

## **DOB ISSUES MONTHLY ENFORCEMENT BULLETIN**

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

**New York, NY** – Today, the New York City Department of Buildings released its May 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 May, including:

- 43 violations and \$490,000 in penalties issued for failure to safeguard construction sites on 39 separate occasions.
- 11 violations and \$316,875 in penalties, including daily penalties, issued for illegal building alterations at two locations.
- Nine violations and \$45,125 in penalties, including daily penalties, issued for illegal transient use at two locations.
- 12 violations and \$120,000 in penalties issued to 12 different individuals for failure to carry out duties of construction superintendents.

Below are individual enforcement highlights for May 2021:

### **Brooklyn**

- \$35,000 in total penalties issued to property owner Victory Holding Corporation after DOB inspectors found construction work ongoing inside of an occupied three-story building at 388 Fifth Avenue, Brooklyn, without permits. DOB inspectors found that the third floor had been undergoing interior demolition, and they had begun work to construct a fourth floor. It was also determined that gas plumbing and electrical wiring work had been performed without permits, fire stopping materials had been removed from the rafters, the site was missing pedestrian protection measures, and there was no tenant protection plan in place.

- \$25,000 in penalties issued to Rutland Road Houses Inc., the owners of 5 East 93rd Street, Brooklyn, after DOB inspectors found that they had failed to implement required pedestrian protection measures after unsafe façade conditions were documented at the building.
- \$20,000 in total penalties issued to General Contractor Omni Build, Inc. after DOB inspectors found two adjacent work sites at 85 and 87 Herkimer Street, Brooklyn, that did not have adequate pedestrian protection measures in place.
- \$17,500 in total penalties issued to General Contractor Monadnock Construction after a worker was injured in a fall from the bulkhead of a construction site at 1117 Ashford Street, Brooklyn. It was determined that there was no fall arrest system being used by the worker, the roof was missing guardrails, and the pre-shift safety meeting for workers the day of the incident was inadequate.
- \$11,600 in total penalties issued to Yoel Eigele Trust, the owners of 163 Rutledge Street, for illegal construction work performed without a permit. DOB inspectors found that concrete balconies, exterior work on the building façade, plumbing work and electrical wiring had all been performed without DOB permits, and contrary to a previously issued DOB Stop Work Order.
- \$10,000 in total penalties issued to General Contractor Ameristar Construction LLC for multiple site safety violations at two adjacent construction sites at 51 and 55 Sheffield Avenue, Brooklyn. Violating conditions include missing netting on multiple floors, missing guardrails and failure to have an elevator or construction hoist in a state of readiness for work at the sites above 75 feet, as required by the Code.
- \$6,250 in penalties issued to 189 Court Realty LLC, the owners of 6 Bergen Street, Brooklyn, for failure to maintain the exterior walls of the building.
- \$5,000 in penalties issued to Nasrin Bithi, the owner of 515 Crescent Street, Brooklyn, after DOB inspectors found a boiler and hot water heater in the building had been installed without permits. In addition, the flue pipe for the hot water heater was not properly connected to a chimney, and there were open uncapped gas lines in the building.
- The owners of 118 Battery Avenue, Brooklyn, were cited for using the premises as an illegal mail center, drug store, and packing/crating establishment. Prior to a hearing scheduled at OATH, the owners and occupants entered into a stipulation with the Department, agreeing to discontinue the illegal use. DOB will be monitoring the property to ensure compliance with this stipulation.



## Bronx

- The owners of 2462 Frisby Avenue, Bronx, were cited for using the premises as an illegal parking lot and for dead vehicle storage. Following an OATH hearing resulting in a favorable Report & Recommendation, an Order of Closure was posted at both properties. The gates to the lot will be padlocked if the illegal use is not discontinued.



## Manhattan

- \$15,000 in total penalties issued to Safety Registrant Moncon Inc. after a construction worker was injured in a fall on a working deck at the 10<sup>th</sup> floor of a construction site at 200 East 34<sup>th</sup> Street. The respondent was issued violations for failure to safeguard the work site, failure to notify DOB of a worker injury, and tampering with an incident scene.
- \$10,000 in penalties issued to Safety Registrant Turner Construction Corp. after a worker was injured at a construction site at 509 West 34<sup>th</sup> Street, Manhattan. It was

determined that the safety standards were not properly maintained at the site, including reshores that were not properly secured to the ceiling.

- \$10,000 in penalties issued to 835 Avenue of the Americas Condominium, the owners of 105 West 29th Street, Manhattan, for a zoning violation due to a Privately Owned Public Space (POPS) that was found to be improperly maintained per the discretionary zoning agreement. The public plaza at the location was improperly closed-in with a 12-foot high fence.
- \$6,250 in penalties issued to 75 St. Nicholas Place LLC, the owners of 75 St. Nicholas Place, Manhattan, for gas plumbing work in the building performed without a DOB permit. The owners had a work permit for the removal of gas piping in the building, but DOB inspectors also found newly installed gas piping and valves that went beyond the scope of the issued permit.
- \$51,250 in penalties imposed against Midtown Properties LLC and Lamar Advertising of Penn LLC, for displaying three illegal advertising signs without permits at 700 West 125th Street, Manhattan.



## Queens

- \$105,000 in total penalties issued to 9423 Cornerstone Inc., the owners of 9423 40<sup>th</sup> Road, Queens, for multiple violations after DOB inspectors found that the three-family house had been illegally converted with five Single Room Occupancy (SRO) units in the cellar, one SRO on the first floor, and one SRO on the second floor.

- \$15,000 in total penalties issued to Safety Registrant Superb Construction Mgt. for multiple site safety violations at a construction site at 61-56 56<sup>th</sup> Drive, Queens. DOB inspectors found that the work site was missing handrails on the staircases, missing guardrails near leading edges, inadequate egress routes for workers, no fire extinguishers on site, and inadequate housekeeping.
- \$15,000 in total penalties issued to Safety Registrant Ray Builders, Inc. after a worker fell off of a baker scaffold at a construction site at 32-20 Steinway Street, Queens. DOB inspectors also observed that exterior work was being performed at the site without required overhead protection measures in place.
- \$5,000 in penalties issued to Licensed Master Plumber Top Dog Plumbing and Heating, after DOB inspectors found three workers replacing pipes at 210-19 Richland Avenue, Queens, who were not employed by the Master Plumber.
- The owners of 107-07 and 107-11 Fern Avenue, Queens, were cited for using the premises as an illegal parking lot and junk storage. Following an OATH hearing resulting in a favorable Report & Recommendation, an Order of Closure was posted at both properties. The gates to the lot will be padlocked if the illegal use is not discontinued.



- The owners of 241-04 131 Avenue, Queens, were cited for using the premises for illegal junk and dead vehicle storage. Following an OATH hearing resulting in a favorable Report & Recommendation, an Order of Closure was posted at the property. The gates to the lot will be padlocked if the illegal use is not discontinued.



- The owners of 86-86 Midland Parkway, Queens, were cited for using the premises as an illegal contractor's yard, dead vehicle storage and junk storage establishment. Prior to a hearing scheduled at OATH, the owners and occupants entered into a stipulation with the Department, agreeing to discontinue the illegal use. A recent inspection of the property had found that that the illegal use had been discontinued. DOB will be monitoring the property to ensure continued compliance with this stipulation.



- The owners of 227-24 114 Road, Queens, were cited for using the premises as an auto repair, dead vehicle storage, and junk storage establishment. Prior to a hearing scheduled at OATH, the owners and occupants entered into a stipulation with the Department, agreeing to discontinue the illegal use. A recent inspection of the property had found that that the illegal use had been discontinued. DOB will be monitoring the property to ensure continued compliance with this stipulation.



## Staten Island

- The owners of 90 Roma Avenue, Staten Island, were cited for using the premises for illegal dead vehicle storage. Prior to a hearing scheduled at OATH, the owners and provided evidence that the illegal use had been discontinued. A recent inspection of the property confirmed that the dead vehicles had been removed from the property. DOB will be monitoring the property to ensure continued compliance.



## Construction and Design Professionals

- Following an audit of nine professionally certified applications submitted by Professional Engineer Malcolm Barkan, the Department found major non-compliance issues, including filing an Alteration Type 2 application despite proposing changes in use and/or occupancy, which require an Alteration Type 1 application for a new or amended Certificate of Occupancy; failure to provide adequate fire rated materials; failure to provide adequate means of egress; failure to provide support of an excavation deeper than 5 feet; failure to provide adequate light, air and ventilation; increasing the degree of zoning non-compliance; and various other violations of Codes and rules. Based on these audits, DOB offered a

voluntary surrender of Professional Certification and Directive 14 privileges to which Mr. Barkan agreed and signed on May 4, 2021.

- Following an audit of eight professionally certified applications submitted by Registered Architect Ling Li, the Department found major non-compliance issues, including filing an Alteration Type 2 application despite proposing changes in use and/or occupancy, which require an Alteration Type 1 application for a new or amended Certificate of Occupancy; failure to provide adequate fire rated materials; failure to provide adequate means of egress; failure to provide accessibility for persons with disabilities; failure to provide an automatic sprinkler system; increasing the degree of Zoning non-compliance; failure to provide adequate light, air and ventilation; and various other violations of code and rules. Based on these audits, DOB offered a voluntary surrender of Professional Certification and Directive 14 privileges to which Ms. Li agreed and signed on May 20, 2021.
- Following an audit of six professionally certified applications submitted by Registered Architect Kyu Ho Lee, the Department found major non-compliance issues, including filing an Alteration Type 2 application despite proposing changes in use and/or occupancy, which require an Alteration Type 1 application for a new or amended Certificate of Occupancy, failure to provide adequate means of egress; failure to provide accessibility for persons with disabilities; failure to provide fire separation; and various other violations of code and rules. Based on these audits, DOB offered a voluntary surrender of Professional Certification and Directive 14 privileges to which Mr. Ho Lee agreed and signed on May 25, 2021.
- Following an audit of five professionally certified applications submitted by Professional Engineer Xiong Wei Wu, the Department found major non-compliance issues, including filing an Alteration Type 2 application despite proposing changes in use and/or occupancy, which require an Alteration Type 1 application for a new or amended Certificate of Occupancy; failure to provide an automatic sprinkler system; failure to provide adequate means of egress; and various other violations of code and rules. Based on these audits, DOB offered a voluntary surrender of Professional Certification and Directive 14 privileges to which Mr. Xiong agreed and signed on May 31, 2021.
- Licensed Master Electrician Cesar Tipian voluntarily surrendered his electrician's license on May 10, 2021, after a fatal electrocution at a work site where Mr. Tipian held a permit to perform electrical work. It was determined that a worker who was not on Mr. Tipian's payroll was performing electrical wiring work when he was fatally electrocuted. The Electrical Code requires that all persons performing electrical work be working under the direct and continuing supervision of the permit holder, which means that all workers be in the permit holder's direct employ.

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

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