



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

**ZACHARY W. CARTER**  
*Corporation Counsel*

100 CHURCH STREET  
NEW YORK, NY 10007

**BRIAN T. HORAN**  
*Senior Counsel*  
Affirmative Litigation Division  
212.356.2297  
bhoran@law.nyc.gov

January 2, 2019

**Via Email and Overnight Mail**

Mr. Adam Shapiro  
Ballyhoo Media, Inc.  
1111 Brickell Bay Dr., Suite 2302  
Miami, FL 33131  
adam@ballyhooboats.com

Dear Mr. Shapiro:

This office represents the City of New York in connection with the enforcement of laws governing the display of advertising signs on a vessel operated by Ballyhoo Media, Inc. We understand that Ballyhoo began operating in the New York City market within the last several months.

Advertising signage in New York City is regulated by numerous provisions of the NYC Administrative Code, Zoning Resolution, and other laws. Among other things, these prohibit the display of an advertising sign on any vessel in a waterway adjacent to a residential, commercial, or manufacturing district and within view of an arterial highway. Zoning Resolution §§ 22-35, 32-662, 42-551. The City's arterial highways are listed in Appendix H to the Zoning Resolution and include, for example, the Joe DiMaggio Highway (*i.e.*, the West Side Highway), the FDR Drive, and the Belt Parkway.<sup>1</sup>

Any violation of these Zoning Resolution provisions is a misdemeanor and is subject to, among other things, criminal fines and civil penalties. Ad. Code §§ 28-202.1 to 28-203.2; Rules of the City of New York, title 1 § 102-01(b). Civil penalties alone can be as high as \$25,000 per violation, per day. Ad. Code §§ 28-202.1, 28-202.2.

---

<sup>1</sup> The full text of the Zoning Resolution is available at <https://perma.cc/D83A-VLHR>. The City's zoning maps are available at <https://perma.cc/DL2C-DWTK>.

There is sufficient cause to believe that Ballyhoo's operations in New York City violate the Zoning Resolution. Therefore, we are writing to provide Ballyhoo with an opportunity to demonstrate, no later than January 16, 2019, how it intends to comply. We suggest that until such compliance has been confirmed by the City, Ballyhoo not enter into any contract with an advertising agency or other client that would, if performed, result in a violation of the Zoning Resolution or other law.

We look forward to receiving your response by January 16. In the meantime, please do not hesitate to contact, or have your lawyer contact, the undersigned counsel with any questions.

Very truly yours,

ZACHARY W. CARTER  
Corporation Counsel of the City of New York

By:



Brian T. Horan  
Assistant Corporation Counsel