

DOB ISSUES MONTHLY ENFORCEMENT BULLETIN

Report Highlights DOB Enforcement Outcomes from July 2019 to Deter Bad Actors and Keep New Yorkers Safe

New York, NY – Today, the New York City Department of Buildings released its July 2019 enforcement bulletin, 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 rules 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.

29 violations and \$681,850 in penalties, including daily penalties, issued for illegal building alterations on four separate occasions.

- 38 violations and \$182,693 in penalties, including daily penalties, issued for illegal transient use of buildings at eight different locations.
- 54 violations and \$570,000 in penalties issued for failure to safeguard construction sites on 51 separate occasions.
- 21 violations and \$210,000 in penalties issued to 18 different individuals for failure to carry out duties as construction superintendents.

Below are individual enforcement highlights for July 2019:

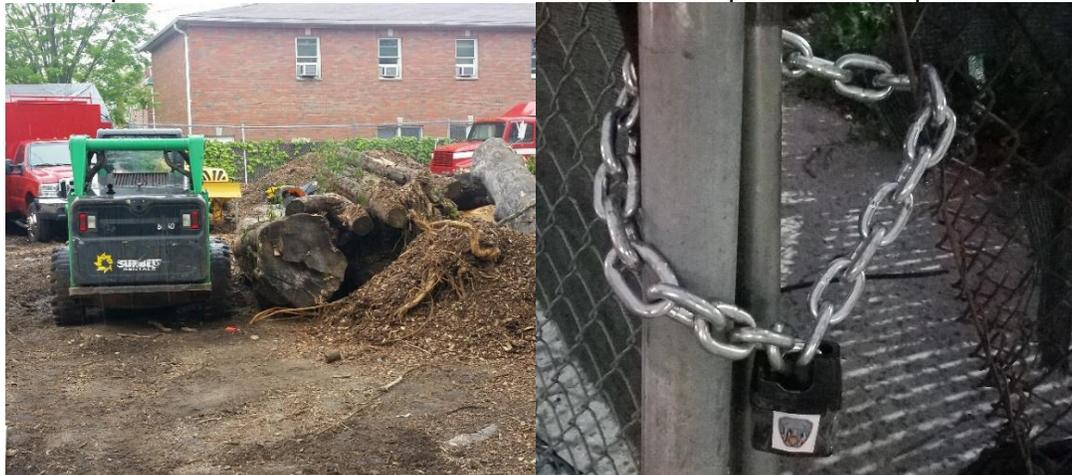
Bronx

- \$30,312 in total penalties issued to General Contactor A2Z Construction Group Inc., for seven sit-safety violations on a construction site located at 2278 Bronx Park East, Bronx, including failing to have a superintendent or competent person on site, failing to provide required overhead protection, failing to have the construction plans on site, and three workers on site who did not have required OSHA training cards.
- \$10,000 in penalties issued to General Contractor A2Z Construction Group Inc., for failure to safeguard workers on a construction site located at 702 Beach Avenue, Bronx, after it was found that workers did not have proper egress from the site in the event of an emergency. It was determined that the work site gates were locked and blocked from the outside.
- \$12,500 in penalties issued to MT Corp 1030 Southern BLVD LLC, the owner of 1026 Southern Boulevard, Bronx, for failure to maintain the building after bricks fell from the façade.

- \$10,000 in penalties issued to Tracking Number Holder Vikrant Contracting & Builders for failure to safeguard workers on a construction site located at 383 East 143rd Street, Bronx, after a worker was injured while pulling down a suspended scaffold without assistance.
- \$10,000 in penalties issued to Safety Registrant Mountco Const & Dev Corp, for failure to safeguard workers on a construction site at 556 Bergen Avenue, Bronx, after a worker was struck in the hard hat by a re-shore jack. It was determined that this worker did not attend an on-site accident prevention training session the day of the accident.

Brooklyn

- \$10,000 in penalties issued to 377 Montgomery LLC, the owner of 377 Montgomery Street, Brooklyn, for failure to put required safety measure in place after attempting to file a second “Safe With Repair and Maintenance” (SWARMP) Façade Inspection Safety Program (FISP) report five years after a previous SWARMP filing for the same property.
- The owner of 5502 Flatlands Avenue, Brooklyn, was cited for using the location as an illegal contractor’s yard, storing landscaping and wood chipping equipment and materials. Prior to a scheduled hearing at OATH, the owner presented evidence that the illegal use was discontinued and would not be resumed. However, a subsequent inspection revealed the illegal use had resumed, and as a result a hearing was scheduled with OATH. Prior to the hearing the owner agreed to discontinue the use, but a recent inspection revealed the use had resumed, and the premises was padlocked.



Manhattan

- \$25,000 in penalties issued to Tracking Number Holder Structural Preserv System, for failure to safeguard a construction site located at 259 West 30th Street, Manhattan, after materials that were improperly stored on the roof blew off and landed on a vehicle.
- \$11,250 in total penalties issued to 64th Street 3rd Ave Associates, the owner of 200 East 64th Street, Manhattan, for making changes to a public plaza without getting the required approval from the NYC Department of City Planning.

- \$12,500 in penalties issued to RC Church of All Saints, the owner of 45 East 129th Street, Manhattan, for failure to maintain the property after a piece of masonry fell of the building, and loose sections of masonry and cracks were observed in the building's façade.
- \$12,500 in penalties issued to Shubert and Boach Theatre LLC, the owner of 224 West 44th Street, Manhattan, for failure to maintain the building after a 10' x 8' piece of masonry fell from the façade and landed on the fire escape.
- \$10,000 in penalties issued to DS 30 Morningside Drive LLC, the owner of 408 West 114th Street, Manhattan, for failure to install required safety measures after being granted an extension for a Façade Inspection Safety Program (FISP) report filing.

Queens

- \$186,250 in total penalties issued to Fernandez Manuel, the owner of 93-20 50th Avenue, Queens, for occupancy of the building contrary to the Certificate of Occupancy, and work without a permit, for illegally converting a three-family home to an illegal six-family dwelling. The owner was also cited for illegal occupancy of the garage.
- \$89,600 in total penalties issued to Abdul Latif Mohammed, the owner of 84-58 162 Street, Queens, for occupancy of the building contrary to the Certificate of Occupancy, and work without a permit, for illegally converting a legal two-family home into an illegal six-family dwelling.
- \$38,125 in total penalties issued to General Contractor JRS Construction & Exp., for ten site-safety violations related to multiple failures to safeguard, including lack of required fencing and protection for electrical boxes, at five sites located at 437 Beach 28th Street, 435 Beach 28th Street, 431 Beach 28th Street, 429 Beach 28th Street, and 436 Beach 29th Street, all located in Queens.
- \$25,000 in penalties issued to Safety Registrant Ross and Associates LLC for failure to safeguard a construction site located at 24-16 Queens Plaza, Queens, after unsecured insulation panels were blown off the building and metal strips were found to be coming loosing and flapping in the wind.
- \$11,875 in total penalties issued to Sunnyside GP Inc, the owner of 39-19 Greenpoint Avenue, Queens, for a zoning violation for operating a massage parlor without BSA approval, as well as illegal occupancy, and work without a permit for the construction of an illegal rear extension on the building.
- \$10,000 in penalties issued to C/O Metro Management, the owner of 23-22 30th Road, Queens, for failure to put required safety measure in place after filing an unsafe Façade Inspection Safety Program (FISP) report.
- \$10,000 in penalties issued to General Contractor Restoration Management Plus, Inc. for failure to safeguard a construction site located at 187-20 Grand Central Parkway,

Queens, after the construction fence surrounding the site was found to be leaning into the public right of way.

- The owner of 202-01 Northern Boulevard, Queens, was cited for using the location for dead vehicle storage with an expired BSA variance that allowed the use. Prior to the scheduled hearing with OATH, the owner submitted evidence that the illegal use had been discontinued. DOB inspectors will continue to monitor the premises for compliance.



Staten Island

- \$15,000 in total penalties issued to Louis L Buttermark & Sons, for improperly installing water heaters under an Ordinary Plumbing Report at three properties located at 682 Forest Avenue, 76 Franklin Avenue, and 96 Clifton Avenue, Staten Island. The installation of water heaters requires plumbers to file these jobs under Limited Alteration Applications (LAA).

Construction and Design Professionals

- Following an audit of professionally certified applications submitted by Registered Architect Jeff Akerman, the Department found multiple code non-compliances, including the design of rooms without adequate square footage, light, and air, in addition to inadequate accessibility for persons with disabilities. It was also determined that Akerman failed to obtain an HPD Certificate of No Harassment for material alterations, and submitted plans with various Zoning Resolution noncompliance issues. Akerman agreed to a voluntary surrender of Professional Certification and Directive 14 privileges, effective July 1, 2019.
- Following an audit of professionally certified applications submitted by Registered Architect Michael Scaduto, the Department found multiple code non-compliances, including proposing work under a Directive 14 Alteration Type 2 that requires an Alteration Type 1 for a new or amended Certificate of Occupancy, inadequate egress issues, inadequate fire stopping, zoning yard non-compliances, proposing rooms without adequate square footage, light, and air, and various other violations of city codes and rules. Scaduto agreed to a voluntary surrender of his Professional Certification and Directive 14 privileges, effective July 1, 2019.
- Following an audit of professional certified applications submitted by Registered Architect Okey Oraedu, the Department found multiple code non-compliances, including

proposing work under an Alteration Type 2 that requires an Alteration Type 1 for a new or amended Certificate of Occupancy, proposing rooms without adequate square footage, light, and air, inadequate accessibility for persons with disabilities, and various other violations of city codes and rules. Oraedu agreed to a voluntary surrender of Professional Certification and Directive 14 privileges, effective July 1, 2019.

- Following an audit of professionally certified applications submitted by Registered Architect Bung Kyu Jeon found multiple code non-compliances, including proposing work under an Alteration Type 2 that requires an Alteration Type 1 for a new or amended Certificate of Occupancy, combining two buildings on two separate lots under an Alteration Type 2 application, proposing a new commercial use in a residential zoning district, proposing an inadequate tenant protection plan, proposing obstructions that are not permitted in required yards, inadequate egress issues, proposing rooms without adequate square footage, light, and air, and various other violations of city codes and rules. Jeon agreed to a voluntary surrender of Professional Certification and Directive 14 privileges, effective July 15, 2019.
- Site Safety Manager Dennis O'Connor was disciplined by the Department for filing a materially false or misleading statement regarding the experience of a site safety manager applicant who trained under O'Connor. O'Connor agreed to pay a \$10,000 fine and have his Site Safety Manager license put on probation for one year, effective July 15, 2019.
- Construction Superintendent Robert San Miguel was disciplined by the Department for failing to pay approximately \$660,000 in fines levied against him by the Office of Administrative Trials and Hearings (OATH), and failing to disclose debt on two renewal applications submitted to the Department. San Miguel agreed to a two-year probation period effective July 25, 2019, and to have his registration suspended for a period of nine months upon renewal in March 2020. In addition, San Miguel agreed to comply with the requirements of any and all debt restructuring agreements entered into with the city.

For previously issued Enforcement Action Bulletins, please visit our [website](#).