

DOB ISSUES MONTHLY ENFORCEMENT BULLETIN

Report Highlights DOB Enforcement Outcomes from July 2020 to Deter Bad Actors and Keep New Yorkers Safe

New York, NY — Today, the New York City Department of Buildings released its July 2020 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 July, including:

- 11 violations and \$238,000 in penalties, including daily penalties, issued for illegal building alterations at two separate locations.
- 12 violations and \$120,000 in penalties issued for failure to safeguard construction sites on 12 separate occasions.
- Six violations and \$60,000 in penalties issued to five different individuals for failure to carry out duties of construction superintendents.

Below are individual enforcement highlights for July 2020:

Brooklyn

- \$12,500 in total penalties issued to Safety Registrant Folor Inc., for failure to provide the correct size sidewalk shed for the protection of pedestrians, and for failure to provide design drawings to the Department for the sidewalk shed at the job site located at 557 East 31st Street, Brooklyn.
- \$2,500 in penalties issued to General Contractor New Empire Builder Corp., for failure to notify DOB prior to the commencement of construction work that requires a tenant protection plan at 265 4th Avenue, Brooklyn.
- \$5,000 in penalties issued to Safety Registrant Americon Construction Inc., for failing to officially notify DOB of an incident resulting in an injury at a construction

site at 4813 9th Avenue, Brooklyn. DOB inspectors were on site on January 16, 2020, investigating after a worker had particles fall into their eyes while installing a window earlier that day. The violation was issued to the Safety Registrant because they failed to submit an official incident report to the Department more than a month following the incident.

- \$10,000 in penalties issued to 2158 Ocean Avenue Condominium, owner of 2158 Ocean Avenue, Brooklyn, for failure to implement safety measures after being notified of a documented unsafe façade condition and not erecting a sidewalk shed.
- \$5,000 in penalties issued to BMIR Group LLC, for continuing to perform construction work at 1255 Decatur Street, Brooklyn, despite previously being issued a Stop Work Order by the Department.
- The owner of 1117 East 103 Street, Brooklyn, was cited for illegally using the premises for dead vehicle and junk storage. Prior to a hearing with OATH, a pre-hearing inspection revealed that the illegal use was discontinued, so the Notice of Petition was withdrawn. The premises will be monitored for continued compliance.



- The owner of 808 Glenmore Avenue, Brooklyn, was cited for illegally using the premises as a contractor's yard and for commercial vehicle storage. Subsequent to the issuance of an Order of Closure from the Department and the padlocking of the premises, the owner requested and was granted the padlock key to discontinue the illegal use. A compliance inspection revealed that the illegal use was discontinued so the Order of Closure was rescinded. The premises will be monitored for compliance.



Bronx

- \$6,250 in penalties issued to Cohen Jemal Partnership, the owners of 2450 Grand Concourse, Bronx, for failure to maintain the building, after Department inspectors observed that bricks had become dislodged from the façade and fell to the sidewalk below, and that additional bricks were missing above exterior wall lintels.

Manhattan

- \$17,250 in total penalties issued to Tracking Number Holder Kay Waterproofing Corp., for failure to designate a Site Safety Manager, failure to maintain safety logs and a failure to properly maintain the scaffolding at a construction site at 790 West End Avenue, Manhattan.
- \$5,000 in penalties issued to Safety Registrant Gilbane Residential Const. after DOB inspectors discovered a crane on a worksite at 525 West 122nd Street, Manhattan, with an expired Certificate of Operation (CD) for a type of crane requiring CD renewal every three months.
- \$10,000 in total penalties issued to Construction Superintendent Franco Caliendo after a DOB inspection found that there was no construction superintendent present and no logbooks at 1516 First Avenue and 1518 First Avenue, Manhattan, two separate but contiguous construction worksites where ongoing demolition work was taking place.
- \$20,000 in total penalties issued to Construction Superintendent Joel Kahan for not having a Construction Superintendent, no designated competent person, and no logbooks on site at 26 West 127th Street, Manhattan. DOB inspectors also found many dangerous conditions including three workers laying cement bricks, without required safety training cards.

- \$10,000 in penalties issued to Wallace Stratford Ctr., the owners of 135 East 57th 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. DOB inspectors found that the space was closed off with scaffolding, fencing, and netting, even though they didn't have any active issued work permits for façade work at the time of inspection.
- \$3,750 in total penalties issued to 460 Seventh Ave Associates LLC, the owners of 204 West 25th Street, Manhattan, after our inspectors observed unpermitted construction work that changed the legal use of the third floor to an adult physical culture establishment, contrary to zoning. A violation was also issued for the illegal occupancy of the third floor.

Queens

- \$10,000 in penalties issued to Construction Superintendent Ziad Ekwaneen AA Building & Inspection for failure to perform the duties of a Construction Superintendent, missing guard rails, missing handrails, missing fall protection, and not having a pre-shift meeting at the construction jobsite at 80-15 188th Street, Queens.
- \$10,000 in penalties issued to General Contractor US One Construction Inc. for failure to provide a sidewalk shed as required at a construction site at 154-19 Northern Boulevard, Queens.
- \$4,800 in penalties issued to Lin Bao for falsely representing himself as a licensed electrician on a construction worksite located at 435 Beach 43rd Street, Queens. The respondent had business cards advertising his services as a Licensed Electrician.
- \$5,000 in penalties issued to Rafael Iskhakov for failure to comply with the Governor's Executive Order halting all nonessential construction in NYC, after DOB inspectors discovered four workers performing exterior construction work on a one-story building at 144-22 Coolidge Avenue, Queens.
- The owner of 51-59 Gorsline Street, Queens, was cited for illegally using the premises as a contractor's establishment and metal works business. Prior to a hearing with OATH, the owner submitted evidence that the illegal use was discontinued, so the Notice of Petition was withdrawn. A pre-hearing inspection confirmed that the contractor's establishment was discontinued. The premises will be monitored for continued compliance.



- The owner of 27-02 Humphrey Street, Queens was cited for illegally using the premises as a contractor's yard and for commercial vehicle storage. Prior to a hearing with OATH, the owner sent evidence that the illegal use was discontinued, so the Notice of Petition was withdrawn. A pre-hearing inspection confirmed that the use of the property as a contractor's establishment was discontinued. The premises will be monitored for continued compliance.



Staten Island

- \$6,250 in penalties issued to James Bing, Trustee, the owner of 48 Crescent Avenue, Staten Island, for failure to maintain the building resulting in stucco falling on the ground in front of a property housing a daycare center.

Construction and Design Professionals

- Following an audit of five professionally certified applications submitted by Professional Engineer Kenneth Chen, the Department found major code non-compliances, including proposed changes in use, egress and/or occupancy under Alteration Type 2 applications which require Alteration Type 1 applications for a new or amended Certificate of Occupancy; inadequate egress issues; inadequate fire-rated materials and fire separation; inadequate accessibility for persons with disabilities; inadequate light, air, ventilation, and room sizes; obstruction of Fire Department access to the roof; and various other violations of

code and rules. Mr. Chen agreed to a voluntary surrender of Professional Certification and Directive 14 privileges, effective July 31, 2020.

- Fire Suppression Contractor Jonathan Grushinsky was disciplined for using the term “Plumbing” in the name of his Fire Suppression business, in violation of the NYC Administrative Code. Mr. Grushinsky agreed to a stipulation, paying a fine of \$1,500, changing his business name to comply with the Administrative Code, and having his license be put on probation for a period of 6 months starting on July 13, 2020.
- Special Rigger Selaudin Sela was disciplined for submitting a false certificate of insurance to the Department and failing to notify the Department of his insurance lapsing and not obtaining new insurance. Mr. Sela agreed to pay a \$10,000 fine and to a stipulation to have his license suspended for 9 months, followed by a probationary period of 90 days, effective July 24, 2020.
- General Contractor Gac Haxhari was disciplined for receiving a high number of OATH summonses and owing a significant amount in fines. Mr. Haxhari agreed to a voluntary surrender of his GC registration following a wind-down period, effective July 6, 2020.

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

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