

DOB ISSUES MONTHLY ENFORCEMENT BULLETIN

Report Highlights DOB Enforcement Outcomes from February 2019 to Deter Bad Actors and Keep New Yorkers Safe

New York, NY – Today, the New York City Department of Buildings released its February 2019 enforcement bulletin, 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 took a number of major enforcement actions in February, including:

- 45 violations and \$700,125 in penalties, including daily penalties, issued for illegal building alterations on 13 separate occasions.
- 10 violations and \$69,563 in penalties, including daily penalties, issued for illegal transient use of buildings at three different locations.
- 36 violations and \$405,000 in penalties issued for failure to safeguard construction sites on 34 separate occasions.
- 19 violations and \$190,000 in penalties issued to 17 different individuals for failure to carry out duties as construction superintendents.

Below are individual enforcement highlights for February 2019:

- \$75,000 in total penalties issued to 235 West 22nd St, LLC, the owner of 235 West 22nd Street, Manhattan, for safety and illegal transient use violations after inspectors observed a Class A apartment in the building that was being illegally rented out for short-term stays on Airbnb to out-of-town guests for \$1,000 a day. Additionally, the building owner was also cited for failure to correct previously issued summonses.
- \$1,250 in penalties issued to FSF Soho, LLC, the owner of 503 Broadway, Manhattan, for occupancy of the building contrary to the Certificate of Occupancy (CO). The second floor of the building was found to be occupied as a Zara retail store, while the building's CO states the legal use for the space is a factory.
- \$1,250 in penalties issued to Salva Delaware LLC, the owner of 546 Broadway, Manhattan, for a zoning violation due to the occupancy of a Uniqlo retail store with a square footage

greater than 10,000 sf, in an M1-5B manufacturing district, without a special permit from the NYC Department of City Planning.

- \$5,000 in penalties issued to Bevard Owners Corp., the owner of 245 East 54th Street, Manhattan, for a zoning violation due to a Privately Owned Public Space (POPS) that was found to be improperly maintained per the discretionary zoning agreement. The POPS was found to have a broken water feature and two dead trees.
- \$4,000 in penalties issued to Clairidge House LLC, the owner of 201 East 87th Street, Manhattan, for a zoning violation due to the conditions of the building's POPS. The owners were found to have installed spikes on the seating areas of the POPS to prevent its use, and posted a plaque stating "private property permission to cross revocable at will."
- \$10,000 in penalties issued to Fox Television Station, the owner of 205 East 67th Street, Manhattan, for failure to put required safety measures in place after being notified of an unsafe façade condition.
- \$12,900 in total penalties issued to Registered General Contractor Alco Builders for several construction safety-related violations related to a missing fence that left the construction site open, creating a hazard to the public. The site, located at 623 Beach 67th Street, Queens, is adjacent to a playground. The contractor also failed to properly notify the Department that they were commencing earthwork at the site.
- \$25,000 in penalties issued to Registered General Contractor WTS Contracting Corp., for leaving an occupied home that was under construction, located at 4-19 Beach 138th Street, Queens, open and unprotected. They were also cited for improper work that exposed a damaged gas line, failure to provide tenants with proper egress, and failure to provide adequate shoring for the building. The unsafe conditions created by the General Contractor led to a vacate order being issued for the property.
- \$10,000 in penalties issued to Registered Construction Superintendent Philip Thompson for failing to perform his required duties at a construction site located at 350 Henry Street, Brooklyn, where a construction worker fall occurred. The construction superintendent failed to maintain required safety logs, the site was found to be open to the public, and the sidewalk shed was found to be inadequate. In addition, evidence of the worker accident had not been properly maintained for DOB investigators.
- \$10,000 in penalties issued Registered General Contractor H Interior Design Construction, for failure to safeguard tenants while replacing stairs in an occupied building located at 172 Waverly Place, Manhattan. The contractor removed the stairs between the lobby and the second floor, causing a tenant to be trapped on the second floor.
- \$12,500 in penalties issued to 1460 Holding LLC, the owner of 1460 College Avenue, Bronx, for failure to maintain the façade of the building. The owner had received two previous violations for the unsafe façade, and failed to correct the violating conditions or put required safety measures in place.

- \$8,000 in penalties issued to Registered Architect Jacqueline Velez, for the improper design of a construction fence gate located at 141-03 Holly Avenue, Queens, which swung out onto a public sidewalk and struck a child.
- \$20,000 in total penalties issued to Gilberto Espinoza and crane owner Feldman Lumber-USLMB LLC, for violations related to the improper operation of a crane on a construction site located at 691 St. Nicholas Avenue, Manhattan. The crane used was too small for the load it was lifting, causing the load to fall on the site's sidewalk shed.
- \$50,000 in total penalties issued to John A. Mills, the owner of 1031 Reverend James A. Polite Avenue, Bronx, for illegally converting a legal two-family home to an illegal four-family home with the second floor occupied as single room occupancies.
- \$3,600 in total penalties issued to Edoardo Perazzi, the owner of 222A East 61st Street, Manhattan, for illegal occupancy and transient use violations, after inspectors observed that the basement and first floor of a duplex was being rented out on Airbnb. He was also cited for failure to maintain the property in a code-compliant manner, and inadequate egress in case of an emergency.
- \$37,625 in total penalties issued to Condor Funding LLC, the owner of 12 John Street, Manhattan, for illegal transient use and safety violations related to a Class A apartment that was being rented out for short-term transient stays.
- \$31,050 in total penalties issued to West 46th St. Investors, LLC, the owner of 334 West 46th Street, Manhattan, for failure to file Certificates of Correction with the Department for 27 previously issued violations.
- Following an audit of professionally certified applications submitted by Registered Architect Mark Castellani, the Department found multiple code non-compliances. The architect agreed to a voluntary surrender of his Professional Certification and Directive 14 privileges effective February 22, 2019.
- Following a Report and Recommendation from OATH that Licensed Master Plumber Dimitrios Tsamos' license should be revoked for submitting fraudulent certificates of insurance and for failing to display a sign and plate at his place of business, as required by code, the Commissioner adopted the R&R and issued an order revoking his license. This license revocation became effective on February 11, 2019.
- Registered General Contractor Freddy G. Vera was disciplined by the Department for failure to perform required duties at a construction site at 3113 Westchester Avenue, Bronx, which resulted in unsafe conditions and injury to a worker. The contractor voluntarily agreed to comply with a 30-day suspension of his general contractor registration followed by a three-year term of probation effective February 6, 2019, and also agreed to pay a \$15,000 fine.
- Licensed Class A Hoist Machine Operator Keith Echevarria was disciplined by the Department for operating a crane in New York City larger than what is allowed by his license

type. The licensee was fined \$3,500 and their license was put on probation for a term of 12 months.

- Licensed Concrete Testing Lab Epic Testing Services was disciplined by the Department for failure to properly maintain inspection records, and for failure to properly oversee concrete inspections. Their license was put on probation for a period of 24 months starting on February 8, 2019.
- Licensed Master Plumber Gabi Held was disciplined by the Department for failure to be properly established, failure to provide direct and continuing supervision of his workers, and failure to disclose a prior disciplinary action on his license renewal application. The plumber was fined \$12,000 and his license was placed on probation for a period of 18 months starting on February 19, 2019.
- The owner of 35-34 102 Street in Queens, was cited for illegal use for crating and packing, as well as storage for clothes and rags. Prior to a hearing scheduled with OATH, the owner submitted evidence that the illegal use had been discontinued due to Department actions. The Department will monitor the premises for continued compliance.



- The owner of 179-12 146th Road, Queens was cited for illegal use as a public parking lot. Prior to the hearing scheduled with OATH, the owner submitted evidence that the illegal use had been discontinued due to Department actions. The Department will monitor the premises for continued compliance.



- The owner of 130-11 116 Avenue, Queens was cited for illegal use as a contractor's yard. Prior to the hearing scheduled with OATH, the owner submitted evidence that the illegal use had been discontinued due to Department actions. The Department will monitor the premises for continued compliance.



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