

## **DOB ISSUES MONTHLY ENFORCEMENT BULLETIN**

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

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

- 21 violations and \$348,750 in penalties, including daily penalties, issued for illegal building alterations at four separate locations.
- 29 violations and \$305,000 in penalties issued for failure to safeguard construction sites on 28 separate occasions.
- Six violations and \$32,250 in penalties, including daily penalties, issued for illegal transient use at two 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 October 2020:

### **Brooklyn**

- \$10,000 in penalties issued to General Contractor Kaieteur Construction Inc., after a DOB inspection found that the construction work site at 33 Hale Avenue, Brooklyn, was not fully enclosed and was open to the public.
- \$10,000 in penalties issued to General Contractor BMIR Group LLC, after a DOB inspection found that excavation work ongoing at 1255 Decatur Street, Brooklyn, had caused cracks to form on the wall of an adjacent building.

- \$10,000 in penalties issued to Safety Registrant Rogers Builders and Devel for failure to install a sidewalk shed at 169 Lott Street, Brooklyn, where it was required by Code.
- \$10,000 in penalties issued to Safety Registrant Master Works Contractor 1 for failure to safeguard a construction site at 913 45th Street, Brooklyn. A DOB inspection of the work site found that a wooden construction fence had collapsed onto the sidewalk.
- \$6,250 in penalties issued to 1670 42<sup>nd</sup> Street Owner LLC, property owners of 1670 42<sup>nd</sup> Street, Brooklyn, for failure to maintain the building. A DOB inspection of the building found loose bricks and cracks on the exterior walls of the building.
- \$6,250 in penalties issued to 446 15<sup>th</sup> Street Owners Corp, property owners of 446 15<sup>th</sup> Street, Brooklyn, for failure to maintain the building. A DOB inspection of the building found cracks and broken masonry at the front of the building.
- \$2,500 in penalties issued to General Contractor AKI Renovations Group Inc. for failure to adhere to the health requirements of a Tenant Protection Plan at 38 Prospect Park Southwest, Brooklyn. A DOB inspection of permitted construction work inside of the occupied building found excessive dust accumulated in common areas, stairs and windowsills.
- The owner of 896 Belmont Avenue, Brooklyn, was cited for illegally using the premises as an auto repair shop. The owner agreed to a stipulation to discontinue the illegal use. However subsequent, inspection revealed that the illegal use was not actually discontinued. As a result, an Order of Closure was issued for failure to comply with the stipulation, and the location was padlocked. The property has since gone into foreclosure and was purchased by new owners. A recent inspection revealed that the new owners had removed the padlocks without first contacting the Department, and the illegal use was still occurring, so the auto repair garages were again padlocked and violations were issued for failing to comply with the Order of Closure.



- The owners of 210 East 16<sup>th</sup> Street, Brooklyn, was previously cited for illegal dead vehicle and junk storage. The location was first padlocked under an Order of Closure in 2006. The property owners recently requested that the Order of Closure be rescinded, and a subsequent inspection revealed that the illegal use had been discontinued. As a result, DOB lifted the Order of Closure at the property.



## Bronx

- \$12,500 in penalties issued to Neighborhood Renewal Housing D., property owners of 1466 Grand Concourse, Bronx, for failure to maintain the building, after a piece of the façade at the 6<sup>th</sup> floor fell of the building and landed on the sidewalk below.
- The owners of 1521 Bryant Avenue, Bronx, was cited for illegally using the property as a real estate business office. An Order of Closure was issue for the property in 2010 and the location was padlocked. The property owner recently requested a recession of the Order of Closure, and a subsequent inspection revealed that the illegal use had been discontinued. As a result, DOB lifted the Order of Closure at the property.



## Manhattan

- \$35,000 in total penalties issued to General Contractor SKF General Contractors after DOB inspectors found multiple construction site safety violations at 320 East 120 Street, Manhattan. At the time of the inspection, DOB inspectors found that a supported scaffold had been installed at the site without work permits, that the site was missing required roof protection and a sidewalk shed, and there was no flagman present during delivery operations to the site. An additional \$10,000 in penalties were issued to Construction Superintendent Chun Hsiung Huang, who was the site safety professional for the work site.
- \$10,000 in penalties issued to Safety Registrant Tishman Construction Corp. for failure to install a sidewalk shed at 639 West 59<sup>th</sup> Street, Manhattan, which was required by the Code.
- \$10,000 in penalties issued to 33 Rector Street Condominium, property owners of 33 Rector Street, Manhattan, for failure to provide a sidewalk shed where required for documented unsafe façade conditions.
- \$7,500 in total penalties issued to Safety Registrant Charlton Development Grp. for numerous construction safety violations at a construction work site located at 102 Charlton Street, Manhattan. A DOB inspection of the site revealed unsecured holes in several floors, inadequate guardrails, and inadequate housekeeping practices.
- \$2,500 in total penalties issued to Chelsea Brownstone Condo Assoc and Sequoia Property Mgmt., property owners of 346 West 22<sup>nd</sup> Street, Manhattan, for failure to distribute Tenant Protection Plans and failure to post the Safe Construction Bill of Rights.
- \$10,000 in penalties issued to Michillin Inc, property owners of 164 5<sup>th</sup> Avenue, Manhattan, for illegally displaying an outdoor advertising sign on a sidewalk shed. The illegal sign has since been removed.



- The owners of 160 East 124<sup>th</sup> Street, Manhattan, was cited for illegally using the premises as a contractor's yard and for commercial vehicle storage. Prior to a hearing being scheduled with OATH, the illegal use was discontinued so the hearing was withdrawn. DOB will continue to monitor the property for compliance.



## Queens

- \$32,000 in total penalties issued to Joel Bercy, property owner of 145-08 Guy R. Brewer Boulevard, Queens, for the illegal conversion of the single-family home into eight illegal Single Room Occupancy (SRO) units.
- \$25,000 in total penalties issued to Lift Director Extreme Construction Inc., for failure to make sure all persons involved in hoisting operations at a work site were certified to do such work, following a fatal construction incident at 68-04 Tides Road, Queens.
- The owners of 137-57 Juniper Avenue, Queens, was cited for illegally using the premises as a commercial produce business. Following the issuance of a warning letter and a notice for a scheduled OATH hearing, the illegal use was discontinued. A recent inspection found that the illegal use had resumed. Prior to a new hearing being scheduled with OATH, the owners entered into a stipulation to cease the illegal commercial use of the property. DOB will be monitoring the premises for continued compliance.



- The owners of 114-95 226<sup>th</sup> Street, Queens, was cited for illegally using the premises as a dead vehicle and junk storage yard. Prior to a hearing being scheduled with OATH, the illegal use was discontinued so the hearing was withdrawn. DOB will continue to monitor the property for compliance.



## Construction and Design Professionals

- Following an audit of eight professionally certified applications submitted by Registered Architect Michael Sbeglia, the Department found major code non-compliances, including proposing changes in use, egress and/or occupancy under Alteration Type 2 applications, when they require Alteration Type 1 applications for a new or amended Certificate of Occupancy; proposing an increase in the degree of zoning non-compliance; inadequate accessibility for persons with disabilities; inadequate egress issues, failure to provide an automatic sprinkler system; and various other violations of Code and rules. Mr. Sbeglia agreed to a voluntary surrender of his Professional Certification and Directive 14 privileges, effective October 15, 2020.

- Following an audit of nine professionally certified applications submitted by Registered Architect Lester Katz, the Department found major code non-compliances, including proposing changes in use, egress, and/or occupancy under Alteration Type 2 applications, when they require Alteration Type 1 applications for a new or amended Certificate of Occupancy; proposing a Physical Culture Establishment Zoning Use not permitted as-of-right in any Zoning District, inadequate egress issues, failure to provide an automatic sprinkler system, inadequate accessibility for persons with disabilities, and various other violations of Code and rules. Mr. Katz agreed to a voluntary surrender of his Professional Certification and Directive 14 privileges, effective October 15, 2020.
- Following an audit of four professionally certified applications submitted by Professional Engineer Yubun Auyeung, the Department found major code non-compliances, including proposing changes in use, egress, and/or occupancy under Alteration Type 2 and Type 3 applications, when they require Alteration Type 1 applications for a new or amended Certificate of Occupancy; and incorrectly indicating a site was not located in a special flood hazard area. Mr. Auyeung agreed to a voluntary surrender of his Professional Certification and Directive 14 privileges, effective October 5, 2020.
- General Contractor Miriam Schwartz was disciplined after a building adjacent to one of her permitted construction sites in Brooklyn was badly damaged during construction operations. Specifically, Ms. Schwartz was cited for failure to properly monitor and protect an adjoining property during underpinning work at a construction site, failure to ensure that a preconstruction survey was performed prior to work commencing, failure to alert the special inspection agency that underpinning work was occurring at the site, and failure to ensure that the work occurring complied with approved construction documents. Ms. Schwartz agreed to a 60-day suspension of her registration starting on October 15, 2020, followed by a two year probation period. In addition, Ms. Schwartz agreed that all accrued outstanding penalties will be paid by the time she seeks to renew her registration.
- Construction Superintendent Jack Schwartz was disciplined after a building adjacent to a permitted construction sites in Brooklyn, where Mr. Schwartz was the site safety professional, was badly damaged during construction operations. Specifically, Mr. Schwartz was cited for failure to properly monitor and protect an adjoining property during underpinning work at a construction site, failure to stop work that he knew was being performed improperly, failure to ensure that a preconstruction survey was performed prior to work commencing, failure to alert the special inspection agency that underpinning work was occurring at the site, and failure to ensure that the work occurring complied with approved construction documents. Mr. Schwartz agreed to a 60-day suspension of his registration starting on October 15, 2020, followed by a two year probation period.
- General Contractor Andrew Weiss was disciplined after his construction company, Flintlock construction, was issued a high number of Class 1 immediately hazardous

violations in an approximately 18-month period that were upheld at the Office of Administrative Trials and Hearings (OATH). Mr. Weiss agreed to voluntarily surrender his General Contractor registration, effective October 19, 2020.

- General Contractor Roni Benjamini was disciplined after his construction company, 1 Oak Contracting, was issued a high number Class 1 immediately hazardous violations in an approximately two-year period that were upheld at the Office of Administrative Trials and Hearings (OATH). Mr. Benjamini agreed to voluntarily surrender his General Contractor registration, effective October 6, 2020.

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

###