



THE BROOKLYN DISTRICT ATTORNEY'S OFFICE

KEEPING BROOKLYN SAFE AND STRENGTHENING COMMUNITY TRUST



FOR IMMEDIATE RELEASE

Tuesday, March 22, 2022

Construction Company and Owner Indicted for Manslaughter in Death of 5-Year-Old Girl Struck by Pillars Following Wall Collapse

***Defendant Allegedly Built Dangerously Flawed Stone Fence in
Violation of Numerous Provisions of the NYC Building Code***

Brooklyn District Attorney Eric Gonzalez, together with New York City Department of Investigation Commissioner Jocelyn E. Strauber and New York City Department of Buildings Acting Commissioner Constadino "Gus" Sirakis, P.E., today announced that the owner of a Nassau County construction company has been indicted on manslaughter and other charges after a wall he built collapsed on a child, killing her.

District Attorney Gonzalez said, "The wall that this defendant allegedly built was a disaster waiting to happen. He allegedly failed to obtain the proper permits and failed to reinforce and secure the structure as required by law. As a direct consequence of his alleged recklessness, the wall collapsed and caused the senseless death of a precious 5-year-old child. My heart is with the victim's family, and we will now seek to hold this defendant accountable."

Commissioner Strauber said, "The New York City Building Code exists to ensure the safety of construction in the city. Mr. Anwar and his company allegedly violated numerous Code requirements when they built a stone wall without proper anchors or permits. Their obviously dangerous conduct had tragic consequences; as charged, the wall collapsed, causing the death of a 5-year-old girl. We thank the Brooklyn District Attorney's Office and the city's Department of Buildings for their partnership in this important investigation and we will continue to work with them to hold accountable those who flout their responsibilities with respect to construction safety."

Acting Commissioner Sirakis said, "Performing construction work without the necessary permits can have devastating consequences. This indictment sends a strong message to the construction industry that this City will not tolerate bad actors who cut corners and jeopardize the safety of our fellow New Yorkers. I would like to personally thank our partners at the District Attorney's Office and at the Department of Investigation for bringing criminal charges in this important case."

The District Attorney identified the defendant as Nadeem Anwar, 46, of Valley Stream and his company, City Wide Construction and Renovations, Inc., also of Valley Stream. They were arraigned today before Brooklyn Supreme Court Justice Danny Chun on an indictment in which they are charged with second-degree manslaughter, criminally negligent homicide, second-degree reckless endangerment, first-degree offering a false instrument for filing, and second-degree falsifying business records. Anwar was released without bail and ordered to return to court on May 11, 2022.

The District Attorney said that, according to the investigation, on August 29, 2019, at approximately 8:23 p.m., Alysson Pinto-Chaumana, 5, was with her mother and several friends while they were visiting a friend at 444 Harman Street, a three-story building in Bushwick, Brooklyn.

The group was outside waiting near the front door on an enclosed patio next to a 68" tall wall that fenced in the patio and had a base of heavy stone pillars topped with stone horizontal plates. Suddenly, the pillars and a horizontal plate fell inward onto Alysson, crushing her skull and causing her death.

An investigation into the collapse determined that the defendant, a licensed contractor, who was hired to renovate the façade of the property and build the wall in September 2018 allegedly committed numerous violations of the New York City Building Code. Although he was licensed as a contractor in Nassau County, he was not authorized to file for work permits with the NYC Department of Buildings and had another contractor file the application for the work on the façade, but not for building the wall.

The defendant allegedly did not acquire a DOB permit to build a stone wall at 444 Harman Street, which was required, nor did he have a licensed engineer or architect conduct a post-construction analysis of the wall's stability as required. A row of stone pillars must have at least one pillar every 48 inches with a steel reinforcing bar anchoring that pillar to the base. All of the pillars must also be secured to the base with an engineer-grade adhesive. The horizontal plates must be secured to the pillars with engineer-grade adhesive.

A DOB engineer who responded to the collapse allegedly observed there were no steel reinforcing bars in any of the pillars. Furthermore, he determined that there was no engineer-grade adhesive securing any of the wall's component parts. Therefore, he determined, the wall was highly unstable and held together mostly by its own weight and gravity, an egregious violation of multiple provisions of the Building Code. The engineer described the conditions as "imminently perilous to life."

The case was investigated by New York City Department of Buildings Director of Forensic Engineering Unit, Marco Frias, PE and New York City Department of Investigation Chief Investigator James McElligott and Confidential Investigator Eliza Kopelman, under the supervision of Senior Inspector General Gregory Cho, Deputy Commissioner/Chief of Investigations Dominic Zarrella and First Deputy Commissioner Daniel G. Cort.

The case is being prosecuted by Senior Assistant District Attorney Linda Hristova, of the District Attorney's Frauds Bureau, under the supervision of Assistant District Attorney Michel Spanakos, Deputy Chief of the District Attorney's Investigations Division, and the overall supervision of Assistant District Attorney Patricia McNeill, Chief of the Investigations Division.

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An indictment is an accusatory instrument and not proof of a defendant's guilt.



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FOR IMMEDIATE RELEASE
Friday, July 1, 2022

Brooklyn Scaffolding Company and its Foreperson Indicted for Reckless Endangerment and Criminal Mischief in Scaffolding Collapse

Allegedly Failed to Remove Unsecured Scaffolding from Park Slope Construction Site, Despite Safety Concerns and Industry Protocols, Leading to Collapse that Left Woman Seriously Injured

Brooklyn District Attorney Eric Gonzalez, together with New York City Department of Investigation Commissioner Jocelyn E. Strauber and New York City Department of Buildings Commissioner Eric Ulrich, today announced that the foreman of a Brooklyn scaffolding company and the company have been arraigned on an indictment in which they are charged with reckless endangerment and criminal mischief for failing to remove unsecured scaffolding from a 12-story building under construction in Park Slope. High winds caused the scaffolding to collapse and plummet from the roof, striking a woman below in the courtyard of an adjacent bar.

District Attorney Gonzalez said, “This is a tragedy that never should have happened. The defendant allegedly ignored industry safety protocols by failing for days to either secure or remove the scaffolding at this site. His alleged inaction has had a profound and devastating impact on a young woman who will suffer the consequences for the rest of her life. We will now seek to hold him accountable for his reckless, irresponsible and criminal behavior.”

Commissioner Strauber said, “These charges make clear that disregard of New York City’s building code can have tragic consequences. As alleged, this foreman and his company knowingly failed to secure or remove roof scaffolding that posed a serious danger, and that ultimately caused injuries to individuals on the street below, including a young woman who suffered significant and permanent brain injuries. This tragedy was entirely preventable, and the charged conduct is not just unprofessional and irresponsible, it is criminal. We are committed to continuing to work with our law enforcement partners at the Brooklyn District Attorney’s Office and the City Department of Buildings to identify and prevent this type of dangerous misconduct.”

Commissioner Ulrich said, “Choosing not to perform required safety work on a construction site can have tragic and devastating consequences. If proper precautions were taken, this incident might have been avoided. I would like to personally thank our partners at the Brooklyn District Attorney’s Office and at the Department of Investigation for bringing criminal charges in this important case.”

The District Attorney identified the defendants as Zeke Fagan, 26, of Woodmere, New York, and Silvercup Scaffolding, of 29 Lorimer Street, in Williamsburg, Brooklyn. The defendants were arraigned today before Brooklyn Supreme Court Justice Jane Tully on an indictment in which they are charged with second-degree reckless endangerment and fourth-degree criminal mischief. They were ordered to return to court on August 11, 2022. Each of the misdemeanor counts they were charged with carries a maximum sentence of 364 days in jail.

The District Attorney said that, according to the investigation, on June 30, 2019, at approximately 3 p.m., support scaffolding on the roof of a 12-story building located at 243 4th Avenue in Park Slope, which was left largely disconnected from the bulkhead and which still had its netting attached, fell from that roof onto Mission Dolores, an adjacent bar with an outdoor patio directly below the rooftop of 243 4th Avenue. Three patrons were struck by the debris, including a 32-year-old woman who suffered serious, permanent brain injuries. Two other women suffered minor injuries. In addition, pieces of scaffolding, including metal pipes and wooden planks, shattered panes of glass in the bar's atrium area.

The scaffolding was initially secured to the building by "tie backs," which are metal rods that are connected to the building through a hole created in the wall. The scaffolding was also interconnected to itself and surrounded the entire bulkhead creating four interconnected sides to provide further support. Therefore, it was connected to the building and interconnected to itself, as required by the building code.

However, according to the investigation, on June 12, 2019, a subcontractor doing stucco work disconnected the tie backs of the scaffolding to fill in the holes created by the tie backs. That contractor allegedly immediately informed the general contractor's construction superintendent to make sure the scaffolding was dismantled by Silvercup the following day. Fagan, Silvercup's foreman, who was responsible for overseeing the scaffolding, was allegedly informed of this by the superintendent on June 14, 2019. Also, on that date, the superintendent texted Fagan a photograph of the scaffolding coming apart on the roof's bulkhead.

The scaffolding was never properly dismantled and remained in a precarious, unsecured condition for over two weeks, including days where there were high winds. On June 30, 2019, gusts of high winds swept through Park Slope and caught the netting of the scaffolding, causing a sail-like effect lifting the scaffolding up and away from the building. Notably, the extreme weather condition had been forecasted and advisories about it were sent out by the DOB.

The scaffolding then fell from the bulkhead over the side of the building and into the courtyard of Mission Dolores, a bar that was located at 249 4th Avenue, where numerous patrons were seated, including the 32-year-old woman who was struck in the head by a piece of the scaffolding and sustained serious injuries, including a fractured skull and permanent neurological trauma. Two other women seated in the courtyard sustained less severe injuries.

The case was investigated by DOI Assistant Inspector General Robert Miller, under the supervision of Inspector General Gregory Cho, Deputy Commissioner/Chief of Investigations Dominick Zarrella and First Deputy Commissioner Daniel G. Cort.

The case is being prosecuted by Senior Assistant District Attorneys T. Peter Choi and Rina Lee of the District Attorney's Frauds Bureau, under the supervision of Assistant District Attorney Gregory C. Pavlides, Bureau Chief, and the overall supervision of Assistant District Attorney Michel Spanakos, Deputy Chief of the District Attorney's Investigations Division, and Assistant District Attorney Patricia McNeill, Chief.

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FOR IMMEDIATE RELEASE

Tuesday, September 27, 2022

**Flatbush Landlord Sentenced to Jail and Probation
in Connection with Fatal Fire that Left One Tenant Dead**

Defendant Rented Out Illegally Subdivided Apartments Leading to Unsafe Conditions

Brooklyn District Attorney Eric Gonzalez, New York City Department of Investigation Commissioner Jocelyn E. Strauber, New York City Fire Department Acting Commissioner Laura Kavanagh and New York City Buildings Department Commissioner Eric Ulrich, announced today that the owner of an illegally subdivided Flatbush apartment building has been sentenced to six months in jail and five years' probation in connection with a fatal two-alarm fire in 2019 that left one tenant dead and six others injured.

District Attorney Gonzalez said, "This landlord's unconscionable negligence cost an innocent man his life and left six others injured when a horrific fire broke out in his illegal apartments. Today's sentence holds him accountable and sends a strong message to landlords who put profit over the health and safety of their tenants that violations of our housing laws and regulations can come with serious consequences."

Commissioner Strauber said, "The City's housing laws and regulations protect tenants' safety, including in the event of a fire. This defendant broke those laws, renting out four illegally-subdivided apartments and creating other hazardous conditions that led to the death of one tenant and injuries to the others when a two-alarm fire broke out in his property. Mr. Leon's conviction and sentence for criminally negligent homicide reflects his utter disregard for his tenants' lives and his legal obligations. I thank the Brooklyn District Attorney's Office, the City Department of Buildings and Fire Department for their commitment and partnership on this investigation."

Acting Commissioner Kavanagh said, "This landlord forced his residents to live in incredibly unsafe conditions which led to a fire that claimed the life of one innocent New Yorker, and needlessly risked the lives of other occupants and dozens of Firefighters who bravely responded to fight the fire. The outstanding efforts of our Fire Marshals to determine the cause and origin of this fire were critical to the investigation. Thank you to the members of the Department of Investigation and the Department of Buildings for their close collaboration with our Marshals and thank you to District Attorney Gonzalez for his office's work to bring justice in this case."

Commissioner Ulrich said, "The defendant carved up a building into illegal apartments without regard for fire-safety protections – causing the death of one tenant, injuring six others, and even putting his own family at risk. I commend District Attorney Gonzalez for his swift prosecution in this case. He is sending a strong message to New Yorkers that we will not tolerate landlords who act recklessly and disregard the law."

The District Attorney identified the defendant as Evener Leon, 63, of Flatbush, Brooklyn. He was sentenced today to six months in jail and five years' probation by Brooklyn Supreme Court Justice Danny Chun. The defendant was convicted of criminally negligent homicide on May 23, 2022, following a bench trial.

The District Attorney said that, according to the evidence, Leon owned 1776 Nostrand Avenue, a three-story, two-family dwelling with a commercial space on the first floor. The

defendant's family lived in the second-floor apartment and the third-floor apartment was divided into four illegal apartments occupied by a total of seven adults and four children.

Furthermore, according to the evidence, the building did not have gas or heat because the defendant stopped paying his utility bills years before the fire. Instead, he provided tenants with space heaters and some of the tenants used hot plates to cook their meals.

On December 2, 2019, at approximately 4:00 a.m., a two-alarm fire erupted on the second floor and spread to the third floor, according to the evidence. Most of the tenants suffered some smoke inhalation and other injuries as they crowded onto a rear fire escape to get out of the building.

A tenant who lived in a small room in the front of the building, Jean Yves Lalanne, 70, was trapped in what firefighters refer to as a "dead man's room" because once the fire engulfed the stairwell, he had no way to safely exit the property. There was no fire escape in the front of the building and at least one of the rear illegal apartments was locked, which prevented him from reaching the fire escape in the rear. Lalanne jumped from his third-floor window and fell to his death.

Fire Marshals determined that it was an electrical fire that started in the vicinity of the insulation of a cord connected to a space heater in the rear bedroom on the second floor. Additionally, there were no sprinkler heads on the second or third floors, and there were no fire-proof or self-closing doors on the third floor, all of which were violations of provisions of the New York State Multiple Dwelling Law.

The District Attorney thanked the New York City Department of Investigation, the New York City Department of Buildings and the New York City Fire Department for their assistance in this investigation.

The case was prosecuted by Special Counsel to the Frauds Bureau Frank Longobardi and Senior Assistant District Attorney Rina Lee, also of the District Attorney's Frauds Bureau, under the supervision of Assistant District Attorney Gregory Pavlides, Chief of the Frauds Bureau, and the overall supervision of Michel Spanakos, Deputy Chief of the District Attorney's Investigations Division, and Assistant District Attorney Patricia McNeill, Chief.

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