

DOB ISSUES MONTHLY ENFORCEMENT BULLETIN

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

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

- 48 violations and \$1,687,400 in penalties, including daily penalties, issued for illegal building alterations at nine separate locations.
- 25 violations and \$175,400 in penalties, including daily penalties, issued for illegal transient use of buildings at six different locations.
- 53 violations and \$560,000 in penalties issued for failure to safeguard construction sites on 53 separate occasions.
- 22 violations and \$220,000 in penalties issued to 16 different individuals for failure to carry out duties of construction superintendents.

Below are individual enforcement highlights for October 2019:

Bronx

- \$6,250 in total penalties issued to Parkchester Management Corp., the owner of 2040 East Tremont Avenue, Bronx, for recurring conditions in two elevators located in the building.

Brooklyn

- \$12,500 in penalties issued to Reade Realty LLC, the owner of 44 Malcom X Boulevard, Brooklyn, for failure to maintain the exterior walls of the building, after a partial collapse of the right side of the building that caused debris to fall on to an adjacent property.
- \$12,500 in penalties issued to 1526 Realty LLC, the owner of 1526 Pacific Street, Brooklyn, for the illegal conversion a legal eight-family dwelling to an illegal nine-family dwelling with the addition of an illegal unit in the cellar that lacked a second means of egress and sufficient light and air.

- \$5,000 in penalties issued to Gregory Jones, the owner of 941 Washington Avenue, Brooklyn, for filing a false statement on a permit application for the property. The owner falsely noted that the building would be unoccupied during construction.
- \$4,800 in penalties issued to Professional Engineer Dominic Stiller, for filing a false statements on a permit application for a property located at 93 Court Street, Brooklyn. The engineer falsely stated that the proposed work would not the change the use or occupancy of the building and was consistent with the building's current Certificate of Occupancy.

Manhattan

- \$57,250 in total penalties issued to Highpoint Associates XII LLC, the owner of 410 West 46th Street, Manhattan, for illegal transient use and safety violations.
- \$12,500 in penalties issued to Veltri Realty MGMT LLC, the owner of 49 West 76th Street, Manhattan, for failure to maintain the exterior walls of the building due to a piece of decorative sandstone that fell from the third floor, onto the entryway of an adjacent building.
- \$12,500 in penalties issued to Rativa Realty Inc., the owner of 142 West 29th Street, Manhattan, for failure to maintain the exterior walls of the building, due to a section of masonry veneer that fell from the building and onto the sidewalk.
- \$12,500 in penalties issued to Tracking Number Holder Whisk Remodeling Corp., for failure to comply with a tenant protection plan for allowing construction dust, which tested positive for the presence of lead, to accumulate in a public hallway of a building located at 582 Academy Street, Manhattan.
- \$10,000 in penalties issued to Safety Registrant Gilbane Residential Construction, for failure to safeguard due to an unsecured frame ladder that fell from the job site due to high winds, on a construction site located at 42 Trinity Place, Manhattan.
- \$10,000 in penalties issued to Tracking Number Holder Frank Debono Construction Corp., for failure to safeguard due to lack of fall protection for work conducted on the roof level of a building located at 160 East 72nd Street, Manhattan.
- \$5,000 in penalties issued to Tracking Number Holder Clune Construction Co., for failure to notify DOB of an accident in which a worker suffered a head injury after being struck by a falling brick on a construction site located at 200 Park Avenue, Manhattan.

Queens

- \$268,625 in total penalties issued to Pedro A. Mateo, the owner of 27-01 Butler Street, Queens, for illegal occupancy for transient use and safety violations due to the illegal conversion of a legal single-family home with the illegal addition of four single-room occupancy (SRO) units, which were found to have been advertised on Airbnb.

- \$94,500 in total penalties issued to Krishna Rampersaud, the owner of 85-15 89 Avenue, Queens, for the illegal conversion and work without a permit due to the illegal addition of three SRO units located in the cellar and on the second floor of the building.
- \$61,250 in total penalties issued to Evergreen 149 LLC, the owner of 34-20 112th Street, Queens, for the illegal addition of four SRO units located in the basement and on the first floor of the building.
- \$50,000 in total penalties issued to Ramkissoon Balgobin, the owner of 109-18 120th Street, Queens, for the illegal conversion of a legal two-family home to an illegal four-family dwelling.
- \$37,500 in total penalties issued to General Contractor Thind Builders NY, Inc., for six construction-safety violations issued due to a variety of unsafe conditions on a construction site located at 259-16 79th Avenue, Queens. The violating conditions included workers on site without required OSHA cards, missing fall protection, unsafe operations on a scaffold, and working in violation of a stop-work order.
- \$32,500 in total penalties issued to General Contractor Thomas Raneri, for ten construction-safety violations due to a variety of unsafe conditions present on a construction site located at 108-42 68th Avenue, Queens. The violating conditions included no Construction Superintendent on site, unsafe storage of combustible materials, and failure to ensure all workers on site had required OSHA cards.
- The owner of 95-35 150th Road, Queens was cited for using the property as a contractor's yard and for commercial vehicle storage. An Order of Closure was issued in 2009 and the lot was padlocked. The illegal use was discontinued for nearly a decade when a recent inspection revealed that the illegal use had resumed, and the premises was padlocked.



Staten Island

- The owner of 45 Little Clove Road, Staten Island, was cited for operating a doctor's office on the property with an illegal storage container in the rear yard outfitted with examination rooms. The illegal trailer extended over the adjacent lot and was padlocked in 2007. The owner requested a rescission of the Order of Closure and an inspection confirmed that the illegal use has been discontinued and a new building was built on the adjacent lot, so the rescission was granted.



Construction and Design Professionals

- Following an audit of professionally certified applications submitted by Registered Architect Jon Libasci, the Department found multiple code non-compliances including proposing changes in use and/or occupancy under Alteration Type 2 applications, which require Alteration Type 1 application for new or amended Certificate of Occupancy, inadequate light and ventilation in habitable rooms, inadequate egress issues, proposing a commercial use in a residential district contrary to zoning, and various other violations of code and rules. Libasci agreed to a voluntary surrender of Professional Certification and Directive 14 privileges, effective October 1, 2019.
- Following an audit of professionally certified applications submitted by Professional Engineer Cheng-Sheng Huang, the Department found multiple code non-compliances, including proposing changes in use 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, proposing a structural alteration in a non-conforming use building, infractions of the zoning Resolution relation to lot coverage and non-permitted yard obstructions, inadequate accessibility for persons with disabilities, and various other violations of code and rules. Huang agreed to a voluntary surrender of Professional Certification and Directive 14 privileges, effective October 1, 2019.
- Following an audit of professionally certified applications submitted by Professional Engineer Younes Abouyaala, the Department found multiple code non-compliances, including proposing changes in use and/or occupancy under Alteration Type 2 applications, which require Alteration Type 1 applications for a new or amended

Certificate of Occupancy, adding an additional story on a frame multiple dwelling under an Alteration Type 2 application, proposing an enlargement which increases the degree of zoning non-compliance, inadequate light and ventilation in habitable rooms, inadequate egress issues, inadequate fire protection, inadequate accessibility for persons with disabilities, and various other violations of code and rules. Abouyaala agreed to a voluntary surrender of Professional Certification and Directive 14 privileges, effective October 1, 2019.

- Following an audit of professionally certified applications submitted by Registered Architect Gerald Caliendo, the Department found multiple code non-compliances, including inadequate egress, inadequate handicapped accessibility, proposing structural alterations on a non-conforming building, and proposed work under an Alteration Type 2 permit that requires an Alteration Type 1 permit for a new or amended Certificate of Occupancy. Following a trial at the Office of Administrative Trials and Hearings (OATH) where these charges were sustained, a DOB Commissioner's Order was issued barring Mr. Caliendo from submitting Professional Certification and Directive 14 filing privileges, effective October 4, 2019.
- The Department issued a Commissioner's Order to revoke the registration of General Contractor Efstratios H. Benardis, effective October 28, 2019. Benardis was disciplined after the Department found that he failed to pay prevailing wages, which included falsification of payroll records, and failed to cooperate with the investigation into his misconduct.
- The Department issued a Commissioner's Order suspending the license of Master Electrician Warren Johnson, effective October 28, 2019. Johnson was disciplined after the Department found he failed to comply with the terms of a prior agreement, and the suspension will remain in place until he provides documentation to the Department that he has changed his business address, and erected proper business signage at this address.
- Master Plumber James Pepe was disciplined by the Department for performing plumbing work without a permit, for performing work in violation of an active stop-work order, and for failing to be properly established. Pepe agreed to pay a \$5,000 fine and to have his license put on probation for a period of one year, effective October 1, 2019.

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