

DOB ISSUES MONTHLY ENFORCEMENT BULLETIN

Report Highlights DOB Enforcement Outcomes from December 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 December 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 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 December, including:

- 14 violations and \$170,000 in penalties issued for failure to safeguard construction sites on 14 separate occasions.
- 15 violations and \$407,000 in penalties, including daily penalties, issued for illegal building alterations at three locations.
- 9 violations and \$90,000 in penalties issued to nine different individuals for failure to carry out duties of construction superintendents.

Below are individual enforcement highlights for December 2021:

Brooklyn

- \$16,150 in total penalties issued to Safety Registrant AR Developers for multiple site safety violations issued at 385 Classon Avenue, Brooklyn. Department inspectors found that the construction site was not properly enclosed, the sidewalk shed at the site was not fully extended causing the adjacent driveway to be blocked off, and no protection measures were put in place for the high voltage wires adjacent to the site.
- \$10,000 in penalties issued to General Contractor H&Z Building Consultant for failure to safeguard a work site located at 2066 85th Street, Brooklyn. Department inspectors found two workers were in an elevator shaft, standing on a motorized

platform 40 feet up in the air, working without the required fall protection systems and guard rails. The motorized platform was also found to be substandard.

- \$10,000 in penalties issued to Weinstein Enterprises for failure to register as an Outdoor Advertising Company (OAC), after displaying an outdoor advertising sign at 59 Flatbush Avenue, Brooklyn.



- \$8,750 in total penalties issued to property owner 1502 West 6th LLC, after DOB inspectors found an illegal cellar apartment had been created at 1502 West 6th Street, Brooklyn. It was determined that the that work to convert the cellar into an apartment, including the creation of partitions, gas lines, and water line, was all performed without required permits. Additionally, required tests had not been performed on the building's gas line, and an uncapped gas flex hose was found attached to the system but not connected to any of the appliances.
- \$5,000 in penalties issued to General Contractor Prestige Construction NY for continuing to pour concrete at 1634 Church Avenue, Brooklyn, in violation of a previously issued DOB Stop Work Order (SWO). The Department issued the SWO six days prior to the violation.
- \$3,125 in total penalties issued to Nai Ying Jiang for repeatedly illegally using the building cellar at 754 55th Street, Brooklyn, as a massage parlor without the required BSA approval to operate the space as an Adult Physical Culture Establishment.

Bronx

- \$2,500 in penalties issued to property owner 4410 Cayuga Avenue Owners Crop. for failure to repair the damaged façade at 4410 Cayuga Avenue, Bronx, within the allotted timeframe set by the Department. The respondent also failed to file a façade inspection report on time and did not request an extension to file.

- The owners of 3306 Boller Avenue, Bronx, were cited for illegally using the premises as a contractor's yard and for dead and commercial vehicle storage. After a hearing was held at the Office of Administrative Trials and Hearings (OATH), an Order of Closure was posted at the premises. Subsequently, the owner contacted the Department and submitted evidence that the illegal use of the property was discontinued. The Department will continue to monitor the premises for compliance.



Manhattan

- \$10,000 in penalties issued to Tracking Number Holder Ariston Chimney LLC for failure to safeguard a construction site located at 14 East 64th Street, Manhattan. Department inspectors found that chimney repair was being done without the proper safety netting, after a worker dropped a wrench and it landed onto a fourth-floor balcony of the building.
- \$10,000 in penalties issued to property owner Wadsworth LP for failure to provide adequate safety measures after filling an unsafe façade report at 140 Wadsworth Avenue, Manhattan.
- \$1,250 in penalties issued to property owner 136 E 64 St Corp for failure to post and distribute copies of the Safe Construction Bill of Rights to the building residents, while construction activity was ongoing in an occupied residential building at 136 East 64th Street, Manhattan.

Queens

- \$16,875 in total penalties issued to General Contractor Marco Properties 1 for multiple site safety issues found during a DOB inspection at a construction site located at 331 St. Nicholas Avenue, Queens. Our inspectors found that construction workers on a scaffold at the site were not properly tied off, the scaffold was installed improperly without approved drawings and permits, the site was missing guardrails, and there was no record of daily inspections being performed at the site. It was also determined that the workers on site did not have the required training to work at the site, that neither a Construction

Superintendent nor a designated Competent Person were present at the site during our inspection, and the Superintendent had failed to perform their duties as required by Code.

- \$12,000 in total penalties issued to property owner Retained Realty, Inc. for their repeated failure to comply with a DOB-issued Vacate Order at 189-28 Quencer Road, Queens. A DOB inspection found that the house was occupied by two individuals, contrary to a Full Vacate Order issued for the entire house in 2012.
- \$10,000 in penalties issued to Construction Superintendent Muhammad Khan for failure to perform his duties at a new building construction site for a four-story hotel located at 1616 Summerfield Street, Queens. Department inspectors found that there was no Construction Superintendent or designated Competent Person on the site while work was ongoing at the time of the inspection.
- \$6,250 in total penalties issued to property owner J.T. Hwang Enterprises Inc. for failure to maintain a building located at 39-10 Main Street, Queens. Department inspectors found that the granite portion of the front façade of a three-story building had collapsed, with a possibility of further debris falling from the initial collapse.
- The owners of 88-02 199th Street in Queens were cited for illegally using the premises as a business office and for dead vehicle storage. Prior to a hearing scheduled with OATH, a stipulation was entered into where the owner and occupant agreed to discontinue the illegal use of the premises. The Department will continue to monitor the premises for compliance.



- The owners of 135-40 126th Street in Queens were cited for illegally using the premises for commercial and dead vehicle storage. Prior to a hearing scheduled with OATH, a stipulation was entered into where the owner and occupant agreed to discontinue the illegal use of the premises. The Department will continue to monitor the premises for compliance.



- The owners of 155-35 Linden Boulevard in Queens were cited for illegally using the premises as offices, as well as boat and commercial vehicle storage. Prior to a hearing scheduled with OATH, a stipulation was entered into where the owners and occupants agreed to discontinue the illegal uses of the premises. The Department will continue to monitor the premises for compliance.



- The owners of 37-51 75th Street in Queens were cited for illegally using the premises for various business offices. Prior to a hearing scheduled with OATH, a stipulation was entered into where the owner and occupant agreed to pursue a rezoning with the Department of City Planning to legalize the businesses, or if they are unsuccessful, discontinue the illegal use of the premises. The Department will continue to monitor the rezoning application and premises for compliance.



Staten Island

- \$12,000 in total penalties issued to property owner James Kline for failure to maintain the shared retaining wall on his property located at 14 Oxford Place, Staten Island, that collapsed onto the rear of the adjacent yard.

Construction and Design Professionals

- Following the audit of five professionally certified applications submitted by Professional Engineer Mohammad M. Billah, 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; increasing the degree of zoning non-compliance in an existing non-complying building; failure to provide an automatic sprinkler system; failure to provide adequate means of egress; failure to provide adequate fire rated construction materials; failure to obtain a Place of Assembly Certificate of Operation; and various other violations of code and rules. Based on these issues, DOB offered a voluntary surrender of Mr. Billah's Professional Certification and Directive 14 privileges, which the Respondent signed on December 9, 2021.
- Effective December 17, 2021, the Department revoked the General Contractor & Construction Superintendent licenses of Aglin Zefi, following a report and recommendation issued by OATH on December 15, 2021.