



The City of New York
Department of Investigation

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COMMISSIONER

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**DOI ARRESTS TWO BRONX MEN CHARGED WITH BRIBERY
IN FAILED ATTEMPT TO CONVERT CELLAR TO ILLEGAL APARTMENT**
--DOB Manager's report of bribe offer initiates DOI investigation--

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation ("DOI"), announced today the results of an investigation that led to the arrests of a Bronx building owner and his father on charges of giving \$500 in bribes to an undercover DOI investigator they believed was a City Department of Buildings ("DOB") employee in a failed attempt to obtain DOB's approval of an illegal residential conversion of their cellar. DOI initiated its investigation the same day a DOB manager reported he had been offered, and had refused, a \$1,000 bribe by one of the defendants to change DOB records. A copy of DOI's report of the investigation is attached. The office of Bronx County District Attorney Robert T. Johnson is prosecuting the case.

DOI Commissioner Rose Gill Hearn said, "An attempt to bribe a City employee to allow an illegal cellar apartment is a crime that, if successful, would jeopardize public safety. DOI commends the Buildings Department manager who immediately reported this crime, enabling investigators to stop it in progress and expose the wrongdoing. This case should give pause to anyone thinking that paying off a City employee is the way around safety regulations."

RAMDAT KHARRAN, 53, and his son, ANDREW KHARRAN, 24, both of the Bronx, are each charged with Bribery in the Third Degree, a class D felony, and Criminal Solicitation in the Fourth Degree, a class A misdemeanor. In addition, RAMDAT KHARRAN is charged in a separate complaint with an additional count of Criminal Solicitation in the Fourth Degree in connection with the failed attempt to engage a DOB manager to change Buildings records in exchange for money. Upon conviction, a class D felony is punishable by up to seven years in prison, and a class A misdemeanor is punishable by up to a year's incarceration.

According to DOI's report and the criminal complaint, DOB denied the owner's 2010 application to convert 2564 Davidson Ave. in the Bronx to a three-family dwelling because the proposed third residential area was a cellar that had not been legally converted to a basement as is required for occupancy. On January 19, 2012, a DOB manager reported to DOI he had been offered, and had rejected, a \$1,000 bribe to alter a DOB record so the job could be approved, specifically to change the record to reflect there was a basement and not a cellar at the property. After the DOB manager rejected the bribe offer a DOI undercover investigator posing as a DOB employee contacted ANDREW KHARRAN indicating he could assist him. On January 24, 2012, the defendants met with the undercover investigator and discussed a new Certificate of Occupancy for the property and changing the Buildings record to reflect a basement at the address. At this meeting, RAMDAT KHARRAN acknowledged offering \$1,000 to a DOB employee the prior week to make the same change and paid the undercover investigator \$200 in advance; promising another \$300 once the defendants received proof the record had been changed. Two days later, the defendants met with the undercover investigator and paid the undercover investigator an additional \$300 after being told the record had been changed and the conversion was approved.

Commissioner Gill Hearn thanked Bronx County District Attorney Robert T. Johnson and DOB Commissioner Robert D. LiMandri and their staffs for their assistance in this investigation.

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The investigation was conducted by DOI's Office of the Inspector General for DOB.

Assistant District Attorney Michael Fraggetta of the Bronx County District Attorney's Investigations Division is prosecuting the case under the supervision of Thomas Leahy, Chief of the Investigations Division.

A criminal complaint is an accusation. A defendant is presumed innocent until proven guilty.

DOI is one of the oldest law-enforcement agencies in the country. The agency investigates and refers for prosecution City employees and contractors engaged in corrupt or fraudulent activities or unethical conduct. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City.

DOI's press releases can also be found at twitter.com/doinews
Get the worms out of the Big Apple. To report someone ripping off the City, call DOI at (212) 825-5959.



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February 1, 2012

Commissioner Robert Limandri
NYC Department of Buildings
280 Broadway
NY, NY 10007

Re: DOI Bribery Investigation

Dear Commissioner Limandri:

An investigation conducted by the Department of Investigation ("DOI") has substantiated that Ramdat Kharran ("Ramdat") offered a \$1,000 bribe to a Department of Buildings ("DOB") Manager. Additionally, Ramdat and his son, Andrew Kharran ("Andrew"), offered a bribe to an undercover DOI investigator ("UC") and ultimately paid two bribe payments of \$200 and \$300 to the UC.¹ This conduct constitutes a violation

In furtherance of investigating the bribery allegation, DOI interviewed witnesses, collected relevant documents and conducted undercover operations. The following is a summary of the facts and findings of the investigation and does not purport to contain each and every fact learned during the course of this investigation.

Initial Complaint

On January 19, 2012, the DOB Manager notified DOI that a male who identified himself as the owner of 2564 Davidson Avenue, Bronx NY, came to DOB's Bronx Borough Office and offered him \$1,000 to alter DOB's record with regards to 2564 Davidson Avenue.² Specifically, the DOB Manager informed DOI that the homeowner offered him \$1,000 to change DOB's records to reflect that there was a basement and not a cellar at the subject address. According to the DOB Manager, he refused the bribe offer, but the homeowner persisted and asked if someone

¹ The money received by DOI's UC from Ramdat and Andrew was vouchered at the 42nd Precinct.

else at DOB would be willing to change the building records for him. Once again, the DOB Manager refused to assist and he then contacted DOI to report the bribery.

DOI reviewed DOB records which identify Andrew Kharran as the owner of the property. DOI later confirmed that it was, in fact, Ramdat Kharran, Andrew's father that met with the DOB Manager on January 19, 2012, not Andrew.

The Investigation

DOI reviewed DOB records and learned that on May 26, 2010, Andrew filed a job with DOB to convert 2564 Davidson Avenue³ from a two-family to three-family dwelling by legalizing the bottom level of the residence; however, this application was rejected because DOB records indicate that the bottom level of the building is a cellar. As per DOB's Building Code and the New York City Administrative Code, it is illegal to occupy a cellar due to the fact that it is more than 50% below grade. As a result of being below grade, its window openings are smaller allowing for less light and ventilation and often there are inadequate entry/exit points. The NYC Administrative Code sets forth the proper procedures and requirements for legally converting a cellar to a basement which is outlined below.

NYC Administrative Code

§ 27-2082 Occupancy of cellars and basements in any multiple dwelling with "adequate adjacent space". A dwelling unit in the cellar or basement of a multiple dwelling may be occupied if all of the following requirements are met:

a. Every room has a minimum height of eight feet in every part in dwellings erected after July first, nineteen hundred fifty-seven, and of seven feet in dwellings erected prior thereto.

b. Every room has at least one-half of its height in every part above the highest level of an "adequate adjacent space." As used in this section an "adequate adjacent space" is an area outside the dwelling which:

- (1) is thirty feet in its least dimension,
- (2) is located on the same lot as the dwelling or in a street or public place,
- (3) is open and unobstructed, except as provided in subdivision nine of section twenty-six of the multiple dwelling law, and
- (4) abuts at the same level, or directly below, every part of the exterior walls of every dwelling unit located on the same floor.

c. The bottom of such "adequate adjacent space" is at a level no higher than six inches below the sill of any required window opening on such space.

d. Whenever the floor of any part of the dwelling unit is below the level of such "adequate adjacent space," either the ceiling, walls and partitions of the dwelling unit are fire retarded or the dwelling unit is equipped with a sprinkler system in a manner satisfactory to the department.

e. The entire cellar or basement in which the dwelling unit is located complies with all requirements of the multiple dwelling law with respect to fire protection and to means of egress, including cellar and basement stairs and cellar entrances.

³ The DOB applicant of record for this job is a registered architect and Andrew is listed as the owner on the application.

f. A cellar occupied hereunder for dwelling purposes shall be counted as a story for the purpose of the requirements of the multiple dwelling law with respect to means of egress, but shall not be counted as a separate story for the purpose of determining when a dwelling must be of fireproof construction.

On January 19th, the same day DOB reported the allegation to DOI; a DOI undercover (“UC”) placed a call⁴ to the owner of 2564 Davidson and spoke with a person who identified himself as “Andrew”. During the conversation, the UC identified himself as a DOB employee, who had overheard Andrew speaking with his DOB co-worker earlier in the day and he could help him out. Andrew informed the UC that he would have his father call him back. Several minutes later, Ramdat and Andrew called the UC back⁵ and stated they wanted to meet in person instead of speaking over the phone. The UC told Ramdat and Andrew that he was not working on January 20th and would call them back to set up a time and date to meet. On January 23, 2012, the UC called Andrew and set up a meeting for 11:00 a.m. on January 24, 2012 at the Wendy’s restaurant (“Wendy’s”) located at 4040 Third Avenue, Bronx, NY. During this conversation, Andrew stated that he would be there with his father.

On January 24, 2012, the UC met at the prearranged Wendy’s restaurant with two men who identified themselves as Ramdat and Andrew. During the Wendy’s meeting, Ramdat and Andrew told the UC what they wanted him to do for them. Specifically, they discussed the UC issuing a new DOB Certificate of Occupancy to reflect that there is a basement at the address and not a cellar. Ramdat also admitted that he was the individual who went to DOB on January 19th and offered a DOB employee \$1,000 to make the same changes to DOB records that he was then asking the UC to make. Ramdat then handed the UC \$200 with the promise that they would pay an additional \$300 after the UC provided copies of the altered DOB records. Ramdat gave the bribe payment to the UC in front of Andrew.

Later in the day on January 24th, after the Wendy’s meeting, the UC called Andrew and informed him that the UC had successfully changed the DOB’s records which now allowed them to file permits to convert the basement to a living space. It was agreed that they would speak the next day to set up a meeting.

On January 25, 2012, the UC called Andrew and they agreed to meet the next day so the UC could provide Andrew and Ramdat with proof that the DOB records were altered and DOB had approved the job application. This approval would have enabled the Kharrans to file permits to convert the bottom level of the dwelling as a living space.⁶

4 All telephone calls and meetings with the UC were recorded and /or videotaped. The UC is an employee of DOI.

5 It was unclear to the UC as to whether Andrew and Ramdat were calling on a speaker or a three-way call, as both men carried on the conversation clearly.

6 In order to demonstrate that the UC altered DOB records as part of the bribery, DOI requested that DOB temporarily approve the job application that was filed by Andrew in May 2010. Although this step would not legalize the lower level of the dwelling, it would corroborate the UC’s statement that he altered DOB’s records which are publically accessed via computer. If Andrew or Ramdat checked the public computer system, they would see that the application was approved and that the cellar was then listed as a basement and permits could be filed to convert the lower level to a living space.

On January 26, 2012, the UC again met with Ramdat and Andrew at the same Wendy's restaurant. Ramdat and Andrew discussed with the UC how they wanted him to change the Certificate of Occupancy to reflect that there was a basement and not a cellar at 2564 Davidson Avenue. They then spoke about the job application that the UC had changed to "approved status" and Ramdat then removed \$300 from his back pocket and handed it to Andrew. Subsequently, Ramdat took the \$300 back from Andrew and then Ramdat handed the money under the table to the UC stating "its \$300, I count it."

Immediately following the January 26th meeting at Wendy's, DOI approached Ramdat and Andrew and interviewed them separately. Ramdat denied meeting with anyone at Wendy's and alleged that he was "just buying a cup of coffee." After being told that he was observed meeting with the same "DOB employee" inside of Wendy's on January 24th and January 26th, 2012 and that he had been observed giving money to that employee on both occasions, Ramdat maintained that he had not met with anyone and was "just buying coffee." Andrew, however, admitted to meeting with the UC, whom he described as a "mutual friend" who works for DOB. Andrew further stated that he did not plan on meeting the UC at Wendy's and just "happened to bump into him" while getting coffee with his father.⁷ Furthermore, Andrew stated that he had "bumped into" the UC a few weeks ago at the same Wendy's. Ramdat and Andrew declined to speak any further.

Conclusion and Recommendations

DOI's investigation produced sufficient evidence that Ramdat and Andrew engaged in criminal conduct constituting a violation of NYS Penal Law Section 200.00, "Bribery in the third degree" and NYS Penal Law Section 200.20, "Rewarding Official Misconduct in the second degree."

- On January 19, 2012, Ramdat offered a DOB Manager \$1,000 to change DOB records.
- On January 24, 2012, Ramdat and Andrew paid a UC, posing as a DOB employee, a \$200 bribe after it was agreed that the UC would alter DOB records. Andrew and Ramdat then promised an additional \$300 payment after the records were altered.
- On January 26, 2012, Ramdat and Andrew paid the UC, posing as a DOB employee, a \$300 bribe for altering department records.

We are also referring our investigative findings to the Bronx County District Attorney's Office for consideration of possible criminal charges. If you have any questions or wish to discuss this matter further, please do not hesitate to contact me at (212) 825-0635, or Special Investigator Faye Stephan at (212) 825-7316.

Sincerely,

James Tierney
Inspector General

⁷ Prior to the January 24th undercover operation, the Kharrans sent the UC a text message that they had just arrived. Additionally, DOI placed a call to the Kharrans shortly before the undercover operation on January 26th and they confirmed that they were on their way and would be there shortly. The Kharrans continued to call and text message the UC days after DOI's approach.