil Summons

This document provides information about measles exposure and the civil summons issued to you by the New York City Department of Health and Mental Hygiene related to the measles outbreak in Williamsburg, Brooklyn.

**Summons Number:** 30378-19L0

### **Why was I issued a summons?**

The Health Department has issued a civil summons to you for failing to comply with the April 9, 2019 Order of the Commissioner regarding measles.

You have the right to a hearing at the New York City Office of Administrative Trials and Hearings (OATH) (Hearings Division). Follow the instructions that are attached to the summons.

### **How can I provide information to show that I, or my child, have been vaccinated, have immunity or have a medical exemption?**

If you believe that you or your child have received the measles, mumps, and rubella (MMR) vaccine; have immunity to measles; or have a medical condition that prevents you from getting the MMR, you may submit medical records (these include vaccination records, serology report to prove immunity, or medical documentation for an exemption).

### **New Residents**

If you or your child were not born in the city, your provider will need a copy of the immunization history to add to the Citywide Immunization Registry (CIR) record. You should contact your or your child's previous health care provider, or the last school you or your child attended, for your immunization records. The state where you previously lived may also have your records in its immunization registry.

If you moved to the city from elsewhere in New York State, the immunization record may already be in the CIR. You should contact your or your child's previous health care provider, the last school you or your child attended, the New York State Department of Health, or your local (county) health department for your immunization records.

All records submitted to the Health Department must be signed and dated by a medical professional. The Health Department will review the medical records and may withdraw the summons.

Submit the medical record to the Health Department. Fax it to 347-396-8844 or email a copy of the record to [measlesreview@health.nyc.gov](mailto:measlesreview@health.nyc.gov).

If your medical provider does not have MMR vaccine or if you need to find a vaccine clinic, call 311 or go to the Health Department website <https://www1.nyc.gov/site/doh/index.page>.

### **Where can I find information about the Order of the Commissioner, measles or the MMR vaccine?**

Information about the Order of the Commissioner, measles and the MMR vaccine is on the NYC Health Department's website at [nyc.gov/health](https://nyc.gov/health). Or call 347-396-7998 to speak to someone at the Health Department.



## **Frequently Asked Questions:**

### **NYC Measles Vaccine Order for ZIP codes 11205, 11206, 11211 and 11249**

On April 9, the Health Department declared a public health emergency and issued a measles vaccine order in response to the measles outbreak in ZIP codes 11205, 11206, 11211 and 11249 in Brooklyn. This FAQ provides additional information on this announcement as well as the associated measles vaccine order.

#### **Why did the Health Department declare a public health emergency in response to the measles outbreak in ZIP codes 11205, 11206, 11211 and 11249?**

The Commissioner of Health can declare a public health emergency when there is an urgent threat to the health of New Yorkers.

There is currently an active measles outbreak in the Williamsburg and Borough Park neighborhoods of Brooklyn that qualifies as such a threat. The outbreak began in early October 2018 and has resulted in nearly 300 cases of this vaccine-preventable disease. In the last three months the vast majority of these cases have been in residents of ZIP codes 11205, 11206, 11211 and 11249. The Health Department has tried multiple strategies to end this outbreak, including intensive outreach to the affected community and the medical providers who serve them. Additionally, the Health Department required any unvaccinated children to be excluded from yeshivas and child care programs serving this community. However, the outbreak continues due to low vaccination rates in these ZIP codes.

This outbreak is being fueled by the spread of dangerous misinformation on the safety and effectiveness of the MMR vaccine. The Health Department stands with the majority of people in this community who have worked hard to protect their children and others at risk. There is an urgent need to end this outbreak and protect New Yorkers from this potentially fatal infection. This declaration will help improve vaccination rates in the affected communities.

#### **What does the measles vaccine order do?**

To stop the spread of measles in New York City, the Health Department requires that adults and children ages 6 months and older who live, work or go to school in ZIP codes 11205, 11206, 11211 and 11249 receive a measles, mumps and rubella (MMR) vaccine. People who cannot receive the vaccine for valid medical reasons, including pregnant individuals, are exempt from the vaccine order.

The risk of getting the measles is low for vaccinated or immune individuals. For most people in ZIP codes 11205, 11206, 11211 and 11249, this order should encourage you to check your immunization records or talk to your health care provider to confirm your vaccination history or immunity status.



**Are infants 6 through 11 months included in the vaccine order?**

Yes, all infants living or attending child care in ZIP codes 11205, 11206, 11211 and 11249 are included in the vaccine order. The early dose of the MMR vaccine will protect them during the current outbreak. Children should then return to the recommended vaccine schedule and the first dose of the MMR vaccine should be repeated at 12 months of age. Children must have two doses of the MMR vaccine to attend school (kindergarten – 12<sup>th</sup> grade).

Please use the following guidance regarding an early dose of the MMR vaccine for infants 6 through 11 months of age who do not live in ZIP codes 11205, 11206, 11211 and 11249:

- Recommended for members of communities with a known measles outbreak in Borough Park and Crown Heights.
- Suggested for members of the Orthodox Jewish community in New York City.
- Recommended for all infants traveling internationally or to a community with a known measles outbreak.

**What if I work in ZIP codes 11205, 11206, 11211 and 11249?**

If you work for a business located in ZIP codes 11205, 11206, 11211 and 11249 then you are required to have the MMR vaccine to stop the spread of measles. We encourage you to check your immunization records or talk to your health care provider to confirm your vaccination history or immunity status.

**How will the Health Department know who isn't vaccinated?**

When Health Department staff identify a patient with measles, they also identify anyone that person has had contact with. The Health Department and health care providers connect these contacts with immunization or other preventive measures and work with them to reduce the risk of measles. Health Department staff also use the Citywide Immunization Registry (CIR) to check the vaccine record of any individual who may have been in contact with a patient with measles. If immunization records are not available, the Health Department may request other evidence of immunity to measles. For example, a blood test, called a measles serology, can prove that someone is immune to measles through prior vaccination or infection with the measles virus. Your health care provider can order this common test and arrange to have your blood drawn. Anyone in ZIP codes 11205, 11206, 11211 and 11249 who cannot prove they are immune to measles by producing immunization records or demonstrate immunity with a positive measles serology blood test will be considered non-immune and unvaccinated by the Health Department and will be in violation of the vaccine order.

**What happens if I refuse the vaccine?**

The Health Department has ordered everyone in ZIP codes 11205, 11206, 11211 and 11249 to get vaccinated if they have not already done so. The Health Department may issue a civil summons to anyone who lives, works or attends school in the affected ZIP codes and has not been vaccinated as of April 11, 2019, and does not provide proof of immunity or a valid medical exemption to the Health Department. If the unvaccinated person is a child, the summons will be issued to the parent. The person

receiving the summons will be entitled to a hearing at the New York City Office of Administrative Trials and Hearings. If the hearing officer upholds the summons, a \$1,000 penalty will be imposed. Failing to appear at the hearing or respond to the summons will result in a \$2,000 fine.

**What happens if I cannot take the vaccine because of a medical condition or other medical reason?**

There are few medical reasons that would prevent you from receiving the MMR vaccine. If you are a known contact of a measles case and there is a medical reason that would prevent you from receiving the MMR vaccine, including pregnancy, you will be asked to produce specific documentation from a healthcare provider licensed to practice in New York. This medical documentation must explicitly state the condition that makes it impossible for you or your child to be vaccinated. A general provider note without a clear statement of why you cannot receive the vaccine will not be accepted as a valid medical exemption. If your documentation is confirmed, the fine against you will be withdrawn.

Individuals with medical reasons that prevent them from receiving the MMR vaccine after exposure to measles may be able to receive another preventive treatment called immune globulin. The Health Department will provide guidance to eligible individuals who require immune globulin.

**What else is the Health Department doing to stop the spread of measles?**

The Health Department will continue to require yeshivas and child care programs that serve the affected community and are located in ZIP codes 11205, 11206, 11211 and 11249 to exclude children who do not have the required doses of the MMR vaccine. Children will be allowed to go back to their child care or yeshiva if they prove they are up to date on their MMR vaccines or have laboratory tests (measles serology) that show they are immune to measles. These exclusion requirements are in place until the end of the outbreak or until the Health Department determines it is safe for unvaccinated students to attend these yeshivas or child care facilities. The Health Department is also partnering with community-based medical providers, organizations, religious leaders and other locally trusted voices to share education on vaccinations and engage with concerned families.

**Which schools are affected by the exclusion requirements?**

Yeshivas and child care programs in ZIP codes 11205, 11206, 11211 and 11249 in Williamsburg have been given a Commissioner's Order to exclude unvaccinated children from attending school during the outbreak. Additional yeshivas and child care programs in ZIP codes 11204, 11218 and 11219 in Borough Park have also been notified and are required to exclude unvaccinated children. These schools are the only schools required to meet the outbreak exclusion requirements at this time. Students who attend child care or yeshivas in these ZIP codes must be excluded from attending school even if they have a religious or medical exemption or a medical note. Child care programs must also exclude staff who are not vaccinated and do not have proof of immunity. All unvaccinated or non-immune students in any child care or school, in any ZIP code, with a known measles case will also be excluded from school as determined by the Health Department.



#### Outbreak-Related School Attendance Exclusions

Unvaccinated child lives in or attends a child care program or school located in the following ZIP code	Unvaccinated child is in nursery, Head Start or pre-K program	Unvaccinated child is in grade kindergarten through 12	Unvaccinated child is in grade 9-12 and school has grades 9-12 only
11204	Cannot attend	Can attend	Can attend
11205	Cannot attend	Cannot attend	Cannot attend
11206	Cannot attend	Cannot attend	Cannot attend
11211	Cannot attend	Cannot attend	Cannot attend
11218	Cannot attend	Can attend	Can attend
11219	Cannot attend	Cannot attend	Can attend
11249	Cannot attend	Cannot attend	Cannot attend

**Do the outbreak-related school exclusion requirements apply to public or private schools that do not serve the Orthodox Jewish community?**

No, these exclusion requirements are currently only in effect for yeshivas or child care programs serving the Orthodox Jewish community in ZIP codes 11205, 11206, 11211 and 11249 in Williamsburg, and in ZIP codes 11204, 11218 and 11219 in Borough Park. To date there have been no cases or transmissions associated with children in these other types of programs or schools, so there is no reason to extend outbreak-related exclusions to public or private programs at this time. The Health Department will adjust these outbreak-related exclusions in the future if outbreak patterns change. For now, it is critical that all children in public or private schools follow the standard Department of Education immunization requirements as well as the current MMR vaccine order requirements to prevent additional measles cases. For more information on Department of Education immunization requirements, visit [schools.nyc.gov](http://schools.nyc.gov).

#### **What is measles?**

Measles is a viral infection that causes fever and a rash. Almost 30% of people with measles will have complications from this infection, including pneumonia, brain swelling, diarrhea, ear infection, hospitalization and potentially death. It is highly contagious and anyone who is not vaccinated against the virus can get it at any age. Measles can be very severe in people with weakened immune systems and pregnant individuals.



**How is measles spread?**

Measles is spread through the air when an infected person sneezes or coughs, or even when they breathe. A person with measles is contagious four days before the rash appears and continues to be contagious for four days after the rash appears.

Measles is a highly contagious virus that remains active and capable of causing infection in the air and on surfaces for up to two hours.

**How can measles be prevented?**

Vaccination is the best way to prevent measles. Anyone who has received two doses of a measles-containing vaccine or was born before 1957 (likely immune because of natural infection) is considered immune and highly unlikely to get measles.

All children starting at 12 months old enrolled in pre-kindergarten, nursery school, child care programs and Head Start are required to receive one dose of the MMR vaccine.

Children must have two doses of the MMR vaccine to attend school (kindergarten through 12<sup>th</sup> grade).

**Where can I get the MMR vaccine?**

To get the MMR vaccine, check with your health care provider. You can also call 311 or visit [nyc.gov/health/clinics](http://nyc.gov/health/clinics).

**Where can I get more information about measles?**

Talk to your health care provider, call 311 or visit these online resources for more information:

- Measles: [nyc.gov/health](http://nyc.gov/health) and search for "measles"
- Measles (Immunization Action Coalition): [vaccineinformation.org/measles](http://vaccineinformation.org/measles)
- Measles Overview (Centers for Disease Control): [cdc.gov/measles](http://cdc.gov/measles)



NEW YORK CITY DEPARTMENT OF  
HEALTH AND MENTAL HYGIENE  
Oxiris Barbot, M.D.  
*Commissioner*

### **ORDER OF THE COMMISSIONER**

**TO: All persons who reside, work or attend school in the neighborhood of Williamsburg, Brooklyn, New York and to the parents and/or guardians of any child who resides, works or attends school in the neighborhood of Williamsburg, Brooklyn, New York**

**WHEREAS**, there is an active outbreak of measles among people residing in the neighborhood of Williamsburg in Brooklyn, New York who live within zip codes 11205, 11206, 11211 and 11249. Since September 2018, more than 250 cases of measles have been documented among people living in Williamsburg and that number continues to grow as new cases are still occurring; and

**WHEREAS**, measles is a highly contagious viral disease that can result in serious health complications, such as pneumonia and swelling of the brain. About a third of reported measles cases have at least one complication and in some cases, measles can cause death. Measles can be serious in all age groups. However, infants, young children, pregnant persons, people whose immune systems are weak and adults are more likely to suffer from measles complications; and

**WHEREAS**, measles is easily transmitted from a sickened person to others who lack immunity to the disease. The virus can live for up to two hours in air or on surfaces where an infected person coughed or sneezed and people who lack immunity are highly likely to become sick if they are in contact with an infectious person or near where an infectious person recently has been; and

**WHEREAS**, although measles is highly contagious, the Measles-Mumps-Rubella (MMR) vaccine is an effective and safe vaccine that will prevent its transmission. While measles remains one of the leading causes of death among young children in parts of the world where the vaccination is not available, the disease until this outbreak was largely eliminated in the United States; and

**WHEREAS**, the measles outbreak persists in Williamsburg despite other efforts taken by the Department of Health and Mental Hygiene to stop it, including orders excluding unvaccinated children from attending preschools and daycare programs, because a high rate of people living within Williamsburg have not been vaccinated against measles; and

**WHEREAS**, pursuant to section 556 of the Charter of the City of New York, the Department is responsible for controlling communicable diseases within the City of New York and for supervising the abatement of nuisances that affect or are likely to affect the public health; and

**WHEREAS**, pursuant to section 3.01 of the New York City Health Code, I am authorized to declare a public health emergency and issue orders and take actions that I deem

necessary for the health and safety of the City and its residents when urgent public health action is necessary to protect the public health against an existing threat; and

**WHEREAS**, I find the ongoing measles outbreak in Williamsburg to be an existing threat to public health in the City of New York; and

**WHEREAS**, I also find that the presence of any person in Williamsburg lacking the MMR vaccine, unless that vaccine is otherwise medically contra-indicated or such person has demonstrated immunity against measles, creates an unnecessary and avoidable risk of continuing the outbreak and is therefore a nuisance, as defined in New York City Administrative Code §17-142; and

**WHEREAS**, pursuant to New York City Health Code §3.07, no person "shall do or assist in any act which is or may be detrimental to the public health or to the life or health of any individual... or ...shall fail to do any reasonable act or take any necessary precaution to protect human life and health."

**IT IS HEREBY ORDERED** that any person who lives, works or resides within the 11205, 11206, 11211 and/or 11249 zip codes and who has not received the MMR vaccine within forty eight (48) hours of this Order being signed by me shall be vaccinated against measles unless such person can demonstrate immunity to the disease or document to the satisfaction of the Department that he or she should be medically exempt from this requirement.

**IT IS FURTHER ORDERED** that the parent or guardian of any child older than six months of age who lives, works or resides within the 11205, 11206, 11211 and/or 11249 zip codes and who has not received the MMR vaccine within forty eight (48) hours of this order being signed by me shall cause such child to be vaccinated against measles unless such parent or guardian can demonstrate that the child has immunity to the disease or document that he or she should be medically exempt from this requirement.

**THIS ORDER** shall remain in effect until the next meeting of the New York City Board of Health scheduled for April 17, 2019 at which time it may be continued or rescinded by the Board.



Dated: April 9, 2019

Oxiris Barbot, M.D.  
Commissioner of Health



## WARNING

Failure to comply with this Order is a violation of §3.05 of the New York City Health Code, and a misdemeanor for which you may be subject to civil and/or criminal fines, forfeitures and penalties, including imprisonment.

Anyone wishing to object to the order, please write or fax Thomas G. Merrill, General Counsel, New York City Department of Health and Mental Hygiene, 42-09 28th Street (WS 14-38) Long Island City NY 11101-4132; [tmerrill@health.nyc.gov](mailto:tmerrill@health.nyc.gov) telephone: 347-396-6116; fax: 347-396-6087, providing a statement of the reasons for your objection to the order. If you have any questions about how to comply with this Order, please telephone Jane R. Zucker, M.D., M.Sc., Assistant Commissioner, Bureau of Immunization at 347-396-2471.

The following resolution was adopted by the Board of Health on April 17, 2019 and will be published in accordance with §17-148 of the Administrative Code of the City of New York.

Resolution of the Board of Health of the  
Department of Health and Mental Hygiene  
of the City of New York

At a meeting of the Board of Health of the Department of Health and Mental Hygiene held on April 17, 2019, the following resolution was adopted:

**WHEREAS**, there is an active outbreak of measles among people residing in the neighborhood of Williamsburg in Brooklyn, New York who live within zip codes 11205, 11206, 11211 and 11249 (the "affected zip codes"); and

**WHEREAS**, on April 9, 2019 the Commissioner of the Department of Health and Mental Hygiene determined that an urgent public health action was necessary to protect the public from the measles outbreak occurring in the neighborhood of Williamsburg and declared a public health emergency; and

**WHEREAS**, pursuant to her authority under Health Code §3.01, the Commissioner ordered that anyone who lives, works or resides in the affected zip codes and any child older than six months of age living, residing, or working in any of the affected zip codes be immunized against measles; and

**WHEREAS**, the Order subjects a person to a civil fine, unless such person or, for a child, such person's parent or guardian, can demonstrate that such person has immunity to the disease or document to the satisfaction of the Department that such person should be medically exempt from this requirement; and

**WHEREAS**, pursuant to Health Code §3.01, the Order issued by the Commissioner is only in effect until the Board of Health convenes and either continues or rescinds the Commissioner's exercise of authority; and

**WHEREAS**, the Board of Health has taken and filed among its records and reports that since September 2018 more than 300 cases of measles have been documented in the City of New York with the vast majority occurring among people residing in the affected zip codes and that new cases of measles are still occurring at an alarming rate; and

**WHEREAS**, measles is a highly contagious viral disease that can result in serious health complications such as pneumonia, encephalitis (swelling of the brain) and death. About a third of reported measles cases have at least one complication. Measles can be serious in all age groups. However, infants, young children, pregnant persons, people whose immune systems are weak and adults are more likely to suffer from measles complications; and

**WHEREAS**, measles is easily transmitted from a sickened person to others who lack immunity to the disease. The virus can live for up to two hours in the air or on surfaces where an infected person coughed or sneezed and people who lack immunity are highly likely to become sick if they are in contact with an infectious person or near where an infectious person recently has been; and

**WHEREAS**, although measles is highly contagious, the Measles-Mumps-Rubella (MMR) vaccine is a proven safe and effective vaccine that will prevent its transmission. While measles remains one of the leading causes of death among young children in parts of the world where the vaccination is not available, the disease until this outbreak was eliminated in the United States; and

**WHEREAS**, because a high rate of people living within the affected zip codes in Williamsburg have not been vaccinated against measles, the measles outbreak persists in Williamsburg despite other efforts taken by the Department of Health and Mental Hygiene to stop it, including orders excluding unvaccinated children from attending preschools and daycare programs; and

**WHEREAS**, the Board of Health regards the aforesaid reports of over 300 cases of measles as sufficient proof to authorize the declaration that an outbreak of measles is occurring in Williamsburg that threatens the health and safety of New Yorkers and is immediately dangerous to human life and health and constitutes a public nuisance; and

**WHEREAS**, the outbreak is occurring because a large number of people residing in the affected zip codes have not been vaccinated against measles; and

**WHEREAS**, the only way to end the outbreak is to require that people residing, working or attending school in any of the affected zip codes be vaccinated against or otherwise have immunity against measles; and

**WHEREAS**, personal service or service pursuant to subdivisions (a) or (b) of §17-148 of the Administrative Code of the City of New York of orders requiring the abatement of such nuisances and conditions in effect dangerous to life and health upon each of the persons who, pursuant to the provisions of Title 17 of the Administrative Code of the City of New York, has a duty or liability to abate such nuisances and conditions, would result in a delay prejudicial to the public health, welfare, and safety; now, therefore, be it

**RESOLVED**, that the Board of Health hereby declares that an outbreak of measles is ongoing in the neighborhood of Williamsburg and that the outbreak poses a public nuisance because it is immediately dangerous to life and health; and be it further

**RESOLVED**, that the Board of Health hereby declares that any person who lives or works within the affected zip codes shall be vaccinated against measles unless such person can demonstrate immunity to the disease or document to the satisfaction of the Department that such person should be medically exempt from this requirement; and be it further



**RESOLVED**, that the parent or guardian of any child six months of age or older who lives or attends school, preschool or child care within the affected zip codes and who has not received the MMR vaccine shall cause such child to be vaccinated against measles unless such parent or guardian can demonstrate that the child has immunity to the disease or document to the satisfaction of the Department that such child should be medically exempt from this requirement; and be it further

**RESOLVED**, that any person required by this declaration to be immunized against measles, or any parent or guardian required by it to immunize his or her child, shall be violating this order and be subject to the fines authorized by applicable law, rule and regulations each day that he, she, or such child continues to reside, work or attend school, preschool or child care in any of the affected zip codes without having been vaccinated against measles until such time that this outbreak is declared to be over by the Commissioner of the Department of Health and Mental Hygiene.

**RESOLVED** further, that this resolution shall take effect immediately and publication shall be in accordance with New York City Administrative Code §17-148.

(As adopted by the Board of Health on April 17, 2019)

Summons Issued to  
Plaintiff-Petitioner  
Chanie Fulop

**SUMMONS NUMBER: 30328-19L0****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION:** Disease Control **BUREAU:** Immunization**AGENCY ADDRESS AND PHONE NUMBER:** 42-09 28<sup>th</sup> Street, Long Island City, NY 11101 **Phone:** 347-396-7998**RESPONDENT:** Chanie Fulop**ID NUMBER:** 50093122**ADDRESS:** 115 Wallabout St, Brooklyn, NY, 11206**PHONE:****DATE AND TIME OF OCCURRENCE:** May 22, 2019 AT 12:20 PM **BOROUGH:** Brooklyn**PLACE OF OCCURRENCE :** 115 Wallabout St, Brooklyn, NY, 11206

The respondent is summoned to appear and respond to the details of violation(s) stated below.

**HEARING DATE: July 10, 2019 AT 11:00 AM****\*\* RESPONDENT MUST APPEAR IN PERSON \*\*****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**☐ Manhattan66 John Street  
10<sup>th</sup> & 11<sup>th</sup> Floor  
New York, NY 10038☐ Staten Island350 St. Marks Place  
Main Floor  
Staten Island, NY 10301☐ Bronx3030 Third Avenue  
Room 250  
Bronx, NY 10455☐ Queens31-00 47<sup>th</sup> Avenue  
3<sup>rd</sup> & 4<sup>th</sup> Floor  
Long Island City, NY 11435☒ Brooklyn9 Bond Street  
6<sup>th</sup> & 7<sup>th</sup> Floor  
Brooklyn, NY 11201**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE OR ATTACHED.****REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.**

WARNING: If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.

**Details of Violation(s)**

#	Code Section	Violation Description
1	NYC HC 3.05	In response to the active measles outbreak in certain parts of Brooklyn, the NYC Commissioner of Health declared a public health emergency on April 9, 2019 and published a Commissioner's Order ("Order") pursuant to Article 3 of the NYC Health Code ordering all persons who live, work or attend school within ZIP codes 11205, 11206, 11211 and 11249 to be vaccinated against measles within forty eight hours of the Order. On April 17, 2019, the NYC Board of Health unanimously approved a Resolution ("Resolution") continuing the public health emergency and requirement that all persons living, working or attending school in these affected ZIP codes be vaccinated against measles. The Resolution further provides that any person who is not vaccinated, or the parent and/or guardian of a child who is not vaccinated, shall be fined unless they demonstrate proof of immunity or that immunization is not medically appropriate. A copy of the Order and Resolution are attached to this Summons for reference. A review of Department records shows that Respondent's child, D.F., who is at least six months old, lives at: 115 Wallabout St, Brooklyn, NY, 11206, which is located in one of the affected zip codes listed in the Order. On May 22, 2019, a review of the Department's Citywide Immunization Registry, which collects immunization records for all children receiving vaccines in NYC and is required to be updated by medical providers, found that child D.F. has no record of measles immunization. Respondent has failed to vaccinate child D.F. or otherwise submit acceptable proof of immunity in violation of the Order.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

Pooja Jani**Print Name**  
**Signature****ID**05/23/2019**Date**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Print Name****Signature****Title****Date:**



The agency named on the front of this Summons has alleged that you committed the described violation or violations. Note: If the charge on the front of the Summons states you **MUST APPEAR IN PERSON**, then you or an authorized representative must attend the hearing in person. See the front of this Summons for the date, time and location of your hearing. In some cases, the agency may offer you the chance to enter into a stipulation or settlement agreement. If you are eligible, the agency will send you a letter in the mail. To accept the stipulation or settlement, follow the instructions in the letter.

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If a stipulation or settlement is offered to you and you do not accept it, the independent NYC Office of Administrative Trials and Hearings will hear and decide your case. If you do not accept the settlement or show up for your hearing, a default judgment may be entered against you and additional penalties may be imposed.

If your case is NOT marked "MUST APPEAR IN PERSON," you may deny the charges or their severity by presenting a defense online, by phone or by mail.

- Online: To submit a defense online, visit [www.nyc.gov/oath](http://www.nyc.gov/oath).
- Phone: To schedule a hearing by phone, call (212) 436-0817.
- Mail: To submit a defense by mail, send a signed statement of facts that must say, "My signature in this statement certifies that all facts in it are true," with all documents you wish to have considered to: OATH Mail Unit, 66 John Street, 10th Floor, New York, NY 10038.

To present a defense in person:

- You or an authorized representative must appear in person on the hearing date at the time and location on the front of this Summons.
- If no location is listed or checked off, you may appear at any OATH Hearings Center on the date and time indicated on this Summons (see locations below).
- Please be fully prepared for a hearing at that time by bringing this Summons and all of your evidence with you.
- If you require assistance with English, free language assistance will be provided.

Reasonable Accommodation: If you have a disability and require a reasonable accommodation on the day of your hearing, call the phone number listed below.

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Note: YOU HAVE THE RIGHT TO BE INFORMED OF THE MAXIMUM PENALTY. Pursuant to the New York City Health Code, §3.11, a penalty of not less than \$200 and not more than \$2000 may be imposed for each Health Code violation. For non-NYCHC violations please see the cited statute/regulation for maximum penalties. The penalty for certain violations may be found in regulations available at [nyc.gov/health](http://nyc.gov/health). Higher penalties may be imposed for each repeated violation up to the maximum penalty allowed by law or regulation.

#### OATH HEARINGS CENTERS

Tel: 1-844-OATH-NYC (1-844-628-4692) [www.nyc.gov/oath](http://www.nyc.gov/oath)

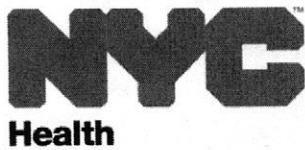
Manhattan: 66 John Street, 10th & 11th Floors, New York, NY 10038

Brooklyn: 9 Bond Street, 7th Floor, Brooklyn, NY 11201

Queens: 31-00 47th Avenue, 3rd Floor, Long Island City, NY 11435

Bronx: 3030 Third Avenue, Room 250, Bronx, NY 10455

Staten Island: 350 St. Mark's Place, Main Floor, Staten Island, NY 10301



## Information on Measles Exposure and the Civil Summons

This document provides information about measles exposure and the civil summons issued to you by the New York City Department of Health and Mental Hygiene related to the measles outbreak in Williamsburg, Brooklyn.

**Summons Number:** 30328-19L0

### **Why was I issued a summons?**

The Health Department has issued a civil summons to you for failing to comply with the April 9, 2019 Order of the Commissioner regarding measles.

You have the right to a hearing at the New York City Office of Administrative Trials and Hearings (OATH) (Hearings Division). Follow the instructions that are attached to the summons.

### **How can I provide information to show that I, or my child, have been vaccinated, have immunity or have a medical exemption?**

If you believe that you or your child have received the measles, mumps, and rubella (MMR) vaccine; have immunity to measles; or have a medical condition that prevents you from getting the MMR, you may submit medical records (these include vaccination records, serology report to prove immunity, or medical documentation for an exemption). All records submitted to the Health Department must be signed and dated by a medical professional. The Health Department will review the medical records and may withdraw the summons.

Submit the medical record to the Health Department. Fax it to 347-396-8851 or email a copy of the record to [measlesdocuments@health.nyc.gov](mailto:measlesdocuments@health.nyc.gov).

### **What if I have been advised to stay home because of measles exposure and cannot attend the hearing?**

If you cannot attend the hearing because of measles exposure — or for any other reason — follow the directions on the summons to reschedule.

### **What should I do about the MMR vaccine after the period of time that I was advised to stay home?**

Schedule an appointment with your medical provider so that you can get the MMR vaccine on the first business day you are able to leave your home. Immediately fax (347-396-8851) or email ([measlesdocuments@health.nyc.gov](mailto:measlesdocuments@health.nyc.gov)) your medical records (signed and dated by a medical professional) to the Health Department.

If your medical provider does not have MMR vaccine or if you need to find a vaccine clinic, call 311 or go to the Health Department website <https://www1.nyc.gov/site/doh/index.page>.

### **Where can I find information about the Order of the Commissioner, measles or the MMR vaccine?**

Information about the Order of the Commissioner, measles and the MMR vaccine is on the NYC Health Department's website at [nyc.gov/health](http://nyc.gov/health). Or call 347-396-7998 to speak to someone at the Health Department.

Summons Issued to  
Plaintiff-Petitioner  
Rachel Guttman



**SUMMONS NUMBER: 30420-19L0****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION:** Disease Control **BUREAU:** Immunization**AGENCY ADDRESS AND PHONE NUMBER:** 42-09 28<sup>th</sup> Street, Long Island City, NY 11101 **Phone:** 347-396-7998**RESPONDENT:** Rachel Guttman**ID NUMBER:** 50094292**ADDRESS:** 79 Skillman Street, Apt. 4A, Brooklyn, N.Y. 11205**PHONE:****DATE AND TIME OF OCCURRENCE:** June 13, 2019 AT 1:19 PM **BOROUGH:** Brooklyn**PLACE OF OCCURRENCE :** 79 Skillman Street, Apt. 4A, Brooklyn, N.Y. 11205

The respondent is summoned to appear and respond to the details of violation(s) stated below.

**HEARING DATE: August 1, 2019 AT 9:00 AM****\*\* RESPONDENT MUST APPEAR IN PERSON \*\*****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**☐ Manhattan☐ Staten Island☐ Bronx☐ Queens☒ Brooklyn

66 John Street

350 St. Marks Place

3030 Third Avenue 31-00 47<sup>th</sup> Avenue

9 Bond Street

10<sup>th</sup> & 11<sup>th</sup> Floor

Main Floor

Room 250

3<sup>rd</sup> & 4<sup>th</sup> Floor6<sup>th</sup> & 7<sup>th</sup> Floor

New York, NY 10038

Staten Island, NY 10301

Bronx, NY 10455

Long Island City, NY 11435

Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE OR ATTACHED.****REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.**

WARNING: If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.

**Details of Violation(s)**

#	Code Section	Violation Description
1	NYC HC 3.05	In response to the active measles outbreak in certain parts of Brooklyn, the NYC Commissioner of Health declared a public health emergency on April 9, 2019 and published a Commissioner's Order ("Order") pursuant to Article 3 of the NYC Health Code ordering all persons who live, work or attend school within ZIP codes 11205, 11206, 11211 and 11249 to be vaccinated against measles within forty eight hours of the Order. On April 17, 2019, the NYC Board of Health unanimously approved a Resolution ("Resolution") continuing the public health emergency and requirement that all persons living, working or attending school in these affected ZIP codes be vaccinated against measles. The Resolution further provides that any person who is not vaccinated, or the parent and/or guardian of a child who is not vaccinated, shall be fined unless they demonstrate proof of immunity or that immunization is not medically appropriate. A copy of the Order and Resolution are attached to this Summons for reference. A review of Department records shows that Respondent's child, I.G., who is at least six months old, lives at: 79 Skillman Street, Apt. 4A, Brooklyn, N.Y. 11205, which is located in one of the affected zip codes listed in the Order. On June 13, 2019, a review of the Department's Citywide Immunization Registry, which collects immunization records for all children receiving vaccines in NYC and is required to be updated by medical providers, found that child I.G. has no record of measles immunization. Respondent has failed to vaccinate child I.G. or otherwise submit acceptable proof of immunity in violation of the Order.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Gerald Cohen****06/14/2019****Print Name****Signature****ID****Date**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Print Name****Signature****Title****Date:**

The agency named on the front of this Summons has alleged that you committed the described violation or violations. Note: If the charge on the front of the Summons states you **MUST APPEAR IN PERSON**, then you or an authorized representative must attend the hearing in person. See the front of this Summons for the date, time and location of your hearing. In some cases, the agency may offer you the chance to enter into a stipulation or settlement agreement. If you are eligible, the agency will send you a letter in the mail. To accept the stipulation or settlement, follow the instructions in the letter.

If a stipulation or settlement is offered to you and you do not accept it, the independent NYC Office of Administrative Trials and Hearings will hear and decide your case. If you do not accept the settlement or show up for your hearing, a default judgment may be entered against you and additional penalties may be imposed.

If your case is **NOT** marked "**MUST APPEAR IN PERSON**," you may deny the charges or their severity by presenting a defense online, by phone or by mail.

- Online: To submit a defense online, visit [www.nyc.gov/oath](http://www.nyc.gov/oath).
- Phone: To schedule a hearing by phone, call (212) 436-0817.
- Mail: To submit a defense by mail, send a signed statement of facts that must say, "My signature in this statement certifies that all facts in it are true," with all documents you wish to have considered to: OATH Mail Unit, 66 John Street, 10th Floor, New York, NY 10038.

To present a defense in person:

- You or an authorized representative must appear in person on the hearing date at the time and location on the front of this Summons.
- If no location is listed or checked off, you may appear at any OATH Hearings Center on the date and time indicated on this Summons (see locations below).
- Please be fully prepared for a hearing at that time by bringing this Summons and all of your evidence with you.
- If you require assistance with English, free language assistance will be provided.

Reasonable Accommodation: If you have a disability and require a reasonable accommodation on the day of your hearing, call the phone number listed below.

Note: **YOU HAVE THE RIGHT TO BE INFORMED OF THE MAXIMUM PENALTY.** Pursuant to the New York City Health Code, §3.11, a penalty of not less than \$200 and not more than \$2000 may be imposed for each Health Code violation. For non-NYCHC violations please see the cited statute/regulation for maximum penalties. The penalty for certain violations may be found in regulations available at [nyc.gov/health](http://nyc.gov/health). Higher penalties may be imposed for each repeated violation up to the maximum penalty allowed by law or regulation.

#### OATH HEARINGS CENTERS

Tel: 1-844-OATH-NYC (1-844-628-4692) [www.nyc.gov/oath](http://www.nyc.gov/oath)

Manhattan: 66 John Street, 10th & 11th Floors, New York, NY 10038

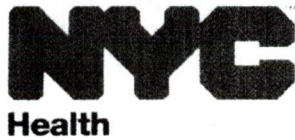
Brooklyn: 9 Bond Street, 7th Floor, Brooklyn, NY 11201

Queens: 31-00 47th Avenue, 3rd Floor, Long Island City, NY 11435

Bronx: 3030 Third Avenue, Room 250, Bronx, NY 10455

Staten Island: 350 St. Mark's Place, Main Floor, Staten Island, NY 10301





## Information on Measles Exposure and the Civil Summons

This document provides information about measles exposure and the civil summons issued to you by the New York City Department of Health and Mental Hygiene related to the measles outbreak in Williamsburg, Brooklyn.

**Summons Number:** 30420-19L0

**Measles exposure date:** June 7, 2019

**Start date when the individual exposed to measles no longer needs to stay home:** July 7, 2019

### Why was I issued a summons?

The Health Department has issued a civil summons to you for failing to comply with the April 9, 2019 Order of the Commissioner regarding measles.

You have the right to a hearing at the New York City Office of Administrative Trials and Hearings (OATH) (Hearings Division). Follow the instructions that are attached to the summons.

### How can I provide information to show that I, or my child, have been vaccinated, have immunity or have a medical exemption?

If you believe that you or your child have received the measles, mumps, and rubella (MMR) vaccine; have immunity to measles; or have a medical condition that prevents you from getting the MMR, you may submit medical records (these include vaccination records, serology report to prove immunity, or medical documentation for an exemption). All records submitted to the Health Department must be signed and dated by a medical professional. The Health Department will review the medical records and may withdraw the summons.

Submit the medical record to the Health Department. Fax it to 347-396-8851 or email a copy of the record to [measlesdocuments@health.nyc.gov](mailto:measlesdocuments@health.nyc.gov).

### What if I have been advised to stay home because of measles exposure and cannot attend the hearing?

If you cannot attend the hearing because of measles exposure — or for any other reason — follow the directions on the summons to reschedule.

### What should I do about the MMR vaccine after the period of time that I was advised to stay home?

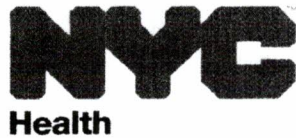
Schedule an appointment with your medical provider so that you can get the MMR vaccine on the first business day you are able to leave your home. Immediately fax (347-396-8851) or email ([measlesdocuments@health.nyc.gov](mailto:measlesdocuments@health.nyc.gov)) your medical records (signed and dated by a medical professional) to the Health Department.

If your medical provider does not have MMR vaccine or if you need to find a vaccine clinic, call 311 or go to the Health Department website <https://www1.nyc.gov/site/doh/index.page>.

### Where can I find information about the Order of the Commissioner, measles or the MMR vaccine?

Information about the Order of the Commissioner, measles and the MMR vaccine is on the NYC Health Department's website at [nyc.gov/health](http://nyc.gov/health). Or call 347-396-7998 to speak to someone at the Health Department.





## **Frequently Asked Questions:**

### **NYC Measles Vaccine Order for ZIP codes 11205, 11206, 11211 and 11249**

On April 9, the Health Department declared a public health emergency and issued a measles vaccine order in response to the measles outbreak in ZIP codes 11205, 11206, 11211 and 11249 in Brooklyn. This FAQ provides additional information on this announcement as well as the associated measles vaccine order.

#### **Why did the Health Department declare a public health emergency in response to the measles outbreak in ZIP codes 11205, 11206, 11211 and 11249?**

The Commissioner of Health can declare a public health emergency when there is an urgent threat to the health of New Yorkers.

There is currently an active measles outbreak in the Williamsburg and Borough Park neighborhoods of Brooklyn that qualifies as such a threat. The outbreak began in early October 2018 and has resulted in nearly 300 cases of this vaccine-preventable disease. In the last three months the vast majority of these cases have been in residents of ZIP codes 11205, 11206, 11211 and 11249. The Health Department has tried multiple strategies to end this outbreak, including intensive outreach to the affected community and the medical providers who serve them. Additionally, the Health Department required any unvaccinated children to be excluded from yeshivas and child care programs serving this community. However, the outbreak continues due to low vaccination rates in these ZIP codes.

This outbreak is being fueled by the spread of dangerous misinformation on the safety and effectiveness of the MMR vaccine. The Health Department stands with the majority of people in this community who have worked hard to protect their children and others at risk. There is an urgent need to end this outbreak and protect New Yorkers from this potentially fatal infection. This declaration will help improve vaccination rates in the affected communities.

#### **What does the measles vaccine order do?**

To stop the spread of measles in New York City, the Health Department requires that adults and children ages 6 months and older who live, work or go to school in ZIP codes 11205, 11206, 11211 and 11249 receive a measles, mumps and rubella (MMR) vaccine. People who cannot receive the vaccine for valid medical reasons, including pregnant individuals, are exempt from the vaccine order.

The risk of getting the measles is low for vaccinated or immune individuals. For most people in ZIP codes 11205, 11206, 11211 and 11249, this order should encourage you to check your immunization records or talk to your health care provider to confirm your vaccination history or immunity status.

**Are infants 6 through 11 months included in the vaccine order?**

Yes, all infants living or attending child care in ZIP codes 11205, 11206, 11211 and 11249 are included in the vaccine order. The early dose of the MMR vaccine will protect them during the current outbreak. Children should then return to the recommended vaccine schedule and the first dose of the MMR vaccine should be repeated at 12 months of age. Children must have two doses of the MMR vaccine to attend school (kindergarten – 12<sup>th</sup> grade).

Please use the following guidance regarding an early dose of the MMR vaccine for infants 6 through 11 months of age who do not live in ZIP codes 11205, 11206, 11211 and 11249:

- Recommended for members of communities with a known measles outbreak in Borough Park and Crown Heights.
- Suggested for members of the Orthodox Jewish community in New York City.
- Recommended for all infants traveling internationally or to a community with a known measles outbreak.

**What if I work in ZIP codes 11205, 11206, 11211 and 11249?**

If you work for a business located in ZIP codes 11205, 11206, 11211 and 11249 then you are required to have the MMR vaccine to stop the spread of measles. We encourage you to check your immunization records or talk to your health care provider to confirm your vaccination history or immunity status.

**How will the Health Department know who isn't vaccinated?**

When Health Department staff identify a patient with measles, they also identify anyone that person has had contact with. The Health Department and health care providers connect these contacts with immunization or other preventive measures and work with them to reduce the risk of measles. Health Department staff also use the Citywide Immunization Registry (CIR) to check the vaccine record of any individual who may have been in contact with a patient with measles. If immunization records are not available, the Health Department may request other evidence of immunity to measles. For example, a blood test, called a measles serology, can prove that someone is immune to measles through prior vaccination or infection with the measles virus. Your health care provider can order this common test and arrange to have your blood drawn. Anyone in ZIP codes 11205, 11206, 11211 and 11249 who cannot prove they are immune to measles by producing immunization records or demonstrate immunity with a positive measles serology blood test will be considered non-immune and unvaccinated by the Health Department and will be in violation of the vaccine order.

**What happens if I refuse the vaccine?**

The Health Department has ordered everyone in ZIP codes 11205, 11206, 11211 and 11249 to get vaccinated if they have not already done so. The Health Department may issue a civil summons to anyone who lives, works or attends school in the affected ZIP codes and has not been vaccinated as of April 11, 2019, and does not provide proof of immunity or a valid medical exemption to the Health Department. If the unvaccinated person is a child, the summons will be issued to the parent. The person



receiving the summons will be entitled to a hearing at the New York City Office of Administrative Trials and Hearings. If the hearing officer upholds the summons, a \$1,000 penalty will be imposed. Failing to appear at the hearing or respond to the summons will result in a \$2,000 fine.

**What happens if I cannot take the vaccine because of a medical condition or other medical reason?**

There are few medical reasons that would prevent you from receiving the MMR vaccine. If you are a known contact of a measles case and there is a medical reason that would prevent you from receiving the MMR vaccine, including pregnancy, you will be asked to produce specific documentation from a healthcare provider licensed to practice in New York. This medical documentation must explicitly state the condition that makes it impossible for you or your child to be vaccinated. A general provider note without a clear statement of why you cannot receive the vaccine will not be accepted as a valid medical exemption. If your documentation is confirmed, the fine against you will be withdrawn.

Individuals with medical reasons that prevent them from receiving the MMR vaccine after exposure to measles may be able to receive another preventive treatment called immune globulin. The Health Department will provide guidance to eligible individuals who require immune globulin.

**What else is the Health Department doing to stop the spread of measles?**

The Health Department will continue to require yeshivas and child care programs that serve the affected community and are located in ZIP codes 11205, 11206, 11211 and 11249 to exclude children who do not have the required doses of the MMR vaccine. Children will be allowed to go back to their child care or yeshiva if they prove they are up to date on their MMR vaccines or have laboratory tests (measles serology) that show they are immune to measles. These exclusion requirements are in place until the end of the outbreak or until the Health Department determines it is safe for unvaccinated students to attend these yeshivas or child care facilities. The Health Department is also partnering with community-based medical providers, organizations, religious leaders and other locally trusted voices to share education on vaccinations and engage with concerned families.

**Which schools are affected by the exclusion requirements?**

Yeshivas and child care programs in ZIP codes 11205, 11206, 11211 and 11249 in Williamsburg have been given a Commissioner's Order to exclude unvaccinated children from attending school during the outbreak. Additional yeshivas and child care programs in ZIP codes 11204, 11218 and 11219 in Borough Park have also been notified and are required to exclude unvaccinated children. These schools are the only schools required to meet the outbreak exclusion requirements at this time. Students who attend child care or yeshivas in these ZIP codes must be excluded from attending school even if they have a religious or medical exemption or a medical note. Child care programs must also exclude staff who are not vaccinated and do not have proof of immunity. All unvaccinated or non-immune students in any child care or school, in any ZIP code, with a known measles case will also be excluded from school as determined by the Health Department.



### Outbreak-Related School Attendance Exclusions

Unvaccinated child lives in or attends a child care program or school located in the following ZIP code	Unvaccinated child is in nursery, Head Start or pre-K program	Unvaccinated child is in grade kindergarten through 12	Unvaccinated child is in grade 9-12 and school has grades 9-12 only
11204	Cannot attend	Can attend	Can attend
11205	Cannot attend	Cannot attend	Cannot attend
11206	Cannot attend	Cannot attend	Cannot attend
11211	Cannot attend	Cannot attend	Cannot attend
11218	Cannot attend	Can attend	Can attend
11219	Cannot attend	Cannot attend	Can attend
11249	Cannot attend	Cannot attend	Cannot attend

### Do the outbreak-related school exclusion requirements apply to public or private schools that do not serve the Orthodox Jewish community?

No, these exclusion requirements are currently only in effect for yeshivas or child care programs serving the Orthodox Jewish community in ZIP codes 11205, 11206, 11211 and 11249 in Williamsburg, and in ZIP codes 11204, 11218 and 11219 in Borough Park. To date there have been no cases or transmissions associated with children in these other types of programs or schools, so there is no reason to extend outbreak-related exclusions to public or private programs at this time. The Health Department will adjust these outbreak-related exclusions in the future if outbreak patterns change. For now, it is critical that all children in public or private schools follow the standard Department of Education immunization requirements as well as the current MMR vaccine order requirements to prevent additional measles cases. For more information on Department of Education immunization requirements, visit [schools.nyc.gov](http://schools.nyc.gov).

### What is measles?

Measles is a viral infection that causes fever and a rash. Almost 30% of people with measles will have complications from this infection, including pneumonia, brain swelling, diarrhea, ear infection, hospitalization and potentially death. It is highly contagious and anyone who is not vaccinated against the virus can get it at any age. Measles can be very severe in people with weakened immune systems and pregnant individuals.

### **How is measles spread?**

Measles is spread through the air when an infected person sneezes or coughs, or even when they breathe. A person with measles is contagious four days before the rash appears and continues to be contagious for four days after the rash appears.

Measles is a highly contagious virus that remains active and capable of causing infection in the air and on surfaces for up to two hours.

### **How can measles be prevented?**

Vaccination is the best way to prevent measles. Anyone who has received two doses of a measles-containing vaccine or was born before 1957 (likely immune because of natural infection) is considered immune and highly unlikely to get measles.

All children starting at 12 months old enrolled in pre-kindergarten, nursery school, child care programs and Head Start are required to receive one dose of the MMR vaccine.

Children must have two doses of the MMR vaccine to attend school (kindergarten through 12<sup>th</sup> grade).

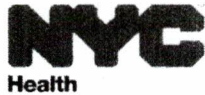
### **Where can I get the MMR vaccine?**

To get the MMR vaccine, check with your health care provider. You can also call 311 or visit [nyc.gov/health/clinics](http://nyc.gov/health/clinics).

### **Where can I get more information about measles?**

Talk to your health care provider, call 311 or visit these online resources for more information:

- Measles: [nyc.gov/health](http://nyc.gov/health) and search for "measles"
- Measles (Immunization Action Coalition): [vaccineinformation.org/measles](http://vaccineinformation.org/measles)
- Measles Overview (Centers for Disease Control): [cdc.gov/measles](http://cdc.gov/measles)



NEW YORK CITY DEPARTMENT OF  
HEALTH AND MENTAL HYGIENE  
Oxiris Barbot, M.D.  
*Commissioner*

## **ORDER OF THE COMMISSIONER**

**TO: All persons who reside, work or attend school in the neighborhood of Williamsburg, Brooklyn, New York and to the parents and/or guardians of any child who resides, works or attends school in the neighborhood of Williamsburg, Brooklyn, New York**

**WHEREAS**, there is an active outbreak of measles among people residing in the neighborhood of Williamsburg in Brooklyn, New York who live within zip codes 11205, 11206, 11211 and 11249. Since September 2018, more than 250 cases of measles have been documented among people living in Williamsburg and that number continues to grow as new cases are still occurring; and

**WHEREAS**, measles is a highly contagious viral disease that can result in serious health complications, such as pneumonia and swelling of the brain. About a third of reported measles cases have at least one complication and in some cases, measles can cause death. Measles can be serious in all age groups. However, infants, young children, pregnant persons, people whose immune systems are weak and adults are more likely to suffer from measles complications; and

**WHEREAS**, measles is easily transmitted from a sickened person to others who lack immunity to the disease. The virus can live for up to two hours in air or on surfaces where an infected person coughed or sneezed and people who lack immunity are highly likely to become sick if they are in contact with an infectious person or near where an infectious person recently has been; and

**WHEREAS**, although measles is highly contagious, the Measles-Mumps-Rubella (MMR) vaccine is an effective and safe vaccine that will prevent its transmission. While measles remains one of the leading causes of death among young children in parts of the world where the vaccination is not available, the disease until this outbreak was largely eliminated in the United States; and

**WHEREAS**, the measles outbreak persists in Williamsburg despite other efforts taken by the Department of Health and Mental Hygiene to stop it, including orders excluding unvaccinated children from attending preschools and daycare programs, because a high rate of people living within Williamsburg have not been vaccinated against measles; and

**WHEREAS**, pursuant to section 556 of the Charter of the City of New York, the Department is responsible for controlling communicable diseases within the City of New York and for supervising the abatement of nuisances that affect or are likely to affect the public health; and

**WHEREAS**, pursuant to section 3.01 of the New York City Health Code, I am authorized to declare a public health emergency and issue orders and take actions that I deem



necessary for the health and safety of the City and its residents when urgent public health action is necessary to protect the public health against an existing threat; and

**WHEREAS,** I find the ongoing measles outbreak in Williamsburg to be an existing threat to public health in the City of New York; and

**WHEREAS,** I also find that the presence of any person in Williamsburg lacking the MMR vaccine, unless that vaccine is otherwise medically contra-indicated or such person has demonstrated immunity against measles, creates an unnecessary and avoidable risk of continuing the outbreak and is therefore a nuisance, as defined in New York City Administrative Code §17-142; and

**WHEREAS,** pursuant to New York City Health Code §3.07, no person "shall do or assist in any act which is or may be detrimental to the public health or to the life or health of any individual... or ...shall fail to do any reasonable act or take any necessary precaution to protect human life and health."

**IT IS HEREBY ORDERED** that any person who lives, works or resides within the 11205, 11206, 11211 and/or 11249 zip codes and who has not received the MMR vaccine within forty eight (48) hours of this Order being signed by me shall be vaccinated against measles unless such person can demonstrate immunity to the disease or document to the satisfaction of the Department that he or she should be medically exempt from this requirement.

**IT IS FURTHER ORDERED** that the parent or guardian of any child older than six months of age who lives, works or resides within the 11205, 11206, 11211 and/or 11249 zip codes and who has not received the MMR vaccine within forty eight (48) hours of this order being signed by me shall cause such child to be vaccinated against measles unless such parent or guardian can demonstrate that the child has immunity to the disease or document that he or she should be medically exempt from this requirement.

**THIS ORDER** shall remain in effect until the next meeting of the New York City Board of Health scheduled for April 17, 2019 at which time it may be continued or rescinded by the Board.

A handwritten signature in black ink, appearing to read "Oxiris Barbot", with a stylized flourish at the end.

Dated: April 9, 2019

Oxiris Barbot, M.D.  
Commissioner of Health

## **WARNING**

Failure to comply with this Order is a violation of §3.05 of the New York City Health Code, and a misdemeanor for which you may be subject to civil and/or criminal fines, forfeitures and penalties, including imprisonment.

Anyone wishing to object to the order, please write or fax Thomas G. Merrill, General Counsel, New York City Department of Health and Mental Hygiene, 42-09 28th Street (WS 14-38) Long Island City NY 11101-4132; [tmerrill@health.nyc.gov](mailto:tmerrill@health.nyc.gov) telephone: 347-396-6116; fax: 347-396-6087, providing a statement of the reasons for your objection to the order. If you have any questions about how to comply with this Order, please telephone Jane R. Zucker, M.D., M.Sc., Assistant Commissioner, Bureau of Immunization at 347-396-2471.

The following resolution was adopted by the Board of Health on April 17, 2019 and will be published in accordance with §17-148 of the Administrative Code of the City of New York.

Resolution of the Board of Health of the  
Department of Health and Mental Hygiene  
of the City of New York

At a meeting of the Board of Health of the Department of Health and Mental Hygiene held on April 17, 2019, the following resolution was adopted:

**WHEREAS**, there is an active outbreak of measles among people residing in the neighborhood of Williamsburg in Brooklyn, New York who live within zip codes 11205, 11206, 11211 and 11249 (the “affected zip codes”); and

**WHEREAS**, on April 9, 2019 the Commissioner of the Department of Health and Mental Hygiene determined that an urgent public health action was necessary to protect the public from the measles outbreak occurring in the neighborhood of Williamsburg and declared a public health emergency; and

**WHEREAS**, pursuant to her authority under Health Code §3.01, the Commissioner ordered that anyone who lives, works or resides in the affected zip codes and any child older than six months of age living, residing, or working in any of the affected zip codes be immunized against measles; and

**WHEREAS**, the Order subjects a person to a civil fine , unless such person or, for a child, such person’s parent or guardian, can demonstrate that such person has immunity to the disease or document to the satisfaction of the Department that such person should be medically exempt from this requirement; and

**WHEREAS**, pursuant to Health Code §3.01, the Order issued by the Commissioner is only in effect until the Board of Health convenes and either continues or rescinds the Commissioner’s exercise of authority; and

**WHEREAS**, the Board of Health has taken and filed among its records and reports that since September 2018 more than 300 cases of measles have been documented in the City of New York with the vast majority occurring among people residing in the affected zip codes and that new cases of measles are still occurring at an alarming rate; and

**WHEREAS**, measles is a highly contagious viral disease that can result in serious health complications such as pneumonia, encephalitis (swelling of the brain) and death. About a third of reported measles cases have at least one complication. Measles can be serious in all age groups. However, infants, young children, pregnant persons, people whose immune systems are weak and adults are more likely to suffer from measles complications; and



**WHEREAS**, measles is easily transmitted from a sickened person to others who lack immunity to the disease. The virus can live for up to two hours in the air or on surfaces where an infected person coughed or sneezed and people who lack immunity are highly likely to become sick if they are in contact with an infectious person or near where an infectious person recently has been; and

**WHEREAS**, although measles is highly contagious, the Measles-Mumps-Rubella (MMR) vaccine is a proven safe and effective vaccine that will prevent its transmission. While measles remains one of the leading causes of death among young children in parts of the world where the vaccination is not available, the disease until this outbreak was eliminated in the United States; and

**WHEREAS**, because a high rate of people living within the affected zip codes in Williamsburg have not been vaccinated against measles, the measles outbreak persists in Williamsburg despite other efforts taken by the Department of Health and Mental Hygiene to stop it, including orders excluding unvaccinated children from attending preschools and daycare programs; and

**WHEREAS**, the Board of Health regards the aforesaid reports of over 300 cases of measles as sufficient proof to authorize the declaration that an outbreak of measles is occurring in Williamsburg that threatens the health and safety of New Yorkers and is immediately dangerous to human life and health and constitutes a public nuisance; and

**WHEREAS**, the outbreak is occurring because a large number of people residing in the affected zip codes have not been vaccinated against measles; and

**WHEREAS**, the only way to end the outbreak is to require that people residing, working or attending school in any of the affected zip codes be vaccinated against or otherwise have immunity against measles; and

**WHEREAS**, personal service or service pursuant to subdivisions (a) or (b) of §17-148 of the Administrative Code of the City of New York of orders requiring the abatement of such nuisances and conditions in effect dangerous to life and health upon each of the persons who, pursuant to the provisions of Title 17 of the Administrative Code of the City of New York, has a duty or liability to abate such nuisances and conditions, would result in a delay prejudicial to the public health, welfare, and safety; now, therefore, be it

**RESOLVED**, that the Board of Health hereby declares that an outbreak of measles is ongoing in the neighborhood of Williamsburg and that the outbreak poses a public nuisance because it is immediately dangerous to life and health; and be it further

**RESOLVED**, that the Board of Health hereby declares that any person who lives or works within the affected zip codes shall be vaccinated against measles unless such person can demonstrate immunity to the disease or document to the satisfaction of the Department that such person should be medically exempt from this requirement; and be it further

**RESOLVED**, that the parent or guardian of any child six months of age or older who lives or attends school, preschool or child care within the affected zip codes and who has not received the MMR vaccine shall cause such child to be vaccinated against measles unless such parent or guardian can demonstrate that the child has immunity to the disease or document to the satisfaction of the Department that such child should be medically exempt from this requirement; and be it further

**RESOLVED**, that any person required by this declaration to be immunized against measles, or any parent or guardian required by it to immunize his or her child, shall be violating this order and be subject to the fines authorized by applicable law, rule and regulations each day that he, she, or such child continues to reside, work or attend school, preschool or child care in any of the affected zip codes without having been vaccinated against measles until such time that this outbreak is declared to be over by the Commissioner of the Department of Health and Mental Hygiene.

**RESOLVED** further, that this resolution shall take effect immediately and publication shall be in accordance with New York City Administrative Code §17-148.

(As adopted by the Board of Health on April 17, 2019)



**SUMMONS NUMBER: 30422-19L0****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION:** Disease Control **BUREAU:** Immunization**AGENCY ADDRESS AND PHONE NUMBER:** 42-09 28<sup>th</sup> Street, Long Island City, NY 11101 **Phone:** 347-396-7998**RESPONDENT:** Rachel Guttman**ID NUMBER:** 50094292**ADDRESS:** 79 Skillman Street, Apt. 4A, Brooklyn, N.Y. 11205**PHONE:****DATE AND TIME OF OCCURRENCE:** June 13, 2019 AT 1:38 PM**BOROUGH:** Brooklyn**PLACE OF OCCURRENCE :** 79 Skillman Street, Apt. 4A, Brooklyn, N.Y. 11205

The respondent is summoned to appear and respond to the details of violation(s) stated below.

**HEARING DATE: August 1, 2019 AT 9:00 AM****\*\* RESPONDENT MUST APPEAR IN PERSON \*\*****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**☐ Manhattan☐ Staten Island☐ Bronx☐ Queens**XX** Brooklyn

66 John Street

350 St. Marks Place

3030 Third Avenue 31-00 47<sup>th</sup> Avenue

9 Bond Street

10<sup>th</sup> & 11<sup>th</sup> Floor

Main Floor

Room 250

3<sup>rd</sup> & 4<sup>th</sup> Floor6<sup>th</sup> & 7<sup>th</sup> Floor

New York, NY 10038

Staten Island, NY 10301

Bronx, NY 10455

Long Island City, NY 11435

Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE OR ATTACHED.****REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.****WARNING:** If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.**Details of Violation(s)**

#	Code Section	Violation Description
1	NYC HC 3.05	In response to the active measles outbreak in certain parts of Brooklyn, the NYC Commissioner of Health declared a public health emergency on April 9, 2019 and published a Commissioner's Order ("Order") pursuant to Article 3 of the NYC Health Code ordering all persons who live, work or attend school within ZIP codes 11205, 11206, 11211 and 11249 to be vaccinated against measles within forty eight hours of the Order. On April 17, 2019, the NYC Board of Health unanimously approved a Resolution ("Resolution") continuing the public health emergency and requirement that all persons living, working or attending school in these affected ZIP codes be vaccinated against measles. The Resolution further provides that any person who is not vaccinated, or the parent and/or guardian of a child who is not vaccinated, shall be fined unless they demonstrate proof of immunity or that immunization is not medically appropriate. A copy of the Order and Resolution are attached to this Summons for reference. A review of Department records shows that Respondent's child, E.G., who is at least six months old, lives at: 79 Skillman Street, Apt. 4A, Brooklyn, N.Y. 11205, which is located in one of the affected zip codes listed in the Order. On June 13, 2019, a review of the Department's Citywide Immunization Registry, which collects immunization records for all children receiving vaccines in NYC and is required to be updated by medical providers, found that child E.G. has no record of measles immunization. Respondent has failed to vaccinate child E.G. or otherwise submit acceptable proof of immunity in violation of the Order.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. **For hearing options, see other side of this notice**

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Gerald Cohen***Gach***06/14/2019****Print Name****Signature****ID****Date**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Print Name****Signature****Title****Date:***Σ 3*



The agency named on the front of this Summons has alleged that you committed the described violation or violations. Note: If the charge on the front of the Summons states you **MUST APPEAR IN PERSON**, then you or an authorized representative must attend the hearing in person. See the front of this Summons for the date, time and location of your hearing. In some cases, the agency may offer you the chance to enter into a stipulation or settlement agreement. If you are eligible, the agency will send you a letter in the mail. To accept the stipulation or settlement, follow the instructions in the letter.

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If a stipulation or settlement is offered to you and you do not accept it, the independent NYC Office of Administrative Trials and Hearings will hear and decide your case. If you do not accept the settlement or show up for your hearing, a default judgment may be entered against you and additional penalties may be imposed.

If your case is **NOT** marked "**MUST APPEAR IN PERSON**," you may deny the charges or their severity by presenting a defense online, by phone or by mail.

- Online: To submit a defense online, visit [www.nyc.gov/oath](http://www.nyc.gov/oath).
- Phone: To schedule a hearing by phone, call (212) 436-0817.
- Mail: To submit a defense by mail, send a signed statement of facts that must say, "My signature in this statement certifies that all facts in it are true," with all documents you wish to have considered to: OATH Mail Unit, 66 John Street, 10th Floor, New York, NY 10038.

To present a defense in person:

- You or an authorized representative must appear in person on the hearing date at the time and location on the front of this Summons.
- If no location is listed or checked off, you may appear at any OATH Hearings Center on the date and time indicated on this Summons (see locations below).
- Please be fully prepared for a hearing at that time by bringing this Summons and all of your evidence with you.
- If you require assistance with English, free language assistance will be provided.

Reasonable Accommodation: If you have a disability and require a reasonable accommodation on the day of your hearing, call the phone number listed below.

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Note: YOU HAVE THE RIGHT TO BE INFORMED OF THE MAXIMUM PENALTY. Pursuant to the New York City Health Code, §3.11, a penalty of not less than \$200 and not more than \$2000 may be imposed for each Health Code violation. For non-NYCHC violations please see the cited statute/regulation for maximum penalties. The penalty for certain violations may be found in regulations available at [nyc.gov/health](http://nyc.gov/health). Higher penalties may be imposed for each repeated violation up to the maximum penalty allowed by law or regulation.

#### OATH HEARINGS CENTERS

Tel: 1-844-OATH-NYC (1-844-628-4692) [www.nyc.gov/oath](http://www.nyc.gov/oath)

Manhattan: 66 John Street, 10th & 11th Floors, New York, NY 10038

Brooklyn: 9 Bond Street, 7th Floor, Brooklyn, NY 11201

Queens: 31-00 47th Avenue, 3rd Floor, Long Island City, NY 11435

Bronx: 3030 Third Avenue, Room 250, Bronx, NY 10455

Staten Island: 350 St. Mark's Place, Main Floor, Staten Island, NY 10301



## Information on Measles Exposure and the Civil Summons

This document provides information about measles exposure and the civil summons issued to you by the New York City Department of Health and Mental Hygiene related to the measles outbreak in Williamsburg, Brooklyn.

**Summons Number:** 30422-19L0

**Measles exposure date:** June 7, 2019

**Start date when the individual exposed to measles no longer needs to stay home:** July 7, 2019

### Why was I issued a summons?

The Health Department has issued a civil summons to you for failing to comply with the April 9, 2019 Order of the Commissioner regarding measles.

You have the right to a hearing at the New York City Office of Administrative Trials and Hearings (OATH) (Hearings Division). Follow the instructions that are attached to the summons.

### How can I provide information to show that I, or my child, have been vaccinated, have immunity or have a medical exemption?

If you believe that you or your child have received the measles, mumps, and rubella (MMR) vaccine; have immunity to measles; or have a medical condition that prevents you from getting the MMR, you may submit medical records (these include vaccination records, serology report to prove immunity, or medical documentation for an exemption). All records submitted to the Health Department must be signed and dated by a medical professional. The Health Department will review the medical records and may withdraw the summons.

Submit the medical record to the Health Department. Fax it to 347-396-8851 or email a copy of the record to [measlesdocuments@health.nyc.gov](mailto:measlesdocuments@health.nyc.gov).

### What if I have been advised to stay home because of measles exposure and cannot attend the hearing?

If you cannot attend the hearing because of measles exposure — or for any other reason — follow the directions on the summons to reschedule.

### What should I do about the MMR vaccine after the period of time that I was advised to stay home?

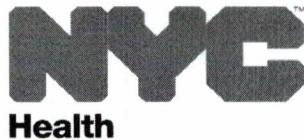
Schedule an appointment with your medical provider so that you can get the MMR vaccine on the first business day you are able to leave your home. Immediately fax (347-396-8851) or email ([measlesdocuments@health.nyc.gov](mailto:measlesdocuments@health.nyc.gov)) your medical records (signed and dated by a medical professional) to the Health Department.

If your medical provider does not have MMR vaccine or if you need to find a vaccine clinic, call 311 or go to the Health Department website <https://www1.nyc.gov/site/doh/index.page>.

### Where can I find information about the Order of the Commissioner, measles or the MMR vaccine?

Information about the Order of the Commissioner, measles and the MMR vaccine is on the NYC Health Department's website at [nyc.gov/health](http://nyc.gov/health). Or call 347-396-7998 to speak to someone at the Health Department.





## **Frequently Asked Questions:**

### **NYC Measles Vaccine Order for ZIP codes 11205, 11206, 11211 and 11249**

On April 9, the Health Department declared a public health emergency and issued a measles vaccine order in response to the measles outbreak in ZIP codes 11205, 11206, 11211 and 11249 in Brooklyn. This FAQ provides additional information on this announcement as well as the associated measles vaccine order.

#### **Why did the Health Department declare a public health emergency in response to the measles outbreak in ZIP codes 11205, 11206, 11211 and 11249?**

The Commissioner of Health can declare a public health emergency when there is an urgent threat to the health of New Yorkers.

There is currently an active measles outbreak in the Williamsburg and Borough Park neighborhoods of Brooklyn that qualifies as such a threat. The outbreak began in early October 2018 and has resulted in nearly 300 cases of this vaccine-preventable disease. In the last three months the vast majority of these cases have been in residents of ZIP codes 11205, 11206, 11211 and 11249. The Health Department has tried multiple strategies to end this outbreak, including intensive outreach to the affected community and the medical providers who serve them. Additionally, the Health Department required any unvaccinated children to be excluded from yeshivas and child care programs serving this community. However, the outbreak continues due to low vaccination rates in these ZIP codes.

This outbreak is being fueled by the spread of dangerous misinformation on the safety and effectiveness of the MMR vaccine. The Health Department stands with the majority of people in this community who have worked hard to protect their children and others at risk. There is an urgent need to end this outbreak and protect New Yorkers from this potentially fatal infection. This declaration will help improve vaccination rates in the affected communities.

#### **What does the measles vaccine order do?**

To stop the spread of measles in New York City, the Health Department requires that adults and children ages 6 months and older who live, work or go to school in ZIP codes 11205, 11206, 11211 and 11249 receive a measles, mumps and rubella (MMR) vaccine. People who cannot receive the vaccine for valid medical reasons, including pregnant individuals, are exempt from the vaccine order.

The risk of getting the measles is low for vaccinated or immune individuals. For most people in ZIP codes 11205, 11206, 11211 and 11249, this order should encourage you to check your immunization records or talk to your health care provider to confirm your vaccination history or immunity status.



### **Are infants 6 through 11 months included in the vaccine order?**

Yes, all infants living or attending child care in ZIP codes 11205, 11206, 11211 and 11249 are included in the vaccine order. The early dose of the MMR vaccine will protect them during the current outbreak. Children should then return to the recommended vaccine schedule and the first dose of the MMR vaccine should be repeated at 12 months of age. Children must have two doses of the MMR vaccine to attend school (kindergarten – 12<sup>th</sup> grade).

Please use the following guidance regarding an early dose of the MMR vaccine for infants 6 through 11 months of age who do not live in ZIP codes 11205, 11206, 11211 and 11249:

- Recommended for members of communities with a known measles outbreak in Borough Park and Crown Heights.
- Suggested for members of the Orthodox Jewish community in New York City.
- Recommended for all infants traveling internationally or to a community with a known measles outbreak.

### **What if I work in ZIP codes 11205, 11206, 11211 and 11249?**

If you work for a business located in ZIP codes 11205, 11206, 11211 and 11249 then you are required to have the MMR vaccine to stop the spread of measles. We encourage you to check your immunization records or talk to your health care provider to confirm your vaccination history or immunity status.

### **How will the Health Department know who isn't vaccinated?**

When Health Department staff identify a patient with measles, they also identify anyone that person has had contact with. The Health Department and health care providers connect these contacts with immunization or other preventive measures and work with them to reduce the risk of measles. Health Department staff also use the Citywide Immunization Registry (CIR) to check the vaccine record of any individual who may have been in contact with a patient with measles. If immunization records are not available, the Health Department may request other evidence of immunity to measles. For example, a blood test, called a measles serology, can prove that someone is immune to measles through prior vaccination or infection with the measles virus. Your health care provider can order this common test and arrange to have your blood drawn. Anyone in ZIP codes 11205, 11206, 11211 and 11249 who cannot prove they are immune to measles by producing immunization records or demonstrate immunity with a positive measles serology blood test will be considered non-immune and unvaccinated by the Health Department and will be in violation of the vaccine order.

### **What happens if I refuse the vaccine?**

The Health Department has ordered everyone in ZIP codes 11205, 11206, 11211 and 11249 to get vaccinated if they have not already done so. The Health Department may issue a civil summons to anyone who lives, works or attends school in the affected ZIP codes and has not been vaccinated as of April 11, 2019, and does not provide proof of immunity or a valid medical exemption to the Health Department. If the unvaccinated person is a child, the summons will be issued to the parent. The person

receiving the summons will be entitled to a hearing at the New York City Office of Administrative Trials and Hearings. If the hearing officer upholds the summons, a \$1,000 penalty will be imposed. Failing to appear at the hearing or respond to the summons will result in a \$2,000 fine.

**What happens if I cannot take the vaccine because of a medical condition or other medical reason?**

There are few medical reasons that would prevent you from receiving the MMR vaccine. If you are a known contact of a measles case and there is a medical reason that would prevent you from receiving the MMR vaccine, including pregnancy, you will be asked to produce specific documentation from a healthcare provider licensed to practice in New York. This medical documentation must explicitly state the condition that makes it impossible for you or your child to be vaccinated. A general provider note without a clear statement of why you cannot receive the vaccine will not be accepted as a valid medical exemption. If your documentation is confirmed, the fine against you will be withdrawn.

Individuals with medical reasons that prevent them from receiving the MMR vaccine after exposure to measles may be able to receive another preventive treatment called immune globulin. The Health Department will provide guidance to eligible individuals who require immune globulin.

**What else is the Health Department doing to stop the spread of measles?**

The Health Department will continue to require yeshivas and child care programs that serve the affected community and are located in ZIP codes 11205, 11206, 11211 and 11249 to exclude children who do not have the required doses of the MMR vaccine. Children will be allowed to go back to their child care or yeshiva if they prove they are up to date on their MMR vaccines or have laboratory tests (measles serology) that show they are immune to measles. These exclusion requirements are in place until the end of the outbreak or until the Health Department determines it is safe for unvaccinated students to attend these yeshivas or child care facilities. The Health Department is also partnering with community-based medical providers, organizations, religious leaders and other locally trusted voices to share education on vaccinations and engage with concerned families.

**Which schools are affected by the exclusion requirements?**

Yeshivas and child care programs in ZIP codes 11205, 11206, 11211 and 11249 in Williamsburg have been given a Commissioner's Order to exclude unvaccinated children from attending school during the outbreak. Additional yeshivas and child care programs in ZIP codes 11204, 11218 and 11219 in Borough Park have also been notified and are required to exclude unvaccinated children. These schools are the only schools required to meet the outbreak exclusion requirements at this time. Students who attend child care or yeshivas in these ZIP codes must be excluded from attending school even if they have a religious or medical exemption or a medical note. Child care programs must also exclude staff who are not vaccinated and do not have proof of immunity. All unvaccinated or non-immune students in any child care or school, in any ZIP code, with a known measles case will also be excluded from school as determined by the Health Department.



## Outbreak-Related School Attendance Exclusions

Unvaccinated child lives in or attends a child care program or school located in the following ZIP code	Unvaccinated child is in nursery, Head Start or pre-K program	Unvaccinated child is in grade kindergarten through 12	Unvaccinated child is in grade 9-12 and school has grades 9-12 only
11204	Cannot attend	Can attend	Can attend
11205	Cannot attend	Cannot attend	Cannot attend
11206	Cannot attend	Cannot attend	Cannot attend
11211	Cannot attend	Cannot attend	Cannot attend
11218	Cannot attend	Can attend	Can attend
11219	Cannot attend	Cannot attend	Can attend
11249	Cannot attend	Cannot attend	Cannot attend

### Do the outbreak-related school exclusion requirements apply to public or private schools that do not serve the Orthodox Jewish community?

No, these exclusion requirements are currently only in effect for yeshivas or child care programs serving the Orthodox Jewish community in ZIP codes 11205, 11206, 11211 and 11249 in Williamsburg, and in ZIP codes 11204, 11218 and 11219 in Borough Park. To date there have been no cases or transmissions associated with children in these other types of programs or schools, so there is no reason to extend outbreak-related exclusions to public or private programs at this time. The Health Department will adjust these outbreak-related exclusions in the future if outbreak patterns change. For now, it is critical that all children in public or private schools follow the standard Department of Education immunization requirements as well as the current MMR vaccine order requirements to prevent additional measles cases. For more information on Department of Education immunization requirements, visit [schools.nyc.gov](http://schools.nyc.gov).

### What is measles?

Measles is a viral infection that causes fever and a rash. Almost 30% of people with measles will have complications from this infection, including pneumonia, brain swelling, diarrhea, ear infection, hospitalization and potentially death. It is highly contagious and anyone who is not vaccinated against the virus can get it at any age. Measles can be very severe in people with weakened immune systems and pregnant individuals.



**How is measles spread?**

Measles is spread through the air when an infected person sneezes or coughs, or even when they breathe. A person with measles is contagious four days before the rash appears and continues to be contagious for four days after the rash appears.

Measles is a highly contagious virus that remains active and capable of causing infection in the air and on surfaces for up to two hours.

**How can measles be prevented?**

Vaccination is the best way to prevent measles. Anyone who has received two doses of a measles-containing vaccine or was born before 1957 (likely immune because of natural infection) is considered immune and highly unlikely to get measles.

All children starting at 12 months old enrolled in pre-kindergarten, nursery school, child care programs and Head Start are required to receive one dose of the MMR vaccine.

Children must have two doses of the MMR vaccine to attend school (kindergarten through 12<sup>th</sup> grade).

**Where can I get the MMR vaccine?**

To get the MMR vaccine, check with your health care provider. You can also call 311 or visit [nyc.gov/health/clinics](http://nyc.gov/health/clinics).

**Where can I get more information about measles?**

Talk to your health care provider, call 311 or visit these online resources for more information:

- Measles: [nyc.gov/health](http://nyc.gov/health) and search for “measles”
- Measles (Immunization Action Coalition): [vaccineinformation.org/measles](http://vaccineinformation.org/measles)
- Measles Overview (Centers for Disease Control): [cdc.gov/measles](http://cdc.gov/measles)



NEW YORK CITY DEPARTMENT OF  
HEALTH AND MENTAL HYGIENE  
Oxiris Barbot, M.D.  
*Commissioner*

## **ORDER OF THE COMMISSIONER**

**TO: All persons who reside, work or attend school in the neighborhood of Williamsburg, Brooklyn, New York and to the parents and/or guardians of any child who resides, works or attends school in the neighborhood of Williamsburg, Brooklyn, New York**

**WHEREAS**, there is an active outbreak of measles among people residing in the neighborhood of Williamsburg in Brooklyn, New York who live within zip codes 11205, 11206, 11211 and 11249. Since September 2018, more than 250 cases of measles have been documented among people living in Williamsburg and that number continues to grow as new cases are still occurring; and

**WHEREAS**, measles is a highly contagious viral disease that can result in serious health complications, such as pneumonia and swelling of the brain. About a third of reported measles cases have at least one complication and in some cases, measles can cause death. Measles can be serious in all age groups. However, infants, young children, pregnant persons, people whose immune systems are weak and adults are more likely to suffer from measles complications; and

**WHEREAS**, measles is easily transmitted from a sickened person to others who lack immunity to the disease. The virus can live for up to two hours in air or on surfaces where an infected person coughed or sneezed and people who lack immunity are highly likely to become sick if they are in contact with an infectious person or near where an infectious person recently has been; and

**WHEREAS**, although measles is highly contagious, the Measles-Mumps-Rubella (MMR) vaccine is an effective and safe vaccine that will prevent its transmission. While measles remains one of the leading causes of death among young children in parts of the world where the vaccination is not available, the disease until this outbreak was largely eliminated in the United States; and

**WHEREAS**, the measles outbreak persists in Williamsburg despite other efforts taken by the Department of Health and Mental Hygiene to stop it, including orders excluding unvaccinated children from attending preschools and daycare programs, because a high rate of people living within Williamsburg have not been vaccinated against measles; and

**WHEREAS**, pursuant to section 556 of the Charter of the City of New York, the Department is responsible for controlling communicable diseases within the City of New York and for supervising the abatement of nuisances that affect or are likely to affect the public health; and

**WHEREAS**, pursuant to section 3.01 of the New York City Health Code, I am authorized to declare a public health emergency and issue orders and take actions that I deem

necessary for the health and safety of the City and its residents when urgent public health action is necessary to protect the public health against an existing threat; and

**WHEREAS**, I find the ongoing measles outbreak in Williamsburg to be an existing threat to public health in the City of New York; and

**WHEREAS**, I also find that the presence of any person in Williamsburg lacking the MMR vaccine, unless that vaccine is otherwise medically contra-indicated or such person has demonstrated immunity against measles, creates an unnecessary and avoidable risk of continuing the outbreak and is therefore a nuisance, as defined in New York City Administrative Code §17-142; and

**WHEREAS**, pursuant to New York City Health Code §3.07, no person “shall do or assist in any act which is or may be detrimental to the public health or to the life or health of any individual... or ...shall fail to do any reasonable act or take any necessary precaution to protect human life and health.”

**IT IS HEREBY ORDERED** that any person who lives, works or resides within the 11205, 11206, 11211 and/or 11249 zip codes and who has not received the MMR vaccine within forty eight (48) hours of this Order being signed by me shall be vaccinated against measles unless such person can demonstrate immunity to the disease or document to the satisfaction of the Department that he or she should be medically exempt from this requirement.

**IT IS FURTHER ORDERED** that the parent or guardian of any child older than six months of age who lives, works or resides within the 11205, 11206, 11211 and/or 11249 zip codes and who has not received the MMR vaccine within forty eight (48) hours of this order being signed by me shall cause such child to be vaccinated against measles unless such parent or guardian can demonstrate that the child has immunity to the disease or document that he or she should be medically exempt from this requirement.

**THIS ORDER** shall remain in effect until the next meeting of the New York City Board of Health scheduled for April 17, 2019 at which time it may be continued or rescinded by the Board.

A handwritten signature in black ink, appearing to read "Oxiris Barbot", with a stylized flourish at the end.

Dated: April 9, 2019

Oxiris Barbot, M.D.  
Commissioner of Health



## **WARNING**

Failure to comply with this Order is a violation of §3.05 of the New York City Health Code, and a misdemeanor for which you may be subject to civil and/or criminal fines, forfeitures and penalties, including imprisonment.

Anyone wishing to object to the order, please write or fax Thomas G. Merrill, General Counsel, New York City Department of Health and Mental Hygiene, 42-09 28th Street (WS 14-38) Long Island City NY 11101-4132; [tmerrill@health.nyc.gov](mailto:tmerrill@health.nyc.gov) telephone: 347-396-6116; fax: 347-396-6087, providing a statement of the reasons for your objection to the order. If you have any questions about how to comply with this Order, please telephone Jane R. Zucker, M.D., M.Sc., Assistant Commissioner, Bureau of Immunization at 347-396-2471.

The following resolution was adopted by the Board of Health on April 17, 2019 and will be published in accordance with §17-148 of the Administrative Code of the City of New York.

Resolution of the Board of Health of the  
Department of Health and Mental Hygiene  
of the City of New York

At a meeting of the Board of Health of the Department of Health and Mental Hygiene held on April 17, 2019, the following resolution was adopted:

**WHEREAS**, there is an active outbreak of measles among people residing in the neighborhood of Williamsburg in Brooklyn, New York who live within zip codes 11205, 11206, 11211 and 11249 (the “affected zip codes”); and

**WHEREAS**, on April 9, 2019 the Commissioner of the Department of Health and Mental Hygiene determined that an urgent public health action was necessary to protect the public from the measles outbreak occurring in the neighborhood of Williamsburg and declared a public health emergency; and

**WHEREAS**, pursuant to her authority under Health Code §3.01, the Commissioner ordered that anyone who lives, works or resides in the affected zip codes and any child older than six months of age living, residing, or working in any of the affected zip codes be immunized against measles; and

**WHEREAS**, the Order subjects a person to a civil fine , unless such person or, for a child, such person’s parent or guardian, can demonstrate that such person has immunity to the disease or document to the satisfaction of the Department that such person should be medically exempt from this requirement; and

**WHEREAS**, pursuant to Health Code §3.01, the Order issued by the Commissioner is only in effect until the Board of Health convenes and either continues or rescinds the Commissioner’s exercise of authority; and

**WHEREAS**, the Board of Health has taken and filed among its records and reports that since September 2018 more than 300 cases of measles have been documented in the City of New York with the vast majority occurring among people residing in the affected zip codes and that new cases of measles are still occurring at an alarming rate; and

**WHEREAS**, measles is a highly contagious viral disease that can result in serious health complications such as pneumonia, encephalitis (swelling of the brain) and death. About a third of reported measles cases have at least one complication. Measles can be serious in all age groups. However, infants, young children, pregnant persons, people whose immune systems are weak and adults are more likely to suffer from measles complications; and

**WHEREAS**, measles is easily transmitted from a sickened person to others who lack immunity to the disease. The virus can live for up to two hours in the air or on surfaces where an infected person coughed or sneezed and people who lack immunity are highly likely to become sick if they are in contact with an infectious person or near where an infectious person recently has been; and

**WHEREAS**, although measles is highly contagious, the Measles-Mumps-Rubella (MMR) vaccine is a proven safe and effective vaccine that will prevent its transmission. While measles remains one of the leading causes of death among young children in parts of the world where the vaccination is not available, the disease until this outbreak was eliminated in the United States; and

**WHEREAS**, because a high rate of people living within the affected zip codes in Williamsburg have not been vaccinated against measles, the measles outbreak persists in Williamsburg despite other efforts taken by the Department of Health and Mental Hygiene to stop it, including orders excluding unvaccinated children from attending preschools and daycare programs; and

**WHEREAS**, the Board of Health regards the aforesaid reports of over 300 cases of measles as sufficient proof to authorize the declaration that an outbreak of measles is occurring in Williamsburg that threatens the health and safety of New Yorkers and is immediately dangerous to human life and health and constitutes a public nuisance; and

**WHEREAS**, the outbreak is occurring because a large number of people residing in the affected zip codes have not been vaccinated against measles; and

**WHEREAS**, the only way to end the outbreak is to require that people residing, working or attending school in any of the affected zip codes be vaccinated against or otherwise have immunity against measles; and

**WHEREAS**, personal service or service pursuant to subdivisions (a) or (b) of § 17-148 of the Administrative Code of the City of New York of orders requiring the abatement of such nuisances and conditions in effect dangerous to life and health upon each of the persons who, pursuant to the provisions of Title 17 of the Administrative Code of the City of New York, has a duty or liability to abate such nuisances and conditions, would result in a delay prejudicial to the public health, welfare, and safety; now, therefore, be it

**RESOLVED**, that the Board of Health hereby declares that an outbreak of measles is ongoing in the neighborhood of Williamsburg and that the outbreak poses a public nuisance because it is immediately dangerous to life and health; and be it further

**RESOLVED**, that the Board of Health hereby declares that any person who lives or works within the affected zip codes shall be vaccinated against measles unless such person can demonstrate immunity to the disease or document to the satisfaction of the Department that such person should be medically exempt from this requirement; and be it further



**RESOLVED**, that the parent or guardian of any child six months of age or older who lives or attends school, preschool or child care within the affected zip codes and who has not received the MMR vaccine shall cause such child to be vaccinated against measles unless such parent or guardian can demonstrate that the child has immunity to the disease or document to the satisfaction of the Department that such child should be medically exempt from this requirement; and be it further

**RESOLVED**, that any person required by this declaration to be immunized against measles, or any parent or guardian required by it to immunize his or her child, shall be violating this order and be subject to the fines authorized by applicable law, rule and regulations each day that he, she, or such child continues to reside, work or attend school, preschool or child care in any of the affected zip codes without having been vaccinated against measles until such time that this outbreak is declared to be over by the Commissioner of the Department of Health and Mental Hygiene.

**RESOLVED** further, that this resolution shall take effect immediately and publication shall be in accordance with New York City Administrative Code §17-148.

(As adopted by the Board of Health on April 17, 2019)

Summons Issued to  
Plaintiff-Petitioner  
Simon Josef



**OFFICE OF THE SHERIFF  
LAW ENFORCEMENT BUREAU  
210 Joralemon Street - 9<sup>th</sup> Floor  
Brooklyn, NY 11201**



**SIMON JOSEF  
217 KEAP STREET  
#4L  
BROOKLYN, NY 11211**

Case # 19024911

Dear SIMON JOSEF,

Confidential documents issued out of court have been filed with this office. These document(s) concern you personally and are of great importance. Please come into our office between 8:30 a.m. and 7:00 p.m. (Monday thru Friday) so that we may discuss this matter. Please bring this letter along with photo identification.

Yours Truly,

Deputy Sheriff MEDE/ ZONE 1

IF YOU RECEIVE THIS LETTER AFTER A DEPUTY SHERIFF HAS SERVED  
THE DOCUMENT(S) PLEASE DISREGARD. IF YOU HAVE NOT BEEN SERVED  
PLEASE CALL: (718) 488-3545

OUR OFFICE ADDRESS:

**OFFICE OF THE SHERIFF  
KINGS COUNTY LAW ENFORCEMENT BUREAU  
Municipal Building  
210 Joralemon Street - 9<sup>th</sup> Floor  
Brooklyn, NY 11021**



**SUMMONS NUMBER: 30373-19L0****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION:** Disease Control **BUREAU:** Immunization**AGENCY ADDRESS AND PHONE NUMBER:** 42-09 28<sup>th</sup> Street, Long Island City, NY 11101 **Phone:** 347-396-7998**RESPONDENT:** SIMON JOSEF**ID NUMBER:** 50093812**ADDRESS:** 217 KEAP ST #4L BROOKLYN, NY 11211**PHONE:****DATE AND TIME OF OCCURRENCE:** June 4, 2019 AT 9:30 AM **BOROUGH:** Brooklyn**PLACE OF OCCURRENCE:** 217 KEAP ST #4L BROOKLYN, NY 11211

The respondent is summoned to appear and respond to the details of violation(s) stated below.

**HEARING DATE: July 18, 2019 AT 11:00 AM****\*\* RESPONDENT MUST APPEAR IN PERSON \*\*****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**☐ Manhattan☐ Staten Island☐ Bronx☐ Queens☒ Brooklyn

66 John Street

350 St. Marks Place

3030 Third Avenue 31-00 47<sup>th</sup> Avenue

9 Bond Street

10<sup>th</sup> & 11<sup>th</sup> Floor

Main Floor

Room 250

3<sup>rd</sup> & 4<sup>th</sup> Floor6<sup>th</sup> & 7<sup>th</sup> Floor

New York, NY 10038

Staten Island, NY 10301

Bronx, NY 10455

Long Island City, NY 11435

Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE OR ATTACHED.****REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.****WARNING:** If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.**Details of Violation(s)**

#	Code Section	Violation Description
1	NYC HC 3.05	In response to the active measles outbreak in certain parts of Brooklyn, the NYC Commissioner of Health declared a public health emergency on April 9, 2019 and published a Commissioner's Order ("Order") pursuant to Article 3 of the NYC Health Code ordering all persons who live, work or attend school within ZIP codes 11205, 11206, 11211 and 11249 to be vaccinated against measles within forty eight hours of the Order. On April 17, 2019, the NYC Board of Health unanimously approved a Resolution ("Resolution") continuing the public health emergency and requirement that all persons living, working or attending school in these affected ZIP codes be vaccinated against measles. The Resolution further provides that any person who is not vaccinated, or the parent and/or guardian of a child who is not vaccinated, shall be fined unless they demonstrate proof of immunity or that immunization is not medically appropriate. A copy of the Order and Resolution are attached to this Summons for reference. A review of Department records shows that Respondent's child, H.P.J., who is at least six months old, lives at: 217 KEAP ST #4L BROOKLYN, NY 11211, which is located in one of the affected zip codes listed in the Order. On June 4, 2019, a review of the Department's Citywide Immunization Registry, which collects immunization records for all children receiving vaccines in NYC and is required to be updated by medical providers, found that child H.P.J. has no record of measles immunization. Respondent has failed to vaccinate child H.P.J. or otherwise submit acceptable proof of immunity in violation of the Order.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Pooja Jani****Print Name****Signature****ID****06/04/2019****Date**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Print Name****Signature****Title****Date:**

The agency named on the front of this Summons has alleged that you committed the described violation or violations. Note: If the charge on the front of the Summons states you **MUST APPEAR IN PERSON**, then you or an authorized representative must attend the hearing in person. See the front of this Summons for the date, time and location of your hearing. In some cases, the agency may offer you the chance to enter into a stipulation or settlement agreement. If you are eligible, the agency will send you a letter in the mail. To accept the stipulation or settlement, follow the instructions in the letter.

If a stipulation or settlement is offered to you and you do not accept it, the independent NYC Office of Administrative Trials and Hearings will hear and decide your case. If you do not accept the settlement or show up for your hearing, a default judgment may be entered against you and additional penalties may be imposed.

If your case is **NOT** marked "MUST APPEAR IN PERSON," you may deny the charges or their severity by presenting a defense online, by phone or by mail.

- Online: To submit a defense online, visit [www.nyc.gov/oath](http://www.nyc.gov/oath).
- Phone: To schedule a hearing by phone, call (212) 436-0817.
- Mail: To submit a defense by mail, send a signed statement of facts that must say, "My signature in this statement certifies that all facts in it are true," with all documents you wish to have considered to: OATH Mail Unit, 66 John Street, 10th Floor, New York, NY 10038.

To present a defense in person:

- You or an authorized representative must appear in person on the hearing date at the time and location on the front of this Summons.
- If no location is listed or checked off, you may appear at any OATH Hearings Center on the date and time indicated on this Summons (see locations below).
- Please be fully prepared for a hearing at that time by bringing this Summons and all of your evidence with you.
- If you require assistance with English, free language assistance will be provided.

Reasonable Accommodation: If you have a disability and require a reasonable accommodation on the day of your hearing, call the phone number listed below.

Note: YOU HAVE THE RIGHT TO BE INFORMED OF THE MAXIMUM PENALTY. Pursuant to the New York City Health Code, §3.11, a penalty of not less than \$200 and not more than \$2000 may be imposed for each Health Code violation. For non-NYCHC violations please see the cited statute/regulation for maximum penalties. The penalty for certain violations may be found in regulations available at [nyc.gov/health](http://nyc.gov/health). Higher penalties may be imposed for each repeated violation up to the maximum penalty allowed by law or regulation.

#### OATH HEARINGS CENTERS

Tel: 1-844-OATH-NYC (1-844-628-4692) [www.nyc.gov/oath](http://www.nyc.gov/oath)

Manhattan: 66 John Street, 10th & 11th Floors, New York, NY 10038

Brooklyn: 9 Bond Street, 7th Floor, Brooklyn, NY 11201

Queens: 31-00 47th Avenue, 3rd Floor, Long Island City, NY 11435

Bronx: 3030 Third Avenue, Room 250, Bronx, NY 10455

Staten Island: 350 St. Mark's Place, Main Floor, Staten Island, NY 10301



## Information on Measles and the Civil Summons

This document provides information about measles exposure and the civil summons issued to you by the New York City Department of Health and Mental Hygiene related to the measles outbreak in Williamsburg, Brooklyn.

**Summons Number:** 30373-19L0

### **Why was I issued a summons?**

The Health Department has issued a civil summons to you for failing to comply with the April 9, 2019 Order of the Commissioner regarding measles.

You have the right to a hearing at the New York City Office of Administrative Trials and Hearings (OATH) (Hearings Division). Follow the instructions that are attached to the summons.

### **How can I provide information to show that I, or my child, have been vaccinated, have immunity or have a medical exemption?**

If you believe that you or your child have received the measles, mumps, and rubella (MMR) vaccine; have immunity to measles; or have a medical condition that prevents you from getting the MMR, you may submit medical records (these include vaccination records, serology report to prove immunity, or medical documentation for an exemption).

### ***New Residents***

If you or your child were not born in the city, your provider will need a copy of the immunization history to add to the Citywide Immunization Registry (CIR) record. You should contact your or your child's previous health care provider, or the last school you or your child attended, for your immunization records. The state where you previously lived may also have your records in its immunization registry.

If you moved to the city from elsewhere in New York State, the immunization record may already be in the CIR. You should contact your or your child's previous health care provider, the last school you or your child attended, the New York State Department of Health, or your local (county) health department for your immunization records.

All records submitted to the Health Department must be signed and dated by a medical professional. The Health Department will review the medical records and may withdraw the summons.

Submit the medical record to the Health Department. Fax it to 347-396-8844 or email a copy of the record to [measlesreview@health.nyc.gov](mailto:measlesreview@health.nyc.gov).

If your medical provider does not have MMR vaccine or if you need to find a vaccine clinic, call 311 or go to the Health Department website <https://www1.nyc.gov/site/doh/index.page>.

### **Where can I find information about the Order of the Commissioner, measles or the MMR vaccine?**

Information about the Order of the Commissioner, measles and the MMR vaccine is on the NYC Health Department's website at [nyc.gov/health](http://nyc.gov/health). Or call 347-396-7998 to speak to someone at the Health Department.





## **Frequently Asked Questions:**

### **NYC Measles Vaccine Order for ZIP codes 11205, 11206, 11211 and 11249**

On April 9, the Health Department declared a public health emergency and issued a measles vaccine order in response to the measles outbreak in ZIP codes 11205, 11206, 11211 and 11249 in Brooklyn. This FAQ provides additional information on this announcement as well as the associated measles vaccine order.

#### **Why did the Health Department declare a public health emergency in response to the measles outbreak in ZIP codes 11205, 11206, 11211 and 11249?**

The Commissioner of Health can declare a public health emergency when there is an urgent threat to the health of New Yorkers.

There is currently an active measles outbreak in the Williamsburg and Borough Park neighborhoods of Brooklyn that qualifies as such a threat. The outbreak began in early October 2018 and has resulted in nearly 300 cases of this vaccine-preventable disease. In the last three months the vast majority of these cases have been in residents of ZIP codes 11205, 11206, 11211 and 11249. The Health Department has tried multiple strategies to end this outbreak, including intensive outreach to the affected community and the medical providers who serve them. Additionally, the Health Department required any unvaccinated children to be excluded from yeshivas and child care programs serving this community. However, the outbreak continues due to low vaccination rates in these ZIP codes.

This outbreak is being fueled by the spread of dangerous misinformation on the safety and effectiveness of the MMR vaccine. The Health Department stands with the majority of people in this community who have worked hard to protect their children and others at risk. There is an urgent need to end this outbreak and protect New Yorkers from this potentially fatal infection. This declaration will help improve vaccination rates in the affected communities.

#### **What does the measles vaccine order do?**

To stop the spread of measles in New York City, the Health Department requires that adults and children ages 6 months and older who live, work or go to school in ZIP codes 11205, 11206, 11211 and 11249 receive a measles, mumps and rubella (MMR) vaccine. People who cannot receive the vaccine for valid medical reasons, including pregnant individuals, are exempt from the vaccine order.

The risk of getting the measles is low for vaccinated or immune individuals. For most people in ZIP codes 11205, 11206, 11211 and 11249, this order should encourage you to check your immunization records or talk to your health care provider to confirm your vaccination history or immunity status.

### **Are infants 6 through 11 months included in the vaccine order?**

Yes, all infants living or attending child care in ZIP codes 11205, 11206, 11211 and 11249 are included in the vaccine order. The early dose of the MMR vaccine will protect them during the current outbreak. Children should then return to the recommended vaccine schedule and the first dose of the MMR vaccine should be repeated at 12 months of age. Children must have two doses of the MMR vaccine to attend school (kindergarten – 12<sup>th</sup> grade).

Please use the following guidance regarding an early dose of the MMR vaccine for infants 6 through 11 months of age who do not live in ZIP codes 11205, 11206, 11211 and 11249:

- Recommended for members of communities with a known measles outbreak in Borough Park and Crown Heights.
- Suggested for members of the Orthodox Jewish community in New York City.
- Recommended for all infants traveling internationally or to a community with a known measles outbreak.

### **What if I work in ZIP codes 11205, 11206, 11211 and 11249?**

If you work for a business located in ZIP codes 11205, 11206, 11211 and 11249 then you are required to have the MMR vaccine to stop the spread of measles. We encourage you to check your immunization records or talk to your health care provider to confirm your vaccination history or immunity status.

### **How will the Health Department know who isn't vaccinated?**

When Health Department staff identify a patient with measles, they also identify anyone that person has had contact with. The Health Department and health care providers connect these contacts with immunization or other preventive measures and work with them to reduce the risk of measles. Health Department staff also use the Citywide Immunization Registry (CIR) to check the vaccine record of any individual who may have been in contact with a patient with measles. If immunization records are not available, the Health Department may request other evidence of immunity to measles. For example, a blood test, called a measles serology, can prove that someone is immune to measles through prior vaccination or infection with the measles virus. Your health care provider can order this common test and arrange to have your blood drawn. Anyone in ZIP codes 11205, 11206, 11211 and 11249 who cannot prove they are immune to measles by producing immunization records or demonstrate immunity with a positive measles serology blood test will be considered non-immune and unvaccinated by the Health Department and will be in violation of the vaccine order.

### **What happens if I refuse the vaccine?**

The Health Department has ordered everyone in ZIP codes 11205, 11206, 11211 and 11249 to get vaccinated if they have not already done so. The Health Department may issue a civil summons to anyone who lives, works or attends school in the affected ZIP codes and has not been vaccinated as of April 11, 2019, and does not provide proof of immunity or a valid medical exemption to the Health Department. If the unvaccinated person is a child, the summons will be issued to the parent. The person

receiving the summons will be entitled to a hearing at the New York City Office of Administrative Trials and Hearings. If the hearing officer upholds the summons, a \$1,000 penalty will be imposed. Failing to appear at the hearing or respond to the summons will result in a \$2,000 fine.

**What happens if I cannot take the vaccine because of a medical condition or other medical reason?**

There are few medical reasons that would prevent you from receiving the MMR vaccine. If you are a known contact of a measles case and there is a medical reason that would prevent you from receiving the MMR vaccine, including pregnancy, you will be asked to produce specific documentation from a healthcare provider licensed to practice in New York. This medical documentation must explicitly state the condition that makes it impossible for you or your child to be vaccinated. A general provider note without a clear statement of why you cannot receive the vaccine will not be accepted as a valid medical exemption. If your documentation is confirmed, the fine against you will be withdrawn.

Individuals with medical reasons that prevent them from receiving the MMR vaccine after exposure to measles may be able to receive another preventive treatment called immune globulin. The Health Department will provide guidance to eligible individuals who require immune globulin.

**What else is the Health Department doing to stop the spread of measles?**

The Health Department will continue to require yeshivas and child care programs that serve the affected community and are located in ZIP codes 11205, 11206, 11211 and 11249 to exclude children who do not have the required doses of the MMR vaccine. Children will be allowed to go back to their child care or yeshiva if they prove they are up to date on their MMR vaccines or have laboratory tests (measles serology) that show they are immune to measles. These exclusion requirements are in place until the end of the outbreak or until the Health Department determines it is safe for unvaccinated students to attend these yeshivas or child care facilities. The Health Department is also partnering with community-based medical providers, organizations, religious leaders and other locally trusted voices to share education on vaccinations and engage with concerned families.

**Which schools are affected by the exclusion requirements?**

Yeshivas and child care programs in ZIP codes 11205, 11206, 11211 and 11249 in Williamsburg have been given a Commissioner's Order to exclude unvaccinated children from attending school during the outbreak. Additional yeshivas and child care programs in ZIP codes 11204, 11218 and 11219 in Borough Park have also been notified and are required to exclude unvaccinated children. These schools are the only schools required to meet the outbreak exclusion requirements at this time. Students who attend child care or yeshivas in these ZIP codes must be excluded from attending school even if they have a religious or medical exemption or a medical note. Child care programs must also exclude staff who are not vaccinated and do not have proof of immunity. All unvaccinated or non-immune students in any child care or school, in any ZIP code, with a known measles case will also be excluded from school as determined by the Health Department.



### Outbreak-Related School Attendance Exclusions

Unvaccinated child lives in or attends a child care program or school located in the following ZIP code	Unvaccinated child is in nursery, Head Start or pre-K program	Unvaccinated child is in grade kindergarten through 12	Unvaccinated child is in grade 9-12 and school has grades 9-12 only
11204	Cannot attend	Can attend	Can attend
11205	Cannot attend	Cannot attend	Cannot attend
11206	Cannot attend	Cannot attend	Cannot attend
11211	Cannot attend	Cannot attend	Cannot attend
11218	Cannot attend	Can attend	Can attend
11219	Cannot attend	Cannot attend	Can attend
11249	Cannot attend	Cannot attend	Cannot attend

**Do the outbreak-related school exclusion requirements apply to public or private schools that do not serve the Orthodox Jewish community?**

No, these exclusion requirements are currently only in effect for yeshivas or child care programs serving the Orthodox Jewish community in ZIP codes 11205, 11206, 11211 and 11249 in Williamsburg, and in ZIP codes 11204, 11218 and 11219 in Borough Park. To date there have been no cases or transmissions associated with children in these other types of programs or schools, so there is no reason to extend outbreak-related exclusions to public or private programs at this time. The Health Department will adjust these outbreak-related exclusions in the future if outbreak patterns change. For now, it is critical that all children in public or private schools follow the standard Department of Education immunization requirements as well as the current MMR vaccine order requirements to prevent additional measles cases. For more information on Department of Education immunization requirements, visit [schools.nyc.gov](https://schools.nyc.gov).

### What is measles?

Measles is a viral infection that causes fever and a rash. Almost 30% of people with measles will have complications from this infection, including pneumonia, brain swelling, diarrhea, ear infection, hospitalization and potentially death. It is highly contagious and anyone who is not vaccinated against the virus can get it at any age. Measles can be very severe in people with weakened immune systems and pregnant individuals.

**How is measles spread?**

Measles is spread through the air when an infected person sneezes or coughs, or even when they breathe. A person with measles is contagious four days before the rash appears and continues to be contagious for four days after the rash appears.

Measles is a highly contagious virus that remains active and capable of causing infection in the air and on surfaces for up to two hours.

**How can measles be prevented?**

Vaccination is the best way to prevent measles. Anyone who has received two doses of a measles-containing vaccine or was born before 1957 (likely immune because of natural infection) is considered immune and highly unlikely to get measles.

All children starting at 12 months old enrolled in pre-kindergarten, nursery school, child care programs and Head Start are required to receive one dose of the MMR vaccine.

Children must have two doses of the MMR vaccine to attend school (kindergarten through 12<sup>th</sup> grade).

**Where can I get the MMR vaccine?**

To get the MMR vaccine, check with your health care provider. You can also call 311 or visit [nyc.gov/health/clinics](http://nyc.gov/health/clinics).

**Where can I get more information about measles?**

Talk to your health care provider, call 311 or visit these online resources for more information:

- Measles: [nyc.gov/health](http://nyc.gov/health) and search for "measles"
- Measles (Immunization Action Coalition): [vaccineinformation.org/measles](http://vaccineinformation.org/measles)
- Measles Overview (Centers for Disease Control): [cdc.gov/measles](http://cdc.gov/measles)



NEW YORK CITY DEPARTMENT OF  
HEALTH AND MENTAL HYGIENE  
Oxiris Barbot, M.D.  
*Commissioner*

## **ORDER OF THE COMMISSIONER**

**TO: All persons who reside, work or attend school in the neighborhood of Williamsburg, Brooklyn, New York and to the parents and/or guardians of any child who resides, works or attends school in the neighborhood of Williamsburg, Brooklyn, New York**

**WHEREAS**, there is an active outbreak of measles among people residing in the neighborhood of Williamsburg in Brooklyn, New York who live within zip codes 11205, 11206, 11211 and 11249. Since September 2018, more than 250 cases of measles have been documented among people living in Williamsburg and that number continues to grow as new cases are still occurring; and

**WHEREAS**, measles is a highly contagious viral disease that can result in serious health complications, such as pneumonia and swelling of the brain. About a third of reported measles cases have at least one complication and in some cases, measles can cause death. Measles can be serious in all age groups. However, infants, young children, pregnant persons, people whose immune systems are weak and adults are more likely to suffer from measles complications; and

**WHEREAS**, measles is easily transmitted from a sickened person to others who lack immunity to the disease. The virus can live for up to two hours in air or on surfaces where an infected person coughed or sneezed and people who lack immunity are highly likely to become sick if they are in contact with an infectious person or near where an infectious person recently has been; and

**WHEREAS**, although measles is highly contagious, the Measles-Mumps-Rubella (MMR) vaccine is an effective and safe vaccine that will prevent its transmission. While measles remains one of the leading causes of death among young children in parts of the world where the vaccination is not available, the disease until this outbreak was largely eliminated in the United States; and

**WHEREAS**, the measles outbreak persists in Williamsburg despite other efforts taken by the Department of Health and Mental Hygiene to stop it, including orders excluding unvaccinated children from attending preschools and daycare programs, because a high rate of people living within Williamsburg have not been vaccinated against measles; and

**WHEREAS**, pursuant to section 556 of the Charter of the City of New York, the Department is responsible for controlling communicable diseases within the City of New York and for supervising the abatement of nuisances that affect or are likely to affect the public health; and

**WHEREAS**, pursuant to section 3.01 of the New York City Health Code, I am authorized to declare a public health emergency and issue orders and take actions that I deem



necessary for the health and safety of the City and its residents when urgent public health action is necessary to protect the public health against an existing threat; and

**WHEREAS**, I find the ongoing measles outbreak in Williamsburg to be an existing threat to public health in the City of New York; and

**WHEREAS**, I also find that the presence of any person in Williamsburg lacking the MMR vaccine, unless that vaccine is otherwise medically contra-indicated or such person has demonstrated immunity against measles, creates an unnecessary and avoidable risk of continuing the outbreak and is therefore a nuisance, as defined in New York City Administrative Code §17-142; and

**WHEREAS**, pursuant to New York City Health Code §3.07, no person "shall do or assist in any act which is or may be detrimental to the public health or to the life or health of any individual... or ...shall fail to do any reasonable act or take any necessary precaution to protect human life and health."

**IT IS HEREBY ORDERED** that any person who lives, works or resides within the 11205, 11206, 11211 and/or 11249 zip codes and who has not received the MMR vaccine within forty eight (48) hours of this Order being signed by me shall be vaccinated against measles unless such person can demonstrate immunity to the disease or document to the satisfaction of the Department that he or she should be medically exempt from this requirement.

**IT IS FURTHER ORDERED** that the parent or guardian of any child older than six months of age who lives, works or resides within the 11205, 11206, 11211 and/or 11249 zip codes and who has not received the MMR vaccine within forty eight (48) hours of this order being signed by me shall cause such child to be vaccinated against measles unless such parent or guardian can demonstrate that the child has immunity to the disease or document that he or she should be medically exempt from this requirement.

**THIS ORDER** shall remain in effect until the next meeting of the New York City Board of Health scheduled for April 17, 2019 at which time it may be continued or rescinded by the Board.



Dated: April 9, 2019

Oxiris Barbot, M.D.  
Commissioner of Health

## WARNING

Failure to comply with this Order is a violation of §3.05 of the New York City Health Code, and a misdemeanor for which you may be subject to civil and/or criminal fines, forfeitures and penalties, including imprisonment.

Anyone wishing to object to the order, please write or fax Thomas G. Merrill, General Counsel, New York City Department of Health and Mental Hygiene, 42-09 28th Street (WS 14-38) Long Island City NY 11101-4132; [tmerrill@health.nyc.gov](mailto:tmerrill@health.nyc.gov) telephone: 347-396-6116; fax: 347-396-6087, providing a statement of the reasons for your objection to the order. If you have any questions about how to comply with this Order, please telephone Jane R. Zucker, M.D., M.Sc., Assistant Commissioner, Bureau of Immunization at 347-396-2471.

The following resolution was adopted by the Board of Health on April 17, 2019 and will be published in accordance with §17-148 of the Administrative Code of the City of New York.

Resolution of the Board of Health of the  
Department of Health and Mental Hygiene  
of the City of New York

At a meeting of the Board of Health of the Department of Health and Mental Hygiene held on April 17, 2019, the following resolution was adopted:

**WHEREAS**, there is an active outbreak of measles among people residing in the neighborhood of Williamsburg in Brooklyn, New York who live within zip codes 11205, 11206, 11211 and 11249 (the “affected zip codes”); and

**WHEREAS**, on April 9, 2019 the Commissioner of the Department of Health and Mental Hygiene determined that an urgent public health action was necessary to protect the public from the measles outbreak occurring in the neighborhood of Williamsburg and declared a public health emergency; and

**WHEREAS**, pursuant to her authority under Health Code §3.01, the Commissioner ordered that anyone who lives, works or resides in the affected zip codes and any child older than six months of age living, residing, or working in any of the affected zip codes be immunized against measles; and

**WHEREAS**, the Order subjects a person to a civil fine , unless such person or, for a child, such person’s parent or guardian, can demonstrate that such person has immunity to the disease or document to the satisfaction of the Department that such person should be medically exempt from this requirement; and

**WHEREAS**, pursuant to Health Code §3.01, the Order issued by the Commissioner is only in effect until the Board of Health convenes and either continues or rescinds the Commissioner’s exercise of authority; and

**WHEREAS**, the Board of Health has taken and filed among its records and reports that since September 2018 more than 300 cases of measles have been documented in the City of New York with the vast majority occurring among people residing in the affected zip codes and that new cases of measles are still occurring at an alarming rate; and

**WHEREAS**, measles is a highly contagious viral disease that can result in serious health complications such as pneumonia, encephalitis (swelling of the brain) and death. About a third of reported measles cases have at least one complication. Measles can be serious in all age groups. However, infants, young children, pregnant persons, people whose immune systems are weak and adults are more likely to suffer from measles complications; and



**WHEREAS**, measles is easily transmitted from a sickened person to others who lack immunity to the disease. The virus can live for up to two hours in the air or on surfaces where an infected person coughed or sneezed and people who lack immunity are highly likely to become sick if they are in contact with an infectious person or near where an infectious person recently has been; and

**WHEREAS**, although measles is highly contagious, the Measles-Mumps-Rubella (MMR) vaccine is a proven safe and effective vaccine that will prevent its transmission. While measles remains one of the leading causes of death among young children in parts of the world where the vaccination is not available, the disease until this outbreak was eliminated in the United States; and

**WHEREAS**, because a high rate of people living within the affected zip codes in Williamsburg have not been vaccinated against measles, the measles outbreak persists in Williamsburg despite other efforts taken by the Department of Health and Mental Hygiene to stop it, including orders excluding unvaccinated children from attending preschools and daycare programs; and

**WHEREAS**, the Board of Health regards the aforesaid reports of over 300 cases of measles as sufficient proof to authorize the declaration that an outbreak of measles is occurring in Williamsburg that threatens the health and safety of New Yorkers and is immediately dangerous to human life and health and constitutes a public nuisance; and

**WHEREAS**, the outbreak is occurring because a large number of people residing in the affected zip codes have not been vaccinated against measles; and

**WHEREAS**, the only way to end the outbreak is to require that people residing, working or attending school in any of the affected zip codes be vaccinated against or otherwise have immunity against measles; and

**WHEREAS**, personal service or service pursuant to subdivisions (a) or (b) of §17-148 of the Administrative Code of the City of New York of orders requiring the abatement of such nuisances and conditions in effect dangerous to life and health upon each of the persons who, pursuant to the provisions of Title 17 of the Administrative Code of the City of New York, has a duty or liability to abate such nuisances and conditions, would result in a delay prejudicial to the public health, welfare, and safety; now, therefore, be it

**RESOLVED**, that the Board of Health hereby declares that an outbreak of measles is ongoing in the neighborhood of Williamsburg and that the outbreak poses a public nuisance because it is immediately dangerous to life and health; and be it further

**RESOLVED**, that the Board of Health hereby declares that any person who lives or works within the affected zip codes shall be vaccinated against measles unless such person can demonstrate immunity to the disease or document to the satisfaction of the Department that such person should be medically exempt from this requirement; and be it further.

**RESOLVED**, that the parent or guardian of any child six months of age or older who lives or attends school, preschool or child care within the affected zip codes and who has not received the MMR vaccine shall cause such child to be vaccinated against measles unless such parent or guardian can demonstrate that the child has immunity to the disease or document to the satisfaction of the Department that such child should be medically exempt from this requirement; and be it further

**RESOLVED**, that any person required by this declaration to be immunized against measles, or any parent or guardian required by it to immunize his or her child, shall be violating this order and be subject to the fines authorized by applicable law, rule and regulations each day that he, she, or such child continues to reside, work or attend school, preschool or child care in any of the affected zip codes without having been vaccinated against measles until such time that this outbreak is declared to be over by the Commissioner of the Department of Health and Mental Hygiene.

**RESOLVED** further, that this resolution shall take effect immediately and publication shall be in accordance with New York City Administrative Code §17-148.

(As adopted by the Board of Health on April 17, 2019)

Summons Issued to  
Plaintiff-Petitioner  
Baila Klein (Hauer)



**SUMMONS NUMBER: 30216-19L0****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION:** Disease Control **BUREAU:** Immunization**AGENCY ADDRESS AND PHONE NUMBER:** 42-09 28<sup>th</sup> Street, Long Island City, NY 11101 **Phone:** 347-396-7998**RESPONDENT:** Baila Hauer **ID NUMBER:** 50092097**ADDRESS:** 201 HOOPER ST, Brooklyn NY 11211**PHONE:** \_\_\_\_\_**DATE AND TIME OF OCCURRENCE:** May 1, 2019, 11:35 AM **BOROUGH:** Brooklyn**PLACE OF OCCURRENCE:** 201 HOOPER ST, Brooklyn NY 11211

The respondent is summoned to appear and respond to the details of violation(s) stated below.

**HEARING DATE: June 12, 2019 AT: 10:00 AM****\*\* RESPONDENT MUST APPEAR IN PERSON \*\*****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**☐ Manhattan☐ Staten Island☐ Bronx☐ Queens☒ Brooklyn

66 John Street

350 St. Marks Place

3030 Third Avenue 31-00 47<sup>th</sup> Avenue

9 Bond Street

10<sup>th</sup> & 11<sup>th</sup> Floor

Main Floor

Room 250

3<sup>rd</sup> & 4<sup>th</sup> Floor6<sup>th</sup> & 7<sup>th</sup> Floor

New York, NY 10038

Staten Island, NY 10301

Bronx, NY 10455

Long Island City, NY 11435

Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE OR ATTACHED.****REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.**

WARNING: If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.

**Details of Violation(s)**

#	Code Section	Violation Description
1	NYC HC 3.05	In response to the active measles outbreak in certain parts of Brooklyn, the NYC Commissioner of Health declared a public health emergency on April 9, 2019 and published a Commissioner's Order ("Order") pursuant to Article 3 of the NYC Health Code ordering all persons who live, work or attend school within ZIP codes 11205, 11206, 11211 and 11249 to be vaccinated against measles within forty eight hours of the Order. On April 17, 2019, the NYC Board of Health unanimously approved a Resolution ("Resolution") continuing the public health emergency and requirement that all persons living, working or attending school in these affected ZIP codes be vaccinated against measles. The Resolution further provides that any person who is not vaccinated, or the parent and/or guardian of a child who is not vaccinated, shall be fined unless they demonstrate proof of immunity or that immunization is not medically appropriate. A copy of the Order and Resolution are attached to this Summons for reference. A review of Department records shows that Respondent's child, Z.K., who is at least six months old, lives at 201 HOOPER ST, Brooklyn NY 11211, which is located in one of the affected zip codes listed in the Order. On May 1, 2019, a review of the Department's Central Immunization Registry, which collects immunization records for all children receiving vaccines in NYC and is required to be updated by medical providers, found that child Z.K. has no record of measles immunization. Respondent has failed to vaccinate child Z.K. or otherwise submit acceptable proof of immunity in violation of the Order.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Torian Easterling****05/02/2019****Print Name****Signature****ID****Date**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Print Name****Signature****Title****Date:**



The agency named on the front of this Summons has alleged that you committed the described violation or violations. Note: If the charge on the front of the Summons states you MUST APPEAR IN PERSON, then you or an authorized representative must attend the hearing in person. See the front of this Summons for the date, time and location of your hearing. In some cases, the agency may offer you the chance to enter into a stipulation or settlement agreement. If you are eligible, the agency will send you a letter in the mail. To accept the stipulation or settlement, follow the instructions in the letter.

If a stipulation or settlement is offered to you and you do not accept it, the independent NYC Office of Administrative Trials and Hearings will hear and decide your case. If you do not accept the settlement or show up for your hearing, a default judgment may be entered against you and additional penalties may be imposed.

If your case is NOT marked "MUST APPEAR IN PERSON," you may deny the charges or their severity by presenting a defense online, by phone or by mail.

- Online: To submit a defense online, visit [www.nyc.gov/oath](http://www.nyc.gov/oath).
- Phone: To schedule a hearing by phone, call (212) 436-0817.
- Mail: To submit a defense by mail, send a signed statement of facts that must say, "My signature in this statement certifies that all facts in it are true," with all documents you wish to have considered to: OATH Mail Unit, 66 John Street, 10th Floor, New York, NY 10038.

To present a defense in person:

- You or an authorized representative must appear in person on the hearing date at the time and location on the front of this Summons.
- If no location is listed or checked off, you may appear at any OATH Hearings Center on the date and time indicated on this Summons (see locations below).
- Please be fully prepared for a hearing at that time by bringing this Summons and all of your evidence with you.
- If you require assistance with English, free language assistance will be provided.

Reasonable Accommodation: If you have a disability and require a reasonable accommodation on the day of your hearing, call the phone number listed below.

Note: YOU HAVE THE RIGHT TO BE INFORMED OF THE MAXIMUM PENALTY. Pursuant to the New York City Health Code, §3.11, a penalty of not less than \$200 and not more than \$2000 may be imposed for each Health Code violation. For non-NYCHC violations please see the cited statute/regulation for maximum penalties. The penalty for certain violations may be found in regulations available at [nyc.gov/health](http://nyc.gov/health). Higher penalties may be imposed for each repeated violation up to the maximum penalty allowed by law or regulation.

#### OATH HEARINGS CENTERS

Tel: 1-844-OATH-NYC (1-844-628-4692) [www.nyc.gov/oath](http://www.nyc.gov/oath)

Manhattan: 66 John Street, 10th & 11th Floors, New York, NY 10038

Brooklyn: 9 Bond Street, 7th Floor, Brooklyn, NY 11201

Queens: 31-00 47th Avenue, 3rd Floor, Long Island City, NY 11435

Bronx: 3030 Third Avenue, Room 250, Bronx, NY 10455

Staten Island: 350 St. Mark's Place, Main Floor, Staten Island, NY 10301



Summons Issued to  
Plaintiff-Petitioner  
Malky Roth-Tabak

**SUMMONS NUMBER: 30198-19L0****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE**

DIVISION: Disease Control BUREAU: Immunization

AGENCY ADDRESS AND PHONE NUMBER: 42-09 28<sup>th</sup> Street, Long Island City, NY 11101 Phone: 347-396-7998RESPONDENT: Malky Tabak ID NUMBER: 50091595

ADDRESS: 585 Marcy Avenue APT# 2E, Brooklyn, 11206

PHONE: \_\_\_\_\_

DATE AND TIME OF OCCURRENCE: April 21, 2019, 09:00 AM BOROUGH: Brooklyn

PLACE OF OCCURRENCE: 585 Marcy Avenue APT# 2E, Brooklyn, 11206

The respondent is summoned to appear and respond to the details of violation(s) stated below.

**HEARING DATE: June 6, 2019 AT 9:00 AM****\*\* RESPONDENT MUST APPEAR IN PERSON \*\*****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**

Manhattan	Staten Island	Bronx	Queens	<b>XX</b> Brooklyn
66 John Street	350 St. Marks Place	3030 Third Avenue	31-00 47 <sup>th</sup> Avenue	9 Bond Street
10 <sup>th</sup> & 11 <sup>th</sup> Floor	Main Floor	Room 250	3 <sup>rd</sup> & 4 <sup>th</sup> Floor	6 <sup>th</sup> & 7 <sup>th</sup> Floor
New York, NY 10038	Staten Island, NY 10301	Bronx, NY 10455	Long Island City, NY 11435	Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE OR ATTACHED.****REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.**

WARNING: If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.

**Details of Violation(s)**

#	Code Section	Violation Description
1	NYC HC 3.05	In response to the active measles outbreak in certain parts of Brooklyn, the NYC Commissioner of Health declared a public health emergency on April 9, 2019 and published a Commissioner's Order ("Order") pursuant to Article 3 of the NYC Health Code ordering all persons who live, work or attend school within ZIP codes 11205, 11206, 11211 and 11249 to be vaccinated against measles within forty eight hours of the Order. On April 17, 2019, the NYC Board of Health unanimously approved a Resolution ("Resolution") continuing the public health emergency and requirement that all persons living, working or attending school in these affected ZIP codes be vaccinated against measles. The Resolution further provides that any person who is not vaccinated, or the parent and/or guardian of a child who is not vaccinated, shall be fined unless they demonstrate proof of immunity or that immunization is not medically appropriate. A copy of the Order and Resolution are attached to this Summons for reference. A review of Department records shows that Respondent's child, C.R., who is at least six months old, lives at: 585 Marcy Avenue APT# 2E, Brooklyn, 11206, which is located in one of the affected zip codes listed in the Order. On April 21, 2019, a review of the Department's Central Immunization Registry, which collects immunization records for all children receiving vaccines in NYC and is required to be updated by medical providers, found that child C.R. has no record of measles immunization. Respondent has failed to vaccinate child C.R. or otherwise submit acceptable proof of immunity in violation of the Order.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice.

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.

Deborah Kaplan

Print Name

Signature

ID

Date

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.  
Received by: