

DOB ISSUES MONTHLY ENFORCEMENT BULLETIN

Report Highlights DOB Enforcement Outcomes from June 2022 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 June 2022, 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 June, including:

- 29 violations and \$637,562 in penalties, including daily penalties, issued for illegal building alterations at 6 locations.
- 22 violations and \$250,000 in penalties issued for failure to safeguard construction sites on 20 separate occasions.
- 8 violations and \$80,000 in penalties issued to 8 different individuals for the failure to carry out the duties of a construction superintendent.
- 7 violations and \$34,750 in penalties, including daily penalties, issued for illegal transient use at 2 locations.

Below are individual enforcement highlights for June 2022:

Bronx

- \$120,000 in total penalties issued to Ron Herrera for violations documented at 2719 Creston Avenue. Issued after inspectors observed an illegal alteration with 3+ additional dwellings; specifically, a legal 2-family dwelling was converted into a 5-family.
- The owner of 65 Montauk Avenue was cited for illegally using their premises for junk and dead vehicle storage. Prior to a hearing scheduled with the Office of Administrative Trials and Hearings (OATH), a stipulation was entered into with

the respondents giving them time to discontinue the illegal use. A subsequent inspection revealed that the illegal use was not discontinued as per the stipulation. An Order of Closure was posted at the premises and portions of the property will be padlocked if the illegal use is not discontinued.



Brooklyn

- \$45,312 in total penalties issued to Jenny Huang for multiple violations documented at 722 53rd Street, including a failure to maintain. Issued after inspectors observed an illegal alteration with three additional SROs and wooden stairs in disrepair.
- \$20,000 in penalties imposed on 200-202 Realty LLC for displaying an OAC sign without a permit and in a prohibited zone at 200 Bedford Avenue.



- \$15,000 in total penalties issued to 2370 Pacific LLC for demolition without a permit, failure to safeguard unsafe stairs, and the unsafe storage of combustibles at a 3-story vacant building at 2370 Pacific Street.
- \$12,500 in total penalties issued to Safety Registrant New Line Structures & Developers for multiple issues at two sites located at 227 West Street and 1 Eagle Street. Inspectors issued violations at one site after documenting a failure to institute safety measures at a 30-story building under construction that suffered an incident where a worker fell off a ladder and was injured – after the incident, inspectors documented non-compliant housekeeping at the base of the ladder and no record of ladder use discussion in pre-shift meetings at the site. Additional issues were documented at a 40-story building that was not in compliance with its Site Safety Plan.
- \$12,500 in penalties issued to Fulton St Realty Venture for failure to maintain a building at 40 Bridge Street. Issued after an incident where a 45 lb. section of masonry stonework detached and fell off of the building onto a public sidewalk.
- \$12,400 in total penalties issued to General Contractor Galaxy Developers LLC for multiple violations at an 8-story building under construction at 269 Wallabout St. Issued after inspectors observed a sidewalk shed with too narrow of a pedestrian pathway underneath, Yodocks not filled with water, and no overhead protection in all required areas.
- \$10,000 in total penalties issued to Custom Plumbing & Heating LLC for holding itself out as a licensed master plumber (LMP) and engaging in plumbing at 1027 Church Avenue, before securing a master plumbing license.
- \$3,750 in penalties issued to Turning Point Housing Development Inc for use of an arterial roof sign structure after nonconforming use had been discontinued and for displaying a non-advertising wall sign without a permit at 968 3rd Avenue.



- \$2,500 in penalties imposed on RCC Realty Associates LLC for use of an arterial roof sign structure after nonconforming use had been discontinued at 231 South 4th Street.



- \$1,875 in penalties issued to 134 Broadway Owners LP for displaying an outdoor sign without a permit, erected without a licensed sign hanger, and in a prohibited zone at 134 Broadway.



Manhattan

- \$50,000 in total penalties issued to Safety Registrant Lend Lease US Construction for failure to institute and maintain safety measures at 310 Hudson Street. Issued after an incident where a worker fatally fell through an elevator shaft and inspectors documented no fall protection or platform provided at the site, a bolting operation that was “beyond the cable;” and that the site had no pre-shift meeting log with the signature of the deceased worker.
- \$30,000 in total penalties issued to Safety Registrant JT Magen & Company Inc for violations observed at a 50-story building site at 1 Wall Street. Issued after a re-inspection of the site where on September 18, 2020, a guard fell down a shaft to his death. Inspection of the site resulted in summonses for failure to safeguard including: broken glass found on the 47th floor that was not secured; elevator shafts that were not protected; vertical safety netting open on various floors, inadequate guardrails and a zero cable that was not taut on all floors.
- \$20,000 in total penalties issued to Safety Registrant Breeze National Inc. for failure to designate a Site Safety Manager (SSM) and failure to notify DOB of a change in SSM at 2 Penn Plaza.
- \$18,750 in total penalties issued to Ferocious Cat Realty LLC for illegal transient use with safety violations at 361 West 52nd Street. While serving an illegal transient use summons at the site, inspectors observed a second apartment with illegal transient use and wrote appropriate violations.

- \$15,000 in total penalties issued to S Greental Co Park Regis Apt Corp for chaining and padlocking a gate to a privately owned public space at 50 East 89th Street.
- \$13,750 in total penalties issued to Safety Registrant Ross & Associates LLC for violations issued at a 6-story building under construction at 151 Grand Street. Issued after inspectors documented inadequate housekeeping, inadequate netting, blocked egress, missing guardrails, and no roof protection for adjacent properties.
- \$10,000 in penalties issued to General Contractor New Empire Builder Corp. for failure to institute safety measures and equipment at 14 Second Avenue. Issued after an incident where a worker sliced their finger while using a skill saw that did not have a workbench for its use on site.
- \$10,000 in penalties issued to crane owner US Crane & Rigging LLC for using a tower crane with an expired CD at 107 West 57th Street.
- \$5,000 penalty issued to Hoisting Machine Operator Racine Auringer for using a tower crane with an expired CD at 107 West 57th Street.

Queens

- \$60,000 in total penalties issued to S. Chen for an illegal alteration with 3 additional dwellings beyond legal occupancy at 102-39 47th Avenue.
- \$17,500 in total penalties issued to General Contractor JTD Builders, Inc. for having an insufficient sidewalk shed, no overhead protection, and no guardrails or handrails at a worksite at 142-20 Sanford Avenue.
- \$12,500 in total penalties issued to General Contractor BK Builders LLC for multiple violations at 50-07 5th Street. Issued after inspectors documented the site's failure to have required documents, no Support of Excavation or foundation, no pre-construction survey or monitoring plan, no safe means of egress from excavation, and excavated earth that was not sloped in safe manner at two exposures.
- \$6,250 in penalties issued to Georgios Fragias for violating a Vacate Order at 84-06 159th St.
- The owner of 321 Bert Road was cited for illegally using their property for dead and junk storage of motor vehicles and boats. Prior to a hearing scheduled with OATH, a stipulation was entered into with the respondent's representative giving the owner and occupant time to discontinue the illegal uses. A subsequent inspection revealed that the illegal uses were not discontinued as per the

stipulation. Portions of the property will be padlocked if the illegal use is not discontinued.



Staten Island

- \$10,000 penalty issued to General Contractor Okane Enterprises Ltd. for failure to institute safety measures and equipment at 2643 Richmond Avenue. Issued after a worker was injured when they fell from a ladder and inspectors determined that no means of egress existed on the roof and that the extension ladder being used to access roof level was inadequate.

Construction and Design Professionals

- Following the audit of eight professionally certified applications submitted by Registered Architect Mirella Boselli, the Department 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 adequate means of egress; failure to obtain or provide Landmarks approval for a landmarked building; failure to file for a Place of Assembly Certificate of Operation; failure to provide an automatic sprinkler system; failure to provide adequate accessibility for persons with disabilities; and various other violations of code and rules, including the Zoning Resolution, Building Code, and Administrative Code. Based on the audits, DOB offered a voluntary surrender of the respondent's Professional Certification and Directive 14 privileges, which the respondent signed.
- Following the audit of five professionally certified structural applications submitted by P.E. Brian Bramel, SET in Conjunction with Construction Safety Engineering found major code non-compliances, including insufficient structural design and failure to provide adequate structural details. Based on the audits, SET offered a voluntary surrender of Professional Certification and Directive 14 privileges, which the respondent signed.

- Following the audit of nine professionally certified applications submitted by P.E. Ho Yin Law, 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; failure to provide adequate means of egress; failure to provide a Type 1 hood for commercial cooking equipment; failure to provide adequate accessibility for persons with disabilities; failure to provide an automatic sprinkler system; and various other violations of code and rules, including the Building Code, Multiple Dwelling Law, and Administrative Code. Based on the audits, DOB offered a voluntary surrender of Professional Certification and Directive 14 privileges, which the respondent signed.
- Master Plumber Stanley A. Lewis entered into a stipulation with the Department on June 10, 2022, after being disciplined for performing 5 boiler replacements without filing for a permit or filing a corresponding LAA or Ordinary Plumbing Work Report. The respondent agreed to pay a fine of \$2,500 and to six months of probation.
- Master Plumber William Bresalier was disciplined for scheduling inspections when work was not complete, for certifying an inspection while failing to appear for the inspection, for making false statements to the Department, failing to provide payroll records, and for not being properly established. Respondent agreed to a 6-month suspension, a \$10,000 fine and 1 year of probation post-suspension. Following a wind down period, the suspension commenced on June 29, 2022.

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