

DOB ISSUES MONTHLY ENFORCEMENT BULLETIN

Report Highlights DOB Enforcement Outcomes from November 2021 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 November 2021, 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 November, including:

- 21 violations and \$240,000 in penalties issued for failure to safeguard construction sites on 21 separate occasions.
- 13 violations and \$233,750 in penalties, including daily penalties, issued for illegal building alterations at 3 locations.
- 11 violations and \$110,000 in penalties issued to 11 different individuals for failure to carry out duties of construction superintendents.
- 10 violations and \$121,750 in penalties, including daily penalties, issued for illegal transient use at 4 locations.

Below are individual enforcement highlights for November 2021:

Bronx

- \$41,125 in total penalties issued to General Contractor Kings Group NY Corp. for multiple site safety violations at three adjacent new building projects located at 364, 368 and 372 East 194th Street, Bronx. DOB inspectors found that the three construction sites did not have records showing that required site safety orientations and pre-shift safety meetings were being conducted for the workers. In addition, DOB inspectors found poor housekeeping at the work sites, and required protection measures had not been installed for an adjoining building.

- The owners 3306 Boller Avenue, Bronx, were cited for illegally using the premises as a contractor's yard, dead vehicle storage and commercial vehicle storage. Following a hearing at the Office of Administrative Trials and Hearings (OATH) which resulted in a favorable report and recommendation, an order of closure was posted at the premises. If the illegal use is not discontinued, the property will be padlocked.



Brooklyn

- \$25,000 in penalties issued to Tracking Number Holder AA Inspection & Buildings for failure to safeguard a construction site at 141 Johnson Avenue, Brooklyn, after a section of the façade collapsed at the front of the site, sending debris onto the sidewalk shed and damaging a nearby vehicle.
- \$25,000 in penalties issued against property owner U The 285 Driggs Avenue Condominium for failure to install a sidewalk shed in front of the building at 285 Driggs Avenue, Brooklyn, after the filing of an unsafe façade report which indicated that pedestrian protection measures were necessary in the interest of public safety.
- \$22,500 in total fines issued to Safety Registrant JL Works Inc. for multiple site safety issues at a construction site at 344 Willoughby Avenue, Brooklyn, after a 3-foot-by-3-foot composite stone panel fell from the work site and into an adjacent yard. It was determined that the sidewalk shed at the site was inadequate and did not provide appropriate protection for the work site.
- \$20,000 in total penalties issued to Tracking Number Holder Khasri Construction Inc. for failure to safeguard a construction site at 181 Langham Street, Brooklyn, related to an incident where a worker shot himself with a nail gun. A subsequent

DOB inspection of the site found that no safety precautions were in effect at the time of the incident, the respondent failed to immediately notify the Department of the accident, and the nail gun was removed from the site prior to our arrival on scene. Additionally, the site was missing required overhead protection that was indicated on the site safety plan.

- \$12,500 in penalties issued to property owner Konstan Realty LLC for failure to maintain a building at 84 Hoyt Street, Brooklyn. DOB inspectors found that the building had no fire escapes, the interior hallways were obstructed, and the building occupants had no secondary means of egress.
- \$10,000 in penalties issued to Construction Superintendent Nir Sapir for his failure to perform his required duties at a work site located at 344 Willoughby Avenue, Brooklyn. DOB inspectors found that during the effective time of the Governor's COVID Emergency Order, eight nonessential workers were on site with no face coverings, no logbooks and no required safety supervision.
- \$10,000 in penalties issued to General Contractor Rubin Devel & Const Inc. for failure to safeguard a construction site at 1 Sullivan Place, Brooklyn. DOB inspectors found that while underpinning work was being performed for an adjacent building, the contractor was not properly monitoring for vibrations, and extensive cracking was discovered at the underpinned building.
- \$6,250 in total penalties issued to property owners 513 Condominium for construction work conducted without a permit, illegal occupancy, and a failure to maintain the property at 513 57th Street, Brooklyn. DOB inspectors found an illegally constructed massage parlor in the building's cellar with unpermitted partitions, and inadequate egress.
- The owners at 2901 Avenue U, Brooklyn, were cited for illegally using a commercial premise as a contractor's yard. Prior to a hearing scheduled with the Office of Administrative Trials and Hearings (OATH), the owners entered into a stipulation with the Department, agreeing to discontinue the illegal use. A compliance inspection revealed that the illegal use was not discontinued, so the property was padlocked. The property will remain padlocked until the illegal use is discontinued.



Manhattan

- \$25,000 in penalties issued to Safety Registrant Racanelli Construction Co. for the Safety Registrant's failure to maintain safety equipment at 512 West 143rd Street, Manhattan, after a guardrail was dislodged and fell at the site, resulting in an injury to a construction worker.
- \$18,750 in total penalties issued to property owners RCPI Holdco LLC for failing to complete the required installation of full sprinkler systems and file a required sprinkler reports at 9 Rockefeller Plaza, 40 Rockefeller Plaza and 1260 Sixth Avenue, Manhattan.
- \$12,500 in total penalties issued to Safety Registrant TB USA LLC after a live 220-volt power line for a suspended scaffold rig was severed while work was ongoing at a construction site at 145 West 47th street, Manhattan. DOB inspectors also found an inadequate guardrail system at the site that contained gaps allowing persons and items to fall, and that the respondent failed to implement adequate safeguard measures at the roof level.
- \$7,500 in penalties issued to 101 Park Avenue Associates II, LLC for displaying two illuminated "Kalikow" signs at 101 Park Avenue, Manhattan, without the required permits and above the relevant height limits. The signs were located inside of the building, eight inches from the windows at the top floor. The premises are being monitored for compliance.



Queens

- \$25,000 in penalties issued to property owner 138 St Group Corp for working against a previously issued DOB Stop Work Order at 138-40 97 Avenue, Queens. The respondent purchased the property in 2020 and began work shortly after, in violation of the Stop Work Order that was first issued in 2008.
- \$25,000 in penalties issued to Rego Park Gardens Condo for failure to provide an adequate sidewalk shed after filing an unsafe façade report indicating hazardous conditions at 94-30 59th Avenue, Queens.
- \$5,000 in penalties to Jonathan A. Valenzuela for conducting unlicensed plumbing work at 435 Beach 43rd Street, Queens. Mr. Valenzuela was improperly representing himself as a licensed plumber.

Staten Island

- \$30,000 in total penalties imposed on Abdelhamid M Abourya for illegally placing an outdoor advertising sign at 35 Starlight Road, Staten Island, in a residential area where advertising signs are prohibited. The sign was installed without the required permits, and without proper registration. It has since been removed.



- \$20,000 in total penalties issued to Tristate Crane LLC for using a knuckle boom delivery truck to install equipment inside of a construction site at 18B Sneden Avenue, Staten Island. The knuckle boom crane was being used without a certificate of on-site inspection, and without a certificate of operation, both required to use the delivery vehicle for construction operations.
- The owners at 92 Alaska Street, Staten Island, were cited for illegally using the premises for auto repair and dead vehicle storage. Following the issuance of a warning letter from DOB's Padlocks Unit sent to the owner, the illegal use was discontinued. The property will be monitored for continued compliance.



Construction and Design Professionals

- Special Rigger Henry Cercone was charged with a violation of the NYC Building Code, related to an incident where a suspended scaffold under his control caused a coping stone to be dislodged from a building parapet and fall onto the street. Mr. Cercone agreed to a voluntary surrender of his riggers license effective November 22, 2021.
- Following an audit of six professionally certified applications submitted by Registered Architect Cherico King, the Department found major code noncompliance issues, 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 means of egress; proposing a physical culture establishment without obtaining BSA approval; failure to provide fire suppression and exhaust hood systems for a commercial kitchen; failure to provide adequate fire separation from a commercial kitchen; and various other violations of code and rules, including the Zoning Resolution and Building Code. Based on these issues, DOB offered a voluntary surrender of Mr. King's Professional Certification and Directive 14 privileges, which he signed, and which took effect on November 30, 2021.