

DOB ISSUES MONTHLY ENFORCEMENT BULLETIN

Report Highlights DOB Enforcement Outcomes from January 2019 to Deter Bad Actors and Keep New Yorkers Safe

New York, NY – Today, the New York City Department of Buildings released its January 2019 enforcement bulletin, which provides highlights of the agency’s actions to sanction and deter bad actors in the construction industry through the enforcement of safety laws and codes of conduct for construction professionals. Today’s bulletin includes summaries of DOB-imposed disciplinary actions, including penalties and license suspensions and revocations.

The actions below represent a portion of DOB’s overall work to enforce the City’s building codes and safety laws, in addition to the thousands of inspections conducted and violations issued by the agency each month for illegal building and construction conditions.

DOB took a number of major enforcement actions in January, including:

- 10 violations and \$140,687 in penalties, including daily penalties, issued for illegal building alterations on three separate occasions.
- 40 violations and \$374,154 in penalties, including daily penalties, issued for illegal transient use of buildings at eight different locations.
- 33 violations and \$375,000 in penalties issued for failure to safeguard construction sites on 31 separate occasions.
- Eight violations and \$95,000 in penalties issued to eight different individuals for failure to carry out duties as construction superintendents.

Below are individual enforcement highlights for January 2019:

- \$66,250 in total penalties issued to 138 Blossom Inc., the owner of 134-34 Blossom Avenue, Queens, for illegal transient use violations. DOB found multiple short term rentals at this address, including some that were advertised online, and that three floors of the four-story building were occupied by tenants without long-term leases.
- \$35,000 in total penalties issued to property owner CF Smith LLC for violations after DOB found a sidewalk shed at 595 Smith Street, Brooklyn that was found to be in disrepair and leaning into the street, with missing shed panels, for several months.

- \$30,000 in penalties issued to Tracking Number Holder KJE Construction Services for several violations related to dangerous excavation work near an occupied building at 133-20 Rockaway Boulevard, Queens. The work was performed without first notifying the Department and caused cracks to the building underpinning of a neighboring Dunkin Donuts, as well as other hazardous conditions. The excavation work caused structural damage to the building, and led to a DOB Full Vacate Order issued in the interest of public safety.
- \$15,000 in total penalties to Registered General Contractor NY Developers & Management LLC, for various violations related to operating a hoist in an unsafe manner and without a required certificate of onsite inspection, at a construction site at 31 Ainslie Street, Brooklyn. The hoist machine was being used to bring construction material to the top of a building without properly supported outriggers, which could have led to the machine tipping over.
- \$12,500 in total penalties to Tracking Number Holder CJS Industries for violations issued at a construction site at 41 West 45th Street, Manhattan. The violations were for not having the required site safety supervisor on site, after DOB observed an open shaft way at the roof of a building without the proper controlled access zone to prevent a person from falling into it.
- \$11,600 in total penalties issued to Golden Elevator Co. after DOB inspectors observed a basement hoist way door that was not properly secured causing dangerous conditions, as well as illegal work performed without a DOB permit, at 555 West 173rd Street, Manhattan.
- \$25,000 in penalties issued to Construction Superintendent Frank Deblanco for failure to perform his required duties on a construction site at 42 Sharron Street, Brooklyn, after DOB observed a 40-foot wall at the site without proper bracing or support, causing it to be in danger of collapse.
- \$10,000 in penalties issued to Construction Superintendent Michael J. O'Hare for failure to perform his required duties on a construction site at 555 West End Avenue, Manhattan, which resulted in several unsafe conditions at the site including lacking proper guard rails, a scaffold that was not fully planked, an unsafe makeshift platform that was constructed in a stairway, and missing handrails.
- \$54,100 in total penalties issued to Rubin Pinero, owner of 4141 East 180th Street, Bronx, after DOB observed several violations at the building, including work without a permit related to the illegal alteration of the legal two-family home into an illegal four-family dwelling, with the addition of two Single Room Occupancies (SROs) on the second floor, and illegal occupancy of the cellar as sleeping quarters.
- \$23,500 in total penalties issued to 321-3 West 47th Street Assoc., L.P., owner of 321 West 47th Street, Manhattan, for the illegal transient use of three apartment units occupied as illegal Airbnbs.

- \$5,000 in penalties issued to Forest City Jay Street Assoc., owner of 1 Metrotech Center, Brooklyn, for a privately owned public space (POPS) with missing amenities and signage that failed to state the POPS is “open to the public.”
- \$8,750 in penalties issued to Michael A. Grecco, owner of 1984 Richmond Road, Staten Island, for the illegal conversion of a two-family house into a doctor’s office. The illegal conversion was discovered after a car crashed into the building, and DOB was called to respond to the incident.
- \$6,250 in penalties issued to 495 Flatbush Ave, the owners of 495 Flatbush Avenue, Brooklyn, for occupying an altered building without a valid Certificate of Occupancy. The building was being occupied by a Planet Fitness.
- \$3,125 in penalties issued to 1115 Jerome LLC, the owners of 1115 Jerome Avenue, Bronx, for the illegal conversion of one of the rooms in the sub-cellar of the apartment building into a commercial dry cleaner and tailor establishment.
- \$2,500 in penalties issued to Registered General Contractor CM & Associates Construction at 301 East 80th Street, Manhattan. DOB inspectors found a worker inside of an 8-foot-deep trench with no means of getting out of the trench. The worker was later able to get out of the hole after his coworkers retrieved a ladder.
- Following an investigation into special inspection practices of Professional Engineer Kenneth Thomas, he was found to have knowingly submitted false and misleading statements, including assuming responsibility and signing off on welding and bolting inspections without possessing the proper qualifications. On January 30, 2019 the Commissioner issued an order revoking all of Mr. Thomas’ filing privileges with the Department.
- Following an audit of professionally certified applications submitted by Professional Engineer Norman Lok, the Department found multiple code non-compliances, including proposing work to add a second floor to a one-story dwelling under an Alteration Type 2 application, when such work requires an Alteration Type 1 application for a new or amended Certificate of Occupancy. Mr. Lok voluntarily surrendered Professional Certification and Directive 14 privileges effective January 15, 2019.
- Following an audit of professionally certified applications submitted by Registered Architect Michael Avramides, the Department found multiple code non-compliances, including an Alteration Type 2, Directive 14 application proposing a major change in egress, when such work requires an Alteration Type 1 application. Mr. Avramides surrendered his Professional Certification and Directive 14 privileges effective January 2, 2019.

- Registered General Contractor and Construction Superintendent Chaim Fuchs was disciplined by the Department for having a high number of ECB violations, and agreed to pay a fine of \$10,000; have his general contractor license put on probation for three years; have his construction superintendent license suspended for one year; and be put on probation for one year following the suspension.
- The owner of 135-36 Centerville Street, Queens, was cited for illegal use as a public parking lot for dead and commercial vehicle storage. Prior to a hearing scheduled with OATH, the owner submitted evidence that the illegal use had been discontinued due to Department actions. The Department will re-inspect the premises for compliance.



- The owner of 241 Lake Street, Brooklyn, was cited for illegal use as a contractor's storage yard. Prior to the hearing scheduled with OATH, the owner submitted evidence that the illegal use had been discontinued due to Department actions. The Department re-inspect the premises for compliance.



For previously issued Enforcement Action Bulletins, please visit our [website](#).

