



RICHARD A. BROWN
DISTRICT ATTORNEY

**DISTRICT ATTORNEY
QUEENS COUNTY**
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568
718-286-6000

Release # 5-2018
www.queensda.org
twitter@QueensDABrown

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CONTACT: QDA PRESS OFFICE
718-286-6315

**QUEENS COUPLE CHARGED WITH ILLEGAL CONVERSION
OF ELMHURST HOME INTO SINGLE ROOM OCCUPANCY RESIDENCES**

*Tenants Allegedly Living in Cellar, Second Floor and Attic
With Common Kitchen on Main Floor Shared by 15 People*

Queens District Attorney Richard A. Brown today announced that a Queens County grand jury has indicted an Elmhurst couple for endangering the lives of up to 15 individuals living in a one-family house that they also own in Elmhurst and had unlawfully converted into five single room occupancies (“SROs”), for which they were collecting rents of between \$750 and \$1,400 a month, payable in cash, from the tenants living there despite having been served with a City order requiring the tenants to vacate the premises.

The indictment is a result of a multi-agency initiative to crackdown on dangerous and illegal housing in Queens County by the Queens District Attorney’s Office, the New York City Department of Investigations (“DOI”) and the New York City Department of Buildings (“DOB”).

“The defendants are accused of trading the safety of their tenants for cold, hard cash,” said District Attorney Brown. “In addition to putting a strain on City services, such as parking, transportation, waste disposal and schools, illegal conversions endanger the lives of building residents as well as firefighters and other personnel who, in responding to an emergency, would have been confronted by a maze of rooms with no way out. Working with the Department of Buildings, the Department of Investigation and other agencies, I will utilize all of the resources of my office to vigorously prosecute those who profit from such illegal housing.”

DOI Commissioner Mark Peters said, “These defendants flouted vacate orders and constructed dangerous, illegal conversions that endangered the lives of residents, according to the charges. One of the defendants is a recidivist offender, having engaged in a serial disregard for the City’s building codes and arrested previously by DOI for the same conduct. DOI and its partners, including the Queens District Attorney, will continue to safeguard the integrity of construction in the City and see that those who break the law are held accountable.”

Buildings Commissioner Rick D. Chandler said, “Renting illegal apartments can not only cost bad-actor landlords \$50,000 or more in fines, but it can also cost them their freedom. Illegal apartments often lack basic safety standards, such as having two exits in case one is blocked by a fire. We issue vacate orders only as a last resort, when there’s an immediate risk to tenants’ safety. Putting renters back in dangerous living spaces, as the defendants are alleged to have done, shows complete and utter disregard for people’s lives. I’d like to thank DOB’s Quality-of-Life and Borough Enforcement Units for their outstanding work on this case, as well as District Attorney Brown and Commissioner Peters for their strong partnership in bringing these individuals to justice.”

(MORE)

District Attorney Brown identified the defendants as Segundo Chimbay, 53, and his wife, Maria Chimbay, 52, both of 94th Street in Elmhurst, Queens. The Chimbays were arraigned before Acting Queens Supreme Court Justice Barry Kron on an 18-count indictment charging them with one count of first-degree scheme to defraud, one count of fourth-degree grand larceny, one count of second-degree reckless endangerment, and 15 violations of the New York City Administrative Code (namely, three counts of committing acts in violation of the New York City construction codes, three counts of illegal residential conversion and nine counts of committing a specified immediately hazardous violation in violation of the New York City construction codes). The Chimbays, who each face up to seven years in prison if convicted, were released on their own recognizance and ordered to surrender their United States passports. Their next court date is April 9, 2018.

District Attorney Brown said that the matter was brought to the attention of his office last spring by the Department of Investigations' Inspector General's Office after the Department of Buildings and Department of Investigations had found alleged egregious conditions at the 40-33 Forley Street property in Elmhurst.

According to public records, as well as Department of Investigations records, a complaint was made on March 14, 2016, that a one-family house located at 40-33 Forley Street and owned by the defendants had been unlawfully converted into multiple dwellings, specifically single room occupancies. An inspection conducted that day by the Department of Buildings allegedly found that the location constituted a "specified immediately hazardous violation" in that the building had been "illegally converted to or maintained as a dwelling for occupancy by four or more families." That inspection resulted in a full vacate order by the Department of Buildings, requiring that all persons living there vacate the premises.

A follow-up Buildings inspection on February 15, 2017, allegedly observed sleeping quarters in the cellar, three SROs on the second floor and one SRO at the attic level. A DOB Revacate Order was issued for failing to comply with the Vacate Order and noted that in addition to the alleged illegal conversions all 15 occupants "share a common kitchen on the first floor." A visit to the residence the following month by a DOB Inspector and a DOI Investigator allegedly revealed the same five SROs as seen on the previous visit.

Finally, it is alleged that despite the initial vacate order posted on the building's front door, the Chimbays repeatedly assured their tenants that the Forley Street residence was legal to live in and continued to collect the tenants' rent despite the vacate order.

The investigation was conducted by the New York City Department of Investigation's Office of the Inspector General for the Department of Buildings, specifically Special Investigator Ross Hoffman and Chief Investigator James Mcelligott, under the supervision of Inspector General Gregory Cho, Associate Commissioner James Flaherty, Deputy Commissioner/Chief of Investigations Susan Lambiase and First Deputy Commissioner Lesley Brovner.

Assistant District Attorney Kiran K. Cheema, of the District Attorney's Special Proceedings Bureau, is prosecuting the case under the supervision of Assistant District Attorneys Anthony M. Communiello, Bureau Chief, and Oscar W. Ruiz and Nicoletta J. Caferri, Deputy Bureau Chiefs, and the overall supervision of Executive Assistant District Attorney for Investigations Peter A. Crusco.

It should be noted that an indictment is merely an accusation and that a defendant is presumed innocent until proven guilty.

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