

DOB ISSUES MONTHLY ENFORCEMENT BULLETIN

Report Highlights DOB Enforcement Outcomes from January 2021 to Deter Bad Actors and Keep New Yorkers Safe

New York, NY — Today, the New York City Department of Buildings released its January 2021 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:

- 20 violations and \$307,625 in penalties, including daily penalties, issued for illegal building alterations at four locations.
- 42 violations and \$435,000 in penalties issued for failure to safeguard construction sites on 41 separate occasions.
- 18 violations and \$201,125 in penalties, including daily penalties, issued for illegal transient use at six separate locations.
- Nine violations and \$90,000 in penalties issued to nine different individuals for failure to carry out duties of construction superintendents.

Below are individual enforcement highlights for January 2021:

Bronx

- \$125,000 in total penalties, including daily penalties, issued to Goolcharron Vishnurat, the owner of 1258 Noble Avenue, Bronx, for illegal alterations to a legal 4-family residential building which had been converted into an 9-family with the addition of single room occupancy (SRO) units in the cellar and throughout the building. DOB inspectors also found illegal electrical wiring and illegal gas plumbing work had been performed in the building without DOB permits.
- \$60,000 in total penalties, including daily penalties, issued to Marcy Place Corp., owners of 130 Marcy Place, Bronx, for illegal alterations after a DOB

investigation found that three single room occupancy (SRO) units had been added in the cellar of the 6-story building, which contains 48 legal dwellings.

- \$10,000 in penalties issued to Hoist Machine Operator Michael Chichester after our inspectors observed that he was operating a crane and erecting steel 120 feet high at a work site at 1074 Washington Avenue, Bronx, while on his cell phone.
- \$10,000 in total penalties issued to Professional Engineer Shahin Badaly for filing a false statement in a special report after a collapse at a work site at 246 Echo Place, Bronx. A DOB investigation revealed site conditions did not conform to the information in the special reports, and drawings and repairs at the site were not complete as claimed in the reports.
- \$6,250 in penalties issued to Baychester Retail LLC, owners of 500 Baychester Avenue, Bronx, for failure to maintain the site after a 90-foot high monopole with a wind turbine collapsed and fell to the ground, hitting a sign and several parked vehicles.
- \$6,250 in penalties issued to 1429 Prospect LLC, owners of 1429 Prospect Avenue, Bronx, for failure to maintain the property after a DOB inspection found the exterior walls of the 6-story multiple dwelling building had cracks, missing stucco and missing bricks.

Brooklyn

- \$20,000 in total penalties issued to Safety Registrant Chateau GC LLC., for multiple violations at a construction site at 40 Debevoise Street, Brooklyn, after a DOB inspection found a supported scaffold greater than 40 feet was erected without a permit. Additional violations were issued for failure to maintain the supported scaffold, not holding a pre-shift safety meeting, having a defective sidewalk fence, and for failure to safeguard the work site.
- \$17,500 in total penalties issued to General Contractor Madison Rosa for failure to safeguard a renovation construction site at 83 De Sales Place, Brooklyn, after DOB inspectors found work being performed that was not according to the approved plans, improperly installed structural supports, and fall hazards at the site that were not properly secured.
- \$15,000 in total penalties issued to General Contractor Record 13 Construction for failure to safeguard a work site at 76 South 2nd Street, Brooklyn. Additional penalties were issued for failure to report an accident and failure to safely underpin the adjoining property.
- \$10,000 in penalties issued to Tracking Number Holder Ardsley Construction Serv for failure to safeguard a work site at 396 South 2nd Street, Brooklyn, after

DOB inspectors found an open and unguarded elevator shaft from the 1st to 4th story of the 5-story building, and no workers on site.

- \$10,000 in penalties issued to Construction Superintendent Robert Gecevic for failing to perform his duties, and to Safety Registrant Lakewood Group Corp for conducting demolition out of sequence at a construction site at 635 Fulton Street, Brooklyn. A DOB inspection of the site found workers not following proper sequence, demolishing lower levels of a building before the upper levels. The inspectors also found workers throwing out debris through a hole in the wall.
- \$20,000 in total penalties issued to General Contractor Oreo Services Inc. after a DOB inspection revealed they were working with expired disability and general insurance, as well as multiple safety violations at a construction site at 140 Bay 22nd Street, Brooklyn. Violations were issued for footing not on solid ground, metal not connected per manufacturer's instructions, a mechanical lift at the site with no road barriers, and guard rails lacking throughout the construction site.
- \$5,000 in penalties issued to General Contractor E&M Builders Group Corp. for failure to obey the Mayor's Executive Order relating to mandatory COVID-19 safety guidelines for construction sites. A DOB inspection of the work site at 79 Truxton Street, Brooklyn, found no close contact log, no cleaning log, and no posted COVID-19 signage, all of which are required.
- \$20,000 in penalties issued to Outfront Media and Circle Service 2 Corp. for displaying an outdoor sign without a permit and for illegally extending a nonconforming use by adding lettering to the top of a registered sign at 605 65th Street, Brooklyn. The lettering was removed prior to the first hearing.



Manhattan

- \$60,000 in total penalties, including daily penalties, issued to 442-10 Owner LLC, owners of 442 10th Avenue, Manhattan, for illegal transient use after an investigation found that the second-floor apartment was occupied by four transient guests booked through Airbnb, and the owner was not present.

- \$26,750 in total penalties, including daily penalties, issued to 310 East 55 Street Tenants Corp., owners of 310 East 55th Street, Manhattan, for illegal transient use, after an investigation found seven transient guests from Brazil at the location, and the building had no fire alarm system. Violations were also issued for work without a permit after it was determined that two apartments in the building had been illegally combined without DOB approval.
- \$15,000 in total penalties issued to Over the Top Lifting, for operating a crane without a Hoist Machine Operator license at a work site at 247 West 28th Street, Manhattan. Additional violations were issued for operating a crane in an unsafe manner, without a certificate of operation, and for inappropriately using an articulating boom crane to demolish a billboard sign.
- \$10,000 in penalties issued to Safety Registrant Xhema of NY Inc. for failure to safeguard a work site after a DOB investigation found that the excavation site at 85 Jane Street, Manhattan, caused water and soil filtration into two adjacent buildings.
- \$12,500 in penalties issued to General Contractor Happy Home Construction Co. for failure to provide adequate weatherproofing for the adjoining building at two different exposures at a work site at 316 Pleasant Avenue, Manhattan.
- \$5,000 in penalties issued to General Contractor Shannon Contracting LLC for failure to obey the Mayor's Executive Order relating to COVID-19 safety guidelines for construction sites. A DOB inspection found six workers on a work site at 430 East 14th Street, Manhattan, contrary to the approved certificate of authorization which stated only one worker was allowed at the site.
- \$24,000 in total penalties issued to 88-94 St. Nicholas Place Realty for failure to comply with an issued DOB Vacate Order, after a DOB inspection found the location, 425 Edgecombe Avenue, Manhattan, being used as parking lot, car wash, and for storage of pipe scaffolding.
- \$10,000 in total penalties issued to Mount Sinai Hospital for indicating an unsafe façade condition in a required FISP filing for 5 East 98th Street, Manhattan, and not immediately implementing pedestrian protection measures, such as a sidewalk shed.

Queens

- \$13,750 in total penalties issued to 888 Management LLC for violating an active DOB Stop Work Order that was initially issued in March 2017 at 86-18 58th Avenue, Queens. Violations were issued after DOB inspectors found workers performing illegal construction work without a permit at the first three floors of the property, including performing framing and plumbing work.

- \$7,400 in penalties issued to Alex Lee for displaying two accessory outdoor signs without permits or the required UL decal at 59-41 Maurice Avenue, Queens and for failing to have a licensed sign hanger erect or attach the signs.



Construction and Design Professionals

- Following an audit of six professionally certified applications submitted by Registered Architect Daniel Henkel, the Department found major code non-compliances, including filing Alteration Type 2 applications, despite proposing changes in use, egress and/or occupancy, which require Alteration Type 1 applications for a new or amended Certificate of Occupancy, and proposing Physical Culture Establishments without obtaining the required Special Permit from the Board of Standards and Appeals. Based on the audits, Mr. Henkel agreed to a voluntary surrender of his Professional Certification and Directive 14 privileges, effective January 29, 2021.
- Following an audit of seven professionally certified applications submitted by Professional Engineer Martin Rosario, the Department found major code non-compliances, including filing Alteration Type 2 applications despite proposing changes in use, egress and/or occupancy, which require Alteration Type 1 applications for a new or amended Certificate of Occupancy; failure to provide fire separation; failure to provide adequate means of egress; failure to provide accessibility for persons with disabilities; and various other violations of code and rules. Mr. Rosario agreed to a voluntary surrender of his Professional Certification and Directive 14 privileges, effective January 31, 2021.
- Construction Superintendent Marie Grasso's license was revoked on January 7, 2021, after it was determined that she had violated the terms of a previously imposed probation term that was agreed to in a stipulation signed in March 2018.
- Construction Superintendent Jasmin Feratovic agreed to surrender his license, following a DOB investigation of a roof collapse that occurred at a site for which he was the permit holder, and also due to his accrual of a high number of OATH

summonses. The surrender of his Construction Superintendent license was effective on January 20, 2021.

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

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