

DOB ISSUES MONTHLY ENFORCEMENT BULLETIN

Report Highlights DOB Enforcement Outcomes from January 2023 to Deter Bad Actors and Keep New Yorkers Safe

New York, NY – Today, the New York City Department of Buildings released its enforcement bulletin for January 2023, 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. Today's bulletin includes summaries of DOB-imposed disciplinary actions, including penalties, 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 completed a number of major enforcement actions in January, including:

- 17 violations and \$200,000 in penalties issued for failure to safeguard construction sites on 17 separate occasions.
- 29 violations and \$627,000 in penalties, including daily penalties, issued for illegal building alterations at 6 locations.
- 3 violations and \$45,000 in penalties issued to 3 different individuals for failure to carry out duties of construction superintendents.

Below are individual enforcement highlights for January 2023:

Bronx

- \$206,250 in total penalties issued to Henry McLean for violations recorded at 1517 Morris Avenue. DOB inspectors issued violations with daily penalties for illegal alterations after observing more than three dwellings added, with apartments created at the first floor and cellar. Inspectors also issued a violation for work without a permit.
- \$180,000 in total penalties issued to 1630 Macombs HSG Development for violations recorded at 1630 Macombs Road. DOB inspectors issued violations with daily penalties for illegal alterations after observing a Class A apartment in the cellar altered from one-family to four-family composed of Single Residency Occupancies with key locks and people living in them.

- \$25,000 in penalties issued to 3950 Blackstone Association for violations recorded at 4475 Henry Hudson Parkway. DOB inspectors issued violations for failure to take required precautions where there was an unsafe facade filing. Inspectors observed no shed in place during two inspections.
- \$15,000 in total penalties issued to Stefanos Kliafas for violations recorded at 416 East 143rd Street. DOB inspectors issued violations for work without a permit and illegal occupancy, after observing the basement of legal 2-family occupied as studio apartment with no secondary means of egress.
- \$12,000 in penalties issued to AB Capstone Builders Corp. for violations recorded at 425 Westchester Ave. DOB inspectors issued violations following Safety Registrant's failure to follow manufacturer's instructions. Inspectors observed baker's scaffold three frames high collapsed, with missing parts in the assembly of the scaffold.
- \$10,000 in penalties issued to College Gardens Co Op Inc. for violations recorded at 3535 Kings College Place. DOB inspectors issued violations for failure to take required precautions after an unsafe facade filing.

Brooklyn

- \$205,000 in total penalties issued to LYI LLC for violations recorded at 509 Van Buren Street. DOB inspectors have issued violations with daily penalties for illegal alterations after observing the location converted from a legal one-family with seven furnished rooms to an eight-family.
- \$25,000 in penalties issued to Stateline Builders Inc. for violations recorded at 311 Franklin Ave. DOB issued violations to the General Contractor for failure to have a construction superintendent on their work site while electrical and façade work was ongoing.
- \$25,000 in penalties issued Dyker Solutions Inc. for violations recorded at 175 28th Avenue. DOB inspectors issued violations to the General Contractor for failure to safeguard after observing concrete spilling at various locations onto an adjoining property, damaging an adjacent building.
- \$20,000 in penalties issued to AMCC Corp for violations recorded at 840 Fifth Ave. DOB inspectors issued violations after a knuckle boom crane loading roofing materials at Safety Registrant's site tipped over onto street. Inspectors observed that outriggers were not extended and crane operator overrode the safety mechanism, indicating no supervision at the site.
- \$20,000 in penalties issued to Xiang Li Yong for violations recorded at 7404 3rd Avenue. DOB inspectors issued two charges of filing a false statement on certificates of correction; prior summonses cited a ZR violation and work without a permit. The condition was an adult physical establishment for massage.
- \$12,000 in penalties issued to Vassiliki Mchalacos for violations recorded at 7923 3rd Ave. DOB inspectors issued violations for failure to maintain after a 70' x 4' sign detached from building façade and collapsed onto sidewalk. Inspectors observed severe deterioration at the attachment points.

- \$10,000 in penalties issued to Joel Kaufman/Kaufman Group, Inc. for violations recorded at 5015 16th Ave. DOB inspectors issued violations to the General Contractor for failure to safeguard the work site after observing unprotected shafts at three floors, as well uncapped rebar and workers on a platform with no fall protection.
- An OATH hearing was conducted for the owner of 1602 East 56th Street for use of the premises for illegal auto repairs and dead vehicle/junk storage resulting in a favorable Report & Recommendation. An Order of Closure will be posted at the premises.



- An Order of Closure was posted at the premises of 1309 East New York Avenue. Prior to a hearing with OATH a stipulation was entered into for the discontinuation of the use for dead storage. A recent inspection revealed that the illegal use was not discontinued leading to the Order or Closure posted at the premises.



Manhattan

- \$27,500 in penalties issued to 300 East 40th St Condominium for violations recorded at 300 East 40th Street. DOB inspectors issued violations to the company for failure to take required precautions after an unsafe facade filing, and

for failure to comply charge with a prior violation. Unsafe report filed required netting, and inspections observed no netting from the 28th to 33rd floors.

- \$25,000 in penalties issued to Arsenal Scaffolding Inc. for violations recorded at 67 Vestry Street. DOB inspectors issued violations to the tracking number holder for failure to safeguard after observing roof protection at adjoining structure in disrepair following four 12-foot I-beams falling on to West Street.
- \$10,000 in penalties issued to The Bentley Condominium for violations recorded at 159 East 330th St. DOB inspectors issued violations for failure to take required precautions after an unsafe facade filing.
- \$10,000 in penalties issued to F.I.T Student Housing Corp for violations recorded at 230 West 27th Street. DOB inspectors issued a ZR violation for conditions observed on as of right privately owned public space, where arrangements were not approved by City Planning.
- \$7,500 in penalties imposed on Alamvi Enterprise for violations recorded at 505 Canal Street. DOB inspectors issued three violations for displaying an outdoor sign without a permit and with excessive surface area and height.



- \$1,250 in penalties imposed on Edison New York Parking LLC for a violation recorded at 272 Spring Street. DOB inspectors issued a violation for displaying an outdoor sign without a permit.



Queens

- \$70,250 in total penalties issued to Kitty Ling Kwok for violations recorded at 86-16 94th Street. DOB inspectors have issued violations with daily penalties for illegal alterations after observing four Single Residency Occupancies with key locks at attic and second floor. Inspectors also issued violations for work without a permit, egresses blocked, and no sprinkler present.
- \$10,000 in penalties issued Steel Tone Construction for violations recorded at 11-32 31st Avenue. DOB inspections issued violations to the General Contractor for failure to safeguard the work site after observing the construction site was left open and unguarded, with a gate swinging in the wind causing a hazard to pedestrians.

Construction and Design Professionals

- Following the audit of five professionally certified applications submitted by Registered Architect Walter Hollien, DOB's Special Enforcement Team (SET) found major code non-compliances, including filing Alteration Type 2 applications despite proposing changes in use, egress, and/or occupancy, which require Alteration Type 1 applications for a new or amended Certificate of Occupancy; failure to provide adequate means of egress; proposing changes that violate Zoning yard and floor area requirements; failure to provide an automatic sprinkler system; failure to provide adequate fire rated materials; failure to provide adequate light, air, and ventilation for habitable rooms; failure to provide adequate accessibility for persons with physical disabilities; and various other

violations of code and rules, including the Multiple Dwelling Law, Zoning Resolution, Building Code, and Administrative Code. Based on the audits, SET offered a voluntary surrender of Professional Certification and Directive 14 privileges, which the Respondent signed.

- Following the audit of seven professionally certified applications submitted by Registered Architect Alfred Mierzejewki, DOB's Special Enforcement Team (SET) found major code non-compliances, including filing Alteration Type 2 applications despite proposing changes in use, egress, and/or occupancy, which require Alteration Type 1 applications for a new or amended Certificate of Occupancy; proposing an enlargement of a non-conforming use contrary to the Zoning Resolution; failure to provide adequate means of egress; failure to provide adequate fire rated materials and fire separation; failure to provide an automatic sprinkler system; failure to provide adequate light, air, and ventilation for habitable rooms; proposing changes that violate Zoning yard and bulk requirements; failure to provide adequate accessibility for persons with physical disabilities; and various other violations of code and rules, including the Multiple Dwelling Law, Zoning Resolution, Building Code, Housing Maintenance Code; and Administrative Code. Based on the audits, SET offered a voluntary surrender of Professional Certification and Directive 14 privileges, which the Respondent signed on January 17, 2023.
- General Contractor Gregory Bauso was disciplined for being found in violation of a high number of summonses over a two-year period. Pursuant to the Stipulation, Respondent agreed to pay a fine of \$25,000.00 and have his license put on probation for a period of two years. A non-suspension sanction was imposed due to affirmative site safety measures taken by the Respondent, including addition of a safety leadership team, project monitors, third-party consultants, sub-contractor vetting and mandatory inspections, as well as implementation of specialized training programs for new employees, supervisors and foremen. Respondent also agreed to hire safety compliance officers ("SCOs") to perform weekly inspections of Respondent's worksites during the probation period.
- Elevator Agency Director Charles Bertolino was disciplined for fraudulently attesting to a backdated CAT 5 inspection report in an attempt to avoid a late penalty. Respondent agreed to a \$10,000.00 fine and to have his license put on probation for a period of 2 years.

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