

# 1 RCNY §48-04

## CHAPTER 48 CONSTRUCTION SUPERINTENDENTS

### §48-04 Disciplinary Actions.

(a) *Suspension or revocation of registration.*

(1) After notice and the opportunity for a hearing in accordance with the rules of the Department, a construction superintendent registration may be suspended or revoked by the Commissioner, with or without the imposition of penalties, or penalties may be assessed, for violation of any provision of the Building Code, the rules of the Department, the Zoning Resolution or any other applicable laws or rules, inclusive of the provisions of subdivision b of this section. Unless replaced by another registered construction superintendent within five (5) business days of such suspension or revocation, all jobs on which the construction superintendent is designated shall be stopped and the permits shall be deemed suspended until such time as a duly registered construction superintendent is designated or such permits expire.

(2) Notwithstanding the provisions of paragraph one of this subdivision, where the Commissioner finds that emergency action is necessary to protect public safety, the Commissioner may suspend immediately upon notice the registration of a construction superintendent and shall schedule a hearing to be held within fifteen (15) days of such notice in accordance with the rules of the Department. At the conclusion of that hearing, the Administrative Law Judge may lift the suspension, revoke the registration, or, alternatively, if the Administrative Law Judge finds that the summary suspension of the registration was appropriate, but that further hearings are necessary to make a final determination of the charges, the Administrative Law Judge may make a finding as to the need for further hearings and continue the suspension pending such further hearings. Upon such initial suspension, unless replaced by another registered construction superintendent within five (5) business days of the suspension by the Commissioner, all jobs on which the construction superintendent is designated shall be stopped and the permits shall be deemed suspended until such time as a duly registered construction superintendent is designated or such permits expire.

(b) *Penalties.* Penalties assessed pursuant to paragraph one of subdivision a of this section shall not exceed one thousand dollars (\$1,000.00) for each violation by a construction superintendent of any of the rules of the Department, the Building Code, the Zoning Resolution or any other applicable laws or rules including, but not limited to any of the following:

- (1) Failure, upon receipt of an order or violation notice, to take the action called for in such order or notice.
- (2) Failure to respond in a timely manner to any Department inquiry.
- (3) Performance or supervision of construction work in a manner contrary to the requirements of applicable codes, rules, the Zoning Resolution or applicable approved plans as they relate to the duties of a person superintending work.
- (4) Fraudulent dealing or misrepresentation.
- (5) The conviction of a criminal offense relating to offering or receiving a bribe, giving or receiving unlawful gratuities, engaging in official misconduct, or other corruption-related acts, where the underlying act arises out of the registrant's occupation or business dealings with the City of New York or with any other governmental entity.
- (6) The making of any false statement in an application for registration or the renewal of a registration or other application or registration required by the Department, or in any proof or instrument in writing in connection therewith.
- (7) Exceeding the maximum number of permissible jobs to which the construction supervisor may be designated.
- (8) Failure to immediately notify the Department in writing upon being relieved from duties for any job upon which the construction superintendent is designated.