

## **DOB ISSUES MONTHLY ENFORCEMENT BULLETIN**

### ***Report Highlights DOB Enforcement Outcomes from September 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 September 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 September, including:

- 9 violations and \$120,000 in penalties issued for failure to safeguard construction sites on 9 separate occasions.
- 11 violations and \$50,750 in penalties, including daily penalties, issued for illegal building alterations at 3 locations.
- 2 violations and \$20,000 in penalties issued to 2 individuals for failure to carry out the duties of a construction superintendent.

Below are individual enforcement highlights for September 2023:

### **Bronx**

- \$302,500 in total penalties issued to Owner of 123 Father Zeiser Place for violations recorded at 123 West 188<sup>th</sup> Street. DOB inspectors issued violations for illegal alterations after finding the legal 1-family altered to create 7 Single Residence Occupancies.
- \$183,250 in total penalties issued to Alba Pena for violations recorded at 1171 Grant Avenue. DOB inspectors issued violations for illegal occupancy, after finding three additional dwelling units added to a legal 2-family house, and failure to maintain premises for having a broken door.

- \$138,000 in total penalties issued to Domenick Canale for violations recorded at 2012 Gleason Avenue. DOB inspectors issued violations for illegal alterations after inspectors found the legal 2-family house altered to create six Single Residence Occupancies.
- \$7,300 total penalties issued to Aqueduct Holdings LLC for violations recorded at 2621 Aqueduct Avenue in the Bronx. DOB inspectors issued violations for violating a vacate order and work without a permit after shoring was done without a permit and the parking area was not vacated as required.
- \$6,250 in total penalties issued to ESG Inc. for violations recorded at 3633 Kingsbridge Avenue. DOB inspectors issued violations for having a 30-foot-high pipe scaffold without manufacturer's plans, zero cable, guard rails, or inspection documents on-site.
- \$5,000 in violations issued to Skyward Developers Inc. for DOB inspectors issued violations recorded at 1476 Jessup Avenue. Inspectors issued violations for failure to safeguard an alleyway that had no overhead protection despite work being done on the second floor above.
- \$5,000 in total penalties issued to NY Drilling Inc. for violations recorded at 2660 Kingsbridge Terrace. DOB inspectors issued violations for excavation work that had no shoring or plans, and an excavator sitting on the edge of an excavation pit.
- \$3,200 in penalties issued to Yankee 167 Realty Estates LLC for violations recorded at 1055 Jerome Ave. DOB inspectors issued violations at the 6-story building for electrical work without a permit and unsafe electrical equipment, including exposed conductors for ceiling lights.
- \$2,500 in penalties issued to Vivian Chen for violations recorded at 350 Balcom Ave. DOB inspectors issued violations for illegal occupancy after finding an illegal apartment in the cellar of 2-story house that had no means of egress.
- OATH Petition seeking a closure order filed for 3929 Ely Avenue for the premises being used as a contractor's yard and commercial trailer storage. Scheduled hearing date is November 30, 2023.



## Brooklyn

- \$50,000 in total penalties issued to Builders-R-U's Corp for violations recorded at 850 St. Marks Ave. DOB inspectors issued violations for inadequate safety measures after a worker who was accessing a supported scaffold fell into an unprotected opening for hoist, falling six stories to their death.
- \$25,000 in penalties issued to Paul Toth Excavation Inc. for violations recorded at 648 5th Ave. DOB inspectors issued violations for failure to safeguard work site after a 12-foot-high pipe scaffolding on sidewalk shed collapsed, leading to a parapet wall collapse onto the bike lane and street.
- \$10,000 in total penalties issued to Target Construction LLC for violations recorded at 837 Maple Street. DOB inspectors issued violations at the 7-story building under construction for providing no protection for neighboring backyard, as well as for lack of maintenance of front sidewalk.
- \$10,000 in penalties imposed on Citi Builders NY LLC for violations recorded at 450 Grand Avenue. Respondent was issued a violation for having prohibited signs on a construction fence.
- \$9,375 in penalties imposed on 561 Clinton Street Owner LLC for violations recorded at 561 Clinton Street. Respondent received six violations for displaying an outdoor advertising sign without a permit, in a prohibited zone, without the required UL decal, without using a licensed sign hanger, failing to register as an OAC, and failing to register the sign in its sign inventory submission.



- \$8,750 in total penalties issued to JKO USA Management Inc. for violations recorded at 473 Union Street. DOB inspectors issued violations at the 3-story building under alteration for having no overhead protection for the adjoining building, no plans on site, no guard rails, and for having construction materials blocking the street and sidewalk.
- \$5,000 in penalties issued to Everest Construction Development for violations recorded at 1906 Eastern parkway. DOB inspectors issued violations for failure to institute safety measures at the site and found damage to adjacent property's walls and chimney.
- \$5,000 in total penalties issued Samuel Wilson for violations recorded at 27 Hubbard Place. DOB inspectors issued violations for illegal occupancy and work without a permit after finding the cellar and garage occupied as apartments with gas and water lines added, contrary to the I-card.
- \$2,500 in penalties issued to 149 12<sup>th</sup> Street LLC for violations recorded at 149 12<sup>th</sup> Street. DOB inspectors issued violations for illegal occupancy. C of O indicates warehouse use on 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> floors, and inspectors found daycare center on 1<sup>st</sup> floor and a concert stage on mezzanine.
- \$2,500 in penalties issued to Anne Nicole Picot for violations recorded at 607 East 82<sup>nd</sup> street. DOB inspectors issued violations for illegal occupancy after finding the cellar and garage converted to apartments.
- \$2,500 in penalties imposed on Michael Spinner for violations recorded at 4018 3<sup>rd</sup> Avenue. Respondent was issued two violations for having outdoor sign structures with use discontinued for more than two years.





- OATH Petition seeking a closure order filed for 1335 East 65<sup>th</sup> Street for the premises being used for dead storage of motor vehicles. The first scheduled hearing date is December 4, 2023.



## Manhattan

- \$37,500 in total penalties issued to 950 Fifth Ave Corp for violations recorded at 950 Fifth Avenue. DOB inspectors issued violations for failure to maintain the façade after observing broken stones at the 6<sup>th</sup> and 7<sup>th</sup> floors, and two failures to erect a sidewalk shed to protect pedestrians.
- \$12,500 in penalties issued to Reno Construction LLC for violations recorded at 340 West 23<sup>rd</sup> Street. DOB inspectors issued violations for failure to institute safeguards after unsafe interior demolition at cellar level caused a rear setback collapse that damaged the adjacent property.
- \$10,000 in total penalties issued to Navillus Tile Inc. for violations recorded at 711 FDR Drive. DOB inspectors issued violations for failure to provide safety measures and failing to provide site safety orientation after observing an arm of a boom aerial lift hitting a fence, a collision that broke the lift operator's leg.
- \$9,375 in total penalties issued to Alma Realty Corp and OVS Properties III LLC. DOB inspectors issued violations for failure to provide an unobstructed exit passageway in an unmaintained building with vertical cracks and missing bricks.
- \$2,500 in penalties issued to ES Builders Group LLC for violations recorded at 142 West 81<sup>st</sup> Street. DOB inspectors issued violations for failure to report an accident after the owner's representative injured themselves falling from the 1<sup>st</sup> floor to the basement and the incident was not reported until four days later.

- \$2,500 in penalties issued to Cauldwell Wingate Co LLC for violations recorded at 250 East 83<sup>rd</sup> Street. DOB inspectors issued violations at the construction site for a 21-story building due to concrete washout overflowing the washout bin and entering the sewer system.
- \$1,563 in penalties issued to 330 Continental LLC for violations recorded at 330 West 95<sup>th</sup> Street. DOB inspectors issued violations for failure to maintain elevator, which had a misaligned door, inoperative lights, and inoperative phone.

## Queens

- \$60,000 in total penalties issued to 3433 Realty LLC for violations recorded at 34-33 32<sup>nd</sup> Street. DOB inspectors issued violations for illegal transient use after three people booked the 2<sup>nd</sup> floor through Airbnb.
- \$50,000 in total penalties issued to Ocean Bay Rad LLC for violations recorded at 54-75 Alameda Ave and 54-81 Alameda Ave. DOB inspectors issued violations for failure to provide safety measures to documented unsafe façades on these adjoining buildings.
- \$30,625 in total penalties issued to Next Properties LLC for violations recorded at 24-15 28<sup>th</sup> Street. DOB inspectors issued penalties for illegal transient use and safety violations.
- \$12,500 in total penalties issued to T&R Construction Corp for violations recorded at 14-27 28<sup>th</sup> Ave. DOB inspectors issued penalties for failure to safeguard work site after a worker carrying a bag of cement fell on stairs that were obstructed and had no guardrails.
- \$11,875 in total penalties issued to DLC Development Corp for violations recorded at 52-09 31<sup>st</sup> Place. DOB inspectors issued violations at the active 20-story site for failure to maintain adequate housekeeping, lack of fire extinguishers, and workers at site without hard hats.
- \$11,250 in penalties issued to Kaufman Group Inc. for violations recorded at 5-22 49<sup>th</sup> Avenue. DOB inspectors issued violations for failure to safeguard construction site. Inspectors observed a concrete pour without approved plans that pushed the wall of an adjacent building, creating a collapse condition.
- \$10,000 in violations issued to custom Built Homes, Inc. for violations recorded at 32-57 38<sup>th</sup> Street. DOB inspectors issued violations for failure to safeguard excavation site after the excavation work caused cracks at an adjacent property's driveway and walls.
- \$6,250 in total penalties issued to Rong Maintenance Inc. for violations recorded at 132-27 41<sup>st</sup> Road. DOB inspectors issued violations for failure to comply with Tenant Protection Plan (TPP) after finding excessive dust throughout the building, and a failure to distribute the TPP and Worker Rights notices.
- \$3,750 in total penalties issued to Angi Sherpa for violations recorded at 30-03 85<sup>th</sup> Street. DOB inspectors issued violations for illegal alteration and work without a permit after finding an illegal apartment in the cellar of 2-family house.
- \$2,500 in penalties issued to Urban Atelier Group LLC for violations recorded at 26-02 1<sup>st</sup> Street. Following an incident where a worker slipped on the stairs at the

site, DOB inspectors issued violations for failure to maintain adequate housekeeping after observing extension cords in pooled water at the garage.

- \$1,250 in penalties imposed on MBA Long Island City LLC for violations recorded at 30-11 Borden Ave. Respondent was found in violation for failing to comply with an order of the Commissioner to remove a sign structure.



## Staten Island

- \$12,500 in total penalties issued to L2 Construction company for violations recorded at 400 Lake Avenue. DOB inspectors issued violations for failure to provide pedestrian protection at sides of an excavation, which had a missing guardrail system at perimeter. Additionally, the contractor was cited for failure to obey a Stop Work Order.

## Construction and Design Professionals

- DOB's Special Enforcement Team (SET) audited 17 professionally certified applications submitted by Professional Engineer Anindya Chakraborty and 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 alteration that exceeds the allowable floor area and lot coverage; using inadequate fire rated construction materials for the building construction classification; failure to provide adequate means of egress; proposing unpermitted obstructions in required yards; proposing habitable rooms in a cellar; proposing an enlargement in the Fire District, contrary to code; and various other violations of code and rules, including the 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. SET provided Respondent with a wind-down period to close out open jobs and audits, which concluded on September 1, 2023.

- DOB's Special Enforcement Team (SET) audited nine professionally certified applications submitted by Professional Engineer Ky Fu and found major code non-compliances, 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; failure to provide adequate ventilation in occupied room; failure to provide fire separation between a commercial restaurant and residential tenancies; proposing a place of assembly without filing for a place of assembly certificate of operation; failure to provide an automatic sprinkler system; and various other violations of code and rules, including the Zoning Resolution, Building Code, Multiple Dwelling Law, and Administrative Code. Based on the audits, SET offered a voluntary surrender of Professional Certification and Directive 14 privileges, which the Respondent signed. SET provided Respondent with a wind down period to close out open jobs and audits, which concluded on September 1, 2023.
- General Contractor and Construction Superintendent Vedat Rexhepi had his licenses revoked by order of the Commissioner following a trial at OATH. Mr. Rexhepi was the Contractor and Superintendent at a site where a worker was fatally crushed by a load of joists being delivered, and Mr. Rexhepi was disciplined based on the conditions at that site and others for which he was responsible. The Commissioner's order is dated September 12, 2023.
- Master Plumber Lawrence J. Levine was issued a warning letter reminding him that all documents submitted to the Department under his name need to be signed personally by him. The warning letter was sent via email to Levine's attorney on September 25, 2023.