

DOB ISSUES MONTHLY ENFORCEMENT BULLETIN

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

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

- Three violations and \$180,000 in penalties, including daily penalties, issued for illegal building alterations at one location.
- 26 violations and \$260,000 in penalties issued for failure to safeguard construction sites on 26 separate occasions.
- 18 violations and \$100,500 in penalties, including daily penalties, issued for illegal transient use at four separate locations.
- 18 violations and \$180,000 in penalties issued to 18 different individuals for failure to carry out duties of construction superintendents.

Below are individual enforcement highlights for November 2020:

Brooklyn

- \$20,625 in total penalties issued to Tracking Number Holder High Quality Construction for multiple violations at a construction site at 548 58th Street, Brooklyn, after DOB inspectors found no site safety professional or responsible person on site while construction operations were ongoing, missing on-site construction documents, failure to conform construction work to the approved plans, failure to notify the Department of the start of excavation work, and various other violating conditions.
- \$17,500 in total penalties issued to Safety Registrant Real True Construction Inc. for multiple violations at a construction site at 2109 Regent Place, Brooklyn, after DOB

inspectors found stucco and foam particles blowing from the work site into the street. Additional violations were issued for failure to maintain safety equipment, failure to maintain a supported scaffold at the site, inadequate egress routes at the construction site, inadequate housekeeping, and missing construction documents for an installed pump jack scaffold.

- \$15,000 in total penalties issued to General Contractor BMIR Group LLC for multiple violations at a construction site at 1325 Prospect Place, Brooklyn, after DOB inspectors found a supported scaffold had been erected without a permit, missing overhead protection for adjoining properties, failure to notify the Department before the installation of a suspended scaffold, and no licensed rigger on site for that suspended scaffold.
- \$12,500 in total penalties issued to General Contractor D & G Construction NY Inc. for a failure to safeguard a construction site at 40 Gates Avenue, Brooklyn. DOB inspectors found that the contractor failed to install required rooftop protection measures at the buildings adjoining the construction site.
- \$10,000 in penalties issued to Safety Registrant Lavada & Rubin Dev. & Co. for a failure to safeguard a construction site at 1425 Fulton Street, Brooklyn, after a pedestrian was struck by a rolling chain link fence gate in front of the site.
- \$10,000 in penalties issued to Superb Property Management, the owners of 710 Hart Street, Brooklyn, after DOB inspectors observed five workers were performing concrete foundation work at the site on April 9, 2020, without an essential work approval, in defiance of the Governor's Executive Order halting all non-essential construction work due to the ongoing COVID-19 pandemic.
- \$12,000 in penalties issued to 5311 4th Ave LLC, the owners of 5311 4th Avenue, Brooklyn, for failure to obey a Vacate Order issued by the Department. During an inspection, DOB inspectors observed that a barber shop was operating on the ground floor, in defiance of a Vacate Order previously issued by the Department following a fire and partial roof collapse in the building.
- \$10,000 in penalties issued to Lindsay Park HGS Corp, the owners of 91 Boerum Street, Brooklyn, for failure to implement pedestrian protection measures adjacent to the building after filing an unsafe Façade Inspection Safety Program (FISP) report.
- \$8,750 in penalties issued to Humberto Sanchez, the owner of 4514 3rd Avenue, Brooklyn, after DOB inspectors found that a 14-foot high cinder block enclosure had been illegally constructed in the rear yard and was illegally occupied as a sports bar. DOB inspectors found that the enclosed structure was constructed without permits, had insufficient egress, was in violation of the Zoning Resolution, and did not have a Place of Assembly Certificate of Operation (PACO).

- \$6,250 in penalties issued to Pearl Mutzen, the owner of 87 Stockton Street, Brooklyn, for illegally removing a DOB Vacate Order sticker from the building, while the Vacate Order was still in effect.
- \$6,250 in penalties issued to Cooper Gardens LLC, the owners of 73A Cooper Street, Brooklyn, for failure to maintain the building, after DOB inspectors found that the balconies in the rear of the building had fallen into disrepair, with cracking concrete and inadequate railings.

Bronx

- \$10,000 in penalties issued to Jerome Avenue Tenants Housing, the owners of 941 Jerome Avenue, Bronx, for failure to implement pedestrian protection measures adjacent to the building after filing an unsafe Façade Inspection Safety Program (FISP) report.

Manhattan

- \$22,500 in total penalties issued to Safety Registrant Alba Services Inc. for using an articulating boom truck to illegally remove a billboard at 247 West 28th Street, Manhattan, without the proper notifications and approvals from the Department. It was determined that the crane operation occurred without a certificate of operation, without a hoist machine operator license, and without a rigger training card.
- \$12,000 in penalties issued to Merchants Properties Inc., the owners of 182 Lafayette Street, Manhattan, for failure to maintain the building, after a section of concrete fell from the building on to the sidewalk below , injuring a passing pedestrian.
- \$6,250 in penalties issued to 212 West 71 LLC, the owners of 212 West 71 Street, Manhattan, for failure to maintain the building, after DOB inspectors found that the rear façade had fallen into disrepair, with cracking and bulging masonry.
- \$5,000 in penalties issued to Frank Durant of the Seward Park Housing Corporation, the owner of 413 Grand Street, Manhattan, for filing a false statement in a DOB work application. Mr. Durant falsely indicated on a PW-1 form that occupied dwelling units in the building were not occupied.

Queens

- \$18,250 in total penalties issued to Rosa Espinosa, property owner of 76-04 57th Road, Queens, for the illegal conversion of a 2-family home into a 4-family multiple dwelling building, with the addition of apartments on the first floor and in the cellar. DOB inspectors also found illegal construction work had been performed in the building without the proper permits.

- The owners of 142-33 127th Avenue, Queens, were cited for illegally using the premises as dead vehicle and junk storage. Following a default hearing at OATH, a Report and Recommendation was issued to padlock the premises. DOB has posted an Order of Closure, and if the illegal use is not discontinued the premises will be padlocked.



- The owners of 227-24 114 Road, Queens, were cited for illegally using the premises as an auto repair and junk vehicle storage business. Prior to a hearing being scheduled with OATH, the owners entered into a stipulation agreeing to discontinue the illegal use. DOB will continue to monitor the property for compliance.



Staten Island

- The owners of 47 Garibaldi Avenue, Staten Island, were cited for illegally using the premises as a commercial boat storage and machine repair business. 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 twelve professionally certified applications submitted by Professional Engineer Alberto Roman, 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; inadequate fire separation and fire rated materials; inadequate egress issues; failure to provide accessibility for persons with disabilities; and various other violations of Code and rules. Mr. Roman agreed to a voluntary surrender of his Professional Certification and Directive 14 privileges, effective November 1, 2020.
- Following an audit of four professionally certified applications submitted by Registered Architect Akeeb Shekoni, 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; inadequate fire separation and fire rated materials; proposed yards contrary to the Zoning Resolution; failure to disclose a property is located within a Tidal Wetlands and Special Flood Hazard Area; inadequate accessibility for persons with disabilities; inadequate egress issues; and various other violations of Code and rules. Mr. Shekoni agreed to a voluntary surrender of his Professional Certification and Directive 14 privileges, effective November 5, 2020.
- Following an audit of five professionally certified applications submitted by Registered Architect Youngsam Yu, the Department found major code non-compliances, including making multiple false statements in his filed Type 2 and Type 3 applications that proposed changes in use, egress and/or occupancy, when they require Alteration Type 1 applications for a new or amended Certificate of Occupancy. Mr. Yu agreed to a voluntary surrender of all of his filing privileges with the Department for a period of 18 months, as well as a permanent surrender of his Professional Certification and Directive 14 privileges, effective November 28, 2020.

- Licensed Special Rigger Wayne Bellet was disciplined after a construction worker fell from an unpermitted supported scaffold that had been installed at 880 St. Nicholas Avenue, Manhattan. Following a Report and Recommendation from the Office of Administrative Trials and Hearings (OATH) for the revocation of Mr. Bellet's riggers license for his role in this fatal incident, a Commissioner's Order was issued to revoke Mr. Bellet's Special Rigger license on November 18, 2020. In addition, \$50,000 in total penalties were imposed on Bellet Construction, Mr. Bellet's contracting company, after a related OATH hearing.
- Licensed Special Rigger Mohammad Bhutta was disciplined after a construction worker fell from an unpermitted supported scaffold that had been installed at 880 St. Nicholas Avenue, Manhattan. Following a Report and Recommendation from OATH for the revocation of Mr. Bhutta's license for his role in this fatal incident, a Commissioner's Order was issued to revoke Mr. Bhutta's Special Rigger license on November 18, 2020.

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

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