

## **DOB ISSUES MONTHLY ENFORCEMENT BULLETIN**

*Report Highlights DOB Enforcement Outcomes from September 2024 to Deter Bad Actors and Keep New Yorkers Safe*

**New York, NY** – The New York City Department of Buildings released its enforcement bulletin for September 2024, 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 several major enforcement actions in September, including:

- 5 violations and \$65,000 in penalties issued for failure to safeguard construction sites at 5 locations.
- 15 violations and \$180,000 in penalties, including daily penalties, issued for illegal building alterations at 3 locations.
- 2 violations and \$120,000 in penalties, including daily penalties, issued for illegal transient use at 2 locations.

Below are individual enforcement highlights for September 2024:

### **Construction and Design Professionals**

- DOB’s Special Enforcement Team (SET) audited 6 professionally certified applications submitted by Professional Engineer Xiongcai Gu 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 plans that fail to provide two exits from the cellar; proposing plans that do not show stair enclosure where required; failure to ensure fire safety throughout the building; and various other violations of applicable regulations, 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 agreed to.

- DOB's Special Enforcement Team (SET) audited 5 professionally certified applications submitted by Professional Engineer Dennis Douglas 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 a sustainable roofing zone; proposing plans that do not demonstrate new primary structural members and fire-resistance ratings are compliant; failure to properly indicate a building was in a fire district; and various other violations of applicable regulations, 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 agreed to.
- General Contractor and Construction Superintendent Giles Cooper agreed to a one-year suspension of his two licenses, a \$15,000 fine, and two years of probation after he was found performing construction work without a permit at a site where a fatality occurred, failing to report the incident to the Department and failing to institute necessary safety measures at the site.

## **Bronx**

- \$15,000 in total penalties issued to Fazio Construction Corp. for violations recorded at 849 Crotona Park North. DOB inspectors issued violations for inadequate egress with extension ladder not secured, footed in mud and in proximity to uncapped rebar. Additionally, inspectors observed no guardrails and/or a barrier system not tied or secured at an excavation pit drop of 6 feet or higher, and a blocked fire escape.
- \$10,000 in total penalties issued to A Davidson LLC for violations recorded at 1775 Davidson Avenue. DOB inspectors issued violations for work w/out a permit after observing ongoing unpermitted general contracting, electrical and plumbing work in 3 units. In addition, unpermitted work was ongoing against an active Stop Work Order.

## **Brooklyn**

- \$25,000 in penalties issued to JLS Group Construction LLC for violations recorded at 5306 9<sup>th</sup> Avenue. DOB inspectors issued violations after 50 linear feet of erected construction fence fell onto sidewalk with nails and screws sticking out.
- \$25,000 in total penalties issued to John D'Arpa for violations recorded at 37 Bay 49<sup>th</sup> Street. DOB inspectors issued violations after the respondent continued to build a garage on a vacant lot contrary to an active Stop Work Order.
- \$10,000 in total penalties issued to SM Tam Architect LLC for violations recorded at 6402 14<sup>th</sup> Ave. DOB inspectors issued violations after finding that the building

type for the New Building permit did not match the job description, and for not having a Superintendent on the permit which is required for the job filing type.

- \$10,000 in penalties imposed on 809 Metro LLC for violations recorded at 809 Metropolitan Ave. DOB inspectors issued violations after determining that a sign on the property advertised a business not on the premises, and the owner is not registered as an Outdoor Advertising Company.



- \$10,000 in penalties issued to UGB Construction Inc. for violations recorded at 1314 Lincoln Place. DOB inspectors issued violations for the sidewalk shed being removed prior to the 5-story building being completed.
- \$10,000 in penalties issued to 316 Kent Construction LLC for violations recorded at 320 Kent Avenue. DOB inspectors issued violations the Contractor for having no record of a Construction Superintendent at the new building job site, or designation of a Competent Person in the logbook.
- \$10,000 in penalties issued to Naccaratto Contracting Corp for violations recorded at 127 Park Place. DOB inspectors issued violations after observing that 100 % of fireproofing was removed on the 1<sup>st</sup> floor contrary to the Tenant Protection Plan, which stated that no fire stopping or fire rated construction between tenant areas will be disturbed during the duration of construction.
- \$10,000 in penalties issued to Yafe Meod Corp. for violations recorded at 2210 Avenue S. Inspectors issued violations after observing site exposed due to fence leaning, leading to unpermitted access to construction site.

## Manhattan

- \$15,000 in penalties issued to MJM Associates Construction LLC for violations recorded at 11 East 15<sup>th</sup> Street. Inspectors issued violations after plywood dislodged from 5<sup>th</sup> floor and hit worker on his head. DOB inspectors observed that shoring was not properly supported to prevent the dislodgment. Additionally, adjacent property window was not properly protected and DOB inspectors observed concrete splatter on the window.
- \$11,250 in penalties issued to 550 W. 25<sup>th</sup> Street Association for violations recorded at 550 West 25<sup>th</sup> Street. DOB inspectors issued violations for failure to maintain the parking structure. Inspectors observed no pedestrian protection measures on 1<sup>st</sup> and 2<sup>nd</sup> floor with spalling concrete, exposed rebar, and deteriorated truss bottom chord. Inspectors issued a Partial Vacate Order due to the unsafe conditions.
- \$10,000 in penalties issued to Coastal Waterproofing LLC for violations recorded 437 Madison Ave. DOB inspectors issued violations following an incident where a worker fell 18 feet, landing on setback platform. Inspectors observed no guardrails or barriers present to block the fall, and worker was not tied off.
- \$8,750 in penalties issued to 118 East 7<sup>th</sup> LLC for violations recorded at 118 East 7<sup>th</sup> Street. DOB inspectors issued violations for one unit in the building being occupied for transient use.

## Queens

- \$67,750 in penalties issued to Gerard Barker for violations recorded at 179-30 142nd Ave. DOB inspectors issued violations for illegal alteration work after finding the legal 1-family converted to 5-family dwelling with the addition of 4 Single Residence Occupancies (SROs). Inspectors also issued violations for work w/out a permit, failure to provide sprinkler and fire alarm, and lack of required number of egress points.
- \$1,250 in penalties imposed on Van Dam Specialty and Promotions, Inc. for violations recorded at 51-03 Van Dam Street. DOB inspectors observed that the sale/lease sign was installed for multiple years and therefore required a permit, which the company had not obtained.

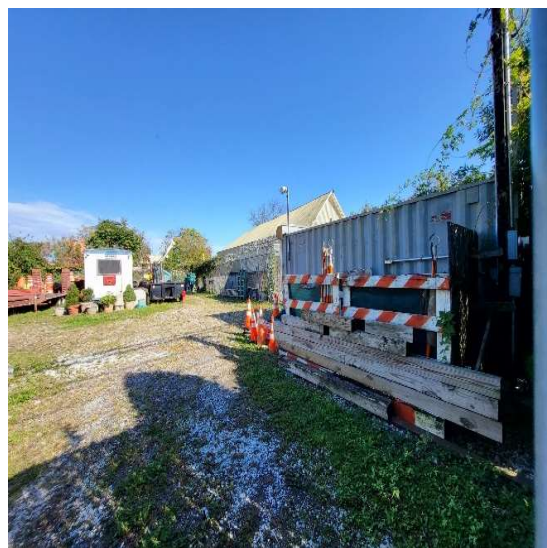




- A petition for padlock at 78-05 149<sup>th</sup> Ave was filed at OATH Trials after inspectors observed dead storage of motor vehicles without plates or registration.



- A petition for padlock at 78-09 149<sup>th</sup> Ave was filed at OATH Trials after inspectors observed a contractor's yard for a tree service business installed in a vacant lot in a residential district.





- Following DOB's findings of a contractor's yard and commercial vehicle storage at 106-25 160<sup>th</sup> Street , a judge executed a closure order for the property, to be following by a padlocking of the gates to the premises if conditions persist.



- The owners of 76-03 Blake Ave signed a stipulation agreement with DOB to cease illegal use of their property for commercial vehicle storage, dead storage, and junk salvage storage.



- The owners of 133-24 Emerald Street signed a stipulation agreement with DOB to cease illegal use of their property for commercial vehicle storage, dead storage, and junk salvage storage.





- The owners of 133-40, 133-46 Emerald Street & 133-47, 133-49 Ruyg Street signed a stipulation agreement with DOB to cease illegal use of their property for commercial vehicle storage, dead storage, and junk salvage storage.



- The owners of 137-27 Saphire Street signed a stipulation agreement with DOB to cease illegal use of their property for commercial building materials storage and use as a contractor's yard.





- A padlock closure order was posted at 133-18 Garage 78<sup>th</sup> Street following illegal dead storage of motor vehicles and use as a contractor's yard. A reinspection by DOB showed that the owner had complied with the closure order by removing the vehicles and contractor's equipment.

