

## **DOB ISSUES MONTHLY ENFORCEMENT BULLETIN**

*Report Highlights DOB Enforcement Outcomes from January 2022 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 2022, 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 for construction professionals. Today’s bulletin includes summaries of DOB-imposed disciplinary actions, including penalties and 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:

- 54 violations and \$1,030,062 in penalties, including daily penalties, issued for illegal building alterations at seven locations.
- 25 violations and \$250,000 in penalties issued for failure to safeguard construction sites on 24 separate occasions.
- Nine violations and \$90,000 in penalties issued to nine individuals for failure to carry out duties of construction superintendents.
- Two violations and \$66,250 in penalties, including daily penalties, issued for illegal transient use at one location.

Below are individual enforcement highlights for January 2022:

### **Brooklyn**

- \$74,250 in total penalties issued to property owner Margaret Aloba after DOB found that a two-family building at 29 Marconi Place, Brooklyn, was illegally altered to add four single-room occupancy (SRO) units. The illegal conversions were found following a fire at the building. Penalties were issued for failure to maintain the premises, illegal construction work performed without a permit, and multiple instances of the owner’s failure to comply with previously issued DOB orders to legalize the conditions at the property.

- \$22,500 in total penalties issued to General Contractor Galcon Enterprises for multiple site safety issues at an excavation work site at 186 Huron Street, Brooklyn. At the time of inspection, DOB inspectors found no site safety plans at the location and they did not find any evidence that the contractor had provided site safety orientations for the workers. In addition, we found an unsafe excavation slope greater than 45 degrees, an excavator placed too close to the edge of the excavation site, and the sides of the excavation site were in danger of collapse.
- \$20,625 in total penalties issued to Safety Registrant KBENY, LLC for failure to notify DOB of a work site incident at 124 Columbia Heights, Brooklyn, after a riser pipe fell on a worker's foot. After the incident, DOB inspectors determined that evidence of the incident had been improperly removed prior to our inspection of the site. They also found that inadequate pre-shift meetings were held for the workers, the supported pipe scaffold on site was not installed as per the approved plans, and an FDNY permit for combustible storage at the site had expired.
- \$20,000 in total penalties imposed on 110 Kent LLC and Sky High Murals - Colossal Media Inc. for displaying an Outdoor Advertising Company (OAC) sign less than within 100 feet of a residential zone at 110 Kent Avenue, Brooklyn.



- \$16,250 in penalties issued to Safety Registrant Best Demo Inc. and an additional \$2,500 in penalties issued to Construction Superintendent Marie Grasso for multiple site safety violations at 105 Rogers Avenue, Brooklyn, after an excavator flipped over at this active demolition work site. DOB inspectors determined that the mechanical equipment used to demolish the building had not been approved for use, that there was no competent person on the site at the time of the incident, and that after the excavator flipped over, the construction

workers fled from the scene. It was also determined that the work site had inadequate housekeeping practices with piles of flammable debris found around the site, and the Safety Registrant and Construction Superintendent was not properly implementing required COVID-19 health and safety protocols. Marie Grasso's Construction Superintendent registration was subsequently revoked for misconduct.

- \$10,000 in total penalties issued to General Contractor Y R A Development for working with an expired license and failure to ensure workers attended pre-shift meetings or safety orientations at a worksite at 409 Stockholm Street, Brooklyn.
- \$10,000 in total penalties issued to Tracking Number Holder Silvercup Scaffolding LLC for conducting work at 886 Broadway, Brooklyn, with an expired registration, as well as expired worker's comp and disability insurance.
- \$10,000 in penalties issued to General Contractor Suffolk Construction Comp. for failure to safeguard a construction site at 640 Columbia Street, Brooklyn, after workers attempted to erect steel beams without bracing at the site and bolts snapped, causing a beam to fall and crush a construction trailer at the site. DOB inspectors determined that the contractors were not following a proper sequence of construction while erecting the steel beams.
- The owners of 2711 Voorhies Avenue, Brooklyn, were cited for illegally using the premises as a beauty parlor. Prior to a hearing scheduled at by the Office of Administrative Trials and Hearings (OATH), the owner and occupant entered into a stipulation where they agreed to discontinue the illegal use. The Department will continue to monitor the premises for compliance.



## Bronx

- \$10,000 penalty issued to property owner 224 Realities for their failure to implement appropriate pedestrian protection measures in front of 224 Naples Terrace, Bronx, after an unsafe façade condition was documented at the apartment building.

## Manhattan

- \$66,250 in total penalties issued to property owner NY LLC Brodcom West Development Comp. for illegal transient use of an apartment at 75 West End Avenue, Manhattan. Inspectors found three guests staying in an apartment in the building on a short-term stay booked through Airbnb. They also found that the apartment was missing a fire alarm system, which is required for transient units.
- \$40,000 in total penalties issued to 420 West 42nd Street LLC and Lamar Advertising of Penn LLC for illegally displaying an advertising sign at 420 West 42nd Street, Manhattan, within view of the Lincoln Tunnel.



- \$22,500 in total penalties issued to Safety Registrant Pavarini McGovern LLC for multiple violations at a construction site at 100 Van Dam Street, Manhattan, after a construction worker using a table saw cut two fingers while on the job. DOB inspectors discovered that the safety guard had been improperly removed from the saw, and the contractor failed to hold safety orientations pre-shift safety meetings for the workers at the site. It was also determined that evidence of the worker injury had been tampered with prior to DOB's arrival at the scene by

adjusting the table saw blade, thereby hampering our investigation into the cause of the incident.

- \$17,500 in total penalties issued to General Contractor Pizzarotti LLC for two separate worker injuries at a façade restoration project at two buildings located on the same property lot, 210 West 64th Street and 60 Amsterdam Avenue in Manhattan. DOB issued violations to the contractor after a worker fell approximately 30 feet to the ground while dismantling a supported scaffold at 210 West 64<sup>th</sup> Street. Violations were also issued to the contractor after a separate incident where a worker sustained a head injury by falling debris during material hoisting operations.
- \$8,750 in total penalties issued to General Contractor AB Plus R Construction Inc. for site safety issues at a construction site located at 46 East 65th Street, Manhattan, after inspectors found underpinning work not done according to plan. It was also determined that the construction plans for the steel fabrication or shoring work were not on site at the time of inspection, and the contractors had not installed required protection measures for the adjoining buildings.
- \$6,250 in penalties issued to property owner T.S. Realty LLC for a continued failure to maintain their three-story building at 546 West 46th Street, Manhattan. DOB inspectors have observed 15-foot cracks remain on the side of the building, a condition which was first observed in December 2019.
- \$6,250 in total penalties issued to Tracking Number Holder Canido Basonas Const. Svc. for two penalties at two different work sites. First, for failure to comply with a DOB-issued Stop Work Order at 108 East 96th Street, Manhattan. And second, for failure to immediately notify DOB of a worker injury at 47 Ft. Washington Avenue, Manhattan, after a worker fell over a pallet and had to be transported to the hospital. It was determined that the respondent also failed to file a Local Law 78 incident report within three days of the latter incident.
- The owners of 475, 477 and 479 West 165 Street, Manhattan, were cited for illegally using the premises as a public commercial parking lot. The owner and occupant entered into a stipulation where they agreed to discontinue the illegal use, and they have filed an application with the Department to legalize the parking lot at the location. The Department will continue to monitor the premises and the application filing for compliance.



## Queens

- \$63,125 in total penalties issued to property owner Huang Zhen Biao after DOB inspectors observed that the legal two-family home at 53-16 103rd St., Queens, had been illegally altered by the addition of four single-room occupancies. Additional violations were issued for illegal work without a permit and failure to maintain the property.
- \$10,000 in penalties issued to Tracking Number Holder CRF Construction Inc. for failure to safeguard a construction site at 10-21 47th Road, Queens, issued after DOB inspectors discovered no fall protection measures had been implemented at the three-story building under construction. DOB inspectors found that the site was missing guard rails, and they were not properly implementing controlled access zones.
- \$10,000 penalty issued to Safety Registrant Gilbane Residential Const. for failure to safeguard the construction site at 57-28 2nd Street, Queens, after a worker using stilts to tape a drywall ceiling, fell at the site. DOB inspectors found that while the contractors provided a pre-shift safety meeting for the workers at the site, that meeting did not cover information about the safe use of stilts and was inadequate.
- \$6,250 in penalties issued to property owner Seagis JFK LLC for their continued failure to maintain the building at 155-06 South Conduit Avenue, Queens, after a section of the building's parapet wall fell onto an adjacent property.

## Staten Island

- The owners of 468 and 572 Villa Avenue, Staten Island, were cited for illegally using the premises as a contractor's yard, commercial vehicle storage, dead vehicle storage and junk storage. Prior to a hearing scheduled at by the Office of Administrative Trials and Hearings (OATH), the owner and occupant submitted evidence showing that they had discontinued the illegal use. The Department will continue to monitor the premises for compliance.



## Construction and Design Professionals

- The Department revoked the license of General Contractor Yogeshwarie Parma effective on January 19, 2022, due to a high volume of violations, unpaid penalties and fraudulent conduct. The license was revoked by the Department following a report and recommendation issued by the Office of Administrative Trials and Hearings (OATH) on January 13, 2022.
- Elevator Agency Director Joseph Myers' license was suspended for three months, starting on January 3, 2022, for allowing people not under his direct employment to perform elevator work, violating safety standards, and failing to fully cooperate with the Department's investigation by failing to provide payroll records.
- Following the audit of six professionally certified applications submitted by Professional Engineer Andrew Katz, the Department found major code non-compliance issues, including filing Alteration Type 2 applications despite proposing changes in use and/or occupancy, which require Alteration Type 1 applications for a new or amended Certificate of Occupancy; proposing a Use Group which is not permitted as-of-right in the Zoning District; failure to provide an automatic sprinkler system; failure to provide an adequate exhaust outlet for a spray booth; failure to provide adequate light, air and ventilation; failure to provide adequate means of egress; and various other violations of code and

rules. Based on the audits, DOB offered a voluntary surrender of Mr. Katz's Professional Certification and Directive 14 privileges, which he signed on January 24, 2022.

- DOB audited seven professionally certified applications submitted by Registered Architect Thomas Salazar 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; failure to provide adequate fire resistant materials; proposing the addition of a third story to a wood frame dwelling in a fire district; failure to indicate a property is located in a Tidal Wetlands Area, a Special Flood Hazard Area, and a Coastal Erosion Hazard Area; failure to provide adequate means of egress; proposing a Use Group which is not permitted as-of-right in the Zoning District; failure to provide adequate fire rated materials; and various other violations of code and rule. DOB offered a voluntary surrender of Mr. Salazar's Professional Certification and Directive 14 privileges following the audit, which they signed, and which went into effect on January 17, 2022.
- Following the audit of four professionally certified applications submitted by Registered Architect Chad Smith, the Department 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 a Physical Culture Establishment without obtaining BSA approval; and proposing a Zoning Use not permitted as-of-right in the Zoning District. DOB offered a voluntary surrender of Mr. Smith's Professional Certification and Directive 14 privileges following the audit, which he signed, and which went into effect on January 1, 2022.

For previously issued Enforcement Action Bulletins, [please visit our website](#).