

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

-against-

Index No. \_\_\_\_\_/2023

FRED OHEBSHALOM, STEVEN KURLANDER,  
RAMIN OHEBSHALOM, EMPIRE MANAGEMENT  
AMERICA CORP., FAIRLINE MANAGEMENT,  
ACQUISITION AMERICA LLC, FSA ASSOCIATES,  
LLC, ACQUISITION AMERICA VII, LLC,  
ACQUISITION AMERICA VI, LLC, ACQUISITION  
AMERICA IX, LLC, ACQUISITION AMERICA VIII,  
LLC, RIVERSIDE GROUP LLC, RIVERSIDE 220E53-  
FO LLC, RIVERSIDE 220E53-SA LLC, RIVERSIDE  
220E53-AO LLC, RIVERSIDE 220E53-STT LLC,  
ACQUISITION AMERICA XI, LLC, BRIDGESTONE  
ASSOCIATES LLC, 640FW-R LLC, BRIDGESTONE  
640FW-K LLC, NEW YORK COMMUNITY BANK,  
CAPITAL ONE, N.A., The Real Property 515  
CATHEDRAL PARKWAY (New York, Block 1882, Lot  
20), The Real Property 509 CATHEDRAL PARKWAY  
(New York, Block 1882, Lot 24), The Real Property 664  
WEST 163RD STREET (New York, Block 2136, Lot 220),  
The Real Property 652 WEST 163RD STREET (New  
York, Block 2136, Lot 225), The Real Property 268  
CABRINI BOULEVARD (New York, Block 2179, Lot  
429), The Real Property 603 WEST 140TH STREET (New  
York, Block 2088, Lot 27), The Real Property 640 FORT  
WASHINGTON AVENUE (New York, Block 2180, Lot  
400), The Real Property 660 FORT WASHINGTON  
AVENUE (New York, Block 2180, Lot 406),

**VERIFIED COMPLAINT**

PRIORITY CASE PURSUANT  
TO N.Y.C. ADMIN. CODE  
§ 28-205.1.1

Defendants.

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Plaintiff THE CITY OF NEW YORK (the “City”), by its attorney, the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, hereby alleges upon personal knowledge as to itself and upon information and belief as to all other matters as follows:

## PRELIMINARY STATEMENT

1. Defendants, owners of a large residential real-estate portfolio in the City of New York, have failed to maintain many of their buildings for years, accumulating over 300 violations from multiple City agencies. Rather than taking corrective action, the Defendants have allowed their buildings to deteriorate to the point where they pose an imminent threat to the health and safety of the tenants and the public. These buildings and conditions therein constitute public nuisances and violate City laws enacted to protect tenants and safeguard buildings.

2. At issue in this case are eight residential properties in the City of New York (the “Premises”) owned by Defendants:

- a. The Real Property 515 Cathedral Parkway (New York, Block 1882, Lot 20) (“515 Cathedral Parkway”);
- b. The Real Property 509 Cathedral Parkway (New York, Block 1882, Lot 24) (“509 Cathedral Parkway”);
- c. The Real Property 664 West 163rd Street (New York, Block 2136, Lot 220) (“664 West 163rd Street”);
- d. The Real Property 652 West 163rd Street (New York, Block 2136, Lot 225) (“652 West 163rd Street”);
- e. The Real Property 268 Cabrini Boulevard (New York, Block 2179, Lot 429) (“268 Cabrini Boulevard”);
- f. The Real Property 603 West 140th Street (New York, Block 2088, Lot 27) (“603 West 140th Street”);
- g. The Real Property 640 Fort Washington Avenue (New York, Block 2180, Lot 400) (“640 Fort Washington Avenue”); and
- h. The Real Property 660 Fort Washington Avenue (New York, Block 2180, Lot 406) (“660 Fort Washington Avenue”).

3. The New York City Department of Buildings (“DOB”) has issued nearly 300 violations for failure to maintain the buildings in code compliance, work without a permit, failure

to maintain the buildings' façades, and other Administrative Code violations. Additionally, the Fire Department of the City of New York ("FDNY") has issued nearly two dozen violations.<sup>1</sup> Despite the issuance of Commissioner's Orders and notices of violations, Defendants have refused to make necessary repairs for an extended period of time, showing complete disregard for the law and the orders of the agencies tasked with enforcing those laws. Defendants' flagrantly illegal conduct already has resulted in partial vacate orders at two of the buildings. Should the above conditions continue unabated, possible harm to occupants, passersby, and the general public is inevitable.

4. In this action, Plaintiff seeks (1) an injunction stopping Defendants' unlawful behavior, (2) the abatement of the hazardous conditions at the Premises, and (3) civil penalties, pursuant to various New York City Administrative Code provisions and the Nuisance Abatement Law.

#### **THE PARTIES**

5. Plaintiff THE CITY OF NEW YORK is a domestic municipal corporation organized and existing under the laws of the State of New York. This action is brought on behalf of the City and the Commissioners of DOB and FDNY.

6. Defendant FRED OHEBSHALOM, a.k.a. FRED SHALOM, is an owner of each building comprising the Premises. By virtue of being the managing member of Defendant FSA Associates, LLC, which is the sole member of Defendant Acquisition America LLC, which is the sole member of Defendants Acquisition America VII, LLC, Acquisition America VI, LLC, Acquisition America IX, LLC, Acquisition America VIII, LLC, and Acquisition America XI,

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<sup>1</sup> This Complaint sets forth only violations issued from 2010 to the present. There are older violations that remain open and require correction or certification of correction.

LLC, he is an owner of 515 Cathedral Parkway, 509 Cathedral Parkway, 664 West 163rd Street, 652 West 163rd Street, and 603 West 140th Street. He is an owner of 268 Cabrini Boulevard and 603 West 140th Street according to the most recent multiple-dwelling registrations filed with the New York City Department of Housing Preservation and Development (“HPD”) for those buildings. By virtue of being the manager of Defendant Bridgestone Associates LLC, he is an owner of 640 Fort Washington Avenue and 660 Fort Washington Avenue. His last known address is 249 Kings Point Road, Great Neck, NY 11024.

7. Defendant STEVEN KURLANDER is an owner of 515 Cathedral Parkway, 509 Cathedral Parkway, 664 West 163rd Street, 652 West 163rd Street, 268 Cabrini Boulevard, 640 Fort Washington Avenue, and 660 Fort Washington Avenue according to the most recent multiple-dwelling registrations filed with HPD for each building. His last known address is 25 Westport Turnpike, Fairfield, CT 06824.

8. Defendant RAMIN OHEBSHALOM, a.k.a. RAMIN SHALOM, is an owner of 603 West 140th Street according to the most recent multiple-dwelling registration filed with HPD for that building. His last known address is 15 Schenck Avenue, Apt. 3C, Great Neck, NY 11021.

9. Defendant EMPIRE MANAGEMENT AMERICA CORP. is an owner of 515 Cathedral Parkway, 509 Cathedral Parkway, 664 West 163rd Street, 652 West 163rd Street, 268 Cabrini Boulevard, and 603 West 140th Street according to the most recent multiple-dwelling registrations filed with HPD for each building. It is an active domestic business corporation with a process address of 347 Fifth Ave, 16th Floor, New York, NY 10016.

10. Defendant FAIRLINE MANAGEMENT is the assumed name of a business owned in whole or in part by Defendants Fred Ohebshalom and Empire Management America Corp. and holding itself out as an owner of 640 Fort Washington Avenue and 660 Fort Washington Avenue

according to the most recent multiple-dwelling registrations filed with HPD for each building. Its address is 347 Fifth Ave, 16th Floor, New York, NY 10016. Plaintiff has been unable to find a corporate or doing-business-as filing for Defendant Fairline Management.

11. Defendant ACQUISITION AMERICA LLC is an owner of 515 Cathedral Parkway, 509 Cathedral Parkway, 664 West 163rd Street, 652 West 163rd Street, and 603 West 140th Street by virtue of being the sole member of Defendants Acquisition America VII, LLC, Acquisition America VI, LLC, Acquisition America IX, LLC, Acquisition America VIII, LLC, and Acquisition America XI, LLC. It is an active domestic limited liability company with a process address c/o Elena Arout, 347 5th Avenue, 1600, New York, NY 10016.

12. Defendant FSA ASSOCIATES, LLC is an owner of 515 Cathedral Parkway, 509 Cathedral Parkway, 664 West 163rd Street, 652 West 163rd Street, and 603 West 140th Street by virtue of being the sole member of Defendant Acquisition America LLC, which is the sole member of Defendants Acquisition America VII, LLC, Acquisition America VI, LLC, Acquisition America IX, LLC, Acquisition America VIII, LLC, and Acquisition America XI, LLC. It is an active domestic limited liability company with a process address c/o Elena Arout, 347 Fifth Avenue, Suite #1600, New York, NY 10016.

13. Defendant ACQUISITION AMERICA VII, LLC is an owner of 515 Cathedral Parkway according to a deed recorded in the New York City Department of Finance, Office of the City Register, on March 27, 2003. It is also an owner of 515 Cathedral Parkway according to the most recent multiple-dwelling registration filed with HPD for the building. It is an active domestic limited liability company with a process address of 347 Fifth Ave, 16th Floor, New York, NY 10016.

14. Defendant ACQUISITION AMERICA VI, LLC is an owner of 509 Cathedral Parkway, according to a deed recorded in the New York City Department of Finance, Office of the City Register, on March 27, 2003. It is also an owner of 509 Cathedral Parkway according to the most recent multiple-dwelling registration filed with HPD for the building. It is an active domestic limited liability company with a process address of 347 Fifth Ave, 16th Floor, New York, NY 10016.

15. Defendant ACQUISITION AMERICA IX, LLC, is an owner of 664 West 163rd Street according to a deed recorded in the New York City Department of Finance, Office of the City Register, on March 27, 2003. It is also an owner of 664 West 163rd Street according to the most recent multiple-dwelling registration filed with HPD for the building. It is an active domestic limited liability company with a process address of 347 Fifth Ave, 16th Floor, New York, NY 10016.

16. Defendant ACQUISITION AMERICA VIII, LLC, is an owner of 652 West 163rd Street according to a deed recorded in the New York City Department of Finance, Office of the City Register, on August 14, 2003. It is also an owner of 652 West 163rd Street according to the most recent multiple-dwelling registration filed with HPD for the building. It is an active domestic limited liability company with a process address of 347 Fifth Ave, 16th Floor, New York, NY 10016.

17. Defendant RIVERSIDE GROUP LLC is an owner of 268 Cabrini Boulevard according to a deed recorded in the New York City Department of Finance, Office of the City Register, on February 18, 2021. It is also an owner of 268 Cabrini Boulevard according to the most recent multiple-dwelling registration filed with HPD for the building. It is an active domestic

limited liability company with a process address of 347 Fifth Ave, 16th Floor, New York, NY 10016.

18. Defendant RIVERSIDE 220E53-FO LLC is an owner of 268 Cabrini Boulevard according to a deed recorded in the New York City Department of Finance, Office of the City Register, on February 18, 2021. It is an active domestic limited liability company with a process address c/o Empire Management America Corp., 347 Fifth Avenue, 16th Floor, New York, NY 10016.

19. Defendant RIVERSIDE 220E53-SA LLC is an owner of 268 Cabrini Boulevard according to a deed recorded in the New York City Department of Finance, Office of the City Register, on February 18, 2021. It is an active domestic limited liability company with a process address c/o Empire Management America Corp., 347 Fifth Avenue, 16th Floor, New York, NY 10016.

20. Defendant RIVERSIDE 220E53-AO LLC is an owner of 268 Cabrini Boulevard according to a deed recorded in the New York City Department of Finance, Office of the City Register, on February 18, 2021. It is an active domestic limited liability company with a process address c/o Empire Management America Corp., 347 Fifth Avenue, 16th Floor, New York, NY 10016.

21. Defendant RIVERSIDE 220E53-STT LLC is an owner of 268 Cabrini Boulevard according to a deed recorded in the New York City Department of Finance, Office of the City Register, on February 18, 2021. It is an active domestic limited liability company with a process address c/o Empire Management America Corp., 347 Fifth Avenue, 16th Floor, New York, NY 10016.

22. Defendant ACQUISITION AMERICA XI, LLC, is an owner of 603 West 140th Street, according to a deed recorded in the New York City Department of Finance, Office of the City Register, on April 10, 2003. It is also an owner of 603 West 140th Street according to the most recent multiple-dwelling registration filed with HPD for the building. It is an active domestic limited liability company with a process address of 347 Fifth Ave, 16th Floor, New York, NY 10016.

23. Defendant BRIDGESTONE ASSOCIATES LLC is an owner of 640 Fort Washington Avenue and 660 Fort Washington Avenue according to a deed recorded in the New York City Department of Finance, Office of the City Register, on September 27, 2021. It is also an owner of 640 Fort Washington Avenue and 660 Fort Washington Avenue according to the most recent multiple-dwelling registrations filed with HPD for each building. It is an active domestic limited liability company with a process address of 347 Fifth Ave, 16th Floor, New York, NY 10016.

24. Defendant 640FW-R LLC is an owner of 640 Fort Washington Avenue and 660 Fort Washington Avenue according to a deed recorded in the New York City Department of Finance, Office of the City Register, on September 27, 2021. It is an active domestic limited liability company with a process address c/o Pink Stone Capital Group, LLC, Attn: Jonathan Demblin, 54 Thompson Street, 6th Floor, New York, NY 10012.

25. Defendant BRIDGESTONE 640FW-K LLC is an owner of 640 Fort Washington Avenue and 660 Fort Washington Avenue according to a deed recorded in the New York City Department of Finance, Office of the City Register, on September 27, 2021. It is an active domestic limited liability company with a process address c/o Empire Management America, 347 Fifth Avenue, 16th Floor, New York, NY 10016.



26. Defendant NEW YORK COMMUNITY BANK is an owner of 515 Cathedral Parkway and 509 Cathedral Parkway by virtue of an assignment of leases and rents recorded in the New York City Department of Finance, Office of the City Register, on May 23, 2018. It is also an owner of 654 West 163rd Street and 652 West 163rd Street by virtue of an assignment of leases and rents recorded in the New York City Department of Finance, Office of the City Register, on May 23, 2018. It is also an owner of 603 West 140th Street by virtue of an assignment of leases and rents recorded in the New York City Department of Finance, Office of the City Register, on May 23, 2018. It is also an owner of 640 Fort Washington Avenue and 660 Fort Washington Avenue by virtue of an assignment of leases and rents recorded in the New York City Department of Finance, Office of the City Register, on September 27, 2021. It is a bank with a main office address of 102 Duffy Avenue, Hicksville, NY 11801.

27. Defendant CAPITAL ONE, N.A., is an owner of 268 Cabrini Boulevard by virtue of an assignment of leases and rents recorded in the New York City Department of Finance, Office of the City Register, on August 10, 2011. It is a bank with a main office address of 1680 Capital One Drive, McLean, VA 22102.

28. The above defendants are all owners and/or persons in control of the Premises as defined by the governing codes, including the Building Code § 28-101.5, Multiple Dwelling Law § 4(44), and Housing Maintenance Code § 27-2004(a)(45), and therefore, are responsible for the Premises.

29. Defendants The Real Property 515 Cathedral Parkway (New York, Block 1882, Lot 20), The Real Property 509 Cathedral Parkway (New York, Block 1882, Lot 24), The Real Property 664 West 163rd Street (New York, Block 2136, Lot 220), The Real Property 652 West 163rd Street (New York, Block 2136, Lot 225), The Real Property 268 Cabrini Boulevard (New

York, Block 2179, Lot 429), The Real Property 603 West 140th Street (New York, Block 2088, Lot 27), The Real Property 640 Fort Washington Avenue (New York, Block 2180, Lot 400), and The Real Property 660 Fort Washington Avenue (New York, Block 2180, Lot 406) are the Premises upon which the activities and violations described herein have occurred.

### **JURISDICTION AND VENUE**

30. The court has jurisdiction over the parties and claims alleged herein pursuant to New York Civil Practice Law and Rules (“CPLR”) § 302(a) because Defendants own real property situated in New York County in the State of New York, property which is the subject matter of this action.

31. Pursuant to CPLR § 507, venue is in New York County.

### **FACTS**

#### **DEFENDANTS’ NEGLIGENCE OF THE PREMISES HAS RESULTED IN OVER 300 VIOLATIONS**

32. Over many years, multiple City agencies have inspected the Premises and found numerous conditions that violate City codes designed to ensure that residents and the public are safe and that dwellings are habitable.

33. At issue in this case are the more than 300 violations issued by DOB and FDNY against the owners of the Premises.

34. Violations were served on the Defendants by a Notice of Violation or Summons directing that they remediate the conditions and then timely certify such correction with the issuing agency. For all Environmental Control Board (“ECB”) summonses/violations, Defendants had or will have the opportunity to contest the violations at a hearing held at the Office of Administrative Trials and Hearings (“OATH”).

35. Defendants have failed to correct many of the violations found by the issuing agencies, or have failed to correct the underlying conditions, leading to repeated issuance of violations. For many of these violations, Defendants' lack of concern with compliance over months and even years has allowed dangerous and unsafe living conditions to persist for residents and the public.

### **515 Cathedral Parkway**

36. This is a multiple dwelling in Manhattan with 91 residential units, including approximately 28 rent-regulated units. It is a twelve-story, two-elevator building.

37. There are 56 total violations for 515 Cathedral Parkway where Defendants have failed to show compliance. Specifically, Defendants have received 47 Notices of Violation/Summonses from DOB and nine from FDNY. Of the 47 DOB violations, 25 are ECB violations. For each of these violations, Defendants have failed to correct the violation or have failed to certify that the violation has been corrected when required by the issuing agency.<sup>2</sup>

38. Many of the DOB violations are for unapproved, unsafe, and unsuitable electrical work, including in the basement and apartments, and for failure to comply with Commissioner's Orders directing correction of such conditions. The basement is replete with other defective and dangerous conditions, including unapproved gas dryers, which Defendants were ordered to cease using; non-code-compliant sprinklers in the laundry room; and corroded lally columns and I-beams for ceiling support and corroded cement walls due to a concealed water leak. Above ground, Defendants have failed to maintain the building's elevators: inspectors observed both elevators out of service and ordered Defendants to return them to service. Defendants have also failed to maintain the cracking façade and failed to submit required façade-inspection reports. While it

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<sup>2</sup> DOB ECB violations are those which have been adjudicated by OATH.

appears Defendants made some effort to address façade conditions, they did so in an illegal way, working in violation of a stop work order, using suspended scaffolding without notification, and failing to provide tenants with copies of the safe construction bill of rights.

39. The remaining DOB violations are for failure to correct defects with the building's elevators and perform required inspections and tests, failure to certify correction of immediately hazardous Class 1 violations, failure to file required façade and boiler reports, and energy/benchmarking violations.

40. There are nine FDNY summonses containing violations for failure to conduct required equipment, system test, and inspection; failure to properly provide or maintain sprinkler, standpipe, alarm, suppression system or part thereof; failure to provide signs/postings/instructions; failure to provide approved, operative fire extinguishers; failure to provide adequate egress/aisle space/clearance; failure to provide a Certificate of Fitness or Certificate Holder on Duty; and failure to provide/protect/maintain lighting devices.

### **509 Cathedral Parkway**

41. This is a multiple dwelling in Manhattan with 94 residential units, including approximately 20 rent-regulated units. It is a twelve-story, two-elevator building.

42. There are 59 open DOB violations and seven open FDNY violations for this building.

43. Of the 59 DOB violations, 39 are ECB violations. The vast majority of the violations are for Defendants' failure to maintain the building's elevators. The elevators were observed to have many seriously dangerous defects, including no door-lock monitoring — a critical passenger safety feature — failed brakes, no phone, a tampered door-zone restrictor, car door not fully closing oil leak, defects in the hoist rope, and no lighting. Several of these items are so

dangerous that the Defendants were ordered to cease use of the elevators. Defendants have also failed to erect a sidewalk shed, netting, or fence along their documented unsafe façade; Defendants have been issued multiple violations for this public-safety failure, as well as for their failure to file required façade-inspection reports.

44. Defendants have received ECB violations, as well as a partial vacate order, for their illegal subdivision of a Class A unit to three single-room occupancy units contrary to the Certificate of Occupancy. Defendants have also been issued ECB violations for unapproved, unsafe, and unsuitable electrical systems, as well as defects in the building's laundry room.

45. The remaining DOB violations are for conditions including failure to correct defects with the building's elevators, failure to certify correction of immediately hazardous Class 1 violations, failure to file required façade and boiler reports, and energy/benchmarking violations.

46. There are seven FDNY summonses containing violations for failure to conduct required equipment/system test/inspection; failure to provide signs/postings/instructions; failure to provide Certificate of Occupancy, affidavits, documentation, plans, and applications; failure to produce permit/record; failure to provide labels/marks/stamps; and failure to provide a certificate of fitness/certificate holder on duty.

#### **664 West 163rd Street**

47. This is a multiple dwelling in Manhattan with 54 residential units, including approximately 20 rent-regulated units. It is a six-story, one-elevator building.

48. There are 48 DOB violations for 664 West 163rd Street.

49. The majority of the DOB ECB violations are for the hazardous and dangerous state of the building's façade. Inspectors have reported conditions including vertical cracks, chipped window sills, broken masonry at multiple locations, damaged mortar joints, bending and sagging

and failing lintels, cracked parapets, spalling and cracked terra cotta, defective sealant, rusting metal, loose and cracked bricks, missing bricks, and improperly supported air conditioner units. These exterior defects and safety hazards have existed since at least 2011. The Defendants have also failed to submit critical examination documents about the condition of the façade as required by law. Defendants have failed to mitigate these safety hazards, receiving violations for failure to install an approved sidewalk shed. DOB has issued an emergency-work order to provide this necessary pedestrian protection. These conditions are so dangerous that DOB has issued a partial vacate order for the building’s courtyard and lightwell, citing “the potential of collapse.”

50. The Defendants have also been issued ECB violations for failure to maintain the building’s service equipment, including the building’s only elevator. The elevator does not have door-lock monitoring and has other defects, including a defective door restrictor, non-functioning emergency phone, open emergency exit cover, and an oil leak. Furthermore, the elevator has been out of service.

51. Defendants have also received an ECB violation for flagrantly violating multiple stop-work orders: Defendants have performed unapproved construction and electrical work in multiple apartment units, totally ignoring DOB orders to stop this unsafe work.

52. The remaining DOB violations are for failure to comply with Commissioner’s Orders, failure to certify correction of Class 1 immediately hazardous ECB violations, failure to conduct required boiler and elevator inspections, and energy/benchmarking violations.

### **652 West 163rd Street**

53. This is a multiple dwelling in Manhattan with 54 residential units, including approximately 14 rent-regulated units. It is a six-story, one-elevator building.

54. There are 26 DOB violations and one FDNY violation open at this building.

55. Fifteen of the DOB violations are ECB violations. Most of the violations report critical defects with the building's sole elevator, including no door-lock monitoring, water in elevator pit, no phone in car, car light in need of repair, worn ropes on the counterweights, and car floor uneven with the landing. The other ECB violations are for Defendants' failure to maintain the building's exterior walls and appurtenances. DOB inspectors observed step cracking of the façade, cracked glass, broken stone, and air conditioners improperly supported by tin cans and wood. Defendants have also failed to submit critical safety-inspection documentation for the façade for many years.

56. The 11 remaining DOB violations are for failure to file routine inspection documents for the building's single elevator, defects in the elevator, failure to file required façade-inspection reports, failure to submit required boiler-inspection reports, failure to certify correction of immediately hazardous Class 1 violations, and energy/benchmarking violations.

57. There is one FDNY summons for failure to provide certificates of fitness and certificates of qualification.

### **268 Cabrini Boulevard**

58. This is a multiple dwelling in Manhattan with 53 residential units, including approximately 18 rent-regulated units. It is a six-story, one-elevator building.

59. There are 33 open DOB violations at this building.

60. Of the 33 DOB violations, 12 are ECB violations. The majority of the ECB violations are for failure to maintain the building's only elevator. DOB inspectors reported no door-lock monitoring, no operable in-car communication system, no brake monitor, damaged car door, altered door restrictor, worn guide shoes, no overhead door sign, and an expired fire extinguisher in the machine room. Some of these defects are so serious that DOB ordered the

Defendants to cease use of the elevator. Defendants have also received ECB violations for failure to provide an automatic-sprinkler system for three gas dryers in the basement, and for failure to file required critical-examination reports documenting the façade's condition.

61. The remaining 21 DOB violations are for failure to correct defects with the elevator, including defects found after performing required elevator inspections and tests; failure to certify correction of immediately hazardous Class 1 violations; failure to file required façade-inspection reports; and energy/benchmarking violations.

### **603 West 140th Street**

62. This is a multiple dwelling in the Manhattan with 55 residential units, including approximately 23 rent-regulated units. It is a six-story, one-elevator building.

63. There are 23 open DOB violations and three open FDNY violations at this building.

64. A majority of the ECB violations are for Defendants' ongoing failure to keep the building's façade and sidewalk shed in a safe condition. DOB has issued a violation for failure to maintain the building as evidenced by a foot-long crack in the decorative stone of the street-facing façade. Defendants have also failed, for years, to file critical façade inspection reports documenting the condition of the façade. Because of the unsafe nature of the façade, Defendants have been forced to keep a sidewalk shed up at the property. DOB has issued violations for unlicensed and unsafe electrical work for electrical equipment and conductors to support lighting the sidewalk shed; for failure to safeguard property and the public because the unapproved sidewalk shed was found to be blocking the building's fire-escape street-egress ladder; and for failure to provide or post signs at the site identifying the contractor for the sidewalk shed.

65. The other ECB violations are for failure to maintain the building's sole elevator. There is no door-lock monitoring installed in the elevator. The violations report further defects



with the elevator and elevator systems, including no firefighter service installed, broken phone, failure to provide a data code plate on the controller, a defective pit light, and other items in the building machine room.

66. The remaining DOB violations are for failure to inspect the building's boiler and façade, failure to certify "immediately hazardous" Class 1 ECB violations, and energy/benchmarking violations.

67. There are three FDNY summonses containing violations for failure to produce certificates of fitness and qualification, failure to maintain and/or produce required recordkeeping, failure to provide and/or maintain fire protection systems, failure to provide and/or maintain fire-rated construction, and failure to provide and/or maintain a required and/or approved label or marking.

#### **640 Fort Washington Avenue**

68. This is a multiple dwelling in Manhattan with 66 residential units, including approximately 23 rent-regulated units. It is a six-story, one-elevator building.

69. There are 20 DOB violations and one FDNY violation open at this building.

70. Of the 20 DOB violations, half are ECB violations. Defendants have failed to maintain and register the building's gas-fired boiler. Defendants have also failed to maintain the building's only elevator: inspectors reported no door-lock monitoring and a missing door-zone restrictor, a "cease use" item. Defendants have also failed to maintain the building's façade: the violations report cracking in the parapet, loose bricks, displaced and hanging ornaments, damaged and eroded mortar joints, and shifting stucco. Defendants have also received a violation for constructing a cellar-level laundry room contrary to the building's certificate of occupancy.

71. The remaining DOB violations are for failure to correct defects with the building's elevator, failure to certify correction of immediately hazardous Class 1 violations, façade defects, and energy/benchmarking violations.

72. There is one FDNY violation for failure to provide fire buckets and/or approved, operative fire extinguishers as required.

### **660 Fort Washington Avenue**

73. This is a multiple dwelling in Manhattan with 60 residential units, including approximately 24 rent-regulated units. It is a six-story, one-elevator building.

74. There are 23 DOB violations and one FDNY violation open at this building.

75. Ten of the DOB violations are ECB violations. The first set of violations involves an illegal laundry room with unauthorized gas hookups for the dryers and no automatic sprinkler system. A second set of violations is for defects in the building's façade, including cracked and loose bricks, displaced and hanging ornaments, chipping stucco, and vertical cracking. A third set of violations is for failure to maintain the building's sole elevator: DOB inspectors report no door-lock monitoring, inoperative phone car, damaged light fixtures, and missing signage. A fourth set of violations is for an unregistered gas boiler with defects, including exposed wires, fresh air fan not working, guard missing on supply pump and compressor, and oil leak on floor.

76. The remaining DOB violations are for failure to address defects with the building's elevators, failure to file annual boiler-inspection reports, failure to certify correction of immediately hazardous Class 1 violations, the façade damage, and energy/benchmarking violations.

77. There is one FDNY violation for failure to provide fire buckets and/or approved, operative fire extinguishers as required.

**FIRST CAUSE OF ACTION**  
**(CONSTRUCTION CODES)**

78. The City asserts this cause of action against all Defendants.

79. Defendants are in violation of the Construction Codes as described in the violations set forth above.

80. DOB, pursuant to Admin. Code § 28-204.1, served Notices of Violation and/or ECB summonses upon an owner of the Premises, directing the owners to correct the violations.

81. No valid certificates of correction have been filed for the violations set forth within the dates set for correction in each Notice of Violation and/or ECB summons.

82. This Court is authorized by Admin. Code §§ 28-201 and 28-205 to order Defendants to correct all violations and to grant such other relief as may be necessary to secure continuing compliance with those laws.

83. Defendants are liable for penalties as set forth in Admin. Code §§ 28-202 and 28-203. Such penalties may need to be paid prior to obtaining a work permit.

**SECOND CAUSE OF ACTION**  
**(FIRE CODE)**

84. The City asserts this cause of action against all Defendants except Acquisition America IX, LLC, Riverside Group LLC, Riverside 220E53-FO LLC, Riverside 220E53-SA LLC, Riverside 220E53-AO LLC, Riverside 220E53-STT LLC, Capital One, N.A., and real-property Defendants 664 West 163rd Street and 268 Cabrini Boulevard.

85. Defendants are in violation of the Fire Code as described in the violations set forth above.

86. FDNY, pursuant to New York City Charter § 1049-a, served Summonses and/or Notices of Violation upon an owner of the Premises, directing the owners to correct the violations.

87. No valid certifications of correction have been filed for the violations set forth within the dates set for correction in each Summons/Notice of Violation.

88. This Court is authorized by Admin. Code §§ 15-229 and 230 to grant the City a judgment against Defendants, order them to correct all violations, and to grant such other relief as may be necessary to secure continuing compliance with those laws.

89. Defendants are liable for penalties as set forth in 3 R.C.N.Y. § 109-03.

**THIRD CAUSE OF ACTION**  
**(STATUTORY PUBLIC NUISANCE – FAILURE TO MAINTAIN BUILDINGS  
IN CODE COMPLIANCE )**

90. The City asserts this cause of action against all Defendants.

91. Section 7-701 et seq. of the Admin. Code (popularly known as the “Nuisance Abatement Law”) was enacted to prohibit

the use of property in flagrant violation of the building code . . . which interfere[s] with the interest of the public in the quality of life and total community environment, the tone of commerce in the city, property values and the public health, safety and welfare of the people of the city of New York and of the businesses thereof and visitors thereto.

92. Pursuant to Nuisance Abatement Law §§ 7-704(b) and 7-706(h), the Corporation Counsel may bring and maintain a civil proceeding, in the name of the City of New York, seeking to recover civil penalties for any of the public nuisances defined in § 7-703.

93. Under the Nuisance Abatement Law, Admin. Code § 7-703(d), any premises in violation of Admin. Code § 28-301.1 is deemed to be a public nuisance.

94. Admin. Code § 28-301.1 requires that all buildings and all parts thereof be “maintained in a safe condition,” and that “[a]ll service equipment, means of egress, materials, devices, and safeguards that are required in a building by the provisions of this code, the 1968

building code or other applicable laws or rules, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working condition.”

95. At all relevant inspections, City inspectors observed conditions constituting a failure to maintain the Premises in a code-compliant condition. Those conditions continue unabated to date.

96. 515 Cathedral Parkway, 509 Cathedral Parkway, 664 West 163rd Street, 652 West 163rd Street, 268 Cabrini Boulevard, 603 West 140th Street, 640 Fort Washington Boulevard, and 660 Fort Washington Boulevard have recorded violations of Admin. Code § 28-301.1 for failure to maintain the buildings in code compliance.

97. As a result of the foregoing, there exist public nuisances at the Premises.

98. Defendants have intentionally conducted, maintained, or permitted the public nuisances alleged in this cause of action.

99. Pursuant to Admin. Code §§ 7-706(a) and 7-714, the City is entitled to an injunction against Defendants permanently restraining such public nuisances.

100. Section 7-706 of the Nuisance Abatement Law provides that a penalty may be awarded against a defendant who intentionally conducted, maintained, or permitted a public nuisance in an amount not to exceed one thousand dollars (\$1,000) for each day that the nuisance occurred.

101. Pursuant to Admin. Code § 7-706(h), the City is entitled to a judgment against Defendants ordering them to pay a penalty of \$1,000 for each day that they intentionally conducted, maintained, or permitted each public nuisance alleged in this cause of action.

**FOURTH CAUSE OF ACTION**  
**(STATUTORY PUBLIC NUISANCE – FAILURE TO MAINTAIN FAÇADES AND EXTERIOR APPURTENANCES )**

102. The City asserts this cause of action against all Defendants except Fairline Management, Bridgestone Associates LLC, 640FW-R LLC, Bridgestone 640FW-K LLC, and real-property Defendants 640 Fort Washington Avenue and 660 Fort Washington Avenue.

103. Under Admin. Code § 7-703(d), any premises in violation of Admin. Code § 28-302 is deemed to be a public nuisance.

104. Admin. Code § 28-302.1 provides that a building's exterior walls and appurtenances thereof must be maintained in a safe condition.

105. At all relevant inspections, City inspectors observed conditions constituting a failure to maintain façades and exterior appurtenances. Those conditions continue unabated to date.

106. 515 Cathedral Parkway, 509 Cathedral Parkway, 664 West 163rd Street, 652 West 163rd Street, 268 Cabrini Boulevard, and 603 West 140th Street, have recorded violations of Admin. Code § 28-302 for failure to maintain building walls and/or exterior appurtenances.

107. As a result of the foregoing, there exist public nuisances at these locations.

108. Defendants have intentionally conducted, maintained, or permitted the public nuisances alleged in this cause of action.

109. Pursuant to Admin. Code §§ 7-706(a) and 7-714, the City is entitled to a judgment for an injunction against Defendants permanently restraining such public nuisances.

110. Section 7-706 of the Nuisance Abatement Law provides that a penalty may be awarded against a defendant who intentionally conducted, maintained, or permitted a public nuisance in an amount not to exceed one thousand dollars (\$1,000) for each day that the nuisance occurred.

111. Pursuant to Admin. Code § 7-706(h), the City is entitled to a judgment against Defendants ordering them to pay a penalty of \$1,000 for each day that they intentionally conducted, maintained, or permitted each public nuisance alleged in this cause of action.

**FIFTH CAUSE OF ACTION**  
**(STATUTORY PUBLIC NUISANCE – ILLEGAL OCCUPANCY)**

112. The City asserts this cause of action against Defendants Fred Ohebshalom, Steven Kurlander, Fairline Management, Bridgestone Associates LLC, 640FW-R LLC, Bridgestone 640FW-K LLC, New York Community Bank, and real-property Defendants 640 Fort Washington Avenue and 660 Fort Washington Avenue.

113. Under the Nuisance Abatement Law, Admin. Code § 7-703(d), any premises in violation of Admin. Code § 28-118 is deemed to be a public nuisance.

114. Admin. Code § 28-118.3.2 provides that “[n]o change shall be made to a building, open lot or portion thereof inconsistent with the last issued certificate of occupancy.”

115. At all relevant inspections, City inspectors observed conditions constituting occupancy contrary to that allowed by the applicable certificate of occupancy. Those conditions continue unabated to date.

116. 640 Fort Washington Avenue and 660 Fort Washington Avenue have recorded violations of Admin. Code § 28-118.3.2 or its predecessor provision for occupancy contrary to that allowed by the certificate of occupancy, namely, for illegally subdividing living spaces to house more people than allowed, or by illegally converting spaces into residential units.

117. As a result of the foregoing, there exist public nuisances at these locations.

118. Defendants have intentionally conducted, maintained, or permitted the public nuisances alleged in this cause of action.

119. Pursuant to Admin. Code §§ 7-706(a) and 7-714, the City is entitled to a judgment for an injunction against Defendants permanently restraining such public nuisances.

120. Section 7-706 of the Nuisance Abatement Law provides that a penalty may be awarded against a defendant who intentionally conducted, maintained, or permitted a public nuisance in an amount not to exceed one thousand dollars (\$1,000) for each day that the nuisance occurred.

121. Pursuant to Admin. Code § 7-706(h), the City is entitled to a judgment against Defendants ordering them to pay a penalty of \$1,000 for each day that they intentionally conducted, maintained, or permitted each public nuisance alleged in this cause of action.

**SIXTH CAUSE OF ACTION**  
**(STATUTORY PUBLIC NUISANCE – STOP WORK ORDER)**

122. The City asserts this cause of action against Defendants Fred Ohebshalom, Steven Kurlander, Empire Management America Corp., Acquisition America LLC, FSA Associates, LLC, Acquisition America VII, LLC, Acquisition America IX, LLC, New York Community Bank, and real-property Defendants 515 Cathedral Parkway and 664 West 163rd Street.

123. Under Admin. Code § 7-703(d), any premises in violation of Admin. Code § 28-207.2 is deemed to be a public nuisance.

124. Admin. Code § 28-207.2 allows for a stop work order to be issued whenever “any building work is being executed in violation of the provision of this code, the 1968 building code, the zoning resolution or of any laws or rules enforced by the department, or in a dangerous manner.”

125. At all relevant inspections, City inspectors observed work being executed in violation of applicable code or in a dangerous manner. Those conditions continue unabated to date.



126. Stop work orders were issued at 515 Cathedral Parkway and 664 West 163rd Street.

127. As a result of the foregoing, there exists a public nuisance at these locations.

128. Defendants have intentionally conducted, maintained, or permitted the public nuisance alleged in this cause of action.

129. Pursuant to Admin. Code §§ 7-706(a) and 7-714, the City is entitled to a judgment for an injunction against Defendants permanently restraining such public nuisance.

130. Section 7-706 of the Nuisance Abatement Law provides that a penalty may be awarded against a defendant who intentionally conducted, maintained, or permitted a public nuisance in an amount not to exceed one thousand dollars (\$1,000) for each day that the nuisance occurred.

131. Pursuant to Admin. Code § 7-706(h), the City is entitled to a judgment against Defendants ordering them to pay a penalty of \$1,000 for each day that they intentionally conducted, maintained, or permitted each public nuisance alleged in this cause of action.

**SEVENTH CAUSE OF ACTION**  
**(STATUTORY PUBLIC NUISANCE – WORK WITHOUT A PERMIT)**

132. The City asserts this cause of action against Defendants Fred Ohebshalom, Steven Kurlander, Empire Management America Corp., Acquisition America LLC, FSA Associates, LLC, Acquisition America VI, LLC, New York Community Bank, and real-property Defendant 509 Cathedral Parkway.

133. Under the Nuisance Abatement Law, Admin. Code § 7-703(d), any premises in violation of Admin. Code § 28-105.1 for work without a permit is deemed to be a public nuisance.

134. Admin. Code § 28-105.1 states that “[i]t shall be unlawful to construct, enlarge, alter . . . or change the use or occupancy of any building . . . unless and until a written permit

therefore shall have been issued by the commissioner in accordance with the requirements of this code.”

135. At all relevant inspections, City inspectors observed conditions constituting work without a permit. Those conditions continue unabated to date.

136. 509 Cathedral Parkway has a recorded violation of Admin. Code § 28-105.1 or its predecessor provision for work without a permit.

137. As a result of the foregoing, there exists a public nuisance at this location.

138. Defendants have intentionally conducted, maintained, or permitted the public nuisances alleged in this cause of action.

139. Pursuant to Admin. Code §§ 7-706(a) and 7-714, the City is entitled to a judgment for an injunction against Defendants permanently restraining such public nuisances.

140. Section 7-706 of the Nuisance Abatement Law provides that a penalty may be awarded against a defendant who intentionally conducted, maintained, or permitted a public nuisance in an amount not to exceed one thousand dollars (\$1,000) for each day that the nuisance occurred.

141. Pursuant to Admin. Code § 7-706(h), the City is entitled to a judgment against Defendants ordering them to pay a penalty of \$1,000 for each day that they intentionally conducted, maintained, or permitted each public nuisance alleged in this cause of action.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff demands judgment with execution thereon against the Defendants as follows:

- (1) With respect to the FIRST and SECOND CAUSES OF ACTION:
  - a. Declaring that Defendants have failed to correct and comply with the violations complained of herein;

- b. Ordering Defendants to comply with all outstanding violations and certify their compliance within thirty (30) days of the date of the Court's order;
- c. Ordering Defendants to conduct all necessary and required inspections and file all necessary and required reports as mandated by Local Law 11 of 1998, the New York City Administrative Code, and DOB rules and regulations;
- d. Enjoining Defendants from performing any construction work at the Premises without first properly securing a permit from DOB;
- e. Directing the entry of judgment in the amount of all City code penalties due and not previously docketed;
- f. Imposing penalties as authorized by City codes, for each condition found to be in violation of City codes, including directing that additional penalties accrue for ongoing violations, and directing entry of judgment for these penalties;

(2) With respect to the THIRD, FOURTH, FIFTH, SIXTH, and SEVENTH

CAUSES OF ACTION:

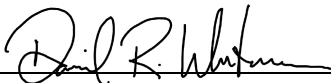
- a. Declaring that Defendants have caused public nuisances in violation of the Nuisance Abatement Law;
- b. Enjoining Defendants from further actions or omissions that result in the continuation of public nuisances;
- c. Imposing civil penalties as authorized by the Nuisance Abatement Law, for each violation of the Nuisance Abatement Law directing that additional penalties accrue for ongoing public nuisances;
- d. Pursuant to Admin. Code § 7-714(g), allowing, in addition to the costs and disbursements allowed by the CPLR, the attorney's fees, actual costs, expenses and disbursements of the City in investigating, bringing and maintaining this action;

(3) Directing the entry of judgment in the amount of all actual costs, expenses, and disbursements; and

(4) Granting to the City such other and further relief as the Court may deem just, proper, and equitable.

Dated: January 6, 2023  
New York, New York

HON. SYLVIA O. HINDS-RADIX  
*Corporation Counsel of the City of New York*  
Attorney for Plaintiff

By:  \_\_\_\_\_  
Daniel R. Whitman  
Assistant Corporation Counsel  
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New York, NY 10007  
(212) 356-2283  
dwhitman@law.nyc.gov

**VERIFICATION**

DANIEL R. WHITMAN, an attorney duly admitted to practice before the Courts of the State of New York, hereby affirms, under penalty of perjury pursuant to CPLR § 2106, as follows:

I am an Assistant Corporation Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York. I am duly admitted to practice law in the Courts of the State of New York. I verify under penalty of perjury that the City of New York is the Plaintiff in the within action, that the allegations in the Complaint as to the City and its municipal agencies are true to my knowledge, that I believe to be true any matters alleged therein upon information and belief, and that my knowledge is based on the books and records of the City's agencies and/or statements made to me by officers or employees thereof. This verification is not made by the City of New York because it is a municipal corporation.

Dated:            January 6, 2023  
                      New York, New York

  
\_\_\_\_\_  
DANIEL R. WHITMAN