

THE CITY OF NEW YORK  
OFFICE OF ADMINISTRATIVE  
TRIALS AND HEARINGS

P R E S E N T: CHRISTINE STECURA  
Administrative Law Judge

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In the matter of:

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT,

Petitioner,

Index No.  
25-1984

- against -

MICHAEL GEYLIK,

Respondent.

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May 8, 2025

Office of Administrative Trials  
And Hearings  
100 Church Street  
New York, NY 10007

Volume I, Pages 1 - 215

## A P P E A R A N C E S:

DEMETRIOS MESTOUSIS, ESQ.

JOSEPH RONIT, ESQ.

PETITIONER'S REPRESENTATIVE

New York City Department of Housing and Development

100 Gold Street, Room 6Y-2

New York, NY 10038

VLADIMIR FAVILUKIS, ESQ.

JOSEPH GOLDSMITH, ESQ.

RESPONDENT'S REPRESENTATIVE

Kucker Marino Winiarsky & Bittens, LLP

747 Third Avenue, Floor 12

New York, NY 10017

Also Present:

Michael Geylik, Respondent, observing

<u>PETITIONER'S WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIR</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
T. Dukleth	30	70	120		
J. Sabin	125	152	210		143
<u>RESPONDENT'S WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIR</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>

## E X H I B I T S

<u>ALJ</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>IN EV.</u>
<u>PETITIONER</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>IN EV.</u>
1	Certified Copy of Property Registration	12	13
2	Certified Copy of Deed	12	13
3	Certified Copy of I-Cards	12	13
4	Certified copy of Application for CONH	12	13
5	Certified copy of 3/4/24 Determination	12	13
6	Certified copy of 3/12/24 Certificate of No Future Harassment	12	13
7	4/08/25 Determination	12	13
8	Certified copy of Investigator memorandums of tenants' complaints dated 3/14, 3/26 and 3/27 2025	12	13
12	Tenant Dukleth Photos/Text	43	47
14	Tenant Sabin Photo	130	133
14A	Tenant Sabin Photos/Texts	141	146

15	Certified copy of Sabin Court Record and preliminary notice	12	13
15A	Certified copy of Sabin Court notice of discontinuance	12	13
16	Certified copy of Beckwith Court record and preliminary notice	12	13
17	Certified copy of DHCR Rent Roll Report	12	13
18	Certified copy of DHCR tenant Registrations	12	13
25	DOB job application M01181265-L1	12	13
25A	HPD-3 form relating to M01 181265-L1	12	13
25B	Plans submitted DOB for job M01 181265-L1	12	13
26	DOB JOB application M01098599-L1	12	13
26A	HPD-3 form relating to M01098599-L1	12	13
26B	Permit for job application M01098599-L1	12	13
26C	Plans submitted to DOB for job M01098599-L1	12	13
27	DOB job application M08016403-L1	12	13
27A	HPD-3 form relating to M08016403-L1	12	13
27B	Plans submitted to DOB for job M08016403-L1	12	13
28	08/14/2024 - Violation FEU10302PN and Violation FEU10301PN	12	13
29	03/19/2025 - ECB Violation 39142177M and ECB Violation 39142176K	12	13

30	04/14/2025- Complaint 1693132, PSWO for M01101265-L1, and Permit forM01101265-L1 revoked	13	13
31	Incident Information Slip 3/20/2025	12	13
33	02/10/1999 - DOB Violation 34205637H and 04/06/1999 DOB Violation 34206761J	13/98	13
34	08/14/2024 - Handwritten Violation emergency shoring	13	13

<u>RESPONDENT</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>IN EV.</u>
A	Owner's Deed, dated June 28, 2021	9	11
B1	I-cards for the premises	9	11
B2	Certificate of occupancy for the premises, dated November 6, 2006	9	11
B3	Certificate of occupancy for the premises, dated January 31, 2023	9	11
E1	Emails between Respondent's Engineer and DOB Engineering Unit	9	11
E2	Emails between Respondent's Counsel and DOB Engineering Unit and tenant advocate	9	11
F1	DOB Permit No. M01098599-I1-ST.	9	11
F2	DOB Permit No. M01181265-I1-ST.	9	11
F5	Design drawings approved under DOB Permit No. M00865697	9	11
G1	DOB Summons No. 39142176K	9	11
G2	DOB Summons No. 9142177M	9	11

K1	Non-payment petition against Judy Sabin, tenant of record for Unit 3C at the premises, Index No. LT 301839/25	10	11
K2	Notice of discontinuation for Index No. LT 301839/25	10	11
K4	Text messages between Respondent and Sabin	168	176
L1	Holdover petition based on "non-primary residence" against Shiras Patterson Beckwith, tenant of Record for Unit 2E at the premises, Index No. LT 306106/25	10	11

1 ALJ CHRISTINE STECURA: So good morning. This is  
2 Administrative Law Judge Christine Stecura in the matter of  
3 the Department of Housing and Preservation versus Michael  
4 Geylik, G-E-Y-L-I-K, OATH Index No. 251984. Today is May  
5 8th, and the time is now 9:53 a.m. This matter is being  
6 conducted in person at 100 Church Street and Counsel and  
7 Respondent are present.

8 So I'm going to ask Counsel to enter their  
9 appearances now, starting with the Petitioner.

10 MR. DEMETRIOS MESTOUSIS: Good morning, Your Honor.  
11 Demetrios Mestousis for Housing Preservation and Development,  
12 100 Gold Street, New York, New York.

13 ALJ STECURA: Good morning.

14 MR. MESTOUSIS: Good morning.

15 MS. RONIT JOSEPH: Good morning, Judge. Ronit  
16 Joseph, HPD, 100 Gold Street.

17 ALJ STECURA: Good morning.

18 MR. VLADIMIR FAVILUKIS: Vladimir Favilukis of  
19 Cooker, Marino, Winiarsky, and Bittens for Respondent, Your  
20 Honor.

21 ALJ STECURA: Good morning.

22 MR. JOSEPH GOLDSMITH: Hello. Joseph Goldsmith,  
23 for the Respondent, as well, from Cooker, Marino, Winiarsky,  
24 and Bittens. Good morning.

25 ALJ STECURA: Good morning. Okay. And --

1 MR. GOLDSMITH: With us is Michael Geylik --

2 MR. FAVILUKIS: Thank you.

3 MR. GOLDSMITH: -- the Respondent.

4 ALJ STECURA: Good morning.

5 MR. MICHAEL GEYLIK: Good morning.

6 ALJ STECURA: All right. So we had the chance  
7 before we went on the record to discuss some preliminary  
8 matters related to exhibits. I have received both parties  
9 proposed exhibits and they informed me that they were able to  
10 meet and discuss stipulations as to the admissibility of some  
11 of those exhibits.

12 So Petitioner's Counsel, Mr. Favilukis, have you  
13 had the opportunity to review Respondent's exhibits?

14 MR. MESTOUSIS: Yes. I'm Mr. Mestousis.

15 MR. FAVILUKIS: Oh, I'm sorry.

16 MR. MESTOUSIS: We have and we are able to  
17 stipulate to some -- to some of them, yes.

18 ALJ STECURA: Okay. So based -- my understanding  
19 is that Petitioner is stipulating to the admissibility of  
20 Exhibit A, B1, B2, B3, E1, E2, F1, F2, F5, G1, G2, G4, in  
21 part, K1, K2, and L1, is that correct?

22 MR. MESTOUSIS: That is correct, Your Honor.

23 ALJ STECURA: Okay. And the Petitioner stipulates  
24 to the admissibility of those exhibits?

25 MR. MESTOUSIS: Yes.

1 ALJ STECURA: Okay. So now I'm going to ask that  
2 Mr. Favilukis, counsel for Respondent, read into the record  
3 what each of those exhibits are.

4 MR. FAVILUKIS: Those are A -- oh, I'm sorry.

5 ALJ STECURA: Just say A1 is...

6 MR. FAVILUKIS: A is Respondent's deed for the  
7 building. B1 is -- are the I-cards for the building. B2 is  
8 the 2006 certificate of occupancy for the building. B3 is  
9 the 2023 certificate of occupancy.

10 E1 are emails between Respondent's engineer and the  
11 department of buildings engineering unit. E2 are emails  
12 between myself, the Department of Buildings Engineering Unit  
13 and the Department of Buildings tenant advocate.

14 F1 is a Department of Buildings permit for the job  
15 ending in 599. F2 is the department of Buildings permit for  
16 job ending in No. 265. F5 -- shoot. One second. F5 are  
17 approved plans for -- by the Department of Buildings approved  
18 plans for job number ending in 697.

19 G1 is a Department of Building summons ending in  
20 76K. G2 is the Department of Building summons ending in 77M,  
21 as in Mary.

22 G4 are partially agreed to, and those three -- and  
23 I apologize, you, Honor, I'm not sure which pages of G4 are  
24 agreed to, but G4, generally, are department of Building  
25 violations issued to the building between 1994 and 1999, and

1 Petitioner and Respondent have agreed to stipulate to three  
2 of those violations being entered into the record.

3 ALJ STECURA: Can I just stop you there? Can you  
4 specify which violations are stipulated to?

5 MR. MESTOUSIS: Yes, if I can just pull out the --

6 MS. JOSEPH: It's G4.

7 [Counsel conferring off the record.]

8 MS. JOSEPH: Your Honor, is it okay if we take a  
9 minute to look through them? Thank you.

10 [Counsel conferring off the record.]

11 ALJ STECURA: Okay, so what I'm --

12 MS. JOSEPH: I'm trying to look through this. I'm  
13 sorry.

14 ALJ STECURA: The information's not readily on  
15 hand.

16 MS. JOSEPH: Yeah.

17 ALJ STECURA: We'll come back to it at a later  
18 time. So we -- if you could, after G4...

19 MR. FAVILUKIS: Yes. And there are three left. K1  
20 -- K is -- K is the notice of petition -- petition and rent  
21 demand for a non-payment proceeding commenced by Respondent  
22 against one of the tenant's witnesses, Judy Sabin. K2 is the  
23 notice of discontinuation of that same proceeding.

24 And L1 is the -- L1 is the holdover petition that  
25 has been commenced against -- by Respondent against one of

1 the tenants witnesses, Shiras Patterson Beckwith. It is a  
2 non-primary residence holdover petition, which is ongoing and  
3 I believe this on -- oh.

4 ALJ STECURA: Thank you. So, based on the  
5 stipulation and my review of the exhibits, Respondent's  
6 Exhibits A, B1, B2, B3, E1, E2, F1, F2, F5, G1, G2, K1, K2  
7 and L1 are in evidence.

8 **[Respondent's Exhibits A, B1, B2, B3, E1, E2, F1,**  
9 **F2, F5, G1, G2, K1, K2 and L1 admitted into evidence.]**

10 ALJ STEUCRA: And I'm reserving on G4 once we know  
11 specifically what Petitioner is stipulating to.

12 MR. FAVILUKIS: Thank your, Your Honor.

13 ALJ STECURA: Okay. So Petitioner's exhibits. So  
14 did Respondent's have the opportunity to review Petitioners  
15 exhibits?

16 MR. FAVILUKIS: Yes, Your Honor.

17 ALJ STECURA: And my understanding is that  
18 Respondent is stipulating to exhibits -- Petitioner's  
19 Exhibits 1 through 8, 5 through 18 --

20 MR. FAVILUKIS: No, 15 through 18.

21 ALJ STECURA: Sorry. 1 through 8, 15 through 18,  
22 25 through 31, and Exhibits 33 and 34. Is that correct?

23 MR. FAVILUKIS: Yes.

24 MR. MESTOUSIS: Yes, Your Honor.

25 ALJ STECURA: All right. So now I'm going to ask

1 that Petitioner's Counsel read the title of those exhibits  
2 into the record, please?

3 MR. MESTOUSIS: Yes, Your Honor. Petitioner's 1 is  
4 a certified copy of the property registration. Petitioner's  
5 2 is a certified copy of the deed. Petitioner 3 is a  
6 certified copy of the I-cards. Petitioner's 4 is a certified  
7 copy of the application for CONH.

8 Petitioner's 5 is a certified copy of the March 4,  
9 2024, determination. Petitioner's 6 is a certified copy of  
10 the March 12, 2024, certificate of no future harassment.  
11 Petitioner's 7 is the April 8, 2025, determination.  
12 Petitioner 8 is the certified copy of investigator  
13 memorandums of tenant complaints, which are dated March 14,  
14 March 26 and March 27th of 2025.

15 Petitioner's 15 is a certified copy of the Sabin  
16 court records and preliminary notices. Petitioner's 15A is a  
17 certified copy of Sabin Court notice of discontinuance.  
18 Petitioner's 16 is a certified copy of Beckwith court records  
19 and preliminary notices. Petitioner 17 is a certified copy  
20 of the DHCR rent roll report. Petitioner 18 is a certified  
21 copy of the DHCR tenant registrations.

22 Petitioner's 25 is DOB job application No.  
23 M01181265L1. Petitioner's 25A is HPD-3 form related to  
24 M01181265L1. Petitioner's 25B are plans submitted to DOB for  
25 job M01181265L1. Petitioner's 26 is DOB job application

1 M010098599L1. Petitioner's 26A is HPD-3 form relating to  
2 M0109859901. Petitioner's 26B is a permit for job  
3 application M01098599L1. Petitioner's 26C are plans  
4 submitted to DOB for job M0109859. Petitioner's 27 is DOB  
5 job application M08016403L1. Petitioner's 27A is HPD-3 form  
6 relating to M08016403L1. Petitioner's 27B are plans  
7 submitted to DOB for job M080164403L1. Petitioner's 28 is an  
8 August 14, 2024 violation, two of them, 1 -- FEU10302PN and  
9 FEU10301PN.

10 Petitioner's 29 are March 19th of '25 violations  
11 for ECV numbered 39142177M and 39142176K. Petitioner's 30 is  
12 a DOB complaint 1693132, PSWO for M01101265L1, and a permit  
13 for M01101265L1 revoked, which was revoked. Petitioner's 31  
14 is an incident information slip from March 20th of '25.  
15 Petitioner's 33 is a February 10, 1999, violation, numbered  
16 34205637H, and an April 6, 1999, violation, numbered  
17 34206761J. And Petitioner's 34 is August 14th of '24  
18 handwritten violation emergency shoring.

19 ALJ STECURA: All right, thank you. So  
20 Petitioner's Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 15, 15A, 16,  
21 17, 18, 25, 25A, 25B, 26, 26A, 26B, 26C, 27, 27A, 28B [sic],  
22 28, 29, 30, 31, 33, and 34 are now in evidence.

23 **[Petitioner's Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 15,**  
24 **15A, 16, 17, 18, 25, 25A, 25B, 26, 26A, 26B, 26C, 27, 27A,**  
25 **27B, 28, 29, 30, 31, 33, and 34 admitted into evidence.]**

1 ALJ STECURA: And I just want to thank the parties  
2 for their cooperation with each other and professionalism.

3 MR. MESTOUSIS: Your Honor, just wanted to correct  
4 for the record, it's 27B. I think you said 28B.

5 ALJ STECURA: Oh, 27A and 27B. All right, thank  
6 you.

7 All right, anything else before we start opening  
8 statements? We ready?

9 MR. MESTOUSIS: Ready, yes.

10 ALJ STECURA: Okay, great. All right, Petitioner,  
11 you're on.

12 MR. MESTOUSIS: Yes, Your Honor. So, Your Honor,  
13 in August of 2023, Mr. Geylik filed an application for a  
14 certificate of no harassment with HPD for this SRO building.  
15 The building contains 14 SRO units and a commercial  
16 storefront which is used by the Respondent as an office. Of  
17 the 14 units, only seven have been occupied since the  
18 Respondent purchased the building in 2021, and one occupant  
19 ended up leaving, and it's currently occupied by six tenants.

20 Clearly, the Respondent has been warehousing the  
21 majority of the units at this building since the he purchased  
22 it. In his CONH application, which was filed in 2023, August  
23 of '23, the Respondent provided DOB plans, stamped with  
24 application number ending in 69701, to restore a shared  
25 kitchen, a shower, and a toilet on the fourth floor, which

1 was removed a year before -- which he previously removed a  
2 year before. He also made representations through his  
3 attorney that once he obtains the CONH, he will restore those  
4 essential services. However, once he obtained the CONH in  
5 March of '24, he failed to do that. The plans that supported  
6 the CONH application were never followed through with DOB,  
7 and in the meantime, the tenants who reside on floors 3, 4,  
8 and 5 were deprived of having a toilet on each occupied  
9 floor, which is a requirement of the Housing Maintenance Code  
10 § 27-2067.

11 And after an inquiry was filed with HPD in February  
12 of 2025, it prompted an investigation and a legal review by  
13 HPD. HPD came to find out that among other acts and  
14 omissions, a Respondent made a statement, same  
15 representations to the tenants at the time that he literally  
16 demolished and removed the only toilet on the third floor,  
17 the only toilet on the fourth floor, a shower and kitchen on  
18 the fourth floor, which was used by the tenants. Now, these  
19 tenants don't have kitchens or toilets in their rooms, so  
20 this was a drastic reduction in services that were available  
21 to them. So the tenants were left without a kitchen and a  
22 shower, and they didn't have a toilet on the second -- well,  
23 the only thing they had was a toilet on the second floor and  
24 one on the fifth.

25 Now, I want to point out that the level of

1 misrepresentation that took place here. At the time that he  
2 removed the sanitary and the kitchen facilities, the  
3 Respondent also filed for a permit with DOB, citing only,  
4 that he's attempting work to correct 1999 violations for  
5 illegal facilities. But the violations the Respondent  
6 indicated on his job application noted illegal work on the  
7 third floor, not on the fourth floor, where the facilities  
8 exist and were actually removed from.

9 So also of note is that the Respondent did not file  
10 to obtain a COH at that point, as required by the New York  
11 Administrative Code § 28-107.3 for the removal of any  
12 bathroom or kitchen facilities in the SRO, but he was sure to  
13 claim that he has to obtain the CONH when telling the tenants  
14 that he cannot restore those facilities.

15 This is just an example of the selective  
16 representations made by the Respondent, who then asked the  
17 tenants who eagerly were awaiting the restoration of their  
18 facilities to work with him toward obtaining a CONH and not  
19 oppose him getting the certificate. That became evident to  
20 us when HPD spoke to tenants after he commenced an  
21 investigation based on a letter from the tenant's attorney.

22 HPD learned that Judy Sabin, one of the tenants who  
23 you're going to hear from today, repeatedly asked the  
24 Respondent to accept her rent, which he rejected time and  
25 time again, stating that he didn't know what her legal rent

1 was, although she had showed him a DHCR rent roll for her  
2 unit showing that amount. At one point, the Respondent told  
3 Judy not to worry about her rent and suggested that he'll  
4 help rent her a building lottery elsewhere so she didn't need  
5 to live in such conditions as in this building, only to turn  
6 around and sue her in December of '24 for rent payments for a  
7 period that spanned four years amounting to over \$6,500.  
8 Well, this, Your Honor, is like one of the oldest tricks in  
9 the books. The landlord doesn't accept the rent, the tenant  
10 struggles up to come up with a large sum of money, and  
11 ultimately they get evicted. Luckily for Judy, she was able  
12 to pay the rent.

13 Another one of the tenants at the building, Mr.  
14 Chlapek, was deprived of the key to the entrance door after  
15 it was lost. For months, he had to climb up a fire escape to  
16 get into his unit or ask other tenants to let him in. When  
17 he finally received the second key, which broke days after  
18 inside the lock, he was blamed for breaking the key on  
19 purpose and, again, was left without a key, effectively  
20 illegally locking him out of his own building where he lived.

21 It escalated to the point that Mr. Chlapek pushed  
22 the door in and breaking the lock -- meant broke the lock  
23 when he couldn't get into his room, which the Respondent then  
24 used to file criminal mischief complaint against him and have  
25 him arrested for destruction of property. When Mr. Geylik's

1 workers started demolishing sections of vacant rooms under  
2 the justification of necessary probing, no notice was given  
3 to the tenants who had to breathe in the dust and clean the  
4 dust and debris in the public areas and in their units.  
5 Tenants also have to take care of cleaning and providing  
6 cleaning supplies for the shared facilities at the building.

7 Currently, due to years of neglect and water  
8 seepage, including during the close to five years the  
9 Respondent owns the building, continued deterioration caused  
10 the steps to slope and the building to destabilize. DOB  
11 ordered an emergency shoring work in the building in August  
12 of '24 which has been completed. No further emergency work  
13 violations have been issued at the building other than work  
14 that the Respondent has been cited for by DOB for the  
15 replacement of wood beams with metal beams, and this is under  
16 job application No. 01181265L1.

17 Although Respondent claims that this work is of an  
18 emergency nature, it is not. The building has been  
19 stabilized as emergency shoring ordered by DOB under job  
20 application number ending in 599-L1 was completed. The  
21 building is occupied, it is habitable, and no vacate order  
22 has been issued by the DoD.

23 Clearly, the work that the Respondent is planning  
24 to engage in under the job application I just mentioned will  
25 require COH, which has been suspended. As I stated before,

1 HPD received an inquiry and commenced an investigation and  
2 thereafter found that based on the information received,  
3 there was reasonable cost to suspend the CONH because of the  
4 Respondent's acts and omissions after the issuance of the  
5 CONH, as listed in our allegations. The tenants who reside  
6 in the building will need to be relocated for the duration of  
7 the work. But as DOB noted, no efforts to have the tenants  
8 temporarily relocate were brought to the attention of the  
9 agency, which is the impediment to the planned work to  
10 commence.

11 This case concerns the living conditions of the  
12 tenants in this building and the Respondent's efforts, though  
13 some more subtle than others, to have them leave the building  
14 and move elsewhere so that they can reconstruct the building  
15 and remediate conditions for which the Respondent is  
16 partially responsible, especially the continuing neglect and  
17 decay. The review of this tribunal is with regard to the  
18 question of whether lawful occupants were harassed in this  
19 building.

20 Your Honor, as a city struggling to provide  
21 residents with decent affordable housing, we cannot allow the  
22 rights of rent-stabilized SRO tenants to be violated to  
23 permit developers to increase their profits at the expense of  
24 working individuals who deserve to live in a habitable  
25 building and be provided essential services as required. I

1 asked for report and recommendation finding that harassment  
2 occurred in this building as of March 4, 2024, and a  
3 rescission of the CONH issued on March 4, 2024. Thank you.

4 ALJ STECURA: Thank you.

5 Okay. You ready?

6 MR. FAVILUKIS: Thank you, Your Honor. So I'm  
7 going to try to address some of the factual allegations  
8 briefly towards the end of my statement, but preliminarily,  
9 with respect to the claim that my client has been warehousing  
10 units.

11 When my client purchased this building in 2021, the  
12 building was already in a deteriorated state; that's  
13 demonstrated by some of the exhibits that we've talked about  
14 where Petitioner is unsure which violations from 1994, '99,  
15 '98 they'd like to link us to stipulate to enter into the  
16 record, whereas, we'd like all of them to be entered into the  
17 record.

18 When my client purchased the building, they sought  
19 to legally convert the ground floor, which was used as a bar  
20 for, I think, 30 years. The bar -- the same bar that managed  
21 this property prior to my client purchasing the building,  
22 which did not own the property, they just operated for an  
23 absentee owner since the '90s or the late '80s. In order to  
24 legally convert the bar space into an office space, my client  
25 needed to get a -- to obtain a certificate of occupancy from

1 the Department of Buildings. In order to do that, my client  
2 needed to certify correction of all of the violations that  
3 had been issued to the building, which had never been  
4 corrected; some of which were immediately hazardous and  
5 issued in the '90s, some of which were for sloping floors,  
6 which have now sloped significantly more after the  
7 earthquake, which I'll talk about briefly shortly as well.

8 In order to certify correction of those, my client  
9 needed to file plans which we've stipulated into the record.  
10 Those plans called for the restoration of illegally converted  
11 rooms, which my client is now being accused of warehousing.  
12 Those rooms were illegally converted at some point, assume in  
13 the '90s, based on the violations from SROs into makeshift  
14 kitchen facilities and bathrooms. They're -- according to  
15 the I-cards for this building, which are the only record that  
16 we have of what was legally permitted in this building -- in  
17 the residential floors of this building. According to the  
18 I-cards, there were no bathrooms or kitchens on those floors.  
19 So my client needed to file plans which were approved by the  
20 Department of Buildings. My client did not need a  
21 certificate of no harassment for those plans or permits,  
22 otherwise they would not have been approved by the Department  
23 of Buildings because they were being filed to certify  
24 correction of violating conditions, conditions which  
25 Petitioner acknowledged to me on the phone.

1           Now, when those plans were filed and approved, my  
2 client did, legally, pursuant to those plans, restore the  
3 legal conditions to their legal condition -- rooms.  
4 Subsequently, because some of those conditions required the  
5 removal of a bathroom, my client sought to legally install  
6 the bathroom, which did require a certificate of harassment,  
7 which was the reason why this certificate of no harassment  
8 application was filed in connection with that certificate of  
9 no harassment application, which is now -- the certificate  
10 has now been suspended. My client also filed proposed plans  
11 to install a bathroom in the building.

12           When the certificate of harassment was granted,  
13 which was, according to Petitioner, March 4th, although I  
14 believe my client didn't actually receive it until about  
15 March 13th. The -- that's the inquiry period that we're  
16 talking about here. HPD conducted an extensive review of the  
17 application and determined that there was no probable cause  
18 of harassment. This review included an inspection by an HPD  
19 investigator that I was present for, and I assume interviews,  
20 or at least attempted interviews with the tenants who are now  
21 going to testify. Some or all of the tenants were now going  
22 to testify by HPD's own investigators, and it was determined  
23 that no harassment occurred prior to March 4th.

24           The certificate of no harassment was granted,  
25 issued, my client received it March 13th. The plans had

1 already been filed and approved by the DOB, except the permit  
2 had not yet issued. And then less than a month after the  
3 certificate of no harassment was issued, there was an  
4 earthquake in New York. So 4.8 magnitude earthquake, which I  
5 think anyone who lives in New York remembers it. I happen to  
6 be from Southern California. I felt it and knew exactly what  
7 it was.

8           When that earthquake occurred, one of the tenants  
9 complained to my client that there was a crack in the  
10 building, or I think that the crack in the building had  
11 become exacerbated. We'll go through that testimony. One of  
12 those witnesses is going to be here today. When my client  
13 learned of these conditions, they had an engineer look at  
14 them. And then engineer advised my client to immediately  
15 contact the DOB so that my client wouldn't be at risk of  
16 being criminally held liable for not reporting a condition  
17 that it believed was hazardous if anyone got hurt. This is  
18 the East Village. There was a 2nd Avenue explosion several  
19 years back. I know -- I lived in the area for about 20  
20 years. When things in these old buildings occur, owners are  
21 -- they're not incentivized. They're -- the city requests  
22 that owners report these conditions so the tenants aren't put  
23 into -- at harm -- at risk of harm.

24           When my client reported these conditions to the  
25 DOB, the DOB inspected the building and issued emergency work

1 orders. This was anonymous. Those emergency work orders put  
2 a stop entirely on any possibility of installing the bathroom  
3 that my client intended to install, for which the certificate  
4 of no harassment was requested. When the emergency work  
5 orders were issued, the DOB required my client to install  
6 immediate shoring on the ground floor and the first floor,  
7 which it did pursuant to a permit which is part of the record  
8 we've stipulated to it. And the DOB required my client to  
9 retain an engineer so that the engineer could come up with a  
10 plan for a permanent solution for the structural issues in  
11 the building.

12 My client's engineer and my client have been in  
13 contact with the DOB consistently for the last four, five,  
14 six months, I think. So -- actually, I apologize. It's  
15 already May. It's longer than that. Since then -- since  
16 then, what we've come to find out is that the probing that we  
17 were doing -- the tenants alleges demolition work and the DOB  
18 issued violations, some of which have already been  
19 administratively dismissed because the DOB acknowledged  
20 themselves that those violations should not have been issued,  
21 some of which we accept, two of which I think we expect to be  
22 administratively dismissed, which have not come up for a  
23 hearing yet. The hearing is scheduled for May 29th.

24 Again, my client is in constant contact with a  
25 Manhattan commissioner -- DOB commissioner on this. So to

1 say that my client has been warehousing apartments in a  
2 building where these apartments were illegally converted to  
3 kitchen facilities or some kind of kitchen facility in a  
4 bathroom, a building that has an emergency work order where  
5 my client has been forced to install temporary shoring, and  
6 now the DPB, the client's engineer, the Respondent's  
7 engineer, have agreed that permanent shoring -- or not  
8 permanent, but additional shoring needs to go up on the upper  
9 floors, but my client is accused of warehousing vacant units.

10 So the fact of the matter is, if my -- and I  
11 apologize for droning on about this, if the certificate of no  
12 harassment is revoked, then my client can't install temporary  
13 shoring that the DOB wants, and these units that my client  
14 has been accused of warehousing are going to continue to  
15 remain vacant for at least another three, four years until  
16 we're able to file for another certificate of no harassment.  
17 So that's with respect to the warehousing.

18 With respect to being accused of -- falsely  
19 claiming that they're going to install the bathroom. I'm  
20 just not sure, other than to say that my clients spent  
21 significant sums hiring an engineer, preparing architectural  
22 plans, filing an application with the DOB with those plans,  
23 we're not sure how to address that. They're being accused of  
24 doing something that they acknowledged -- that they  
25 represented that they were going to do to the DOB and to HPD

1 and that they couldn't do because an earthquake happened less  
2 than a month after the certificate of harassment occurred.

3 With respect to allegations of conduct prior to the  
4 certificate of harassment being issued, we're happy to  
5 address those. But HPD's investigator investigated the  
6 tenants, the -- anything. They looked into whether or not  
7 harassment occurred, found that there was no harassment. But  
8 the harassment allegations started when my client couldn't  
9 rebuild the bathroom. The harassment allegations started  
10 when two of the tenants were sued for non-primary residence  
11 because my client believes they don't live in the building  
12 and illegally sublet their units, when two of the tenants  
13 were sued for non-payment of rent. One of those tenants is  
14 going to testify today.

15 And to allege that my client somehow harass her by  
16 asking -- by telling her that he couldn't accept \$500 a month  
17 in rent because he believed her rent might be 155 and he  
18 didn't want to overcharge her until his attorneys, our firm,  
19 could determine what her legally-regulated rent could be.  
20 And then when my client sent her a rent demand -- my firm  
21 sent her a rent demand demanding rent that was less than half  
22 of what she had been paying to the prior owner, she didn't  
23 pay it so we had to commence a non-payment. The non-payment  
24 was discontinued as soon as that rent was paid.

25 Against another tenant -- I believe the other

1           tenant received -- the other tenant also mentioned with the  
2           key he received a one shot deal. The key that my client  
3           somehow, I think, is alleged to have magically fabricated so  
4           that it would break when this tenant was using it, and then  
5           to be caught on video early morning on a Saturday morning  
6           breaking down the front entrance door of the building, which  
7           required my client to reinstall the entire door, and to  
8           communicate with the tenant's attorneys about how and when we  
9           could distribute keys to the tenants, only to be told at  
10          first that they wanted the door to be replaced immediately,  
11          but then they couldn't have the door replaced because not all  
12          the tenants would come pick up the keys, to allege that that  
13          conduct is harassment.

14                   And we'll hear from the witnesses today and we'll  
15          have an opportunity to cross-examine them and they'll be  
16          faced with my client, with whom I believe at least the two  
17          witnesses that are going to testify today have had friendly  
18          relations, from my understanding, is -- and to make this into  
19          a claim that my client is somehow withholding affordable  
20          units off the market where these are class-B units that have  
21          remained vacant for years before my client even purchased the  
22          building, that seems -- it would be a gross injustice if the  
23          certificate was revoked because this building will then  
24          remain the same as it is with the cracks and the structural  
25          damage and the tenants will remain there.

1           My client has never asked any of the tenants to  
2 vacate, has never proposed that they accept money to vacate.  
3 As we'll go through the testimony, my client has never  
4 offered to relocate any of the tenants to an affordable unit.  
5 The tenants have asked my client for help to be relocated,  
6 one who's going to testify today, continuously asked to be  
7 helped to move into the Domino Sugar factory, which my client  
8 said he couldn't do, but he could assist with other  
9 movements, but only the Domino Sugar factory would suffice.  
10 And this is all -- this will come out in testimony.

11           So on that Your Honor, I think, just to wrap-up and  
12 I apologize, my client's intention when they filed -- when he  
13 filed for the certificate of harassment was to build a  
14 bathroom, renovate the vacant units, fix the floors, when an  
15 earthquake happened that clearly became impossible for the  
16 current time. And all my client has done since then has  
17 tried to comply with every order that the DOB has issued, has  
18 directed it to do, installing multiple shoring throughout its  
19 own commercial space and now they're being accused of  
20 harassment, so we'll hopefully be able to show that that is  
21 not true. Thank you, Your Honor.

22           ALJ STECURA: Thank you.

23           All right. Are you ready to call your first  
24 witness?

25           MR. MESTOUSIS: Yes.

1 ALJ STECURA: Shall I pause the record?

2 MS. JOSEPH: Sure, Your Honor.

3 [OFF THE RECORD]

4 [ON THE RECORD]

5 ALJ STECURA: We're back on the record. You can  
6 have a seat over here. Okay. And could you -- who are you  
7 calling for the record?

8 MS. JOSEPH: I'm sorry. I call Mr. Thomas Dukleth.

9 ALJ STECURA: Okay. Mr. Dukleth, if you can have a  
10 seat. Okay. I am going to swear you in first. Okay?

11 MR. THOMAS DUKLETH: Okay.

12 ALJ STECURA: So if you could raise your right  
13 hand. Do you swear or affirm that the testimony you are  
14 about to give will be the truth?

15 MR. DUKLETH: Yes.

16 [WHEREUPON, THE WITNESS, T H O M A S  
17 D U K L E T H, WAS DULY SWORN.]

18 ALJ STECURA: All right. So there's a microphone  
19 there. You can sort of aim yourself over there. And I'm  
20 going to ask you now to state and spell your name for the  
21 record.

22 MR. DUKLETH: My name is Thomas Dukleth,  
23 T-H-O-M-A-S, Dukleth, D as in dragon, U as in uncle, K as in  
24 kangaroo, L as in leopard, E as in eagle, T as in Thomas, H  
25 as in hippopotamus.

1 ALJ STECURA: Alright, thank you. So I'm going to  
2 give you some instructions first. The hearing is being  
3 recorded, so you need to keep your voice up. And you also --  
4 you need to make your responses verbal because the record is  
5 not going to pick up any gestures that you do or nodding.

6 Please wait until the question is finished before  
7 you answer it. If there's an objection, please wait until  
8 the objection -- until I make a decision on the objection  
9 before you answer.

10 Also, if there is a question you don't understand  
11 or you did not hear, please ask and the question can be  
12 either repeated or rephrased. And if you have an issue with  
13 not being able to see an exhibit or something technologically  
14 related, please let us know. All right. Do you understand?

15 MR. DUKLETH: Yes.

16 ALJ STECURA: All right.

17 Counselor, you may proceed.

18 MS. JOSEPH: Thank you.

19 **DIRECT EXAMINATION OF THOMAS DUKLETH**

20 **BY MS. JOSEPH**

21 Q: Good morning, Mr. Dukleth. How are you?

22 A: All right.

23 Q: Okay. Mr. Dukleth, where do you live?

24 A: 109 East 9th Street, Apartment 3D, as in  
25 three-dimensional, New York, New York.

1 Q: And since about when have you lived there?

2 A: Since about 1990.

3 Q: And do you have a toilet in your room?

4 A: I do not.

5 Q: Okay. And do you have a shower in your room?

6 A: No.

7 Q: Do you have a kitchen in your room?

8 A: No.

9 Q: Okay. Now, what about approximately the size of your  
10 room?

11 A: It's -- I -- I -- I don't know.

12 Q: Is it fair to say it's about 10 by 10, or would that be  
13 -- as far as you know? If you know.

14 A: It may be about that size. It may be a little smaller.  
15 It's probably much smaller.

16 Q: Much smaller. Okay.

17 A: But I would need to measure it to know.

18 Q: Okay. Fair enough. Mr. Dukleth, what do you do for a  
19 living; how do you get by?

20 A: Currently, I'm assisting a disabled person who needs  
21 some extra help.

22 Q: Okay. Now, what floor is of -- the building being the  
23 counting from the ground floor, the street level being the first  
24 floor, what floor is your room located at?

25 A: On the fourth floor.

1 Q: Okay. And I believe you said -- right, you said that  
2 you testified your room is number 3D, correct?

3 A: Yes.

4 Q: So a room numbered as 3D is located on the fourth floor?

5 A: Yes.

6 Q: Okay. And what -- shared facilities, "shared" meaning  
7 that the tenants in the building can share them, community  
8 facilities, are currently on your floor?

9 A: None.

10 Q: Okay. And how come?

11 A: The shared facilities, which had been there for many  
12 years, certainly since I was in the building, were removed in  
13 October of 2022.

14 Q: Okay. And what shared facilities were on your floor  
15 that were removed?

16 A: There was a shared kitchen and a shared bathroom with a  
17 shower and toilet.

18 Q: Okay. And what appliances were in the kitchen; what  
19 type of appliances?

20 A: Microwave ovens, toaster ovens, coffee makers,  
21 refrigerator, etcetera.

22 Q: With regard to a stove, was there a gas stove in the  
23 kitchen?

24 A: Not -- not -- I'm sorry, which?

25 Q: With regard to a gas stove in the kitchen, was there a

1 gas stove in that kitchen?

2 A: Not when it was removed.

3 Q: Okay. To your knowledge, you said you lived in the  
4 building since about 1995, when was --

5 A: Since about 1990.

6 Q: I'm sorry, 1990. I'm sorry. When did that -- when --  
7 at what time -- and approximately -- I'm not asking you to tell me  
8 the month and the year. Approximately, when was there ceased to  
9 be a gas stove in that kitchen?

10 A: Several years ago, maybe sometime between 2000 and 2008  
11 or so.

12 Q: Did you say 2008?

13 A: Yes.

14 Q: Okay. All right. Okay. So since March 4, 2024, last  
15 year, were you able to use the toilet on the fourth floor?

16 A: No.

17 Q: All right. And were you able to use the shower on the  
18 fourth floor?

19 A: No.

20 Q: And what about the -- where do you go to shower in the  
21 building?

22 A: To the only shower remaining in the building, which is  
23 on the second floor.

24 Q: And pardon me for asking, but where do you go to use the  
25 toilet, if you need to?

1 A: The toilet on the fifth floor.

2 Q: Okay. Who else shares that toilet on the fifth floor?

3 A: Every other resident of the building.

4 Q: Right. Now, aside from the refrigerator, since March 4,  
5 2024, were you able to use the kitchen on the fourth floor?

6 A: No.

7 Q: Right. So I believe you stated that those shared  
8 facilities from the fourth floor were removed in about 2022?

9 A: Yes, I --

10 Q: Am I saying it correctly? Okay.

11 A: October of 2022.

12 Q: October, okay. What, if anything, were you told about  
13 restoring those facilities, the toilet, specifically, the shower  
14 and the kitchen that were on the fourth floor?

15 A: That they would be restored better than ever in a few  
16 months.

17 Q: Okay. And when you say "a few months," you're talking  
18 about few months after October 2022?

19 A: Yes.

20 Q: Okay. And let me specifically ask you, as far as the  
21 refrigerator that was on the fourth floor kitchen, as of March  
22 4th, what ability did you have to use the refrigerator?

23 A: The refrigerator was available as of March 4th. It is  
24 not currently available.

25 Q: Okay. So what happened with the refrigerator between

1 March 4, 2024 and today?

2 A: The removed kitchen area in which it had been located  
3 was, the ceiling demolished and along with part of the floor, it  
4 was unplugged. And since December, that room has been padlocked.

5 Q: Okay. December of what year?

6 A: December of 2024.

7 Q: Okay. At the time that the fridge was unplugged, what,  
8 if anything, were you concerned about?

9 A: The food that was in there spoiling.

10 Q: And with regard to the food spoilage, what did you ask  
11 Mr. Geylik, if anything?

12 A: I asked him to opened the door to the removed kitchen,  
13 which had never previously been locked, but became locked on the  
14 end of the day on the 1st of November, 2024.

15 Q: And were you able to retrieve any food items?

16 A: Yes. Yes.

17 Q: Okay. And thereafter, where you had -- was your access  
18 to that refrigerator --

19 A: It continued up until about 9th December 2024.

20 Q: Continued what? What do you --

21 A: I continued to have access to the room, but the  
22 refrigerator was disconnected from the electric supply, so I could  
23 continue to clean it, but it wasn't having, you know, practical  
24 use.

25 Q: Okay. And you said that was -- can you tell us the

1 date? That was December 9th, I thought you said.

2 A: Yes, approximately. Yes.

3 Q: Of last year?

4 A: Of last year, 2024.

5 Q: Approximately, okay. Let me ask you about the third  
6 floor. What shared facilities on the third floor right now? I  
7 mean, at the present. Let me -- I'm sorry.

8 A: Shared facilities on the third floor?

9 Q: Mm-hmm [affirmative].

10 A: There are no shared facilities on the third floor  
11 presently.

12 Q: Okay. And what - when -- you know, since you've lived  
13 there, what shared facilities were on the third floor?

14 A: There had been a water closet with a toilet that was  
15 shared by everyone in the building.

16 Q: Okay. And I've asked you since you moved in -- so  
17 again, I just want to make this since 1995, you been -- that you  
18 lived in the building, you testified that --

19 A: Since 1990.

20 Q: 1990. I don't know why I've said -- take it back.  
21 Since 1990, as far as your use of observations in the building,  
22 there was a toilet on the third floor; that's your testimony?

23 A: Yes.

24 Q: And with reference to the fourth floor facility,  
25 facilities, the toilet, the shower, the kitchen that you spoke of,

[10:40:40]  
[00:47:40-1]

1 since you have lived in the building since 1990, your observations  
2 were that those facilities were there?

3 A: Yes.

4 Q: Okay. Now, again, with regard to going to the toilet on  
5 the third floor since March 4, 2024, were you able to use that  
6 toilet?

7 A: No.

8 Q: What, if anything, were you told about removal of the  
9 third floor toilet?

10 A: Just -- I was told that it was -- had to be removed  
11 because of objections to the plans -- removed by DOB -- objections  
12 to the plans that removed the facilities on the fourth floor.

13 Q: Okay. Do you know what plans those were? If you know.

14 A: The landlord, Michael Geylik, told me that, in the  
15 drawings, the DOB had an objection to the size of the toilet on  
16 the third floor.

17 Q: The size of the toilet?

18 A: The size of the water closet, rather.

19 Q: Right. Well, do you refer the water closet as a toilet?

20 A: No, the water closet that's a -- the water closet -- the  
21 room in which the toilet was located.

22 Q: Okay.

23 A: Not the --

24 Q: Right.

25 A: -- the objection wouldn't have been to the size of the

1 toilet itself, but to the room in which the toilet was located.

2 Q: I understand. Do you recall approximately what was the  
3 size of that room?

4 A: It is very, very small.

5 Q: Okay.

6 A: No wider than necessary to fit a toilet in.

7 Q: Okay. And were you told anything about the restoration  
8 of that toilet, if anything?

9 A: As with the other facilities, that things would be  
10 restored better than ever in a few months.

11 Q: Okay. And again, that was about -- was that about  
12 September or so of 2022 that you were told that?

13 A: The end of September of 2022.

14 Q: Okay. And who -- go ahead, sorry.

15 A: The toilet on the third floor was removed in November  
16 2022.

17 Q: Okay. And who told you that it will be restored better  
18 than ever?

19 A: The landlord, Michael Geylik.

20 Q: Okay. Now, with reference to the removal of the shared  
21 kitchen, toilet, shower on the fourth floor and the toilet from  
22 the third floor, what complaints did you make to 311, if any?

23 A: None.

24 Q: Why is that?

25 A: The landlord threatened, if we objected, that he would

1 be unable to remove all the old violations which he said were  
2 necessary to secure his SBA loan. And if he couldn't secure his  
3 SBA loan, he would be forced to sell the building to a property  
4 developer.

5 Q: Okay. And what did that mean to you if he -- if the --  
6 Mr. Geylik was forced to sell the building to a property  
7 developer?

8 A: Well, we were aware that people buying buildings in the  
9 East Village for -- as property developers do their best to scare  
10 away the tenants and have a vacant building by whatever means they  
11 can, legal and otherwise.

12 Q: So what were your concerns with regard to your home --

13 MR. MESTOUSIS: [Counsel conferring off the  
14 record.]

15 MR. DUKLETH: The -- the -- the -- its --

16 ALJ STECURA: Please.

17 MS. JOSEPH: Sorry.

18 ALJ STECURA: Go ahead, sir.

19 MS. JOSEPH: I'll repeat my question.

20 ALJ STECURA: Thank you.

21 MS. JOSEPH: You're welcome.

22 Q: So what were your concerns with regard to your home?

23 A: That if the building were sold to a property developer,  
24 there would be an effort to make all of the residents lose their  
25 home for the purpose of developing the building in some different

1 way.

2 Q: Okay. And once you were told that by Mr. Geylik, who  
3 else did you relay that information to, if to anyone?

4 A: To every other resident that -- explaining what I knew  
5 about property developers buying buildings in the area and what  
6 happened in those buildings.

7 Q: Right. Now, who asked you to relay that information to  
8 other tenants in the building?

9 A: No one asked me to relay that threat. The thing that  
10 was asked to be relayed was that it was essential to -- to secure  
11 the SBA loan, that all the old violations be removed, and there  
12 was a violation relating to the kitchen and bathroom.

13 Q: Okay. And who asked you to relay -- did I ask you that?  
14 I'm sorry, who asked you to relay that information to the other  
15 tenants?

16 A: Michael Geylik.

17 Q: Okay. Now, and did you do that; did you relay that  
18 information to other tenants in the building?

19 A: Yes, certainly.

20 Q: Okay. So as of March 4, 2024, how did the removal of  
21 the toilet, shower -- toilets, shower, and kitchen affected you in  
22 the building -- living in the building?

23 A: It's made living more difficult because we have no other  
24 kitchen facility. Toilet and shower facilities are constrained  
25 and more likely to be found in use. At my age, I now have a

1 degree of urgency about using a toilet facility that I didn't have  
2 at a former time, and that's a problem if there aren't adequate  
3 facilities.

4 Q: Now, with regard to -- what do you know about the  
5 certificate of no harassment with reference to this building?

6 A: I'm -- the landlord, Michael Geylik, told me, early  
7 2023, that he had applied to or started the process of filing  
8 plans to replace facilities, but was told he needed a certificate  
9 of no harassment to -- by DOB to replace facilities and said that  
10 some people may be contacting us as residents, and that I should  
11 try and encourage other people to not object to obtaining a  
12 certificate of no harassment so that we could have the removed  
13 kitchen, bathroom, toilet facilities restored.

14 Q: Okay. And when you say -- who encouraged you to tell  
15 other individuals that they should not object?

16 A: The landlord, Michael Geylik.

17 Q: Okay. And did you, in fact, did that?

18 A: I spoke to each and every person multiple times about  
19 this and about and all through the process about...

20 Q: I'm sorry, I didn't get the last couple of words.

21 A: I spoke to each and every resident about -- despite the  
22 cautions I'd been told about, which I didn't remember well, about  
23 a certificate of no harassment that we -- the landlord said it was  
24 necessary to restore the removed facilities, and I hadn't found  
25 anything to contradict that.

1 Q: Okay.

2 A: Restore the removed facilities. I said that backwards.

3 Q: Okay. I'm not sure -- I'm going to try and ask it  
4 again. So, okay, with reference to your testimony that you were  
5 told not to oppose or not to object to the CONH, specifically,  
6 what part of that did you relate to other tenants in the building?

7 MR. GOLDSMITH: Objection, Your Honor. This was  
8 asked and answered, like, three times already.

9 ALJ STECURA: Sustained.

10 MS. JOSEPH: Okay. Thank you.

11 Q: Now, do you know when the CONH was indeed issued or if  
12 it was issued?

13 A: Since September of 2024, residents learn that the CONH  
14 was issued. Prior to that time, we had no knowledge. The  
15 landlord never informed us.

16 Q: Okay. So do you have an idea when it was issued? When  
17 you're saying -- let me rephrase that. When you're saying you  
18 learned in September that a certificate of no harassment was  
19 issued prior, do you have any idea, approximately, when prior?

20 A: It was issued -- I believe HPD granted the certificate  
21 of no harassment in March 2024. I believe it was -- the 4th of  
22 March 2024.

23 Q: Okay. And as of March 4, 2024, were those removed  
24 facilities restored?

25 A: No.

1 Q: On the fourth floor?

2 A: No.

3 Q: And on the third floor?

4 A: No.

5 MS. JOSEPH: Judge, I'd like to mark for ID as -- I  
6 believe it's exhibit -- what is it, 12, I believe. 12, which has  
7 been marked, I should say, for ID as Exhibit 12. I'd like to show  
8 that to the witness, Your Honor.

9 ALJ STECURA: You may.

10 MS. JOSEPH: Thank you.

11 ALJ STECURA: And you have copies for your  
12 colleagues and myself?

13 MS. JOSEPH: Yes, I do. Yes, Judge.

14 ALJ STECURA: Thank you.

15 MS. JOSEPH: Sure.

16 MS. JOSEPH: Let me just -- if I may just approach,  
17 it'll be easier.

18 ALJ STECURA: Yes, of course. Of course.

19 MS. JOSEPH: I'm going to just leave it here. You  
20 can look at anything, Judge.

21 ALJ STECURA: Thank you.

22 MR. GOLDSMITH: Thank you.

23 Q: So, Mr. Dukleth, with the pages that I placed before  
24 you, can you take a -- try to take a look at them? Just let me  
25 know when you look through them, please.

1 A: Yes. I've looked through them just now.

2 Q: Okay. And let me ask you, who took these pictures?

3 A: I did.

4 Q: Okay. And the last page on No. 26, there's actually a  
5 text. Is that a copy that you took; is that your text?

6 A: Yes, it is my text to the landlord.

7 Q: To what? I'm sorry.

8 A: It is my -- it is my text message to the landlord,  
9 Michael Geylik.

10 Q: Okay. And when did you take these pictures? I mean, I  
11 see -- let me withdraw that.

12 I see that there are notations on them. Maybe -- is it  
13 fair to say you took these pictures at several times -- different  
14 times?

15 A: Yes.

16 Q: All right. And is the date that is written on the  
17 picture, Is that your handwriting?

18 A: It is.

19 Q: So you made those notations with regarding the time that  
20 you took the picture?

21 A: I did.

22 Q: Okay. And at the time you took these pictures, did you  
23 observe the conditions depicted in these pictures?

24 A: I did.

25 Q: And these conditions are the conditions depicted in the

1 pictures a true and accurate description of the condition as they  
2 existed on the time you took these pictures?

3 A: Yes.

4 MS. JOSEPH: Okay. So, Your Honor, I'd like to  
5 move these into evidence as Petitioner's 12, at this time.

6 ALJ STECURA: Any objection?

7 MR. GOLDSMITH: Yes, Your Honor. So we mentioned  
8 this earlier. This proceeding is about what supposedly happened  
9 after the certificate was issued in March of 2024. The statute  
10 itself discusses, in New York City Code 27-2093(f) that the HPD,  
11 in seeking a rescission, is only permitted to talk about things  
12 that happened after the period of time of such certification.

13 So we've tried to give a little leeway here, but  
14 we're looking now at pictures that are from 2021, 2022, 2023 of  
15 things that happened all before the certificate was issued in  
16 March of 2024, which is prohibited by the statute itself in the  
17 scope of this hearing.

18 So it has really no relevance to what we're here to  
19 decide and serves to, like, prejudice both your mind and our  
20 rights to talk about only what happened after the certificate was  
21 issued, because, again, HPD had done an investigation prior --

22 ALJ STECURA: I --

23 MR. GOLDSMITH: -- and decided that prior to that  
24 date, there was no harassment or problem at the building.

25 ALJ STECURA: So you're arguing they're not

1 relevant?

2 MR. FAVILUKIS: Yes, correct.

3 ALJ STECURA: Okay. And Ms. Joseph, do you care to  
4 respond?

5 MS. JOSEPH: Yes, of course, Your Honor. So they  
6 are relevant that, number one, HPD, as of March 2024, received new  
7 information that was not privy to before, and we heard some of the  
8 testimony that explained why that information was not decimated to  
9 the agency. That's number one.

10 Number two, in order to -- as a basis, a precursor  
11 to the harassment that occurred after March, the failure to  
12 restore, we have to understand what was there prior that was taken  
13 out. And it is not so much that when it was -- you know, when it  
14 was taken out as the testimony came in, it's the fact that it was  
15 taken out at a certain time prior to March 2024, but it was never  
16 restored after March 2024.

17 So the court, you know, needs to see what it was  
18 that we are talking about. It's highly relevant to what was not  
19 restored, right? It is highly relevant to the issue of the  
20 conditions that the tenants had to live with without the  
21 facilities that were removed. And so we would like to enter  
22 those, you know, descriptions of the facilities that was removed.

23 ALJ STECURA: So I am going to admit the exhibit  
24 over Respondent's objection. I will allow Respondent to argue in  
25 its closing about relevance and scope. And you will also have the

[11:00:00]

[01:07:00-1]

1 opportunity to cross-examine the witness. Thank you.

2 **[Petitioner's Exhibit 12 admitted into evidence.]**

3 MS. JOSEPH: Thank you, Judge.

4 Q: So, Mr. Dukleth, looking at the picture, the first  
5 picture, the numbers are like, sort of on the bottom. I added the  
6 numbers, by the way. The only thing that is -- Counsel added to  
7 this picture is at the numbering at the bottom.

8 Let Me ask you -- what do we see in the first picture?  
9 What is that?

10 A: That's the fourth floor kitchen as it was on the 2nd of  
11 October 2022.

12 Q: Right. And page -- I'm sorry, picture No. 2, is that of  
13 the kitchen as well?

14 A: Yes.

15 Q: Okay. And what do we see in picture No. 3?

16 A: That is the removed area of the kitchen, which had --  
17 which had been -- the same kitchen area which had been depicted in  
18 pictures 1 and 2 as it was removed after the demolition work that  
19 was done on the 1st of November --

20 Q: And what do we see in picture No. 4?

21 A: -- of 2024.

22 That's the fourth floor bathroom as it was on the 2nd of  
23 October 2022.

24 Q: Okay. And as far as the fixtures, the toilet, the  
25 shower, what remained there today in this area, if you know?

1 A: Only the curtailed closed off pipes or remnants thereof.

2 Q: Okay. And picture No. 5, what is depicted in picture  
3 No. 5?

4 A: That's the bathroom, leading out onto the kitchen area.

5 Q: Okay. And what's depicted --

6 A: As it was --

7 Q: Sorry.

8 A: -- in -- prior to October 2022.

9 Q: And picture No. 6, what's depicted in that picture?

10 A: That's the kitchen with the entryway to the bathroom, as  
11 it was on the 2nd of October 2022.

12 Q: Okay. And these facilities where we talk -- that we so  
13 far looked at were on the fourth floor, correct?

14 A: Yes.

15 Q: Now, okay, so what do we see -- what is depicted in  
16 picture No. 7?

17 A: That is the -- the third floor toilet as it was on the  
18 10th of November 2022.

19 Q: Okay. And what's depicted in picture No. 8?

20 A: That is the space where the third floor toilet was,  
21 after it was removed later in November 2022.

22 Q: Okay. And I see -- picture No. 9, I see you have some  
23 notations. What --

24 A: And --

25 Q: I'm sorry.

1 A: Just to be clear, to make an amendment to my statement  
2 earlier, I did not take this particular picture --

3 Q: Oh.

4 A: -- but I observed the condition of the picture at the  
5 time.

6 Q: Okay. So are we talking about picture No. 8?

7 A: We're talking about picture No. 8.

8 Q: I see. So picture No. 8, you're telling us that at the  
9 time that this picture was taken, you observed the conditions --

10 A: Yes, yes.

11 Q: -- that are depicted in this picture?

12 A: Yes, yes.

13 Q: I see. And those conditions were --

14 A: With the --

15 Q: -- were present -- let me just ask the question.

16 Those conditions were present as depicted in this  
17 picture?

18 A: Yes.

19 Q: Okay. So what do we see in picture No. 9?

20 A: This is the space where things which had been in the  
21 kitchen, bathroom, and toilet facilities were allowed to be stored  
22 pending the restoration of the kitchen, bathroom, and toilet  
23 facilities. This was the unoccupied Unit 2B as it was on the 26th  
24 of October 2024.

25 Q: So on 26th of October '24, what we see in these pictures

1 are some kitchen toaster and such and some dishes that were  
2 allowed to remain in unit to be stored in Unit 2B, correct?

3 A: Yes.

4 Q: Okay. And what do we see in picture No.10?

5 A: More kitchen utensils as they were in -- stored in Unit  
6 2B, awaiting the restoration of the kitchen and bathroom toilets  
7 which --

8 Q: Just speak -- I'm sorry, I'm not getting --

9 A: Yes, I'm sorry for speaking away from the microphone.

10 Q: That's okay. Go ahead.

11 A: So this shows things which had been in the kitchen,  
12 bathroom, and toilets prior to their removal, which were being  
13 stored, as this picture depicts in Unit 2B on 26 October 2024,  
14 awaiting the restoration of the remove facilities.

15 MS. JOSEPH: Okay. Let me look at -- let's look at  
16 picture number 11.

17 I'm just going to take a minute, Your Honor. I  
18 want to read those notations.

19 Q: Okay. So what do we -- what is depicted in picture No.  
20 11?

21 A: These are a few things from the kitchen, shower, and  
22 toilet facilities which I managed to fit into the second floor  
23 shower after our privilege to use unit -- unoccupied Unit 2B was  
24 revoked with no provision whatever for any place else to keep  
25 things awaiting the restoration of anything.

1 Q: So let me just unpack that a little bit. So you  
2 testified that -- I think you mentioned your privilege to restore  
3 things in 2B was revoked?

4 A: Yes.

5 Q: Okay.

6 A: On the 24th of October 2024.

7 Q: Okay. Do you know what precipitated that revocation of  
8 your ability to store things in Unit 2B?

9 A: Well, the claim on the notice was that additional  
10 probing work was needed. I asked about simply covering things as  
11 we had done previously and was told that that was insufficient.

12 Q: Okay. When you said "on the notice," what notice was  
13 there?

14 A: There was a notice issued to in the corridors of the  
15 building that we had to remove all of our items from common areas,  
16 including Unit 2B.

17 Q: Okay. And so we're going back to picture 11, and this  
18 area that you testified you managed to fit some of the items and  
19 they were removed from the fourth floor kitchen and bathroom.  
20 This area, what is this area?

21 A: This is the second floor shower room. So I'm standing  
22 in the shower taking this picture.

23 Q: I see. So the sink that we're looking at is the sink  
24 that's actually part of the shower on the second floor?

25 A: Yes.

1 Q: Okay. Let's look at picture No. 9. No, I'm sorry, No.  
2 12, my apologies.

3 What, what are we looking at? What is that?

4 A: This is Apartment 4A as it -- as it was during the  
5 demolition on the 1st of November.

6 Q: Okay. And --

7 A: Of 2024.

8 Q: Okay. And what do we see on the bottom of this picture?

9 A: We see through the removed floor of Apartment 4A into  
10 Apartment 3A, where the ceiling had been removed.

11 Q: Let me move on to picture 14. What do we see in that  
12 picture? It's not the next picture, it's one over.

13 A: This is the removed ceiling in the kitchen of -- it's  
14 the removed ceiling in the removed kitchen on the fourth floor as  
15 it was on the 1st of November 2024, after demolition.

16 Q: Okay. And if we move on to picture No. 16, what do we  
17 see in that picture?

18 A: This is the ceiling of the removed fourth floor bathroom  
19 as it was on the 1st of November 2024.

20 Q: Okay. And is that the same location on page 17?

21 A: Or the ceiling has been removed, I should say. The  
22 ceiling -- this is where the ceiling would be.

23 Q: Right.

24 A: I'm sorry, I missed your question.

25 Q: That's okay. When you say where "the ceiling was

1 removed," you're referring to page 16?

2 A: I'm referring to page -- I'm sorry, you asked about -- I  
3 was referring to page 15. You asked about page 16, that I missed.

4 Q: Yes. We can move on to page 16.

5 A: Okay.

6 Q: And if you don't mind, move on to page 17. Is that  
7 okay? Can you tell us what's depicted in page 17 or picture 17, I  
8 should say?

9 A: Picture 17 is the -- where the ceiling had been,  
10 Apartment 2B, on the 5th of November 2024.

11 Q: Okay. And what is depicted in page -- in picture 18?

12 A: This is where the ceiling had been in an apartment to be  
13 on 5 November 2024, showing just one of the sprinkler heads and  
14 the overhead sprinklers.

15 Q: Okay. Let's look at page 19. What do we see -- what do  
16 we see in that picture?

17 A: This is Apartment 4C as it was on the 1st of November  
18 with the -- 2024, with the removed ceiling.

19 Q: Okay. And do you know -- do you recognize what is by  
20 the ceiling? What are we looking at?

21 A: Well, we're looking at the joists of the...

22 Q: And below the joists?

23 A: And below the joists are metal clad piping, conveying  
24 the electricity to a lighting unit which had been mounted on the  
25 ceiling.

1 Q: Okay. Thank you. Now, this demolition work that you're  
2 describing, that we're look at it, how were you impacted by this  
3 work?

4 MR. GOLDSMITH: Objection, Your Honor. I don't  
5 believe the witnesses ever testified about demolition or  
6 demolition work.

7 MS. JOSEPH: Yeah, he used the word "demolition."

8 MR. GOLDSMITH: I believe that's a term of art that  
9 Ms. Joseph is interjecting.

10 ALJ STECURA: I'm going to ask that you rephrase  
11 the question, please.

12 MS. JOSEPH: Okay, Judge.

13 Q: How would you describe the work or the -- the work that  
14 we looked at in the pictures that we just looked at?

15 A: As I had described it in my statements just in the past  
16 few minutes, I described it as demolition.

17 Q: How were you impacted by this demolition?

18 A: It produced great clouds of dust and debris everywhere  
19 throughout the building. And I was wheezing for weeks afterwards,  
20 which I hadn't experienced in a long time.

21 Q: And before this demolition took place, what notice did  
22 you receive, if any?

23 A: The notice to remove from the 24th October to remove our  
24 items from common areas, including 2B for additional probing work.

25 Q: Okay. And just before -- let me ask you, you noted on

1 the pictures that we looked at the dates of November -- 1st of  
2 November, 5th of November. So I'm asking before those days, what  
3 notice did you receive about these demolition work to -- the  
4 planned demolition work?

5 A: Only the notice from the 24th of November stating that  
6 we needed to remove our items, which it had in common areas and  
7 including 2B, prior to additional probing work being done for DOB.

8 Q: Okay. Let me ask about page 20. Can we look at that?  
9 How would you describe -- what's depicted in this picture?

10 A: This is Apartment 4C as it was on the 1st of November  
11 after the ceiling was removed.

12 Q: Okay. And as far as the demolition work that you -- the  
13 work that you stated was demolition work, what about was that --  
14 did that occur?

15 A: I'm sorry.

16 Q: About the demolition work you're referring to, when was  
17 -- when did that work occur -- happen in the building?

18 A: Throughout the day on the 1st of November 2024.

19 Q: Okay. And what notice did you get before that, November  
20 1st, '24, that this demolition work will take place?

21 A: Only the notice from the 24th of October stating that we  
22 should remove our items from common areas, including Apartment 2B  
23 for probing work.

24 Q: Okay. Now where -- as far as, you know, living in the  
25 building, where was this demolition work taking place?

1           A:    This was taking place in the second floor units -- the  
2 Apartment 3, Apartment 2A, Apartment 2B, Apartment 3A. The  
3 removed kitchen and bathroom area on the fourth floor, Apartment  
4 5A and Apartment 5C.

5           Q:    Okay. If we look at picture 20, you noted that that was  
6 pictured -- that picture depicted conditions in Apartment 4C,  
7 correct?

8           A:    I'm sorry, I said apartment 5A and 5C. That should have  
9 been Apartment 4A and 4C on the fifth floor.

10          Q:    Okay.

11          A:    And please repeat your question.

12          Q:    I think you've corrected yourself. That's fine. Let's  
13 look at page 21. Okay? You noted the date of November 5th on  
14 this picture?

15          A:    Yes.

16          Q:    What is depicted in this picture?

17          A:    This is apartment -- this is the floor of Apartment 2B  
18 from the 5th of November 2024.

19          Q:    Okay. And how long was -- well, I'll take it back.

20                    What happened in the building and on your floor as a  
21 result of this demolition work?

22          A:    There were enormous clouds of dust and debris and dust  
23 and debris everywhere, seeping into the units all over the landing  
24 stairwell, just everywhere.

25          Q:    Oka. Now, let's -- what was your concern about this

1 demo work, demolition work, if any?

2 A: My concern was that it was unnecessarily destructive and  
3 done without proper supervision.

4 Q: Okay. Now, let's look at -- you know, if you could flip  
5 over to page 26 or picture towards -- it's actually page 26.

6 And --

7 A: And also --

8 Q: I'm sorry.

9 ALJ STECURA: There's no question pending at this  
10 moment.

11 MS. JOSEPH: Yeah.

12 Q: Can you just look at page 26, Mr. Dukleth?

13 A: Yes. Oh, sorry. Page 26.

14 Q: Yeah. Take a look at page 26.

15 A: Yes.

16 Q: Okay. And, now, why did you write this text?

17 A: I -- I was concerned that there might be a sudden flood  
18 from a sprinkler pipe, which was no longer anchored to the ceiling  
19 that was no longer there, or to the joist, that it may have been  
20 anchored to before the ceiling had been removed, and that it was  
21 especially long and might crack in coming days, flooding lots.

22 Q: Okay. Did you -- who did you write this text to?

23 A: To the landlord, Michael Geylik.

24 Q: Okay. Let's go back now, if you don't mind, and look at  
25 page 22. And what are we looking at; what's depicted in this

1 picture?

2 A: This is padlocked Unit 4C as it was on the 2nd of  
3 November 2024.

4 Q: Okay. And what do we see on page 23?

5 A: And one more thing about --

6 ALJ STECURA: No, there's no question pending.

7 MR. DUKLETH: Okay.

8 Q: And what do we see in page 23?

9 A: This is the padlocked Unit 4A as it was on the 2nd of  
10 November 2024.

11 Q: Okay. And what do we see on page 24?

12 A: This is occupied Unit 4D, as it was on the 24th of --  
13 I'm sorry, as it was on the 2nd of November 2024.

14 Q: Right. Now, when was these plastic curtains placed on  
15 that door as far as you know?

16 A: At the end of the day after the demolition work could be  
17 done with no proper tenant protection nor plan of tenant  
18 protection. We were offered zip wall covers to cover our units,  
19 the residents units, not as it should have been, all throughout  
20 the day, covering the units where the work was being done.

21 Q: Okay. So your testimony is that --

22 MR. GOLDSMITH: Objection, Your Honor, to Ms.  
23 Joseph's now trying to summarize, you know, the testimony. It's a  
24 question and answer, not a --

25 ALJ STECURA: Sustained.

1 Q: When -- during the demolition that took place on that  
2 day, were you offered plastic covers to your door?

3 A: No.

4 Q: No. Okay. And what's depicted in page No. 25?

5 A: This is the fifth floor landing as it was on the 1st of  
6 November, 2024.

7 Q: Okay. Thank you. Okay. Thank you. Now --

8 ALJ STECURA: Can the witness put the exhibit  
9 aside?

10 MS. JOSEPH: Sure. You could put it aside or turn  
11 it over. Just leave -- he could leave it on the desk? Yeah, you  
12 could leave it on -- Mr. Dukleth, you could leave it there. Just  
13 put it aside. Just push it aside. Thank you.

14 Q: Now, what assistance, if any, did Michael Geylik offer  
15 you about moving elsewhere?

16 A: He had repeatedly offered assistance of his business,  
17 people in his business, MGNV, to find alternative housing through  
18 the housing lottery --

19 Q: Okay. I'm sorry.

20 A: -- through various housing lotteries in New York City.

21 Q: Okay. You named MGNV. What do you know is MGNV?

22 A: MGNV is the landlord's real estate consulting business  
23 where he offers to reduce landlords' property taxes and run some  
24 housing lotteries.

25 MR. GOLDSMITH: Objection, Your Honor. Calls for

1 speculation.

2 ALJ STECURA: Sustained.

3 MS. JOSEPH: Well, Your Honor, I'm asking him as  
4 far as his knowledge as what it is, and there have been  
5 publications, as --

6 ALJ STECURA: I'm not asking you to testify.

7 MS. JOSEPH: Okay. I'm sorry, Your Honor.

8 ALJ STECURA: Thank you.

9 Q: As far as you -- your knowledge. Let me take it back.  
10 How do you know what MGNY business is about?

11 A: Because both from what the landlord, Michael Geylik,  
12 told me was his business and from reading the public statement  
13 that appears on the website.

14 Q: Okay. All right. Now, how were you told Mr. Geylik  
15 could specifically help you with moving elsewhere?

16 A: That he would have his people work with me to, including  
17 his tax accountant, to ensure that I could qualify for the housing  
18 lottery and show me what was necessary to apply, etcetera.

19 Q: Okay. Now let me ask you, you stated you testified you  
20 lived in the building since 1990. I'm going to ask you about --  
21 in March 2024, as far as being a tenant traversing the floors of  
22 the building from the entrance to your floor on the fourth floor,  
23 what have you noticed -- what have you observed with regard to  
24 sloping of the stairs in the building?

25 A: I've observed it, but the stairs have some slope. The

1 landing has some slope.

2 Q: Okay. And since you lived in the building till March  
3 2024, was that condition, give or take, present before March 4,  
4 2024?

5 A: Yes.

6 Q: Okay. Now, are you aware that there was a 4.8  
7 earthquake in New York City -- well, actually, it wasn't in New  
8 York City. There was a 4.8 earthquake in about, I think, April  
9 2024. Are you aware of that at all?

10 A: Yes. I was in the building at the time.

11 Q: Okay. And what change have you observed again, as far  
12 as the sloping and what you have seen before when you traverse the  
13 building or the building staircase after the earthquake?

14 A: No observable change.

15 Q: Okay. Were you aware -- now, were you aware that DOB  
16 issued violations for the building in August 2024?

17 A: Yes.

18 Q: And do you have a sense of what were the DOB violations  
19 about?

20 A: About structural problems identified in the building.  
21 Specifically a cracked header under the third floor, which was  
22 observed by myself on the 18th of August 2024.

23 ALJ STECURA: So you said a cracked what?

24 MR. DUKLETH: A cracked header. Horizontal crack  
25 in the header beam around the central residential staircase.

1 ALJ STECURA: Thank you.

2 MS. JOSEPH: Judge, may I offer Mr. Dukleth some  
3 water? Would you like some water?

4 MR. DUKLETH: No, thank you.

5 MS. JOSEPH: Okay.

6 ALJ STECURA: Do you need a break, sir?

7 MR. DUKLETH: No.

8 Q: Okay. Now, what, if anything, did Michael Geylik tell  
9 you about the DOB violations?

10 A: About which DOB violations?

11 Q: Well, I asked you about -- the DOB violations were  
12 issued in August 2024, and I'm asking what, if anything, did  
13 Michael Geylik tell you with regard to the violations issued by  
14 DOB in August 2024?

15 A: I observed that the landlords stated that DOB had found  
16 the cracked header and was complaining that the staircase, central  
17 residential staircase, was putting some pressure on the  
18 surrounding structure -- dragging surrounding structure somewhat  
19 towards the central residential staircase.

20 Q: Right. What, if anything, did Michael Geylik tell you  
21 about your residency in the building?

22 A: He said, I'm very sorry that the -- the best I can do  
23 for residents is to try and offer MGNY's services and help finding  
24 -- and help applying for housing lotteries. And that DOB was  
25 going to require him to replace all the residential floors.

1 Q: And so what did you understand would happen with regard  
2 to your home?

3 A: I'm sorry, with regard to what?

4 Q: Your unit?

5 A: Well, if DOB was replacing all the residential floors,  
6 my unit wouldn't be there. And the best chance we had of not  
7 becoming homeless might well be to be fortunate enough to win some  
8 housing lottery.

9 Q: And if you had to move -- if you didn't have a unit to  
10 live in anymore, what your understanding was that, would that be  
11 permanently or temporary?

12 A: There was no suggestion that it would be temporary.

13 Q: Okay. So as far as you understood, what was the  
14 suggestion by Michael Geylik?

15 A: As far as the suggestion was, we needed to find some  
16 other housing.

17 Q: Okay. And when you say "we needed to find some other  
18 housing," was that going to be permanent for you, as you  
19 understood it?

20 A: As I understood it, yes. That the floors were being  
21 demolished to -- replaced. There wouldn't be a place for us to be  
22 in the building.

23 Q: Okay. And if there wasn't a place for you to be in the  
24 building, I mean, where would you live if you had to leave?

25 A: I don't know.

1 Q: Okay. Now let me move to -- I wanted to ask you, with  
2 regard to another subject, do you recall an email you wrote to  
3 investigator HPD -- I should say, Investigator Sequinot last  
4 Friday?

5 A: Yes.

6 Q: Okay. And with regard to that email, who were you  
7 writing about?

8 A: I was writing about Remi Chlapek. He's an occupant of  
9 Apartment 2D.

10 Q: Okay. And who is -- how do you know Mr. Chlapek?

11 A: He's one of my neighbors, and I've assisted him greatly,  
12 and we work together on some things for the building in the past  
13 year.

14 Q: Okay. When you say "work on some things in the  
15 building," was that work with the knowledge of Mr. Geylik?

16 A: Oh, yes.

17 Q: What -- as far as you know, what is Mr. Chlapek's  
18 profession?

19 A: He's a carpenter.

20 Q: Okay. Now, you stated that you assisted him. What did  
21 you assist him with the building?

22 A: With a variety of tasks, including installing a drain  
23 for the landlord for the -- the stairs in the alleyway.

24 Q: What prompted you to write the email to Investigator  
25 Sequinot?

1           A: I was concerned about his arraignment in court and that  
2 -- on criminal charges for breaking and entering and that he faced  
3 trial for those charges on the 2nd of June over significantly  
4 forcing open the door to the building when he'd been deprived of a  
5 replacement key for months.

6           Q: Okay. So -- so what -- how did you assist him -- I'm  
7 sorry. How do you assist Mr. Chlapek with regard to him being  
8 deprived of a key to the building for months?

9           A: Anytime he needed access to the building, I was very  
10 often there, especially after August 2024. He would call me and I  
11 would let him in at all hours.

12          Q: Okay. Why did you assist him?

13          A: Because he did not have a key and had not obtained a key  
14 from...

15          Q: I'm sorry. I didn't hear you.

16          A: Because he did not have a key and had been unable to  
17 obtain a key from the landlord to the building residential. The  
18 door to the residential part of the building.

19          Q: Okay. Now, after Mr. Chlapek forced his way into the  
20 building, what happened to the lock at the front entrance door?

21          A: The lock was fine. The frame recess where the bolt fit  
22 into the frame broke, and then Remi repaired that using his skills  
23 as a carpenter.

24          Q: Okay. Were the tenants offered the new key after he  
25 forced the front door entrance --

1           A:    Yes.  That finally got some action for replacing the key  
2 subsequent to the forcing of the door open.  And the occasion in  
3 the notice was indicated as one of your neighbors or something,  
4 which to that effect, has brought about a need to replace the  
5 keys.

6           Q:    Okay.  Notice from whom?

7           A:    From the landlord announcing that the keys would be new  
8 keys would be available between 3:00 and 5:00 pm on Friday,  
9 whatever date that was.

10          Q:    Okay.  And to you knowledge, Mr. Chlapek was able to get  
11 a key, at that time?

12          A:    Eventually, but on that date, I understand he was  
13 arrested at that time.

14          Q:    Okay, let me backtrack.  When you say that there were  
15 certain hours that you could get the key, where were you going to  
16 get the key from?

17          A:    From, from the -- the landlord's offices in MGNV in the  
18 commercial space of the building between 3:00 and 5:00 pm or  
19 called to make some other arrangement.  A notice only been given  
20 the day before, a few hours before.

21          Q:    Which location [phonetic] you had to go to the office to  
22 receive a key?

23          A:    Yes, I myself would not have been able to be there.  I  
24 had to be at work.

25          Q:    Okay.  How did you receive a key if you did receive one?

[11:43:20]

[01:50:20-1]

1 A: I received one, I believe the following Monday.

2 MS. JOSEPH: Okay. I think -- I believe that's it.  
3 I have no more further questions at this time, Judge.

4 ALJ STECURA: All right. Before we start the cross  
5 examination, we're going to take a recess. We'll take a 15-minute  
6 recess, so we'll come back at 12:00.

7 But, sir, your testimony is in progress, so you  
8 cannot speak to anyone about your testimony. You could talk about  
9 logistical things like where's the bathroom, that kind of thing,  
10 but please do not discuss your testimony. Okay? Thank you.

11 MS. JOSEPH: Thank you, Judge.

12 MR. FAVILUKIS: Thank you.

13 [OFF THE RECORD]

14 [ON THE RECORD]

15 ALJ STECURA: Okay. We're back on the record.  
16 It's 12:04. And Ms. Joseph informed me that she has a couple more  
17 questions for her direct examination and which I will permit.

18 MS. JOSEPH: Okay, Judge.

19 ALJ STECURA: And I just wanted to remind the  
20 witness, if you need a break or water, let us know. Okay?

21 MR. DUKLETH: Thank you.

22 ALJ STECURA: Thank you.

23 Go ahead.

24 MS. JOSEPH: Thank you, Judge.

25 Q: So, Mr. Dukleth, when we finished, we were speaking

1 about Mr. Chlapek, if you recall, and the issue of the front door.  
2 Now, you indicated that you would open the front door for him to  
3 let him in at times when he called you, right?

4 A: Yes.

5 Q: Okay. So now, if you weren't able to do that, as far as  
6 you know, how would Mr. Chlapek be able to get into the building  
7 and his unit?

8 MR. GOLDSMITH: Objection, Your Honor. Calls for  
9 speculation.

10 ALJ STECURA: The question was, if you know, so  
11 he's not speculating. When he answers, it's if he knows. He may  
12 answer the question.

13 MR. DUKLETH: Remi told me that he would use the  
14 metal rungs leading up to the roof in the alleyway and then climb  
15 in through his window.

16 MS. JOSEPH: Okay.

17 MR. GOLDSMITH: Objection, Your Honor. Again,  
18 that's double hearsay, I believe.

19 ALJ STECURA: Well, hearsay is permitted at OATH  
20 and goes to the weight of the statement. So overruled.

21 MS. JOSEPH: Thank you, Judge.

22 Q: When you say "Remi," you referring to Mr. Chlapek, yes?

23 A: Yes.

24 Q: Okay.

25 A: Remi Chlapek.

1 Q: Okay. Now, on the day that he -- you know, that he  
2 forced his way into the building, were you able to provide him  
3 access?

4 A: No. He called me on the telephone, and I told him it  
5 would take me at least half an hour to get there, and he was in  
6 distress and -- or seemed to be over the telephone, and I believe  
7 -- oh, moments later, he forced the door open. He told me that  
8 that's what he would do on this occasion.

9 Q: Okay. Now, as far as you know, if you know, at the time  
10 that he forced the door open, did he have a key to the front door  
11 of the building?

12 A: He did not.

13 MS. JOSEPH: Okay. Thank you. That's all my  
14 questions, Judge.

15 ALJ STECURA: Thank you.

16 MS. JOSEPH: You're welcome.

17 ALJ STECURA: All right, you can start your  
18 cross-examination.

19 MR. FAVILUKIS: Thank you, Your Honor. I'd  
20 actually like to --

21 **CROSS-EXAMINATION OF THOMAS DUKLETH**

22 **BY MR. FAVILUKIS**

23 Q: Good afternoon, Mr. Dukleth. My name is Vladimir  
24 Favilukis. I'd actually like to continue along the same line of  
25 questioning with the keys.

1 Are you represented by counsel?

2 A: Um --

3 Q: Do you have an attorney?

4 A: Yeah. The tenants' association has an attorney, and I'm  
5 represented as part of the tenants' association. And then I  
6 assume, for today, my counsel -- for the purpose of this hearing  
7 is -- although I didn't discuss the fundamentalities --

8 MS. JOSEPH: Judge, I object. I mean, the question  
9 of is he "represented by counsel," at what proceeding? Can we get  
10 clarified?

11 MR. FAVILUKIS: Yes.

12 ALJ STECURA: And before we do that, I just want to  
13 make sure that no one in the -- who is observing is going to be  
14 testifying as a witness, correct?

15 MR. FAVILUKIS: Not to -- well, we were hoping that  
16 we'd put on our case today, but I understand that -- he's our  
17 witness, but if we don't have --

18 ALJ STECURA: He should not be in the room right  
19 now.

20 MR. FAVILUKIS: Understood.

21 ALJ STECURA: Thank you.

22 MR. FAVILUKIS: So I'll clarify why I'm asking.

23 Q: Is your counsel -- is the person that you believe  
24 represents you in the room today?

25 MS. JOSEPH: Again, I object, you, Honor.

1 Represent him, in which proceeding?

2 ALJ STECURA: Can you specify?

3 MR. FAVILUKIS: Sure, sure.

4 Q: You've stated that the tenants' association of which you  
5 are a part has an attorney, correct?

6 A: Yes.

7 Q: Okay. Is the attorney for the tenants' association in  
8 the room today?

9 A: Yes.

10 Q: Okay. Is it Ms. Action [phonetic]?

11 A: Yes.

12 Q: Okay. Are you aware that Ms. Action and I had extensive  
13 communication about the distribution of -- the distribution of  
14 keys to you and your other -- your other fellow tenants?

15 MS. JOSEPH: Objection, Your Honor. If counsel is  
16 trying to get information about what the witness -- attorney spoke  
17 to him about, that should be privileged information.

18 ALJ STECURA: And I don't see how this is related  
19 to direct examination.

20 MR. FAVILUKIS: I'll explain. Sure, I'll explain.

21 Q: In a prior questions -- in a prior question about the  
22 keys issue, it was stated that you were given a very finite period  
23 of time within which to pick up the keys. You weren't able to  
24 come pick up the keys you mentioned, and then you did go pick up  
25 the keys on the following Monday?

1 A: Yes.

2 Q: Right. All I'm asking is, are you aware that I and your  
3 -- and the tenants' association counsel had agreed to the  
4 distribution of keys in that manner when she contacted me and told  
5 me that you weren't able to pick up the keys at the time that that  
6 was given?

7 MS. JOSEPH: Objection, Your Honor. I don't see  
8 the relevance. As far as Mr. -- the --

9 ALJ STECURA: Overruled.

10 MS. JOSEPH: Okay.

11 ALJ STECURA: It's a yes or no question, and it's  
12 not going to any communication that you may have had with an  
13 attorney that was representing you in any proceeding, but just a  
14 yes or no.

15 And I'm hoping that you're going to keep this line  
16 of questioning very limited.

17 MR. FAVILUKIS: Yes.

18 ALJ STECURA: If you are aware or not. Do you need  
19 counsel to repeat the question, sir?

20 MR. DUKLETH: No, I don't need the question  
21 repeated. I'm -- I'm -- I'm not sure. I don't remember.

22 ALJ STECURA: It's yes or no.

23 MR. DUKLETH: I don't know.

24 MS. JOSEPH: Okay.

25 MR. FAVILUKIS: Okay, that's fair. I just asked.

1 Okay.

2 Q: You mentioned Mr. Chlapek, Remi, and how you -- he told  
3 you that he didn't have a key -- he didn't have a key for months,  
4 and he was climbing -- he was entering the building by climbing up  
5 a ladder, you said?

6 A: When --

7 Q: Or he told you that?

8 A: He told me that when I was unable to let him in and he  
9 didn't have other options.

10 Q: Understood. And how did you know that he did not have a  
11 key?

12 A: Because he told me. And I also spoke to the landlord,  
13 Michael Geylik, about it multiple occasions.

14 Q: What did the landlord say about it, to you?

15 A: That there was a limited supply of keys given to him by  
16 the former landlord. These were keys which had copy protection.

17 Q: What does that mean, "copy protection"?

18 A: That means you can't just regularly take any key to any  
19 locksmith and have it duplicated. You need authorization to do  
20 so.

21 Q: Did the landlord -- did Mr. Geylik tell you why Mr.  
22 Chlapek need -- why did he not have a key?

23 A: The landlord told me he didn't have enough extra keys.

24 Q: Did Mr. Chlapek tell you why he did not have a key?

25 MS. JOSEPH: Objection. Asked and answered twice.

1 MR. FAVILUKIS: No. I asked did the landlord tell  
2 him, and now I'm asking whether Mr. Chlapek told him?

3 ALJ STECURA: Overruled.

4 MR. DUKLETH: Yes. Remi Chlapek told me that he  
5 had lost his key and needed to have it replaced.

6 Q: Do you know if Mr. Chlapek had lost his key before?

7 A: Before what?

8 Q: Did Remi Chlapek tell you -- ever tell you before that  
9 he had also lost his key before?

10 A: Before what?

11 Q: Multiple times?

12 MS. JOSEPH: Objection, Your Honor. If we -- is  
13 this buzzing? I'm sorry. When --

14 MR. FAVILUKIS: What's the objection to?

15 MS. JOSEPH: Clarity.

16 MR. FAVILUKIS: Sure.

17 MS. JOSEPH: When Counsel's saying "before," can he  
18 specify before when he's referring to?

19 MR. FAVILUKIS: I'll -- I can ask a different way.

20 Q: Do you remember when, approximately, Mr. Chlapek told  
21 you that he had lost his key?

22 A: In the summer of 2024.

23 Q: Prior to that, did Mr. Chlapek ever mention to you that  
24 he had lost his key?

25 A: I do not recall.

1 Q: Okay. And so in the summer, he told you he lost his  
2 key?

3 A: Yes.

4 Q: Did he tell you if he ever did receive a key from Mr.  
5 Geylik?

6 A: Yes.

7 Q: When was that?

8 A: It may have been February or around February 2025. And  
9 within a few days, in front of the landlord, Michael Geylik, the  
10 key broke in the lock when trying to turn the key.

11 Q: And this was one of the non-duplicable keys?

12 A: Yes.

13 Q: Okay. And so did he -- did Michael tell you that that  
14 was his last key?

15 A: No.

16 Q: Did anyone tell you that that was Michael's last key?

17 A: No.

18 Q: No. Okay. So you mentioned also that Mr. Chlapek, at  
19 some point after this key had broken, I believe, broke the door to  
20 get in, but he had called you first and you told him that you were  
21 not able to let him in because you were a half hour away or  
22 something?

23 A: No. So it is inaccurate to say that Mr. Chlapek broke  
24 the door.

25 Q: Okay.

1           A:    He forced the door open.  The door, the lock, everything  
2 about it remained fully intact, undamaged.  It broke the door  
3 frame at the point of the bolt recess, which was easily repaired  
4 and was repaired by Remi.

5           Q:    I want to clarify because sometimes I misunderstand.  
6 Were there pieces of the door --

7           A:    No.

8           Q:    No, no.  Just let me finish.

9                   ALJ STECURA:  Let the question --

10                   MR. DUKLETH:  Sorry.

11                   ALJ STECURA:  You have to wait, okay, sir?  Thank  
12 you.

13           Q:    Was there a piece maybe this size?

14                   ALJ STECURA:  Okay.

15                   MS. JOSEPH:  Not --

16                   ALJ STECURA:  You --

17           Q:    I would say 8 inch.  Was there pieces of the door in the  
18 lobby?

19           A:    No.

20           Q:    There was not?

21           A:    No.

22           Q:    Okay.

23           A:    There were pieces of the door frame.

24           Q:    Of the door frame?

25           A:    The door frame.

[12:16:22]  
[02:23:22-1]

1 Q: I see. Not the door itself?

2 A: Not the door itself. The door frame.

3 Q: Can you estimate how large the piece of the door frame?

4 A: As you depicted it.

5 Q: And where was it?

6 A: In the lobby. He placed them on top of the mailbox and

7 then -- the mailboxes and then --

8 Q: Who's "he?" I'm sorry.

9 A: Remi.

10 Q: Okay.

11 A: And then proceeded to repair it, which he did in a

12 couple days.

13 Q: He did that -- Remi proceeded to repair it?

14 A: Yes.

15 Q: Did Remi tell you that Michael asked him to repair it?

16 A: No.

17 Q: Did Remi tell you that he got permission from Michael to  
18 repair it?

19 A: No.

20 Q: Okay. You mentioned that -- that day before, when he  
21 "forced his way in," as you say, as I say, "broke," that he  
22 reached out, that he called you first?

23 A: Yes.

24 Q: But that you weren't able to -- that you were 30 minutes  
25 away, I think you mentioned. Or 30 minutes -- you weren't able to

1 -- sorry. Go ahead.

2 A: Yes.

3 Q: You were 30 minutes away?

4 A: At least 30 minutes away.

5 Q: Do you remember what day of the week that was?

6 A: I do not recall at this moment.

7 Q: Was it early morning?

8 A: It was early morning.

9 Q: Do you -- can you estimate how early in the morning it  
10 was?

11 A: It was very early morning. I don't remember exactly.

12 Q: Okay. Pretty early?

13 A: [No audible response.]

14 Q: And so --

15 ALJ STECURA: Okay. You have to answer yes or no.

16 MR. DUKLETH: Sorry. That was a gesture.

17 MR. FAVILUKIS: Sure. Sorry. I got it.

18 MS. JOSEPH: Yeah.

19 MR. FAVILUKIS: Yes. Yes, it was pretty early. I  
20 don't remember exactly.

21 Q: Understood. Understood. And then the door has been  
22 replaced, or the lock?

23 A: The door has not been replaced. The lock cylinder and  
24 keys have been replaced.

25 Q: Has the frame been fixed?

1 A: Yes, it has.

2 Q: Did you request for that to be fixed?

3 A: No. I did not request the frame to be fixed.

4 Q: Did you request the door to be fixed or the lock  
5 cylinder?

6 A: I only made a request about having a key for Remi.

7 Q: You made the request for a key for Remi?

8 A: Yes.

9 Q: Okay. Understood. Do you know --

10 A: I made a request to the --

11 Q: To Michael?

12 A: Not -- yes. Not the only request that was made.

13 Q: Of course. And you said you're part of the tenants'  
14 association. Do you know if the tenants' association requested  
15 that the door be fixed?

16 A: As you yourself stated, there was communication about  
17 keys for some time.

18 Q: But do you know if the tenants' association made a  
19 request for the door to be fixed?

20 A: The tenants' association had not -- I believe, as you  
21 yourself stated, there was communication between the tenants'  
22 association lawyer and you, as the landlord's lawyer, about  
23 replacing keys.

24 Q: So I don't want to belabor the point, and I'm going to  
25 move on. What I -- I just want to be -- for the record, what I'm

1 asking about is whether you know if the tenants' association made  
2 a request for the door to be fixed? If you don't know, that's  
3 okay.

4 A: I do not know.

5 MR. FAVILUKIS: Okay, understood. So I'll move on  
6 from the keys.

7 MS. JOSEPH: Mm-hmm [affirmative].

8 MR. FAVILUKIS: I'm done with the keys. Thank you.

9 Q: You previously mentioned earlier when Ms. Joseph was  
10 asking -- and she used the word "demolition" and my colleague  
11 objected, and there was some back and forth as to --

12 A: Yes.

13 Q: -- demolition being a term of art. And I'm -- you  
14 mentioned that you've done some work with Mr. Chlapek around the  
15 building, and Mr. Chlapek is a carpenter?

16 A: Yes. But also I had used the term demolition myself in  
17 my statements for a few minutes prior to your objection.

18 Q: Understood. I'm just curious because when we mention  
19 demolition in a real estate industry term sense, it's a term of  
20 art. When -- are you familiar with the term "exploratory  
21 probing?"

22 A: Yes.

23 Q: You are. And in your opinion --

24 MS. JOSEPH: Objection, Your Honor.

25 MR. FAVILUKIS: I'll --

1 ALJ STECURA: Yes.

2 MS. JOSEPH: It's not --

3 MR. FAVILUKIS: Okay.

4 ALJ STECURA: What's your objection?

5 MS. JOSEPH: Okay. The objection is, shouldn't be  
6 asked for his opinion. He was not authenticated as being an  
7 expert witness. And he had explained that he used the term  
8 demolition in his testimony.

9 ALJ STECURA: Okay. So --

10 MR. FAVILUKIS: I'll move on from it.

11 ALJ STECURA: --I'm going to ask that you rephrase  
12 the question or move on.

13 MR. FAVILUKIS: I'll move on from it.

14 ALJ STECURA: Okay.

15 MR. FAVILUKIS: Okay, no problem.

16 Q: There was a lot of time spent going through the photos.  
17 And there was one photo, photo No. 9 -- excuse me, I apologize,  
18 photo No. 8.

19 MR. FAVILUKIS: I don't know if I -- everyone has  
20 it.

21 Q: And you mentioned that you did not -- you volunteered  
22 this. You said you did not take this photo.

23 A: Yes. Well, I previously stated that I'd taken all of  
24 the photos and I --

25 ALJ STECURA: Just answer the question that is

1 posed to you. Okay, sir?

2 MR. DUKLETH: I'm sorry.

3 Yes.

4 Q: Okay. Do you know who did take this photo?

5 A: Yes.

6 Q: And who was that?

7 A: I believe that it was Remi Chlapek.

8 Q: Okay. And do I need to give you a copy -- do I need to  
9 give you the photo or do you have a copy -- good. Fantastic.

10 Okay, great.

11 A: Showing the photo.

12 Q: Got it. And thank you. And so Remi took this photo?

13 A: Yes. If it wasn't Remi, it was his girlfriend.

14 Q: Okay.

15 A: He would sometimes use her phone when his wasn't working  
16 properly.

17 Q: Understood. Did Remi do this work? Is this Remi's  
18 work?

19 A: What work do you mean?

20 Q: I see in the preceding photo there's a toilet?

21 A: Yes.

22 Q: And this is the same room, correct?

23 A: Yes.

24 Q: And you -- so -- but there's no toilet in photo 8?

25 A: Yes.

1 Q: There's instead a box?

2 A: Yes.

3 Q: A plywood box?

4 A: Yes.

5 Q: Do you know who removed the toilet and installed the  
6 plywood box?

7 A: Yes.

8 Q: Who was that?

9 A: Remi Chlapek, at the request of the landlord.

10 Q: Did you witness Michael Geylik ask Remi Chlapek to do  
11 this?

12 A: I did not.

13 Q: Okay. So where does that belief come from?

14 A: That belief comes from Remi's statement that Michael  
15 asked him to do that work. And he may have received, or at least  
16 been expecting to receive some compensation.

17 Q: Got it. So it comes from Remi?

18 A: Yes.

19 Q: Okay. Have you ever done any work in the building  
20 yourself?

21 A: Yes. As I stated, I had assisted Remi with some work in  
22 the alleyway, installing a drain for the stairs, and also making  
23 repairs to a corner of my unit, which had been water damaged over  
24 decades.

25 Q: Okay. And did you do any of the work -- any work in

1 building, with or without Remi, before Michael purchased the  
2 building?

3 A: No.

4 Q: No. In the common areas or in your own unit?

5 MS. JOSEPH: Objection. Asked and answered.

6 MR. FAVILUKIS: I just want to clarify.

7 MS. JOSEPH: He answered no.

8 ALJ STECURA: Sustained.

9 MR. FAVILUKIS: Okay.

10 Q: So the only time -- so actually, I'll move on.

11 You mentioned Unit 2B, and a few times I heard you say  
12 that at some point Michael had asked you and the other tenants to  
13 remove their property from the common areas, including 2B?

14 A: Yes.

15 Q: And I -- I thought about stuck out because you didn't  
16 say "and 2B." You said "including 2B," which to me implied that  
17 you believe 2B is one of the common areas, is that correct?

18 A: I was merely trying to -- no, that was not correct.

19 Q: Okay. You do not consider Unit 2B as part of the common  
20 areas?

21 A: It was -- the use of it as a common area had been  
22 granted by the landlord, Michael Geylik, prior to the removal of  
23 the -- as a place for us to stow things, awaiting the replacement  
24 of the kitchen, bathrooms, and toilets that were being removed.

25 Q: And so that was in the -- that was the way that it was

1 used, it was storing the kitchen supplies?

2 A: Kitchen, bathroom, toilets, maintenance things. What --

3 Q: Prior -- understood.

4 A: Prior to the request to -- that we remove our items.

5 Q: Prior to Mr. Geylik purchasing the building, or rather

6 109 E9 LLC purchasing the building, but prior to Mr. Geylik

7 becoming the landlord, how -- in what way was 2B used?

8 A: 2B was a -- what was it? An SRO unit and -- like other

9 SRO units in the building and --

10 Q: Okay. Got it.

11 A: -- it had previously been occupied.

12 Q: Okay. Before he purchased the building?

13 A: Sometime before he purchased the building.

14 Q: Okay. Was 2A also used -- either prior to or after

15 Michael purchased the building, was 2A also used as an SRO unit?

16 A: Yes.

17 Q: At all times?

18 A: Yes.

19 Q: Did you ever store anything in 2A?

20 A: Yes.

21 Q: When did you store things in 2A?

22 A: When I was in -- at the end of 2023 to facilitate bed  
23 bug treatment and repairs in my unit.

24 Q: Okay. How long did you store your things in 2A?

25 A: For several months.

1 Q: For several months?

2 A: Yes.

3 Q: And during those several months, there was bed bug  
4 treatment in your apartment?

5 A: Throughout the building.

6 Q: Throughout the building, including your apartment?

7 A: Yes.

8 Q: Okay. At some point, did Michael ask you to remove your  
9 things from 2A?

10 A: Yes.

11 Q: Did you remove them from 2A?

12 A: Yes.

13 MR. FAVILUKIS: May I introduce our video, Your  
14 Honor, of 2A and the conditions in 2A and Mr. Dukleth's apartment?

15 MS. JOSEPH: I object to that, Your Honor.

16 ALJ STECURA: On what basis?

17 MS. JOSEPH: Well, he asked the question of the  
18 witness, and the witness answered. And I don't see that this  
19 video is relevant to any of the issues of the case. It is not  
20 relevant suddenly to the allegations in this case, and it is  
21 merely used to, you know, deal with non-relevant, not probative  
22 for the court to understand any of the issues in this case.

23 And it is more prejudicial, possibly, than  
24 probative in that I think the attempt is the probably embarrass  
25 the witness. I mean, it's definitely not -- it's collateral

1 evidence. It has no probative value. It's about matters not  
2 relevant to the matters of this case.

3 ALJ STECURA: So what I'm going to do -- would you  
4 mind stepping out for one moment and I'm just going to ask counsel  
5 some more questions. Thank you, sir. Remember not to speak to  
6 anyone about your testimony.

7 I'm going to pause the record.

8 [OFF THE RECORD]

9 [ON THE RECORD]

10 ALJ STECURA: All right, so we're back on the  
11 record and I have sustained the Department's objection to the  
12 introduction of N4 at this time.

13 So you may resume your questioning.

14 MR. FAVILUKIS: Thank you, Your Honor.

15 Q: I want to talk about the earthquake that you mentioned  
16 in your testimony on direct with Ms. Joseph. You mentioned that  
17 you knew that the certificate -- I believe you mentioned that you  
18 knew or you were told later that the certificate of no harassment  
19 was issued in March of 2024?

20 A: Yes.

21 Q: And then you said that there was an earthquake, yes?

22 A: I -- did -- the -- no, no. The order of my statement of  
23 learning of the certificate of no harassment was long after the  
24 earthquake in New Jersey. The earthquake followed the granting of  
25 the certificate of no harassment chronologically, but it did not

1 follow my learning of the certificate of no harassment  
2 chronologically.

3 Q: Understood. So but the earthquake followed the issuance  
4 of the certificate of no harassment?

5 A: Yes.

6 Q: Do you remember when the earthquake occurred?

7 A: I believe it was in April 2024.

8 Q: Okay. It was April 8th. And you mentioned that you  
9 were in the building?

10 A: Yes.

11 Q: Were you in your apartment?

12 A: Yes.

13 Q: Okay. Did you stay in your apartment during the  
14 earthquake?

15 A: Yes.

16 Q: Were you concerned about the earthquake?

17 A: No.

18 Q: No?

19 A: No.

20 Q: Okay, got it. Was anyone else -- do you know if anyone  
21 else was in the building --

22 A: Yes.

23 Q: -- during the earthquake? Who was in -- who else was in  
24 the building?

25 A: Uh --

1 Q: That you know of.

2 A: I believe Judy was in the building.

3 Q: Did you speak to Judy after the earthquake?

4 A: I did.

5 Q: Okay. Did she express to you -- did you feel that she  
6 was concerned about the earthquake?

7 MS. JOSEPH: Objection, Your Honor. Judy is going  
8 --

9 MR. FAVILUKIS: I can --

10 MS. JOSEPH: -- to be testifying --

11 MR. FAVILUKIS: That's fine.

12 MS. JOSEPH: -- and he can ask Judy.

13 ALJ STECURA: Sustained. Thank you.

14 MS. JOSEPH: Thank you.

15 MR. FAVILUKIS: Understood.

16 Q: What did you discuss with Judy about the earthquake?

17 A: I grew up in California. These small earthquakes happen  
18 all the time. And the building swayed a bit, as expected for  
19 well-made buildings and wasn't built too rigidly, which would be a  
20 problem. Too rigid buildings crack.

21 Q: I grew up in -- I also am from California. We had a 5.2  
22 magnitude earthquake recently and my parents ran out of their  
23 house.

24 MS. JOSEPH: Objection, Your Honor. Can counsel  
25 ask a question?

1 MR. FAVILUKIS: Sure, sure.

2 Q: So you said this to Judy to comfort her?

3 A: Just to explain that I understood what was happening and  
4 that it's -- it may be unusual for the New York area, but it's  
5 common in the world and certainly common in my experience. And I  
6 don't know that she needed comforting.

7 Q: Understood. What did she say to you?

8 A: I do not recall.

9 Q: Okay. You mentioned that there was some conversation  
10 about a housing lottery?

11 A: Yes.

12 Q: Okay. With Mr. Geylik. But it never progressed. Or  
13 did it progress?

14 A: It -- offers were made on multiple occasions to assist  
15 with the housing lottery.

16 Q: Was there ever any conversation of FHEPS? Do you know  
17 what FEPs is?

18 A: Yes.

19 Q: Do you know what FHEPS stands for?

20 A: I've forgotten, but --

21 Q: FEPs stands for Family Homelessness and Eviction  
22 Prevention Supplement. What was the mention of FHEPS?

23 A: It was one of the programs that Michael Geylik had  
24 mentioned as being something that was available to, as part of the  
25 housing -- housing lotteries or alternative housing.

1 Q: FHEPS was one of the programs because FHEPS is different  
2 than affordable housing?

3 MS. JOSEPH: Objection --

4 MR. DUKLETH: As one -- as one of the -- as one of  
5 the alternatives.

6 Q: Right.

7 A: As one of the alternatives.

8 Q: Was FHEPS mentioned to help you stay in the building?

9 MS. JOSEPH: Objection, Your Honor. He's asking  
10 the witness why did Mr. Geylik ask, you know, what was Mr. Geylik  
11 intent. The witness is not qualified to answer that.

12 ALJ STECURA: So can you limit your questions to  
13 the witness's knowledge and understanding?

14 MR. FAVILUKIS: Yes.

15 Q: In what context was FHEPS mentioned?

16 A: I believe it was in the context of alternative housing  
17 possibilities.

18 Q: Not --

19 MS. JOSEPH: Objection, Your Honor. Asked an  
20 answered.

21 ALJ STECURA: Sustained.

22 MR. FAVILUKIS: Okay.

23 Q: Okay. You mentioned -- Ms. Joseph had a line of  
24 questioning with you where she asked you whether Michael Geylik  
25 had asked you to relay to other tenants that -- about the --

1 objecting to the certificate of no harassment. Is that correct?

2 A: Yes.

3 Q: But you weren't -- it wasn't clear to me from your  
4 answers to Ms. Joseph's questions because at one point, at the  
5 beginning, your initial response was that it wasn't that he didn't  
6 ask you to relay that. But then in subsequent questioning, it  
7 sounded like you said he did?

8 MS. JOSEPH: Objection, Your Honor, it's a compound  
9 question. It's not even a question. It's a statement.

10 If counsel has a question, maybe you could just  
11 answer a simple question.

12 ALJ STECURA: So, Ms. Joseph, I gave you latitude  
13 in your direct.

14 MS. JOSEPH: Thank you.

15 ALJ STECURA: I'm going to give latitude.

16 MS. JOSEPH: Okay.

17 ALJ STECURA: Ask your questions --

18 MR. FAVILUKIS: I --

19 ALJ STECURA: Hold on. But be -- actually ask a  
20 question.

21 MR. FAVILUKIS: Absolutely.

22 ALJ STECURA: Thank you.

23 Q: So did he or did he -- did Michael Geylik ask you to  
24 relay to other tenants that if they objected or if you objected to  
25 the certificate of no harassment application, then he would not be

1 able to rebuild the bathroom?

2 A: Yes.

3 Q: Yes, he did that?

4 A: He did that.

5 Q: Okay. And do you remember what exactly he said to you  
6 about that?

7 A: He said that the Department of Buildings had said he  
8 needed the certificate of no harassment to restore the kitchen,  
9 bathrooms, toilets that were removed, that he started to file  
10 plans, and that they told him that he needed this.

11 Q: And so did he say to you not to object to the  
12 certificate of no harassment? Did he ask you not to object to it?

13 A: He said that the only -- yes.

14 Q: Okay. And was that a lie? Did -- when the investigator  
15 from HPD -- I believe, Investigator Donaldson [phonetic] -- when  
16 he reached out to you, did Investigator Donaldson ask you if  
17 you've experienced any acts of harassment?

18 A: Yes.

19 Q: And did you tell him no?

20 A: I did not tell him no.

21 Q: Okay.

22 A: I mentioned the -- but I mostly refrained from comment,  
23 wanting to obtain legal clarification, and kept asking if I could  
24 still make comments later. I mentioned the terrible problem that  
25 the front door to the residential part of the building -- the door

1 to the residential part of the building was mostly insecure. The  
2 automatic closing mechanism failed to close the door most of the  
3 time.

4 And I mentioned that as a terrible problem that we  
5 thought we could get the landlord to redress and the removal of  
6 the kitchen, bathroom, toilet as being what we would like to limit  
7 any scope of the certificate of no harassment to, if that would be  
8 possible.

9 Q: I'm confused, and so I want to clarify. Are you saying  
10 that you did not tell Investigator Donaldson that the bathroom and  
11 the kitchen were removed?

12 A: I'm saying that we did --

13 Q: You did tell that to --

14 A: -- and that I presumed that that was the -- as we were  
15 told that that was the reason for obtaining the certificate of no  
16 harassment or seeking to obtain a certificate -- seeking to obtain  
17 the certificate of no harassment.

18 Q: So if Investigator Donaldson listened to what you told  
19 him, he would have surely known that the bathroom and kitchen had  
20 been removed?

21 MS. JOSEPH: Objection, Your Honor. He's again  
22 asking about what Investigator Donaldson --

23 ALJ STECURA: Sustained.

24 MR. FAVILUKIS: Okay.

25 Q: Okay. So you said you moved into the building in 1990?

1 A: Approximately 1990.

2 Q: Approximately 1990. And I wasn't clear on this either.  
3 At the time that you moved into the building, there was already  
4 the kitchen facilities and the bathroom facilities that have been  
5 removed; they were already there?

6 A: Yes.

7 Q: Okay. So there was one kitchen?

8 A: Yes.

9 Q: Okay. And that kitchen was on the fourth floor?

10 A: Yes.

11 Q: Okay. Were you -- and you've lived in the building  
12 continuously since then? You've never -- you haven't moved out --

13 A: No.

14 Q: -- and then moved back in. Have you always lived in the  
15 same unit?

16 A: No.

17 Q: Which units did you live in before?

18 A: I lived in the middle unit on the second floor.

19 Q: Do you know what that unit is designated as?

20 A: I don't perfectly recall.

21 Q: Okay. And then -- and that was the only unit that you  
22 have lived in other than your current unit?

23 A: That's correct.

24 Q: Okay. And when did you move into your current unit?

25 A: In about 1996.

1 Q: 1996. And who operated the building then; was it the  
2 Bar Centrale?

3 A: It was the Jimmy [sic] Giles Corporation --

4 Q: Right.

5 A: -- who also owned, what at that time, was perhaps called  
6 Pageant Bar Restaurant, which was later renamed to Centrale Bar.

7 Q: Was someone named Joseph Cintron [phonetic] involved in  
8 --

9 MS. JOSEPH: Objection, Your Honor. What is the  
10 relevance of what was -- the bar restaurant owner --

11 MR. FAVILUKIS: I will --

12 MS. JOSEPH: -- in 1996 was --

13 MR. FAVILUKIS: I'll get to my -- I'll get to the  
14 relevance in the next question.

15 ALJ STECURA: Okay. And it has to be related to  
16 what was brought in direct.

17 MR. FAVILUKIS: Sure. Understood.

18 ALJ STECURA: Thank you.

19 MR. FAVILUKIS: Understood.

20 Q: Was that Joseph Cintron?

21 A: I'm sorry, what was the question?

22 Q: Was Joseph Cintron involved with Jimmy Giles operating  
23 the building?

24 A: Somewhat.

25 Q: Okay, got it. And were you aware that -- you said this

[12:46:25]

[02:52:25-1]

1 was in 1996, you moved into your current unit?

2 A: Yes.

3 Q: Okay. Were you aware of any DOB violations being issued  
4 at the building around 1996 or thereabouts?

5 A: Yes.

6 Q: Okay. Do you know what those violations were for?

7 A: At the time, I made a list of them. Yes.

8 Q: What were they for?

9 A: A variety of things which I don't -- which I don't  
10 remember well, but any -- anything from...

11 MS. JOSEPH: I mean, I --

12 MR. FAVILUKIS: Can he finish answering the  
13 question or --

14 MS. JOSEPH: Right, but --

15 ALJ STECURA: Ms. Joseph, either you're objecting,  
16 but you're not providing commentary. You're not make -- you're  
17 actually -- it seems like you're trying to coach the witness  
18 through some of your gestures and...

19 MS. JOSEPH: No, no, I'm not trying to do that,  
20 Judge.

21 ALJ STECURA: Okay. Thank you.

22 MS. JOSEPH: I may have gestures, but I'm not  
23 trying to --

24 ALJ STECURA: Okay. Let's keep --

25 MR. DUKLETH: There were a variety of violations.

1 Anything from not having unit numbers on the doors to work without  
2 a permit.

3 Q: Work without a permit?

4 A: Yeah.

5 Q: What was the work without a permit for?

6 A: I don't remember from the time. I don't remember from  
7 the time. For any number of things.

8 Q: But none -- but you did not -- it was not for any work  
9 that you did?

10 A: No.

11 Q: It was work that somebody else did?

12 A: Yes.

13 MR. FAVILUKIS: Okay. Your Honor, I'd like to --  
14 it's already stipulated. It's in the evidence. It's actually  
15 Petitioner's Exhibit 33. It's the fourth page of Petitioner's  
16 Exhibit 33. It's a 1999 DOB violation for work without a permit.  
17 And it's a computer-generated printout, so I think we can only get  
18 part of the actual written statement.

19 But the description of the violating condition  
20 is -- this is your 33, page 4, work without a permit. "Work  
21 complete. Noted at third level, west side, new partitions  
22 erected, creating kitchen with stove, sink, refrigerator in  
23 conjunction with bathroom with shower, lessening units to three  
24 total on floor."

25 Q: Okay. So now my understanding is that that's the --

1 that's the kitchen that we've been talking about, correct?

2 MS. JOSEPH: I mean -- wait.

3 ALJ STECURA: Are you -- so are you showing the  
4 witness the exhibit?

5 MR. FAVILUKIS: Oh, I apologize. It's Respondent's  
6 33. So I can put it on the --

7 ALJ STECURA: I don't have a copy of that.

8 MR. FAVILUKIS: Yeah. If the witness could see it.

9 MS. JOSEPH: I mean -- may just be heard, Judge?

10 ALJ STECURA: Yes, you may.

11 MS. JOSEPH: Okay. Thank you, Your Honor. So this  
12 is Exhibit 33. And I believe I heard counsel said it's the last  
13 page or the fourth page. I would just argue --

14 MR. FAVILUKIS: Second to last page. Okay.

15 MS. JOSEPH: I would just argue, it's a certified  
16 document with Department of Building. It speaks for itself. I  
17 don't see what the witness is going to be adding to a Department  
18 of Buildings document.

19 ALJ STECURA: Overruled. But I'm just going to  
20 reiterate that we need to keep it limited and related to the  
21 direct examination.

22 MR. FAVILUKIS: Understood.

23 ALJ STECURA: So you may publish the exhibit.

24 MR. FAVILUKIS: I can come up to the -- it's just.

25 ALJ STECURA: Do you have -- are you able to --

1 MR. FAVILUKIS: I have it on my screen. It's  
2 there, exhibit --

3 ALJ STECURA: Are you able to share your copy of  
4 33, please?

5 MS. JOSEPH: Yes, I'm able to. It's --

6 ALJ STECURA: Actually, since it's in evidence --

7 MS. JOSEPH: Right.

8 ALJ STECURA: -- please furnish a copy to  
9 Respondents --

10 MS. JOSEPH: Okay. Will do.

11 ALJ STECURA: -- and to myself and one for the  
12 witness. Thank you.

13 MS. JOSEPH: Okay. And this is with regard to the  
14 last page, Mr. Favilukis.

15 MR. FAVILUKIS: It's the second to last page. The  
16 fourth page.

17 MS. JOSEPH: I don't have -- that's the thing. I  
18 don't -- I don't have -- let me. I'm sorry. 33.

19 MR. FAVILUKIS: It's the violation ending in 61J.

20 MS. JOSEPH: Okay. So it's the third page. Okay.  
21 Got you.

22 MR. FAVILUKIS: Thank you.

23 MS. JOSEPH: I'm sorry. Who needs a copy, Mr.  
24 Favilukis?

25 MR. FAVILUKIS: I don't --

1 MR. MESTOUSIS: Everyone has one. If they --

2 MS. JOSEPH: Everyone has one?

3 MR. DUKLETH: You have it on screen?

4 MR. FAVILUKIS: Yeah, I have it on my screen.

5 MS. JOSEPH: So let me go sit down.

6 MR. FAVILUKIS: Thank you.

7 MS. JOSEPH: Mm-hmm.

8 Q: So this is -- I don't know if -- I'm not going to  
9 presume that this is the work without a permit violation that you  
10 said you were aware of. This is a work without a permit violation  
11 that was issued in 1999 for the kitchen. Do you know -- you said  
12 that it was Jim - Giles Corp. or Jim Giles was -- who was  
13 operating the building at the time.

14 A: Jim - Giles Corp was the LLC responsible for the  
15 building.

16 Q: Okay. And I asked if you were familiar with a person  
17 named Joseph Cintron, and I think you implied you were, but -- is  
18 that correct, you're familiar with Joseph Cintron?

19 A: Yes.

20 Q: Okay. What --

21 A: Joseph --

22 Q: Sorry. Go ahead.

23 A: Joseph Cintron was not associated with Centrale Bar in  
24 1999.

25 Q: Not associated with Centrale Bar?

1 A: Not associated with Centrale Bar in 1999.

2 Q: In what capacity were you aware of him -- of -- with --  
3 in --

4 MS. JOSEPH: Objection, Your Honor. I don't see  
5 the relevance, again, of talking about a person who was --

6 ALJ STECURA: Okay. So I'm going to sustain. This  
7 is well beyond the scope of direct examination.

8 MR. FAVILUKIS: Okay. I'll ask my last question on  
9 this line.

10 ALJ STECURA: Thank you.

11 Q: Do you know if Joseph Cintron is the one who built this  
12 kitchen?

13 A: He did not. The kitchen existed prior to Jimmy and  
14 Giles. It existed a very long time before Jimmy and Giles. There  
15 were previous landlords. I was rent -- previous net leaseholders  
16 of the building in this case, and I was resident. There was a  
17 kitchen, bathroom.

18 The violation, as I told Michael Geylik when he brought  
19 it to my attention about a month before removing the kitchen and  
20 bathroom, and then when he was just about to do the work to remove  
21 it -- it is a mistakenly issued violation. The kitchen and  
22 bathroom were always there. And he should contest the violation,  
23 not do anything to remove things that had always been part of the  
24 building and which I told them were illegal to remove.

25 Q: Again, I want to clarify. So is it fair to say that you

1 do not know who installed the bathroom then?

2 MS. JOSEPH: Objection, Your Honor. Which bathroom  
3 is he referring to now?

4 MR. FAVILUKIS: I'm sorry, I'm sorry, I apologize.  
5 The kitchen, the kitchen.

6 MS. JOSEPH: Which kitchen?

7 MR. FAVILUKIS: The kitchen here.

8 MS. JOSEPH: Which kitchen then --

9 MR. FAVILUKIS: There's only one. We're talking  
10 about the same --

11 ALJ STECURA: Please don't talk over one another.

12 MS. JOSEPH: Thank you, Judge.

13 ALJ STECURA: So can you please clarify your  
14 question?

15 MR. FAVILUKIS: Yes.

16 ALJ STECURA: Thank you.

17 MR. FAVILUKIS: The kitchen that we've been talking  
18 about now for the first half of the today.

19 MS. JOSEPH: Can we have just a location, please,  
20 Your Honor? Not just that we've been talking about --

21 MR. FAVILUKIS: The building's fourth floor.

22 MR. DUKLETH: Right. Well, the violation cites the  
23 third floor --

24 Q: Yes.

25 A: -- but the --

1 Q: Was there a kitchen on the third floor?

2 A: There was never a kitchen on the third floor that I'm  
3 aware of.

4 Q: Got it.

5 A: The fourth floor kitchen existed longer than I've been  
6 resident in the building.

7 Q: Is it fair to say that you do not know who installed the  
8 fourth floor kitchen?

9 A: Yes, I'm fair -- it's fair to say that I do not know who  
10 installed it because it was installed before I was resident in the  
11 building before 1990.

12 Q: Got it. And you have that violation in front of you  
13 there, right?

14 A: Yes.

15 Q: You do?

16 A: I do.

17 Q: Do you see somewhere there below at the bottom of the  
18 page where it says OATH ECB hearing information, right above OATH  
19 ECB penalty information?

20 MS. JOSEPH: Objection, Your Honor. It speaks for  
21 itself. The witness is not --

22 MR. FAVILUKIS: I'd like --

23 ALJ STECURA: Overruled.

24 MS. JOSEPH: Okay.

25 MR. DUKLETH: Yes.

1 Q: You do, right?

2 A: Yes.

3 Q: And it says, scheduled hearing date/time May 27, 1999,  
4 10:30 a.m., hearing status default, right?

5 A: Yes.

6 Q: But you said that you told Mr. Geylik that he should  
7 contest this violation?

8 A: I did.

9 Q: Got it. Okay. Understood. So that's it about the  
10 kitchen. One -- actually, I'm sorry.

11 Are you familiar with what unit number that kitchen was  
12 in? What was the unit number --

13 A: It was never a unit number.

14 Q: Okay.

15 A: Never.

16 Q: Never a unit number. Never --

17 A: Never a unit number in my experience in the building.

18 Q: Got it. Okay.

19 A: Since 1990 or thereabouts.

20 ALJ STECURA: Okay. There's no question pending.

21 MR. FAVILUKUS: Understood. Understood.

22 Q: Do you have a sink in your room?

23 A: I do.

24 Q: Okay. Do you know if other units in the building have  
25 sinks?

1 MS. JOSEPH: Objection, Your Honor.

2 MR. DUKLETH: I --

3 MS. JOSEPH: To the limit that he is aware. I  
4 assume --

5 ALJ STECURA: Overruled.

6 MR. FAVILUKIS: He's been --

7 ALJ STECURA: You finished with the exhibit?

8 MR. FAVILUKIS: Yes.

9 ALJ STECURA: Okay. Could you put the exhibit to  
10 the side, sir?

11 MR. FAVILUKIS: Thank you, Your Honor.

12 ALJ STECURA: Okay. Can you ask the question  
13 again, sir?

14 MR. FAVILUKIS: Yes.

15 Q: Are you aware of any other unit in the building that  
16 also has a sink like you?

17 A: Yes. I am aware that most, but not all, other units, in  
18 particular 2B, where we had the temporary use of the space for  
19 having kitchen things, did not have a sink or water basin because  
20 it was removed by Jimmy and Giles for having very many leaks.

21 Q: I'm sorry?

22 A: Because it was removed by Jimmy and Giles for having  
23 very many leaks.

24 Q: In 2B?

25 A: In 2B.

1 Q: Got it. Okay. And that predated Michael Geylik's  
2 ownership?

3 A: It did.

4 Q: Okay. Do you have a bath or a bathtub in your unit?

5 A: I do not.

6 Q: Are you aware of any units in the building that do have  
7 a bath or bathtub in them inside?

8 A: I am.

9 Q: Can you tell us which units those are?

10 A: I could. There is a bathtub in Unit 2 -- sorry, bathtub  
11 in Unit 3C and in Unit 4D.

12 Q: And can you tell us who currently occupies Unit 3C and  
13 4D?

14 A: Unit 3C is currently occupied by Judy Sabin. Unit 4D is  
15 currently occupied by Zachary Hall [phonetic].

16 Q: And when you moved into the building in the '90s and  
17 moved around from the second floor to the third floor -- sorry --  
18 right, is that correct?

19 A: Second floor. Third --

20 Q: Third floor.

21 A: Second floor to the fourth floor.

22 Q: Second floor to the fourth floor. Did you know if those  
23 Units 3C and 4D had bathtubs in them at that time?

24 A: I know that -- I know that Unit 3C did not.

25 Q: Unit 3C did not?

1 A: Did not.

2 Q: Do you know when the bathtub was installed in Unit 3C?

3 A: It was installed during the time that the holding of the  
4 net lease for the building was with Jimmy Giles Corp.

5 Q: Around when --

6 A: Jim - Giles Corp.

7 Q: Around what time was -- around what year was that, do  
8 you know?

9 A: That was from 1995, '96 to -- '95 or '96 to 2021 when  
10 Michael Geylik bought the building.

11 Q: But you said it was installed before Judy Sabin moved  
12 in?

13 A: Yes.

14 Q: When did you --

15 A: I didn't say that, but that's -- I don't think I said  
16 that just now, but that's true.

17 Q: Okay. When did Judy Sabin move in?

18 A: She moved in about seven years ago.

19 Q: So 2018?

20 A: About that time.

21 Q: So you think -- it sounds like you believe that the  
22 bathtub in Unit 3C was installed at some point between 1995, '96,  
23 and 2018.

24 MS. JOSEPH: I'm sorry, Judge. I'd like to object.

25 MR. FAVILUKIS: I'll explain why.

1 MS. JOSEPH: I don't see the relevancy to his  
2 direct testimony with regard to all these other tenants in the  
3 building and whether they have a bathtub or not. We didn't  
4 discuss that in direct testimony.

5 MR. FAVILUKIS: Your photos show that my client  
6 removed bathroom facilities --

7 MS. JOSEPH: On the fourth floor.

8 MR. FAVILUKIS: And the allegation.

9 MS. JOSEPH: On the fourth floor --

10 MR. FAVILUKIS: Yes. And the allegation is that my  
11 client has reduced the shower facilities for the building.

12 MS. JOSEPH: Right, but --

13 MR. FAVILUKIS: One of the photos, I think, shows  
14 the shower.

15 MS. JOSEPH: The witness testimony was with  
16 reference to his unit --

17 MR. FAVILUKIS: Yes.

18 MS. JOSEPH: -- and what is available to him and  
19 the fact that he doesn't have a toilet in his unit and now this.  
20 I don't want to rehearse this --

21 ALJ STECURA: So I'm going to overrule the  
22 objection, but I'm going to ask you to really limit your  
23 questioning on this area.

24 MR. FAVILUKIS: Sure, sure.

25 ALJ STECURA: Thank you.

1 MR. FAVILUKIS: Got it. Okay.

2 Q: Okay. So we've established that you think that the  
3 bathtub was installed in 3C at some point during this big, wide  
4 range, but prior to Mr. Geylik's purchase of the building?

5 A: Yes.

6 Q: Okay. I'm sorry. You mentioned -- I know we've been  
7 talking a lot about the kitchen, and there was a question that Ms.  
8 Joseph asked you about the stove, the gas stove, and you said that  
9 it had been removed several years ago, sometime between 2000 and  
10 2008?

11 A: Approximately is, but my best guess for not remembering  
12 exactly when.

13 Q: There was no gas stove there in 2021. Is that correct?

14 A: That is correct.

15 Q: Do you know if there's a gas connection to the building?

16 MS. JOSEPH: Objection, Your Honor. I mean, I  
17 think it goes beyond what --

18 ALJ STECURA: Overruled.

19 MR. DUKLETH: I know that gas connections were  
20 removed.

21 Q: 19 years ago?

22 A: No. I know that -- I'm sorry. I know that gas piping  
23 was removed. You asked about gas connection. So gas -- the gas  
24 to the kitchen was removed long before the kitchen gas stove was  
25 replaced, and so replacing was just continuing what had been the

1 case when it was interrupted and we were using electric cooking.

2 The gas piping was removed many months, if not a year  
3 before the kitchen and bathroom on the fourth floor were removed.

4 Q: Okay. But there was no gas stove -- no working gas  
5 stove. Was there a stove at all there in 2021?

6 A: In 2021, there was -- there were electric cooking  
7 appliances, microwave ovens, toaster ovens, hot plates.

8 Q: Okay. Was there a stove there in 2021?

9 A: But not a fixed stove as such.

10 Q: Okay. Is there a gas meter in the building?

11 A: I haven't given attention to a gas meter, so I  
12 wouldn't know. I don't know.

13 Q: You don't know. Okay. Okay. Are you aware of -- do  
14 you remember a few years ago, there was an explosion on Second  
15 Avenue?

16 MS. JOSEPH: Objection, Your Honor. I don't see  
17 the relevance of --

18 ALJ STECURA: Sustained.

19 MR. DUKLETH: Uh --

20 MS. JOSEPH: That's --

21 ALJ STECURA: You don't have to answer, sir. Thank  
22 you.

23 Q: Okay. Did you ever request Mr. Geylik to do any  
24 renovations in your apartment?

25 A: Yes.

1 Q: Okay.

2 A: Not renovations, repairs.

3 Q: Repairs?

4 A: Yes.

5 Q: Did you suggest to Mr. Geylik that you would do the  
6 repairs yourself?

7 A: Not initially.

8 Q: Not initially. Can you tell -- can you just elaborate  
9 on that?

10 A: When some -- when the -- when -- replacing the water  
11 basin was done to a high standard by the plumber who was Michael's  
12 -- landlord's contractor was done to a high standard, but the  
13 plaster work was done somewhat okay, but then there were gaping  
14 holes left and, and things were very uneven and work was falling.  
15 Large holes were dispatched with joint compound that would fall  
16 into the hole behind it.

17 And I couldn't communicate with the people other than by  
18 pointing because they didn't speak any English. I objected to  
19 having such substandard work continue for the remainder of repairs  
20 and proposed to do with myself with the assistance of Remi  
21 Chlapek, who was familiar with doing such work because he worked  
22 in contracting, and Michael allowed me to do it.

23 Q: Thank you. I want to clarify. Did Michael ever -- when  
24 you requested that Michael do the repair work, did Michael refuse?

25 A: He refused to provide some other contractor or some

1 other people to do the work other than these people who didn't  
2 communicate in English and who did a somewhat okay, but then also  
3 very poor in parts standard of work. And I objected to having  
4 such poor standard of work continue.

5 Q: I want to clarify my question. Did Michael refuse to do  
6 the repairs that you requested?

7 A: He refused my request to have it done to a proper  
8 standard.

9 Q: Understood.

10 A: He did not refuse to do the work altogether, only to  
11 have it done to a proper standard by someone other than the people  
12 who had exhibited a poor standard of work with whom I could not  
13 communicate because I didn't speak Russian or whatever their  
14 language is --

15 Q: Whatever the language is.

16 A: -- Russian.

17 ALJ STECURA: All right. So --

18 MR. FAVILUKIS: Sure.

19 ALJ STECURA: Thank you.

20 Q: So yeah, could have been Ukrainian?

21 MS. JOSEPH: Objection, Your Honor.

22 ALJ STECURA: All right. So --

23 MR. DUKLETH: Yeah.

24 MR. FAVILUKIS: So --

25 ALJ STECURA: -- let -- if you have a question, ask

1 the question.

2 MR. FAVILUKIS: Yes, I do. Yes, I do.

3 Q: So you said initially -- so he did not refuse to do the  
4 work that you requested, but he initially refused to hire  
5 different contractors than the ones that he hired. But then he  
6 did allow you and Remi to do the work yourself?

7 A: Yes.

8 Q: Okay. And did you send Michael some texts with  
9 suggestions for the materials to use?

10 A: Yes, I did.

11 Q: Okay. And did Michael ultimately allow you to use those  
12 materials?

13 A: Yes.

14 Q: Okay. And the work was done to your satisfaction with  
15 your and Remi doing it?

16 A: Yes.

17 Q: Okay. No leaks?

18 A: No.

19 Q: Okay. And Remi -- and along that line --

20 A: The work didn't involve leaks.

21 ALJ STECURA: There's no question.

22 MR. DUKLETH: I'm sorry. Sorry, sorry.

23 Q: And I think I asked before. And you know that Remi has  
24 done this -- some work around the building already?

25 A: Yes.

1 Q: Has Remi lived in the building -- did Remi move into the  
2 building before Michael purchased it?

3 A: He did.

4 Q: Did Remi do work around the building before Michael  
5 purchased it?

6 A: Yes.

7 Q: Did you do work in the building with Remi before Michael  
8 purchased it?

9 A: No.

10 Q: Okay. So just Remi?

11 A: Not only Remi, but Remi worked for the previous net  
12 leaseholders as contracting business.

13 Q: Was that Jim - Giles?

14 A: Yes.

15 Q: But I think I asked before, and I just want to clarify.  
16 But it was not Remi that installed the kitchen on the fourth  
17 floor?

18 A: It was not.

19 Q: Because it was installed before Remi moved in?

20 MS. JOSEPH: Objection. Asked and answered.

21 MR. FAVILUKIS: I -- apologize -- I'm just  
22 clarifying. I'm just clarifying.

23 MS. JOSEPH: You got an answer.

24 MR. FAVILUKIS: Okay.

25 Q: All right. You mentioned that you had bedbug issues in

1 your apartment?

2 A: Yes. And throughout the building.

3 Q: And throughout the building. Has your apartment been  
4 treated for bedbugs?

5 A: It has.

6 Q: Do you still have bedbugs, do you think?

7 A: They're -- there is probably still some dormant issue.

8 Q: In your apartment?

9 A: In my apartment, in other apartments. We don't know --  
10 they're difficult to catch and identify.

11 Q: Has Michael refused to exterminate or treat the bedbug  
12 issue?

13 MS. JOSEPH: Objection, Your Honor. This was  
14 nowhere in direct, and it's nowhere in the allegations.

15 ALJ STECURA: So -

16 MS. JOSEPH: It's not in --

17 ALJ STECURA: Let me finish. Don't interrupt me.

18 MS. JOSEPH: Oh, sure.

19 ALJ STECURA: I'm going to overrule your objection.  
20 It was brought up in direct testimony that there were bedbugs and  
21 there was treatment for bedbugs.

22 Please continue.

23 MR. DUKLETH: No, Michael has not refused to treat  
24 the bedbug issue.

25 Q: Okay. So he's treated it, but it seems to be a dormant

[01:11:21]

[03:17:21-1]

1 issue. Seems to be that still -- there's -- someone still has  
2 bedbugs?

3 A: Yes.

4 Q: Okay. You mentioned that Remi was in court and that  
5 there was a letter written to -- or an email written to  
6 Investigator Sequinot on Friday?

7 A: Yes.

8 MR. FAVILUKIS: I don't think that we've seen a  
9 copy. I apologize if it --

10 MS. JOSEPH: I did send it in discovery.

11 MR. FAVILUKIS: Was it part of your --

12 MS. JOSEPH: Yes, it was.

13 MR. FAVILUKIS: Would you mind giving me -- I don't  
14 know that I saw it.

15 MS. JOSEPH: Okay.

16 MR. FAVILUKIS: I thought your discovery was  
17 provided to us before last Friday.

18 MS. JOSEPH: It's not part of the evidence in this  
19 case.

20 MR. FAVILUKIS: I mean, if you want to give it to  
21 us, fine. If not --

22 MS. JOSEPH: It's not in evidence.

23 MR. FAVILUKIS: I just haven't seen it.

24 ALJ STECURA: Okay.

25 MR. FAVILUKIS: But. Okay --

1 MS. JOSEPH: It's not offered.

2 MR. FAVILUKIS: -- but you mentioned that Remi --

3 ALJ STECURA: Please -- so ask a question.

4 MR. FAVILUKIS: Yep.

5 ALJ STECURA: Thank you.

6 MR. FAVILUKIS: Will do.

7 Q: You mentioned that Remi was in court, that he was being  
8 arraigned?

9 A: Yes.

10 Q: And you mentioned that he was being arraigned for  
11 breaking the -- or for forcing the door in?

12 A: Yes.

13 Q: Do you know that that's -- do you know for a fact that  
14 that's what he's being arraigned for?

15 A: There were two charges of breaking and entering.

16 Q: But you know for a fact that either both or one of those  
17 charges is what he's being arraigned for now -- that this is not  
18 something else?

19 A: I believe that to be correct.

20 Q: But you're not sure?

21 A: I haven't read the charges against him personally.

22 Q: Okay. Are you aware of any other criminal issues that  
23 Remi has had in the past?

24 MS. JOSEPH: Objection, Your Honor.

25 Q: You mentioned that he's being arranged.

1 ALJ STECURA: Sustained.

2 MR. FAVILUKIS: I'll move on.

3 Q: I have a list of actions -- acts that defined -- that  
4 are -- that harassment is defined as. I'm not going to go through  
5 every single one of them. I'm not going to read through 19  
6 things, but I'd like to go through a few at least and ask you if  
7 you feel that Michael has engaged in any of these acts.

8 MS. JOSEPH: I object to that, Your Honor. I don't  
9 understand the list, where it's from.

10 MR. FAVILUKIS: Sure.

11 MS. JOSEPH: What is this -- what is -- I'm sorry.  
12 Why is this witness being asked for a list? Pleas -- I mean,  
13 there are allegations we discussed in testimony.

14 ALJ STECURA: Hold on. Could you step out for one  
15 moment again? Thank you.

16 [OFF THE RECORD]

17 [ON THE RECORD]

18 ALJ STECURA: All right. So with regard to the  
19 last line of questioning, Respondent's attorney has represented  
20 that they're withdrawing their questioning on that subject matter.

21 So if you could proceed.

22 MR. FAVILUKIS: Thank you, Your Honor. And that  
23 will be all for our questions.

24 Mr. Dukleth, thank you.

25 ALJ STECURA: All right, so Ms. Joseph has the

1 opportunity to ask some follow-up questions.

2 MS. JOSEPH: Okay.

3 **REDIRECT EXAMINATION OF THOMAS DUKLETH**

4 **BY MS. JOSEPH**

5 Q: Mr. Dukleth, you were asked and answered that the answer  
6 you received to Michael Geylik as to why he is not providing a key  
7 to Mr. Chlapek is because he has limited supply of keys given to  
8 him. You recall that?

9 A: Yes.

10 Q: Okay. Now, did there come a time, as far as you know,  
11 that Mr. Chlapek offered to supply a lock, a new lock with new  
12 keys from a locksmith that he knew of?

13 A: He conveyed the offer from the locksmith, quoting the  
14 locksmith himself quoting the locksmith himself so it wouldn't be  
15 -- it wouldn't Remi offering the service. It would be the  
16 locksmith with keys in advance, then changing the cylinder the  
17 following week.

18 Q: Okay. So your understanding is that Mr. Chlapek  
19 conveyed an offer from a locksmith that a locksmith will do the  
20 work, changing the lock and providing keys within a week. Is that  
21 your understanding, give or take?

22 A: Yes.

23 Q: Okay. And do you recall at all when was that done --  
24 when was that offer relayed?

25 A: I don't remember the date offhand, but I do remember

1 getting a copy of that message from Remi which recorded the date.

2 Q: Okay. And who was that offer relayed to?

3 A: It was relayed to the landlord, Michael Geylik, via text  
4 message.

5 Q: Okay. And to your knowledge, did Michael Geylik took  
6 upon this offer and had the lock change and got new keys for the  
7 new lock?

8 A: No. The new lock had nothing to do with that offer, to  
9 my knowledge. Michael did not respond to that offer.

10 Q: Okay. To your knowledge, again, after that offer were  
11 relayed and Mr. Geylik did not respond at that time, was Mr.  
12 Chlapek still without a key?

13 A: Yes.

14 MS. JOSEPH: Okay. May I have one moment, Your  
15 Honor, just to -- may I have two minutes, Judge?

16 ALJ STECURA: [No audible response.]

17 MS. JOSEPH: Thank you.

18 I think that will be it. I don't have any more  
19 questions. Thank you.

20 ALJ STECURA: All right, so Mr. Dukleth, your  
21 testimony has concluded. Thank you so much for your time here  
22 today. You may leave.

23 [WITNESS EXCUSEED]

24 MR. DUKLETH: I would like to stay and observe if  
25 my testimony is done.

1 ALJ STECURA: We are about to break for lunch.

2 MR. DUKLETH: Okay.

3 ALJ STECURA: But you're welcome. Okay. You can  
4 sit in the audience area there.

5 Okay. And counsel, you wanted to state something  
6 on the record?

7 MR. FAVILUKIS: Yes, Your Honor. Thank you.

8 Pursuant to Section 27-2093(f)(3), the determination of a  
9 rescission or revocation of the certificate -- of a certification  
10 of no harassment must be made within 30 days of the notice of  
11 rescission. Today is the 30th day from the date that HPD notified  
12 my client of the rescission.

13 We are ready today to present our case. I  
14 understand that there are difficulties in fitting the entire  
15 testimony for everybody today, but on the record, I do want to  
16 object to the proceeding going beyond the 30th day because we  
17 believe that statutorily HPD will be without jurisdiction to  
18 revoke the certificate after today.

19 ALJ STECURA: Thank you. Would you like to  
20 respond, Ms. Joseph or --

21 MR. MESTOUSIS: Sure.

22 ALJ STECURA: Yes.

23 MR. MESTOUSIS: I can respond, yes.

24 ALJ STECURA: Thank you.

25 MR. MESTOUSIS: So aside from the impractical of

1 having a hearing conducted on one day and then OATH actually  
2 submitting a decision that then we take back to HPD -- not a  
3 decision, but a recommendation which then we take back to HPD for  
4 the final rescission, there is case law here at OATH and in the  
5 appellate courts which basically state that -- our interpretation.

6 and our interpretation is that the hearing had to  
7 be scheduled within 30 days, not completed. That our  
8 interpretation as an agency is, is entitled to deference by the  
9 courts; and, furthermore, the time schedules -- there's case law  
10 that the time schedule specified for the performance of certain  
11 acts by administrative agencies are directory only, not a  
12 requirement that -- that would -- basically, we would lose due  
13 process because of that so -- or not due process, I'm sorry. That  
14 we would lose jurisdiction. So it's our position that his  
15 position is unreasonable, so.

16 ALJ STECURA: All right, so I invite you both --  
17 you mentioned case law. Any case law that you have in support of  
18 your position I'm happy to see prior to the next day of trial.

19 MR. FAVILUKIS: Thank you, Your Honor.

20 ALJ STECURA: All right. Thank you, everyone. It  
21 is 1:30 and I'm going to pause the record.

22 MS. JOSEPH: Okay. Thank you, Judge.

23 [OFF THE RECORD]

24 [ON THE RECORD]

25 ALJ STECURA: Okay. We are back on the record.

1 It's 2:34 and who is Petitioner calling?

2 MR. MESTOUSIS: Judy Sabin.

3 ALJ STECURA: Okay. You may be seated over here.  
4 I'm going to start by swearing you in. Can you please raise your  
5 right hand? Do you swear or affirm that the testimony you are  
6 about to give here today will be the truth?

7 MS. JUDY SABIN: Yes.

8 [WHEREUPON, THE WITNESS, J U D Y S A B I N, WAS  
9 DULY SWORN.]

10 ALJ STECURA: All right, you may lower your hand.  
11 Can you please state and spell your name for the record? And if  
12 you could direct your response into the microphone?

13 MS. SABIN: My name is Judy Sabin.

14 ALJ STECURA: Can you spell it please?

15 MS. SABIN: J-U-D-Y. And my last name is  
16 S-A-B-I-N.

17 ALJ STECURA: All right, great. Thank you. I'm  
18 going to give you some instructions. I can hear you. So this  
19 hearing is being recorded. And so all of your responses must be  
20 verbal. Any gestures that you make will not be picked up by the  
21 transcript. You also need to keep your voice up and speak  
22 clearly. Please wait until the question has finished before you  
23 answer the question.

24 If there's an objection, please wait until I rule  
25 on the objection before you answer. If there's a question you

1 don't understand or you didn't hear, please ask because it can be  
2 rephrased or repeated. And if there's any issue with being able  
3 to see an exhibit, please let us know. And if you are tired and  
4 you need a break, also let us know.

5 MS. SABIN: Okay.

6 ALJ STECURA: Do you understand?

7 MS. SABIN: Yes, I understand.

8 ALJ STECURA: All right, thank you. All right, you  
9 may proceed with questioning.

10 MR. MESTOUSIS: Thank you, Your Honor.

11 **DIRECT EXAMINATION OF JUDY SABIN**

12 **BY MR. MESTOUSIS**

13 Q: Good afternoon, Ms. Sabin. Can you let us know where do  
14 you live?

15 A: Yes. I live at 109 East Ninth Street. And I live in an  
16 Apartment 3C.

17 Q: And how long have you lived there?

18 A: I've lived there since 2021.

19 Q: When you moved in or since you moved in, how many  
20 residential units, if you recall, were on the third floor?

21 A: Yes, on the third floor there were four residential  
22 units, including one toilet.

23 Q: Okay. Can you -- on the second floor?

24 A: On the second floor, one residential unit, a shower, and  
25 a toilet.

1 Q: Okay. On the fourth floor?

2 A: On the fourth floor, three residential units, a kitchen,  
3 a shower and a toilet.

4 Q: And on the fifth floor?

5 A: On the fifth floor, four residential units, and a  
6 toilet.

7 Q: Okay. Can you just tell me the month that you moved in?

8 A: It was a winter -- October or August.

9 Q: Okay. So it was -- just to clarify. It was winter, or?

10 A: It was around winter?

11 Q: It was winter, okay, but you don't recall the month?

12 A: [No audible response.]

13 ALJ STECURA: You have to use words when you're  
14 answering the question. Okay? If you nod --

15 MS. SABIN: No.

16 Okay. Sorry.

17 ALJ STECURA: Thank you.

18 Q: Okay. Now can you just tell me in relation to street  
19 level, what floor is your apartment on?

20 A: My floor is the fourth floor and my apartment is 3C, but  
21 it is the fourth residential floor.

22 Q: Can you tell me, currently, how many occupants live in  
23 the building?

24 A: Currently. In total, there are six tenants currently.

25 Q: What do you do for a living? Are you employed?

1 A: I'm employed.

2 Q: Okay. What do you do?

3 A: I'm a barista. I work at a coffee shop.

4 Q: Okay. So I wanted to ask you what are the available  
5 shared facilities that you share with other tenants in the  
6 building?

7 A: At the moment?

8 Q: At the moment, yes.

9 A: There are only two. And the shared facility are two  
10 remaining toilets -- one on the second floor, and one on the fifth  
11 floor.

12 Q: Okay. Any other facilities, or?

13 A: There are no other facilities.

14 Q: And what shared -- well, I'm going to ask you, what  
15 shared facilities were available to you on the fourth floor?

16 A: On the fourth floor, when I moved in?

17 Q: When you moved in.

18 A: The shared facilities that we had were a shared communal  
19 kitchen equipped with a kitchen sink. There was a large window.  
20 We had like a -- there wasn't like gas, but we had a cooktop. We  
21 cooked. There were microwaves. There were ovens, all of our  
22 kitchen supplies. We had a kitchen table.

23 And then also in the same area, we had a large bathroom,  
24 which is the primary one that I use because I'm on the fourth  
25 floor, a large shower and a toilet, which were then removed.

1 Q: Okay. And what shared facilities were available on the  
2 third floor when you moved in?

3 A: The shared facilities on the third floor was the toilet  
4 that I would use as a backup if someone was occupying the shower  
5 room or the toilet at the time, which is also removed.

6 A: Okay.

7 Q: So what happened to those -- well, you answered, but  
8 what happened to those facilities? If you could just answer.

9 A: From my understanding, what happened to them is that  
10 when we asked what happened and why they had to be removed, we  
11 were told that they were being removed for violations. And in  
12 order for the landlord to run his business, he needed to remove  
13 those violations.

14 Q: Who informed you of that?

15 A: The landlord, Michael Geylik informed us that -- when we  
16 inquired, that's what he told us.

17 Q: Did the owner say anything about restoring the  
18 facilities?

19 A: In -- he did, yes.

20 Q: Okay. What did he say?

21 A: He says that he has every intention on restoring them,  
22 but, first, he would like to get those violations removed so he  
23 could continue with his plans for his business downstairs. Those  
24 facilities have not yet, to this day, been restored.

25 Q: Did he -- are you aware of the CONH process at all?

1           A: I have been as of now, but in the beginning, I had no  
2 idea.

3           Q: Okay. Did Mr. Geylik ever discuss the CONH process with  
4 you?

5           A: No.

6           Q: So you testified that there was a kitchen that was  
7 removed on the fourth floor?

8           A: Yes.

9           Q: How did the removal of that kitchen impact your tenants  
10 -- your -- impact you?

11          A: It impacted greatly. It not only began to devalue my  
12 living situation, but because that was the primary shower in our  
13 building, I now am having to shower in my own apartment. I no  
14 longer have access to a sink or a microwave, so a lot of the food  
15 that I have to eat are -- is takeout. I spend lots of money that  
16 way but it's been -- it's been really difficult.

17                 I have to climb all the way down -- I live on the fourth  
18 floor, and because I choose to keep one toilet clean as my  
19 responsibility, we all have our own responsibilities, I keep one  
20 toilet clean, and that toilet happens to be the toilet on the  
21 second floor.

22                 I always use the toilet on the fourth floor, the one  
23 across the hallway from me. But because those were removed, I  
24 only use the one on the second floor, which is the cleanest one in  
25 the building that I keep clean myself that continuously

1 malfunctions.

2 Q: So you're cleaning the bathroom yourself?

3 A: I clean the bathroom and the hallways.

4 Q: Do you have supplies for the bathroom? Who buys that?

5 A: I buy them.

6 Q: Now, do you have any facilities in your unit,  
7 specifically?

8 A: Facilities?

9 Q: Meaning bathrooms or kitchens, or --

10 A: No.

11 Q: -- toilets?

12 A: No, I don't have a toilet in my room.

13 MR. MESTOUSIS: Okay. Your Honor, I'd like to show  
14 the witness Petitioner's 14 for identification.

15 ALJ STECURA: You may.

16 Thank you.

17 MR. MESTOUSIS: Do you have a copy on your  
18 computer? You're good?

19 MR. GOLDSMITH: Yeah, we have it right here.

20 MR. FAVILUKIS: Thank you.

21 Q: Judy. Do you recognize this photo?

22 A: Yes.

23 Q: Do you recall who took this photo?

24 A: Yes.

25 Q: Who was that?

1 A: Investigator Sequinot.

2 Q: Okay. And when was it taken?

3 A: It says March 19, 2025.

4 Q: Were you present when that picture was taken?

5 A: I was in the hallway. I allowed them to enter my  
6 apartment.

7 MR. GOLDSMITH: I'm sorry to interrupt for one  
8 moment. What exhibit is this?

9 MR. MESTOUSIS: 14.

10 ALJ STECURA: Do you have a copy?

11 MR. GOLDSMITH: Yeah, we're looking at online, but  
12 the picture doesn't say March on it.

13 ALJ STECURA: Then you're not looking at the right  
14 exhibit. So let's all use the paper exhibits.

15 MR. MESTOUSIS: Yeah, let's use the paper.

16 [Counsel conferring off the record.]

17 MS. JOSEPH: Your Honor has 14, and that's a one  
18 page, right? I just want to make sure we have --

19 ALJ STECURA: Okay.

20 MS. JOSEPH: Yeah, that's it. We just have one.

21 [Counsel conferring off record.]

22 ALJ STECURA: Just hold on one sec. I just want to  
23 make sure that --

24 MR. FAVILUKIS: That's the --

25 ALJ STECURA: Are you saying that the electronic

1 version of 14 is different?

2 MR. FAVILUKIS: Yes, it's eight pages. This is the  
3 last page of the eight page document that's on -- that was shared  
4 with us.

5 MR. MESTOUSIS: The last page of the eight page  
6 document.

7 [Counsel conferring off the record.]

8 MS. SABIN: Do you want to use mine?

9 ALJ STECURA: So hold on. One moment.

10 MR. FAVILUKIS: No, no, we have it. It's just that  
11 it's --

12 ALJ STECURA: Let's just --

13 MS. JOSEPH: It may be -- in other words, it's  
14 included under another exhibit, I understand.

15 ALJ STECURA: Let me just pause the record. I'm  
16 going to ask the witness to step out.

17 [OFF THE RECORD]

18 [ON THE RECORD]

19 ALJ STECURA: Okay. You may proceed.

20 Q: Ms. Sabin, if you could just look at the picture again.  
21 I believe I asked you what it's a picture of and you answered --  
22 actually, I'll just ask you again.

23 What is it a picture of?

24 A: It's a picture of my bedroom and my bathtub and my  
25 window.

1 MR. MESTOUSIS: Okay. Your Honor, I'd like to  
2 enter the picture into evidence, please, as Petitioner's 14.

3 ALJ STECURA: Any objection?

4 MR. GOLDSMITH: No.

5 ALJ STECURA: All right, 14 is in.

6 **[Petitioner's Exhibit 14 admitted into evidence.]**

7 MS. JOSEPH: Thank you, Judge.

8 Q: So what do you use the tub in the picture for?

9 A: At the moment, it's where I shower because my shower was  
10 removed from the hallway across the hallway on the fourth floor.  
11 So I shower, I brush my teeth. Sometimes I, unfortunately, drink  
12 it as drinking water. I use my bathtub as, like, a sink. I wash  
13 my face. That's about it.

14 Q: Thank you. Now, since March 4, 2024, who is the janitor  
15 that cleans the building?

16 A: We do not have a janitor.

17 Q: So who cleans the shared toilets, the showers, the sink?

18 A: Me, against my will, but I do it. I like to have things  
19 clean in the building and --

20 Q: Who provides the supplies for the shared facilities?

21 A: No one's ever supplied. I just go and get it from the  
22 store. And I clean, I mop, I keep the toilets clean. I provide  
23 toilet paper, now, all by myself.

24 Q: Do any of the other toilets clean or provide supplies?

25 A: They try. Yeah, we've worked together to make it clean.

1 Q: Anyone -- and when you clean, who does that?

2 A: Yeah. Thomas keeps it very clean. Patterson [phonetic]  
3 also does a great job. We all share a toilet -- Patterson, Remi  
4 and I -- so we communicate to make sure it's clean. But  
5 everyone's very busy and I have time. I'm at the building a lot.  
6 So I like to keep things clean. I clean the windows, I mop, so I  
7 kind of volunteer to do that because I'm the best at it.

8 Q: Now, what availability do you have to dispose of your  
9 trash?

10 A: At the moment, it's very limited.

11 Q: Well, what type of -- what do you do to throw away your  
12 trash?

13 A: Well, right now I've been provided -- in the alleyway of  
14 our building, there's one toilet -- I'm sorry, there's one trash  
15 can that we share with the landlord's office that's often very  
16 full. But I've had a text message telling me I would receive a  
17 key for that, and not one single tenant has received a key.

18 So the way that we use to get into this alleyway is we  
19 lift our -- we have to put our hands into the gate and lift up a  
20 latch. And that is only available to us until like 11:00 or  
21 midnight, then the gate is completely, completely locked.

22 Q: So can you just explain, what is the key for exactly?

23 A: We were told by the landlord to come downstairs and  
24 receive a key for the trash from Mynt [phonetic], who is his  
25 office --

1 Q: What is the key, though -- like what -- what's it open?

2 A: We were supposed to receive a key to let us have access  
3 to the trash can because the trash can was locked for about a year  
4 or so.

5 Q: What is it locked, the building [phonetic]?

6 A: Sorry?

7 Q: When is it locked, the trash can?

8 A: It's locked in the alleyway next to our building, which  
9 the landlord owns, but it had been completely locked to the  
10 residents; whereas before, when I -- before the landlord bought  
11 the building, we had a huge dumpster and access to it 24/7.

12 Q: So you're testifying that the trash can is in the  
13 alleyway and you need a key to get into the alleyway?

14 A: We do. We were never -- we never --

15 ALJ STECURA: There's no question pending.

16 Q: Is there -- I'm sorry, is there a gate there, or?

17 A: Yes.

18 Q: So the alleyway -- okay, so there's a gate at the  
19 alleyway and you need a key to get access to the garbage?

20 A: Yes.

21 Q: So have you ever had communications with Mr. Geylik  
22 regarding the condition of the building?

23 A: Many times.

24 Q: And what does he tell you about the conditions?

25 A: On a numerous occasion, he would apologize. He would

1 say, "I am so sorry." He mentioned that a woman like me shouldn't  
2 be living in a building like this. And he had been telling me to  
3 apply to rent lottery since 2022. And he's asked me more than  
4 three times, "Have you been applying? Why don't you come to my  
5 office? Here is the link," on multiple occasions."

6 Anytime I had issues with the toilets, he would claim  
7 that he didn't know they would malfunction. And he would say,  
8 "Let me fix it for you," it would malfunction again. And to this  
9 day the toilets malfunction. When I had problems with other  
10 tenants in the building, he wouldn't do anything about it, about  
11 any noise --

12 Q: Do you want to move from the building?

13 A: Not at all. I just want to live in a safe housing that  
14 someone takes care of. I want my janitor back. We used to have a  
15 janitor. I do not want to move from my apartment.

16 Q: So what is -- what's your monthly rent?

17 A: My monthly rent is a blessing. It's \$155.56.

18 Q: And did there come a time when you were not paying the  
19 rent to the landlord?

20 A: Yes.

21 Q: Why didn't you pay?

22 A: The reason why I did not pay is because I offered the  
23 landlord to pay. July of 2021, when he bought the building, I  
24 told him I had rent for him, he refused. A second time, he asked  
25 me if I would rather -- if I would like to find some interesting

[02:57:39]  
[05:03:39-1]

1 news about rent lotteries, and we made an appointment in his  
2 office around 2023.

3 I then, again, went to pay my rent, he denied it. And  
4 then in August of 2023, I had asked my landlord to give me an  
5 arrears for my rent. I was applying for food stamps and the  
6 landlord still said he did not know what my legal rent was,  
7 despite him registering me with the DHCR in July, the month before  
8 I asked for my arrears.

9 Q: So did he explain why he wasn't accepting the rent?

10 A: Not -- no, he didn't explain.

11 MR. MESTOUSIS: Your Honor, I'd like to show the  
12 witness a document that's already into evidence. It's Exhibit 18.

13 ALJ STECURA: You may. Can you give copies to  
14 counselor and myself too, please?

15 Thank you.

16 [Counsel conferring off the record.]

17 Q: Ms. Sabin, if you could just turn to the sixth page on  
18 there. It has your apartment under the subject premises. Let me  
19 know when he's -- when you're there.

20 A: I'm there.

21 Q: Can you read for me what the monthly rent listed is from  
22 2019 to 2024?

23 A: It says 155.56.

24 Q: Is this similar to the document you provided to Mr.  
25 Geylik?

1 A: Yes.

2 Q: And you showed that document to Mr. Geylik?

3 A: I did. I provided Mr. Geylik with a copy of my rent  
4 history.

5 Q: Now, did you make any attempts to pay the rent --

6 A: I did.

7 Q: -- since you gave him this document?

8 A: Yes.

9 Q: And what happened when you would try to pay the rent?

10 A: Each time he would deny my rent.

11 Q: From March 4th of 2024 until December of 2024, did Mr.  
12 Geylik ask you to pay any of the rent?

13 A: Never.

14 MR. MESTOUSIS: Your Honor, I like to show the  
15 witness Exhibit 15. It's a certified copy of court record.

16 ALJ STECURA: You may.

17 MR. MESTOUSIS: It's into evidence already, so.

18 ALJ STECURA: Thank you.

19 Q: All right, Ms. Sabin, can you turn to page 1 of 12? It  
20 starts after, like, the fourth page. The numbers are on the  
21 bottom.

22 A: One of 12?

23 Q: Yes. 1 of --

24 A: Okay.

25 Q: Actually, I'm sorry. Go to 3 of 12. Three of 12. Do

1 you recognize that document?

2 A: I sure do.

3 Q: What is it? Can you let us know?

4 A: This document I received on Christmas. It was a please  
5 take notice to pay or leave.

6 Q: Okay. And how did the -- how did receiving that  
7 document make you feel?

8 A: Very scared and upset that my landlord had denied me and  
9 told me he wasn't worried about paying my rent and that he would  
10 just not worry about it yet. And when the time came that we would  
11 make a plan, when he found out my legal rent. And this is the  
12 first time he has ever asked me for any rent. And it was like  
13 this. It was pay or leave, basically.

14 Q: And just looking at the document, can you tell us how  
15 much was owed at the time that you got this notice?

16 A: Yeah. It was \$6,533.52, which had accumulated.

17 Q: And how many months or -- you don't have to tell me how  
18 many months, but the earliest date of arrears that is owed under  
19 this?

20 A: It's owed from the day that Michael Geylik bought the  
21 building and closed -- the closed -- which was July of 2021, is  
22 when he started it, which is also the start date of when he  
23 refused my rent.

24 Q: Okay. And what ended up happening with the case? Well,  
25 before I say that -- withdrawn. Withdrawn.

1           Did Mr. Geylik take you to court after you received this  
2 notice?

3           A: I paid the notice quickly, right away. I got a one shot  
4 deal. I was very lucky to get assistance to do that, but I paid  
5 it right away, and it got dismissed.

6           Q: Okay. So there -- was there a court case though filed?

7           A: There was something f filed immediately without ever  
8 telling me to pay rent. And, unfortunately, yes, it's on my  
9 record right now, even though I already paid it.

10          Q: Okay. And how did you pay the rent?

11          A: At the time, I got a one-shot deal from HRA. The Human  
12 Resources Office, granted me that. I paid it back, which I'm  
13 really grateful for, which I'm actively paying back now.

14          Q: Okay. And what's your concern -- you mentioned that  
15 your concern now that it's on your record. What's your concern  
16 about that?

17          A: My concern is, is that, as a tenant whose been great --  
18 I keep the place clean, I've offered to pay rent three times --  
19 now I have on my record that I didn't pay rent. And to me, I  
20 don't think that that's fair, and I think that's also very  
21 malicious, especially on Christmas. I was never asked for rent,  
22 not once, and then, by 2024, I received an entire, from four  
23 years, finally telling me now, pay it all now or leave, you have  
24 14 days. And it felt terrible.

25                 MR. MESTOUSIS: Your Honor, I'd like to show the

1 witness -- this is now Petitioner's 14A. It's photos.

2 ALJ STECURA: Okay. So if you could put the  
3 exhibits that you're not using aside. Thank you.

4 MS. JOSEPH: Should I approach and take them, Your  
5 Honor?

6 ALJ STECURA: If you're not going to use those  
7 again, that would make sense.

8 MS. JOSEPH: I'll leave it for now. It may come up  
9 on cross.

10 ALJ STECURA: Good idea.

11 Thank you.

12 Q: Ms. Sabin, could you just go through those pictures and  
13 then let me know when you review them?

14 A: [Reviewing photos.]

15 Q: You ready?

16 A: I'm ready.

17 Q: Who took these pictures?

18 A: All of these photos are my photos.

19 Q: Okay. And did you make the markings that are on the  
20 pictures, indicating the date of each photo?

21 A: Yes.

22 Q: And is the information depicted in the picture is a true  
23 and accurate description of the information that existed on the  
24 day you took these pictures?

25 A: Yes. They're 100 percent true and accurate of my

1 experience.

2 MR. MESTOUSIS: Your Honor, I'd ask to admit these  
3 pictures into evidence.

4 ALJ STECURA: Are you just asking for the pictures  
5 in evidence, because there are other things in this document.

6 MR. MESTOUSIS: Oh, yes, let me ask some questions  
7 about the text message.

8 Q: Ms. Sabin, if you could turn to page 1. Do you  
9 recognize what this is?

10 A: Yes, I do. I recognize this text message.

11 Q: And continued on the second page, is that part of that?

12 A: Yes.

13 Q: Now, Ms. Sabin, is this a picture of your text messages  
14 from your phone?

15 A: These are screenshots with the conversations I had with  
16 Michael Geylik.

17 Q: And is the information depicted in these text messages a  
18 true and accurate description of what exists on your phone?

19 A: Yes.

20 MR. MESTOUSIS: Okay. Your Honor, I'd like to  
21 admit the exhibit into evidence, please?

22 ALJ STECURA: Any objection?

23 MR. GOLDSMITH: Can I ask a voir dire question,  
24 please?

25 ALJ STECURA: You may.

1 MR. GOLDSMITH: Thank you.

2 **VOIR DIRE EXAMINATION OF JUDY SABIN**

3 **BY MR. GOLDSMITH**

4 Q: Ms. Sabin, the first two pictures -- the one that's  
5 listed fifth floor and third floor -- you see those?

6 ALJ STECURA: Which page number are you referring  
7 to?

8 MR. GOLDSMITH: Page 1 and page 2, first two  
9 photographs.

10 MS. JOSEPH: It's not --

11 ALJ STECURA: The photos, not the text?

12 MR. GOLDSMITH: Yes, the photos. It's not --

13 MR. MESTOUSIS: It's 2 and 3.

14 MS. JOSEPH: That's not page 1 and 2. It's 2 and 3  
15 you're referring to?

16 MR. GOLDSMITH: I'm only looking at, like, what you  
17 guys uploaded. Is this not the same stuff?

18 MS. SABIN: This is page 1.

19 ALJ STECURA: All right. So wait until you get the  
20 --

21 MR. GOLDSMITH: Hold on, again. I'm sorry.

22 MS. SABIN: Oh, sorry.

23 ALJ STECURA: You didn't do anything wrong.

24 Wait until you get the paper documents so that  
25 we're all literally on the same page.

1 MS. JOSEPH: This is 14A?

2 MR. GOLDSMITH: 14A, yeah.

3 [Counsel conferring off the record.]

4 MS. JOSEPH: We don't have -- we happen to not have  
5 another 14A, Your Honor. I can't explain it, but that's the  
6 reality, so if you want to --

7 ALJ STECURA: All right. So, Counsel, you may take  
8 mine, and I will expect that I will get a new paper copy.

9 MS. JOSEPH: Okay, Judge.

10 ALJ STECURA: And we'll ensure -- you can be seated  
11 with the exhibit. It's fine.

12 MR. MESTOUSIS: Okay.

13 ALJ STECURA: Thank you.

14 Q: Okay. Ms. Sabin, I'm talking about what I believe is  
15 the third and fourth page of the document. It's a photograph that  
16 says fifth floor on the third page, and a photograph that says  
17 third floor on the fourth page, yes?

18 A: Yes.

19 Q: Okay. These are inside of vacant units, correct?

20 A: I don't understand the question.

21 Q: The one that says fifth floor, is this inside one of the  
22 vacant apartments in the building, or is this someplace else in  
23 the building?

24 A: The photo on the fifth floor is of a apartment unit  
25 above my -- above my apartment on the fifth floor.

1 Q: Okay. So is there someone living in this apartment?

2 A: Nobody's living in this apartment.

3 Q: Okay. And at the time that you took this photograph,  
4 nobody was living in the apartment as well?

5 A: Yes. No one was living in the apartment.

6 Q: And there's a door that, like, separates this apartment  
7 from the common areas of the fifth floor?

8 A: I don't understand the question.

9 Q: Like, we're looking and I'm indicating at the door that  
10 separates this --

11 A: Every apartment has a door, yes.

12 Q: Okay. So there's a door to this particular apartment  
13 that opens and closes, yes?

14 A: Yes.

15 Q: Okay. And is that the same for the page 4, which says  
16 third floor; that's actually inside an apartment, yes?

17 A: Yes.

18 Q: And this as well has a door that separates it from the  
19 common areas?

20 A: Yes.

21 Q: Okay. And nobody lives in this apartment on the third  
22 floor either; is that right?

23 A: Someone did used to live at the apartment, but Michael  
24 Geylik helped them find affordable housing and had them relocated.

25 Q: Okay. At the time that you took this photo, was

1 somebody living in this apartment?

2 A: At the time that I took this photo, nobody was actively  
3 living in that apartment.

4 MR. GOLDSMITH: Okay. I don't have any further  
5 questions on voir dire, Your Honor.

6 I would object, just to the two photos that we had  
7 just mentioned with the witness. The remainder of exhibit, I  
8 don't object to. And the objection is on the relevance and scope  
9 of these photographs to the controversy, and as much as it is  
10 within units that are not accessible and are vacant, and, thus,  
11 you know, not necessarily within the purview of the scope of this  
12 hearing.

13 ALJ STECURA: I'm going to overrule. And the  
14 entirety of the exhibit is now in evidence.

15 **[Petitioner's Exhibit 14A admitted into evidence.]**

16 ALJ STECURA: But I do have a question about page 4  
17 of the exhibit. At the top it's cut off, so I think it says third  
18 floor 2021? Or --

19 MS. SABIN: 2024.

20 ALJ STECURA: 2024. So third floor, 2024.  
21 November 2024. Thank you.

22 MR. GOLDSMITH: Mine says October 2nd.

23 MS. SABIN: Yeah, it's October 2, 2024.

24 ALJ STECURA: This, where the staircase?

25 MS. SABIN: Think we're talking about this one.

1 ALJ STECURA: I'm talking about the next page.

2 MS. SABIN: Yes. This is the same floor, but the  
3 hallway conditions of -- after --

4 ALJ STECURA: Wait -- just on top with that, what  
5 date should it read? Do we not all have the same exhibit?

6 MS. JOSEPH: Yeah, some of it was cut off,  
7 unfortunately.

8 MR. GOLDSMITH: Mine says November 2024.

9 ALJ STECURA: Thank you.

10 All right. You may resume questioning.

11 **DIRECT EXAMINATION OF JUDY SABIN**

12 **BY MR. MESTOUSIS**

13 Q: Can you just look at the text messages, first page  
14 there? In the text message you write that you were not informed  
15 about ripping the floors at 2A. What alerted you to the  
16 demolition being done at the time?

17 A: At the time, I had been waking up with loud noises. My  
18 room was shaking, and some dust and debris started falling from  
19 the corner where my window is. And that is when I ran upstairs  
20 and through the hallway with the doors wide open, there is dust  
21 coming out, and I could visibly see through the hallway the huge  
22 demolition and, like, ripping up of huge holes and the  
23 floorboards.

24 Q: Okay. Now can you go to page 2, and can you just  
25 describe this photo for us?

1 A: Page 2 is the text message.

2 Q: No, I'm sorry. Page 2 is -- the one on top is October  
3 2, 2024.

4 A: October 2nd. Yes, this is the moment I woke up. And I  
5 had no idea that this kind of work was being done in the building.  
6 But I woke up to the loud sounds, my room shaking, and I went  
7 upstairs and asked what the heck was going on. And I wasn't given  
8 any information from the men doing the work, but through the  
9 hallway I snapped photos and immediately asked the landlord what  
10 is going on? And his reply is that he's just taking out trash  
11 through these exact photos. That's not what I experienced at all.

12 Q: Can you go to the next page? And the writing on top the  
13 of says third floor '24, October 2nd of '24. Can you let me know  
14 what that picture is?

15 A: Yes. This is a photo of a gentleman with a crowbar and  
16 he is ripping up the floorboards in one of the vacant apartments  
17 in -- on the third floor.

18 Q: Okay. Now, did you have any interaction with these  
19 workers at all?

20 A: I did to ask what was going on. And then there was  
21 another incident that happened around the same time when they were  
22 closing up and they had finished their work. One of the gentlemen  
23 had been going to each room, turning the doorknobs to make sure  
24 that they closed the doors behind them. And one of the doors they  
25 happened to come inside was my room.

1           They turned the handle on my room and tried to make sure  
2           that they locked it -- or to me, it felt like they were trying to  
3           enter my apartment. And in that altercation, I told them that  
4           that was out of hand and that they have been working for over five  
5           hours in specific rooms. There should be no reason why they were  
6           trying to enter into my apartment.

7           Q:    Now, how has the construction work impacted you?

8           A:    I have been really anxious. My gut is really terrible.  
9           Sleep has been pretty terrible. My stress level and anxiety is,  
10          like, through the roof. My hair was falling out a lot last year.  
11          And I've been -- the way that I would explain it is that, like, I  
12          haven't been able to live my life normally because I don't know  
13          what's going to happen next, especially with the terrible  
14          communication I'm having with the landlord about what's going on.

15          Q:    So how would you characterize this work that's going on?

16                MR. GOLDSMITH:  Objection.  "Characterize?"  That  
17                calls for speculation.  It's not really pointed.  It's not,  
18                like --

19                ALJ STECURA:  Counselor, rephrase.

20                MR. MESTOUSIS:  Sure.

21          Q:    Would you consider this work demolition work?

22          A:    Yes, I would consider this work total destruction of our  
23          building and a danger to our safety.

24          Q:    Now, is it -- would you consider this dangerous work?

25                MR. GOLDSMITH:  Objection.

1 MS. SABIN: Absolutely.

2 ALJ STECURA: What was your objection?

3 MR. GOLDSMITH: I have no idea where this witness  
4 has the ability to make classifications on the level of danger of  
5 any particular work. So as to ask her and then have that kind of  
6 answer be probative in any particular way, I believe is an  
7 inappropriate question.

8 ALJ STECURA: Overruled.

9 Q: Do you consider this dangerous work?

10 A: I consider it dangerous, yes. I was inhaling toxic dust  
11 that had my respiratory infection messed up for a week.

12 Q: Okay. So it's dust that you consider dangerous?

13 A: Absolutely. When you're ripping up drywall and it's  
14 coming into parts of my units where I have my cups, it gets really  
15 tricky and dangerous for tenants.

16 Q: Okay. I want to go to picture four, five, and six. Can  
17 you describe what these pictures are?

18 A: Yes, I can describe them.

19 Q: Go ahead.

20 A: These pictures are the way that these men left our  
21 building. They left dust and foot marks and print marks. They  
22 scraped and put nicks into the walls. They left trash and debris  
23 in the hallways that I later had to clean up after them.

24 Q: So you're testifying you had to clean it. Did anyone  
25 else help you clean the hallways?

1           A:    After I had raised concerns there had been someone who  
2    superficially cleaned it, but they didn't dust. They didn't  
3    repair any of the damage that was caused by them bringing down  
4    huge bags of wood down the hallway. There are nicks in parts of  
5    the hallway now that are messed up because of this.

6            There's handprints everywhere. The wood would hit the  
7    parts of the wall while they were going down the staircase, and  
8    it's just left like that. So I did have to still clean up after  
9    them.

10          Q:    Okay. Now, have you noticed anything about the sloping  
11   of the building before 2024?

12          A:    Not that what was already there, no, never.

13               MR. GOLDSMITH:  2004 or --

14               MR. MESTOUSIS:  2024.

15          Q:    Have you noticed -- so describe it. You've noticed  
16   things that were there before. What did you notice?

17          A:    When I moved into the building, the floors had always  
18   had a slope. They've never changed or I've never witnessed  
19   anything different from what had already been present there.

20               MR. MESTOUSIS:  Just one minute, Judge.

21          Q:    Ms. Sabin, are you aware of the earthquake that occurred  
22   in March of '24?

23          A:    Yes, I'm aware. I was in the building at the time.

24          Q:    Now, did you notice any difference in the building after  
25   the earthquake?

1 A: No, there wasn't anything that I noticed after.

2 MR. MESTOUSIS: Okay. I think that's it.

3 MS. SABIN: Okay.

4 ALJ STECURA: All right, so we're going to take a  
5 short break.

6 So, Ms. Sabin, your testimony is still in progress,  
7 so you can't speak to anyone about your testimony. Why don't we  
8 come back in 10 minutes, so at 3:33, please.

9 MR. MESTOUSIS: Thank you.

10 MS. SABIN: Thank you.

11 [OFF THE RECORD]

12 [ON THE RECORD]

13 ALJ STECURA: Okay. It's 3:35 and Respondent is  
14 about to cross-examine the witness.

15 MS. SABIN: Hi, what's your name?

16 MR. FAVILUKIS: Vladimir Favilukis.

17 MS. SABIN: Vladimir.

18 MR. FAVILUKIS: Nice to meet you [phonetic].

19 **CROSS-EXAMINATION OF JUDY SABIN**

20 **BY MR. FAVILUKIS**

21 Q: I want to start off by asking you if you have -- did you  
22 speak to anybody during the break?

23 A: No. I did not speak to anyone during the break.

24 Q: Okay. So towards the end of the testimony that Ms.  
25 Joseph was taking, you mentioned how you felt that some of the

1 conditions in building, some of the construction work was  
2 dangerous. My colleague, Mr. Goldsmith, objected, but the  
3 objection -- but the -- it was overruled.

4 You said that you felt that the construction was  
5 dangerous?

6 A: Is that a question?

7 Q: Yes. I'm just asking if you remember, if you -- that  
8 you said that.

9 A: What did I say again, so I can tell you --

10 Q: You used the word "dangerous" --

11 ALJ STECURA: Can you rephrase your question?

12 MS. SABIN: Yeah.

13 MR. FAVILUKIS: Sure.

14 Q: Do you remember -- did you feel that the construction  
15 work that was depicted in the photographs that we were looking at  
16 was dangerous?

17 A: Yes, very dangerous.

18 Q: Are you aware that the DOB has issued a permit for that  
19 work?

20 A: No.

21 Q: Are you aware that the DOB issued an emergency work  
22 order requiring that the building be shored?

23 A: Yes.

24 Q: You are?

25 A: I'm aware that the building was required to be shored.

1 Q: How did you become aware of that?

2 A: I watched my landlord shore the building temporarily in  
3 his office.

4 Q: But -- sorry. So you became aware that the DOB issued  
5 an emergency work order for that work by -- because you saw that  
6 it was being done?

7 A: Can you rephrase the question?

8 Q: Sure.

9 A: I'm sorry.

10 Q: How did you become aware that the DOB issued an  
11 emergency work order requiring the building to be shored?

12 A: I became aware that the DOB issued -- there was a yellow  
13 letter posted on the front door, and when I opened it, it said  
14 that the landlord had to immediately shore the building. But that  
15 has no relation -- shoring is different from that demolition work,  
16 just to be clear.

17 Q: How -- I'm -- how do you know that?

18 A: Because he shored the building, and then the demolition  
19 work happened after that. He only had permits to shore the  
20 building, not to demolish the units.

21 Q: You said -- I asked you before if you were -- I thought  
22 you said you weren't aware that there were permits for the work --

23 MS. JOSEPH: Objection, Your Honor. The witness  
24 answered as to how she became aware and as to her opinion as to  
25 the differences between shoring and demolition.

1 Q: I asked two questions, and perhaps I misheard your  
2 answers. The first one -- first question was, were you aware that  
3 the DOB issued permits for the work? You said no.

4 MS. JOSEPH: No, that wasn't the question, Your  
5 Honor. I didn't hear the word permits. I object to that.

6 ALJ STECURA: Yes, the --

7 MR. FAVILUKIS: I literally asked two questions.

8 ALJ STECURA: Yes. So, yes, that's the question  
9 that was asked. I wrote it down so you can ask the question.

10 MR. FAVILUKIS: I thought the witness said no.

11 ALJ STECURA: What's your pending question?

12 MR. FAVILUKIS: My -- so I'm a little bit confused  
13 now myself. I asked two questions. One was whether or not she  
14 was aware that the DOB issued permits. She said no.

15 Then I asked whether she was aware that there was  
16 an emergency work order issued for the building to require  
17 shoring. She said yes.

18 I asked how she became aware of that. She said she  
19 saw the building being shored. I re-asked, how did you become  
20 aware of the work order? She said it was posted, right, and she  
21 said, but that's not shore -- she volunteered that information. I  
22 didn't ask whether or not there was a difference between shoring  
23 and demolition work.

24 ALJ STECURA: What's your question right now?

25 MR. FAVILUKIS: I want to know -- my question was

1 to clarify the first question.

2 Q: Were you or were you not aware that the DOB issued  
3 permits for the shorting?

4 MS. JOSEPH: Objection, Your Honor.

5 ALJ STECURA: Overruled. You can answer if you  
6 know.

7 MS. SABIN: I found the notices, but I was never,  
8 like, aware or alerted from the DOB, and my landlord had never  
9 discussed this to me prior.

10 Q: But the answer is yes, you were aware that permits were  
11 issued for the work? You said --

12 A: Immediately, I wasn't aware of any permits. I did know  
13 that there was the notices posted on the door which said something  
14 about immediate shoring, but I don't recall anything about it  
15 saying permits, and I don't remember there being a permit.

16 Q: Okay. Understood. You said you moved into the building  
17 in the winter of 2021?

18 A: That -- I -- that's when the landlord had registered me.  
19 But when I moved into the building, was the winter of 2018 or  
20 2019.

21 Q: Okay.

22 A: It was before COVID.

23 Q: Because earlier you were asked, when did you move into  
24 the building, you said, winter of 2021, so that's not correct.

25 A: The correct answer of when I officially moved to the

1 building is before COVID in 2019. But when the -- I think the  
2 question that I got -- that you're asking me is about the rent,  
3 and that would be 2021.

4 Q: I'm just asking you when you moved into the building?

5 A: I moved in before COVID and it -- between 2018 and 2019.  
6 And it was a winter. I remember it being cold.

7 Q: You moved -- okay. So you moved into the building  
8 either in 2018 or 2019 in the winter?

9 A: Yes, that's correct.

10 Q: Okay., When you moved into the building, it was -- and  
11 this is a question.

12 A: Okay.

13 Q: The building was or was not owned by Michael Geylik?

14 A: The building was not owned by Michael Geylik when I  
15 moved into the building.

16 Q: Okay. Who did you pay rent to when you moved into the  
17 building?

18 A: Who I paid rent to was the gentleman who owned the bar  
19 downstairs, Jimmy and Giles Corporation. And I paid my rent to a  
20 gentleman named Joe.

21 Q: Joe?

22 A: Mm-hmm [affirmative].

23 Q: But you didn't know Joe's last name?

24 A: At the moment, no, but I can get it.

25 Q: That's okay. But you paid your rent to Joe?

1 A: Yeah.

2 Q: Okay. You said you -- earlier when I asked the  
3 question, you said you -- when you formally moved into the  
4 building -- did -- right, did I hear you --

5 A: Say that again.

6 Q: I think earlier when I asked when you moved into the  
7 building and there was some confusion about what I meant by that  
8 question. You said "I formally moved into the building." What  
9 does that mean? What does that mean, "formally?"

10 A: Well, there -- there's -- we were discussing, discussing  
11 the rent arrears, which was 2021. But you're asking me when I  
12 officially had been in the building, which was before Michael  
13 Geylik bought the building, and that answer is 2018 to the  
14 beginning of 2019.

15 Q: I want to clarify my question because I'm not under --  
16 I'm not sure if you're understanding my question. I'm not sure  
17 that -- if I'm asking --

18 MS. JOSEPH: Objection, Your Honor. I think that  
19 question was asked and answered about three times about when she  
20 moved into the building, and the answer came out the same way.

21 ALJ STECURA: Overruled.

22 MR. FAVILUKIS: It's one -- answer was 20--

23 ALJ STECURA: Overruled. Overruled.

24 MR. FAVILUKIS: Okay.

25 Q: Okay. So what I'm asking is when did you move into your

1 unit, like, physically take possession of your unit, move your  
2 furniture into your unit?

3 A: Yes. Like I said, 2018 to the beginning of 2019.

4 Q: Got it. So there's no difference between that period of  
5 time and some informal commencement of occupancy?

6 A: I don't understand that at all.

7 Q: What confused me was the word "formal." You're saying  
8 before sometime in 2018 or 2019, in the winter, you did not live  
9 in this building at all, you lived elsewhere?

10 A: No, I moved into the building at the end of 2018,  
11 beginning of 2019.

12 Q: That's all I was asking.

13 A: Wow. Okay.

14 Q: That's all I was asking. When you moved into the  
15 building.

16 And you said at that time you paid your rent to someone  
17 named Joe?

18 A: Yes.

19 Q: Do you remember how much in rent you paid to Joe?

20 A: Yeah, I remember I was being -- I was being charged 500  
21 a month, which was not correct.

22 Q: Did you tell that to Joe?

23 A: I did. And I told him that I had overpaid and that  
24 because I overpaid, the new landlord still required me to pay,  
25 even though I had overpaid to the previous landlord.

1 Q: Sorry. So I'm confused again. So when I asked, did you  
2 tell that to Joe, are you saying you told that to Joe recently? I  
3 meant no.

4 A: No, when -- in -- around the time that the building was  
5 sold, I got my rent history and I found out what the legal rent  
6 was.

7 Q: Is that the rent history that's the exhibit that you  
8 have in front of you?

9 A: Yes.

10 Q: Okay. I have a question about that.

11 A: Okay, what's the question?

12 Q: I'll get to it.

13 A: Okay.

14 Q: So you paid Joe \$500 a month when you moved in. Was Joe  
15 the one -- did you find this apartment through Joe?

16 MS. JOSEPH: Objection, Your Honor. This precedes  
17 the Respondent's ownership of the building. We are delving into  
18 historical information that has no bearing on the allegations on  
19 this case, no bearing on Respondent because he only owned the  
20 building from June, I believe, 2021 onward.

21 So, you know, I didn't object when there were  
22 questions about that, but I believe that it's not probative to the  
23 ownership of the Respondent of the building.

24 ALJ STECURA: Overruled.

25 MR. FAVILUKIS: Thank you, Your Honor.

1 Q: Is - did Joe -- did you find this apartment through Joe?

2 A: No.

3 Q: How did you come to find this apartment?

4 A: I found this apartment and I moved in in 2018, 2019.

5 Q: How did you come to -- how did you find this apartment?

6 How did you find this apartment for rent to move into?

7 A: I -- I found it. It wasn't through Joe.

8 Q: Was it -- so you've lived in New York for quite a while?

9 A: Since 2012.

10 Q: Okay. The apartment that you lived in before this one,  
11 how did you find that apartment?

12 MS. JOSEPH: Objection, Your Honor. I'm not --

13 MR. FAVILUKIS: I'm just trying to understand. So  
14 I'll explain why.

15 MS. JOSEPH: But --

16 MR. FAVILUKIS: Did -- you've -- sure.

17 ALJ STECURA: Would you step out for a moment?

18 MS. SABIN: Sure.

19 ALJ STECURA: Thank you.

20 MS. SABIN: Can I leave my...

21 ALJ STECURA: Of course.

22 [OFF THE RECORD]

23 [ON THE RECORD]

24 ALJ STECURA: Thank you. Thank you. All right,  
25 you may go on.

1 MR. FAVILUKIS: Thank you.

2 Q: The registration history that you have in front of you  
3 there.

4 ALJ STECURA: Which exhibit are you referring to?

5 MR. FAVILUKIS: It is Petitioner's 18, and I'm not  
6 quite sure which page yours is on, but I think you had a flip to  
7 it already.

8 MS. SABIN: Okay.

9 MR. FAVILUKIS: You got it?

10 MS. SABIN: Mm-hmm [affirmative].

11 Q: Do you see -- there are several columns there. The  
12 first column says "reg year," then the next column says "apartment  
13 stat," and then the -- no, I can show you --

14 MS. JOSEPH: I'm sorry, which page are you looking  
15 at?

16 ALJ STECURA: So I'm on page 2.

17 MS. SABIN: Yeah, page 2.

18 MS. JOSEPH: Mm-hmm [affirmative].

19 MS. SABIN: It starts 2018, 2019.

20 MR. FAVILUKIS: Sorry.

21 ALJ STECURA: But it's --

22 MR. FAVILUKIS: It's page -- page 7 on the -- of  
23 the packet that we have.

24 ALJ STECURA: Of the exhibit.

25 MR. FAVILUKIS: Yeah.

1 MS. JOSEPH: Seven? I'm sorry.

2 ALJ STECURA: Not including the cover page?

3 MR. FAVILUKIS: Including the cover page, so  
4 it's -- yeah.

5 ALJ STECURA: Okay. Including the cover page.

6 MS. JOSEPH: You know, the pages themselves, Your  
7 Honor, maybe it'd be easier than -- they're numbered somewhat, so.

8 MR. FAVILUKIS: I can --

9 MR. GOLDSMITH: Yeah, but you put -- you put all  
10 the building --

11 ALJ STECURA: There's multiple pages to --

12 MS. JOSEPH: Okay. Oh, I see.

13 MR. FAVILUKIS: I can show you, if you can see from  
14 here. Can you see from here, if I show you on my --

15 MS. SABIN: I don't have my glasses.

16 MR. FAVILUKIS: Do you mind if I approach?

17 MS. SABIN: Sure.

18 MR. FAVILUKIS: So you've got columns, you got  
19 there, you see here?

20 MS. SABIN: Starting --

21 MR. FAVILUKIS: Right, reg year.

22 MS. SABIN: Yeah, reg year.

23 MR. FAVILUKIS: Apartment stat.

24 MS. SABIN: Mm-hmm [affirmative].

25 MR. FAVILUKIS: And then, finally, date.

1 MS. SABIN: Yeah.

2 MR. FAVILUKIS: So I'm going to be asking about the  
3 filing date.

4 MS. SABIN: Okay.

5 MR. FAVILUKIS: Okay.

6 MS. JOSEPH: I'm sorry, I didn't hear that. You're  
7 going to be asking about what?

8 MR. FAVILUKIS: The filing date.

9 ALJ STECURA: Third column, filing date.

10 MS. JOSEPH: Okay, thank you.

11 MR. GOLDSMITH: Judge, you see the columns?

12 ALJ STECURA: Yeah, I've got it done.

13 MR. GOLDSMITH: Thank you.

14 Q: The filing date there. And so you see that the first  
15 line there, it's 2018. It says "reg not found" for subject  
16 department.

17 A: Yes, I see that.

18 Q: And then 2019, 2020, 2021, 2022, 2023, and 2024 all has  
19 your name registered --

20 A: Yeah, I see that.

21 Q: -- with the rent amount at 155.56. And do you see the  
22 filing date on each one of those years?

23 A: I do.

24 Q: What is that?

25 A: The filing date looks like my rent had been

1 registered -- January, February, March, April, May, June -- July  
2 19, 2023.

3 Q: Right. And so you testified previously that you're the  
4 one that brought the -- I thought I understood your testimony to  
5 mean that you brought this to Michael's attention?

6 A: I did. In 2021 when he bought the building, I continued  
7 that dispute with Joe that I had been overpaying.

8 Q: Okay.

9 A: And Michael still, when I went to pay him my legal  
10 amount because I had obtained this, he refused my 155.56 a month.

11 Q: And you say this happened in 2021?

12 A: Yes. When he bought the building.

13 Q: Got it. So at no time in 2021 did you attempt to pay  
14 Michael \$500 a month?

15 A: No, because that's not the legal rent.

16 Q: Okay. And you pay your rent in cash?

17 A: I pay my rent in Bank of America certified checks.

18 Q: Did you ever send Michael a check in 2021 for \$155.56?

19 A: I offered him and he refused.

20 Q: You offered him a check. You didn't send it to him, you  
21 just offered it to him?

22 A: Yeah, I said, I would like to pay you rent, and he said,  
23 "I can't accept your rent."

24 Q: And what was the reason he gave -- did he give you a  
25 reason?

1           A:    He said that he was unsure about how much each tenant in  
2 the building was supposed to be paying.  And just for legal  
3 reasons, he wasn't worried about it, in his words.

4           Q:    He wasn't worried about what?

5           A:    About us paying him rent.

6           Q:    Got it.  Okay.  And at what point did Michael first  
7 demand that you pay \$155.56 a month?

8           A:    When I got my letter on Christmas of 2024 is the first  
9 time I had ever heard him ever ask me to pay my rent.

10          Q:    Did you reach out to Michael after you got that letter?  
11 It's a rent demand, right, that's what you're referring to --

12          A:    The 14-day notice?

13          Q:    -- from the exhibit that you had before?

14          A:    We're talking about the 14 day notice?

15          Q:    Yeah.

16          A:    And what was the question?

17          Q:    Did you reach out to Michael afterwards and ask him  
18 about the rent -- the 14-day notice?

19          A:    I reached out to him to dispute the amount, but at the  
20 moment, things had escalated and he had actually asked me to no  
21 longer contact him.  He asked me to make sure somebody else  
22 contacts him for legal reasons.

23          Q:    You said you reached out to him to dispute the amount?

24          A:    I did.  I sent a letter to his lawyers to dispute my  
25 overpayment from the previous landlords.  But since we didn't

1 resolve that, I just went ahead and said, you know what, let's  
2 forget about my overpayment. And I paid all of my arrears to the  
3 landlord of my legal rent.

4 Q: When did you do that?

5 A: I did that at the beginning of 2025 after receiving the  
6 14-day notice. I quickly resolved it, and I paid it all off.

7 Q: You did that before the court appearance?

8 A: Yeah.

9 Q: Okay. And then was there a discontinuation of that  
10 case?

11 A: It's still on my record, but at the moment it has a sign  
12 that says that it had been dropped. Something like that.

13 Q: Okay. What do you mean "your record?"

14 A: Well, because it was a filing, it got filed through  
15 court. When you search up these housing litigations, it says  
16 like, this tenant hadn't been paying rent for years. And to me,  
17 that's really unfortunate because I've been refused so many times,  
18 even though I've tried to pay rent. And now you demand it all at  
19 once after previously telling me.

20 He's told me in his office, you know, "Judy, I'm not a  
21 bad guy. I haven't asked you for rent yet, have I?" And I'm,  
22 like, no, you haven't, but I'm worried. I'm in this predicament  
23 where you're not taking my rent and I don't know what to do.  
24 That's the reason why I obtained these in the first place.

25 But not once has he ever asked me for rent. And then

1 Christmas of 2024, I got the 14-day notice to pay or leave. And  
2 that's my home. I can't leave. I would be homeless if I did, and  
3 I paid it.

4 Q: Okay. When you say you obtained these, you're not  
5 talking about these --

6 A: I'm talking about the DHCR rent history. I obtained one  
7 in 2021, and I also obtained one in 2025.

8 Q: But in 2021, your rent hadn't been registered?

9 A: No.

10 Q: Okay. So you also said -- when Ms. Joseph was asking  
11 you, I think -- I'm sorry, Mr. Mestousis was asking you about  
12 whether Michael had offered to help you with housing -- with a  
13 housing lottery, and it sounded to me like you felt that he was  
14 insisting on it?

15 A: Absolutely.

16 Q: Absolutely insisting on it. Okay.

17 A: Yes.

18 MR. FAVILUKIS: May I introduce our Exhibit K4,  
19 Your Honor, K as in kite?

20 ALJ STECURA: Is K already in evidence, K4?

21 MR. FAVILUKIS: I'm sorry?

22 ALJ STECURA: Is it already in evidence?

23 MR. FAVILUKIS: No, it was not stipulated.

24 ALJ STECURA: All right, you can try.

25 [Counsel conferring off record.]

1 MS. JOSEPH: First, I'm objecting, Your Honor.

2 ALJ STECURA: Well, let --

3 MS. JOSEPH: That's --

4 ALJ STECURA: You'll get your turn. It's not your  
5 turn yet.

6 All right, everyone has a copy? Yes.

7 All right, go on, Counsel.

8 MR. FAVILUKIS: Thank you.

9 Q: Before I get to the -- or, I'll start with the housing  
10 lottery, actually.

11 A: Okay.

12 Q: Can you please flip to page 7? That does not include  
13 the cover page.

14 MR. GOLDSMITH: I'm sorry, one moment, Your Honor.  
15 Can we have one moment?

16 MS. SABIN: It starts on page 10, by the way.

17 MR. FAVILUKIS: Yeah, these are -- it's page 10 of  
18 82. And I'll explain that, but so what I'd like you to do -- I'd  
19 like you to do is flip to page 7 of this, if you will.

20 ALJ STECURA: So, like, we count seven pages in.  
21 Is that what you mean, Counsel?

22 MR. FAVILUKIS: Sorry. Oh, on the bottom. Sorry.  
23 On the bottom.

24 ALJ STECURA: It's a bit confusing.

25 MS. SABIN: So it's going to say page 32 out of 82?

1 MR. FAVILUKIS: Correct.

2 MS. SABIN: Okay.

3 MS. JOSEPH: Let me -- can I just understand,  
4 Judge, if you want -- on the document itself or the collection of  
5 documents, it says 32 of 82 --

6 MR. FAVILUKIS: Yep.

7 MS. JOSEPH: -- Counselor?

8 MR. FAVILUKIS: Yep.

9 MS. JOSEPH: Okay.

10 Q: Do you recognize that these are text messages?

11 A: I'm going to read them really quick. One moment.

12 Q: Sure, sure.

13 A: Yeah, I recognize this conversation.

14 Q: Is -- can you tell me who this conversation is between?

15 A: It's between me and Michael Geylik.

16 Q: Okay, thank you. And I'll explain. The reason why it  
17 says page 32 of 82 is because Michael downloaded the text history  
18 between the two of you, and there were 82 pages. And what I did  
19 was I extracted the pages that I thought were relevant for this  
20 purpose.

21 So at the bottom there, do you see the date of the text,  
22 last text on page 7?

23 A: Yes. 2023.

24 Q: It's January 13, 2023, right?

25 A: Yes.

1 Q: Can you read it out loud?

2 ALJ STECURA: Mm-mm [negative].

3 MR. FAVILUKIS: No?

4 ALJ STECURA: This is not in evidence.

5 MS. JOSEPH: Wait, it's not in evidence.

6 ALJ STECURA: You have to move it into evidence.

7 MR. FAVILUKIS: Oh, I'm sorry.

8 ALJ STECURA: And are you moving the whole document  
9 into evidence or just the page?

10 MR. FAVILUKIS: No, the whole document, Your Honor.

11 ALJ STECURA: Then you need to lay your foundation.

12 MR. FAVILUKIS: We'd like to offer this into  
13 evidence.

14 ALJ STECURA: Well, you need to lay the foundation  
15 to do so.

16 MR. FAVILUKIS: The foundation -- and the relevance  
17 of this document is the housing lottery conversation.

18 ALJ STECURA: That's -- you need one to go through  
19 the document. I can't --

20 MS. SABIN: Right, because there's a --

21 ALJ STECURA: I'm not going to tell you how to get  
22 the document into evidence.

23 MS. JOSEPH: Which I have objections to the whole  
24 document?

25 ALJ STECURA: Well, I reserve your objection. He

1 has...

2 MS. JOSEPH: Okay.

3 MR. FAVILUKIS: Okay. I just asked. I thought I  
4 just did. I apologize.

5 MR. GOLDSMITH: No, what he was saying, Your Honor,  
6 is that he had asked a moment ago, do you recognize what it is?  
7 She said that it was text messages with Mr. Michael Geylik --

8 ALJ STECURA: On this one page. So you're just  
9 offering this one page into evidence?

10 MR. FAVILUKIS: I -- Your Honor, I apologize. I'll  
11 do one at a time and I'll do the foundation for each individual  
12 page.

13 ALJ STECURA: No, it's one exhibit, so choose -- if  
14 you want the entirety of the document in, then move for the  
15 entirety of the document. Lay the foundation for the entirety of  
16 the document.

17 If you are excluding pages from the exhibit, then  
18 we're going to rip them out and figure out --

19 MR. FAVILUKIS: I'm not excluding pages from the  
20 exhibit.

21 ALJ STECURA: So then, lay the foundation for the  
22 document.

23 Q: So how about this?

24 A: Mm-hmm [affirmative].

25 Q: Would you like to skim -- or can you please take a look

1 at this document from page 1 to 20 and tell me if you recognize  
2 this as your text conversations with Michael Geylik?

3 A: I do. I recognize this text message because we had no  
4 heat for two years --

5 ALJ STECURA: So Ms. Sabin, can you look through  
6 the document and just review it? You don't have to closely review  
7 the document and then counsel will have questions for you.

8 MS. SABIN: [Reviewing documents.] Okay. I've  
9 gone over the documents up to page 32 of 82.

10 ALJ STECURA: Is that the entirety of the document?

11 MR. FAVILUKIS: That's not the end. All the way  
12 through. Thank you.

13 MS. SABIN: [Reviewing documents.] There's no  
14 dates for one of these.

15 MR. FAVILUKIS: Which one?

16 MS. SABIN: Page 57 of 82. There's no dates for  
17 the above text about the crack, because I inquired about that  
18 crack before the earthquake.

19 Q: Okay. So you recognize that as your text to Michael?

20 A: Yeah. I recognize all my text messages.

21 MR. FAVILUKIS: Okay.

22 ALJ STECURA: Okay. So, counselor, are you ready?  
23 Have you gone through everything?

24 MS. SABIN: I have a couple more.

25 ALJ STECURA: Okay. Just let us know when you're

1 finished.

2 MS. SABIN: Okay.

3 Q: Okay. And so you recognize these texts as text between  
4 you and Michael?

5 A: Yes.

6 Q: Okay. So they're your texts? I'm laying a foundation.  
7 The Judge wanted me to make sure that this --

8 ALJ STECURA: It's not "the Judge wanted me to,"  
9 that's how --

10 MR. FAVILUKIS: I apologize. It's my  
11 responsibility. I apologize.

12 MS. SABIN: I recognize these texts. It's between  
13 me and Michael.

14 MR. FAVILUKIS: Thank you. I apologize.

15 Q: At page seven, at the bottom, the text from January 13,  
16 2023 --

17 MS. JOSEPH: Objection.

18 ALJ STECURA: It's not time.

19 MS. JOSEPH: He's asking about specifics. Is it  
20 entered into evidence?

21 ALJ STECURA: It's not entered into evidence.

22 MR. FAVILUKIS: We move to enter Exhibit K4 into  
23 evidence, Your Honor, the entirety.

24 ALJ STECURA: Can you state what the exhibit is?

25 MR. FAVILUKIS: The texts between the witness Ms.

1 Sabin and the Respondent Michael Geylik.

2 ALJ STECURA: On any dates?

3 MR. FAVILUKIS: There are multiple dates, Your  
4 Honor. Some of the -- the texts are -- we've extracted pages from  
5 a 82-page document which we've provided into discovery. These are  
6 the texts relevant to the testimony being given.

7 ALJ STECURA: Do you have the --

8 MR. FAVILUKIS: And they have the dates next to the  
9 texts. I understand that -- I think some of the texts don't have  
10 dates on them. I will not be asking about those.

11 ALJ STECURA: And the range of dates? Are you able  
12 to provide that?

13 MR. FAVILUKIS: The range of dates are from  
14 February 2022 through present.

15 ALJ STECURA: Thank you. All right. Any  
16 objection?

17 MS. JOSEPH: Yes, Judge.

18 ALJ STECURA: All right, you may.

19 MS. JOSEPH: Thank you. I believe Counsel just  
20 said -- I didn't hear the last word, but if I'm not mistaken, he  
21 said those texts -- these texts are relevant to the direct  
22 testimony. Am I right?

23 MR. FAVILUKIS: Yes.

24 MS. JOSEPH: Okay. So we just have an objection to  
25 particular pages, which have information that is not relevant to

1 direct testimony, that wasn't elicited in direct testimony, that's  
2 actually made prejudicial as it relates to another witness who is  
3 scheduled to be called for testimony. And it's definitely not  
4 part of the allegations.

5 ALJ STECURA: Should the witness step out?

6 MS. JOSEPH: Yes, maybe. Maybe that would be best,  
7 Your Honor.

8 ALJ STECURA: Thank you, Ms. Sabin.

9 [THE WITNESS, MS. SABIN, LEAVES THE ROOM.]

10 [Discussion at sidebar 04:10:42 - 04:17:15]

11 ALJ STECURA: So pages 40, 41, 58, and 59 are  
12 excluded from K4 at this time. So the document is admitted, in  
13 part, Exhibit K4.

14 **[Respondent's Exhibit K4, in part, admitted into**  
15 **evidence.]**

16 ALJ STECURA: If someone could please bring the  
17 witness back, we can resume.

18 MR. FAVILUKIS: Thank you.

19 ALJ STECURA: Thank you.

20 [THE WITNESS, MS. SABIN, ENTERS THE ROOM.]

21 ALJ STECURA: Thank you.

22 Q: So if you could, could you go to page 32?

23 A: I'm on page 32.

24 Q: And could you read that bottom text, the one that's  
25 dated January 13, 2023?

[04:19:19]  
[06:25:19-1]

1           A:    Yes, it says, "Hello, Michael. I just wanted to put it  
2 out there that if there are any grant lottery units in the East  
3 Village or downtown, if you can get some kind of update on the  
4 construction of the Domino Sugar factory, I am still interested in  
5 moving if the location and price fits my financial needs."

6           Q:    Thank you. And could you go to the next page, page 33?

7           A:    Yes, I'm on that page.

8           Q:    And I can read the texts in blue that are Michaels. And  
9 if you don't mind, reading the texts in gray that are yours.

10          A:    Okay.

11          Q:    Okay. So I'm going to start on March 28, 2023. "Hello,  
12 Judy. I hope you're doing well and staying healthy. Just wanted  
13 to let you know that my office has some interesting information  
14 about housing lotteries and subsidies. Let me know if you have  
15 time to meet and go over this week. Thank you."

16          A:    "Interesting, as in good? Friday morning good for you?"

17          Q:    "Friday morning should be good. Would 10:30 work for  
18 you?"

19          A:    "Were you able to reach anyone regarding the Domino  
20 Sugar factory rent lotteries?," question mark.

21          Q:    "Dear Judy, I did not reach out regarding Domino Sugar  
22 factory because I'm not familiar with your particular  
23 circumstances. Please prepare a list of questions for the meeting  
24 and we will try to answer them. Best, M." Right?

25          A:    Yes.

1 Q: Okay. Now, could you flip to page 48?

2 MR. FAVILUKIS: Yikes. Oh, man.

3 MS. JOSEPH: I'm just -- ooh.

4 ALJ STECURA: Do you need to take a short recess?

5 MR. FAVILUKIS: Maybe. I don't know.

6 [Counsel conferring off the record.]

7 MS. JOSEPH: I'm just asking, Your Honor, is there  
8 going to be a question or are we going to have a cumulative text  
9 reading on the other question?

10 ALJ STECURA: Yeah, so --

11 MR. FAVILUKIS: This is --

12 ALJ STECURA: -- if you could direct for question  
13 purposes. This is cross-examination --

14 MR. FAVILUKIS: Sure.

15 ALJ STECURA: -- and the document speaks for  
16 itself.

17 MR. FAVILUKIS: Sure. On direct, Ms. Joseph asked  
18 Ms. Sabin about my client insisting that she -- that she apply for  
19 housing lotteries.

20 MS. SABIN: Yes.

21 MR. FAVILUKIS: I think you said -- you used the  
22 word "insist" and objection.

23 MS. JOSEPH: I mean, Your Honor, can Counselor ask  
24 a question rather than recite the testimony? If there is not  
25 clear, the answer, he can recite testimony. But --

1 MR. FAVILUKIS: Sure. After I get through the  
2 texts, I'll ask --

3 ALJ STECURA: Okay. It's getting late in the day.  
4 Let's all remember to be patient.

5 MR. FAVILUKIS: I only have two more examples, Your  
6 Honor, and then I could ask the question, if that's okay.

7 ALJ STECURA: Ask your question.

8 MR. FAVILUKIS: Ask the question or not --

9 ALJ STECURA: Are you directing the witness to a  
10 particular --

11 MR. FAVILUKIS: To read, yep. Yes.

12 ALJ STECURA: You don't need her to read it. Just  
13 ask her.

14 MR. FAVILUKIS: Okay.

15 Q: Can you go to page 14, page 48?

16 A: Yes, I'm on page 48.

17 Q: At the top, that's your text there. You're -- you sent  
18 an image, right, of something called Eliza [phonetic]. And you  
19 again, ask Michael, you say, "Hey, Michael, I was wondering if you  
20 would be able to help me apply for this housing connect lottery.  
21 I'm interested in the two bedroom apartment for 598 monthly. If I  
22 get accepted, I would like to move here," right?

23 A: Correct.

24 ALJ STECURA: Are you just asking her if she sees  
25 it or do you have a question?

1 MR. FAVILUKIS: I have a question, Your Honor --

2 ALJ STECURA: Okay.

3 MS. SABIN: What's the question?

4 MR. FAVILUKIS: -- but I want -- but I have --

5 ALJ STECURA: Okay. Thank you.

6 MR. FAVILUKIS: -- incidents here of --

7 MS. JOSEPH: Because the --

8 ALJ STECURA: Please, Ms. Joseph.

9 MS. JOSEPH: Okay.

10 ALJ STECURA: Okay, go ahead, counselor.

11 MR. FAVILUKIS: Okay.

12 Q: And then the final one here on page -- the last page,  
13 page 70, right?

14 A: I'm on page 70.

15 Q: Okay. And there's a text from you on August 19th. You  
16 say, "Hey Michael, I'm looking into applying for housing vouchers.  
17 Is it possible you could email me links to where I should apply?"  
18 He says, "Yes, I will email you today."

19 And then you say, "Okay. And also, do you think I have  
20 any chance to make it on the list of open lotteries on housing  
21 connect with no current job, should I even begin to apply to  
22 them?" And he says, "I will call you back in 15 minutes."

23 A: Yeah, I remember this conversation.

24 Q: In your -- is it still your testimony that my client was  
25 insisting that you apply for housing lotteries?

1           A:    That's the only reason why I would bring it up. He  
2   insisted every time I would make a complaint about no heat,  
3   instead of fixing the heat, he would say, "Did you try to apply to  
4   lotteries?" And it -- he sounded really nice. And he helped one  
5   of our tenants find better housing.

6           But when we have lack of heat, we have no access to  
7   trash, and this conditions are of our building. We have no  
8   janitor. When your new landlord says I could maybe help you sign  
9   up to interesting housing lotteries, who wouldn't?

10          And I will just let you know that I've applied to as  
11   many as possible. I've had no luck.

12          Q:    Okay. So he -- so again he's not --

13          A:    He's --

14          Q:    -- these texts are not you asking Michael for help?

15          A:    He's insisted verbally, these are just text messages.  
16   But there's times in the hallway he would tell me, "A woman like  
17   you shouldn't be living in a building like this. How's the  
18   housing lotteries going?" But he's never like actually made any  
19   of that happen. He would just say, oh, you know, if you have  
20   problems with the toilets, if you had problems with this or that.

21          Instead of actually helping me, he would direct me to  
22   find other housing. And that text about the voucher was me paying  
23   my back rent that I owed him. It wasn't about getting a voucher  
24   for housing lottery.

25          Q:    But then after the text about the voucher, you asked him

1 again. You said, "Do you think I have any chance to make it on  
2 the list of open lotteries on housing connect, with no --

3 MS. JOSEPH: Can I just ask, where are we looking  
4 at now, about the text about the voucher? I'm lost.

5 MR. FAVILUKIS: It's the last question that I asked  
6 about the last page.

7 MS. JOSEPH: Which page, 70?

8 ALJ STECURA: Page 70.

9 MR. FAVILUKIS: Yes.

10 MS. JOSEPH: Page 70.

11 MR. FAVILUKIS: August 19 --

12 MS. JOSEPH: Can I just get to it please,  
13 Counselor?

14 MR. FAVILUKIS: -- 2024.

15 MS. JOSEPH: Okay.

16 MR. FAVILUKIS: Right above August 20th.

17 MS. SABIN: Yeah.

18 Q: And I have a question about the voucher. You mentioned  
19 about the voucher because this text is dated August 19th, so --

20 A: Yeah, this entire page also includes the notice that we  
21 found and also me not being aware whatsoever that the landlord  
22 saying that the building is dangerous and --

23 ALJ STECURA: Okay. Right now --

24 MR. GOLDSMITH: Objection, and move to strike.

25 ALJ STECURA: Yeah. Granted.

1                   So can you ask your question please?

2                   MR. FAVILUKIS: Yes.

3                   Q: So the text that you sent about the housing voucher, you  
4 said that it was to pay -- to pay your back rent, right, except  
5 this text is dated August 19th. And you said that the first time  
6 that you learned that you owed any rent was before Christmas when  
7 you received the rent demand?

8                   A: No, I had not been paying rent and been refused rent to  
9 the landlord since 2021. I didn't assume that I'd never have to  
10 pay that rent. I still consistently asked him to -- it got to a  
11 point where I had gotten sick. I had paid \$2,000 for bed bug  
12 service, and that money that I put in escrow had dwindled. And  
13 with this notice on the door, the voucher is supposed to help me  
14 keep my rent paid.

15                  Q: I'm confused on what the notice on the door has to do  
16 with your rent. I'm talking about the photo on this page. Yes.  
17 So explain that.

18                  A: The 109 photo?

19                  Q: Yep.

20                  A: Yeah, that photo I discovered without any prior  
21 knowledge to any shoring that needed to be done. The conditions  
22 of the staircase had never been apparent to me through the  
23 landlord. And discovering that notice was the first time I  
24 thought that something serious potentially might happen to me.  
25 And I was afraid. Shortly after that, that construction work

1 started. And it just made me feel like everything in my building  
2 was getting destroyed by my landlord.

3 Q: When you say that you were afraid that something serious  
4 was going to happen to you, what do you mean by that, "serious?"

5 A: That if someone is ripping out floorboards in the room  
6 above me, that my ceiling would crash in and I would have to  
7 vacate my apartment because it was unsafe.

8 Q: But this notice is from August?

9 A: The notice on the door.

10 Q: Right.

11 A: Right. But the text messages are all on the same page.  
12 So I'm confused with your question.

13 Q: I will clarify. So, initially, I started asking you  
14 about the August 19th text about the housing vouchers. My  
15 question was -- you said -- my question was with respect to what  
16 you said. You said it was you trying to pay your back rent. So I  
17 said, but I don't understand because there was a rent demand in  
18 December. You said that was the first time you learned that you  
19 owed rent.

20 I understood your answer. And then you said, because  
21 the notice, and you conflated it with the rent, and that what's --  
22 that's what got me confused because the notice doesn't have  
23 anything to do with rent. This is the notice from the DOB --

24 MS. JOSEPH: Objection, Your Honor. I mean,  
25 counsel is not asking a question. He's providing testimony.

1 ALJ STECURA: Sustained.

2 MR. FAVILUKIS: Okay.

3 Q: Okay. Again, the -- what in this notice made you think  
4 that there was going to be construction work?

5 A: Because we weren't made aware that there were any  
6 dangerous conditions in the building beforehand. And then all of  
7 a sudden, we received these, like, immediate shoring repairs.  
8 That's what made me --

9 Q: Receive them, from the DOB?

10 A: Yes.

11 Q: Okay. So, again, just -- again, to clarify for my  
12 understanding, the notice from the DOB, this notice, was for  
13 emergency work, the shoring. Is that correct?

14 A: Yes.

15 Q: Okay. And so when you saw this notice, you thought that  
16 there was now going to be construction work in the building  
17 because the DOB issued an emergency work order, correct?

18 A: That's incorrect.

19 Q: Okay --

20 MS. JOSEPH: Is there a question, Your Honor?

21 MR. FAVILUKIS: Yes.

22 ALJ STECURA: It was asked and answered.

23 MR. FAVILUKIS: Okay, I got it. Okay. So I'll  
24 move on from the notice.

25 Q: When did the construction work in the building commence?

1 A: Commence means started?

2 Q: Started?

3 A: It started shortly after the temporary shoring --  
4 shoring of the first floor office space.

5 Q: You're not considering the shoring as construction work?

6 A: No.

7 Q: When was the shoring put in place?

8 A: [No audible response.]

9 Q: Was it before or after this notice?

10 A: It was right after this notice.

11 Q: And this notice was posted after the earthquake, yes?

12 A: Not in correlation.

13 Q: What?

14 A: My answer is no.

15 Q: It was not after the earthquake?

16 A: [No audible response.]

17 Q: The earth -- when did the earthquake happen?

18 A: It happened early 2024.

19 Q: Before or after August 2024?

20 A: It happened before August 2024.

21 Q: So this notice was posted after the earthquake happened?

22 MS. JOSEPH: Your Honor, this document speaks for  
23 Itself. It's dated August and so --

24 MR. FAVILUKIS: I'm --

25 ALJ STECURA: Let's move on.

1 MR. FAVILUKIS: Okay. Okay.

2 Q: When the earthquake happened, there was a previous  
3 witness who testified that you were in the building. Correct, you  
4 were in the building?

5 A: I was in the building when the earthquake happened.

6 Q: Okay.

7 A: And there's the text messages. Should we go to them?

8 Q: I don't -- I'm not sure that I'm allowed to, but that's  
9 okay.

10 A: Okay.

11 Q: I don't need to refer -- it happened, right?

12 ALJ STECURA: Just ask your question.

13 MR. FAVILUKIS: Yes.

14 Q: When -- were you concerned when the earthquake happened?

15 A: Describe "concerned."

16 Q: Did the earthquake make you feel concerned for your  
17 safety or the building safety?

18 A: No. The first person I called was my boss at the bar  
19 that I was working at. I made sure that it was safe there. That  
20 was my first concern. But I wasn't afraid anything happened.  
21 Nothing happened in the building.

22 Q: Okay. Did you, after the earthquake happened, speak to  
23 Michael about the earthquake?

24 A: Yes.

25 Q: Do you remember what you told Michael about the

1 earthquake?

2 A: I don't remember right off the top of my head. But they  
3 are in these text messages that you provided.

4 Q: Do you to want to read from the text messages?

5 A: Sure.

6 Q: Okay.

7 MS. JOSEPH: Can --

8 ALJ STECURA: No, no, no.

9 MR. FAVILUKIS: Okay, Judge.

10 ALJ STECURA: That's improper question.

11 MR. FAVILUKIS: That's fine.

12 ALJ STECURA: You're asking questions. It's not a  
13 witness lead testimony, especially on cross-examination.

14 MR. FAVILUKIS: No problem.

15 Q: You mentioned that the building, when you moved in, had  
16 a super. Excuse me, a janitor, super?

17 A: His name was Ping.

18 Q: Ping.

19 A: Ping. P-I-N-G.

20 Q: And what did Ping do in the building?

21 A: He regularly fixed tiles. He swept on occasion, when he  
22 could, he would come by to change the batteries in some of the  
23 smoke detectors. He would also change the batteries in our  
24 apartments. He would fix light bulbs that were out.

25 Q: You said he swept when he could?

1 A: Well, he's -- he was our janitor.

2 Q: Okay. He was not incapable of sweeping. He swept --

3 A: He kept the building clean.

4 Q: Okay. Did he clean the toilets?

5 A: The toilets were clean, yes.

6 Q: Sorry. Did Ping clean the toilets?

7 MS. JOSEPH: Asked and answered, Your Honor.

8 MR. FAVILUKIS: She said the toilets were clean.

9 ALJ STECURA: Overruled.

10 MS. SABIN: Yes, he was our janitor.

11 ALJ STECURA: Answer the question.

12 MS. SABIN: Yes, he cleaned the toilets.

13 MR. FAVIKULIS: Yes, he cleaned the toilets. Okay.

14 Q: And you mentioned that you now have to take a shower in  
15 your room.

16 A: I have to take a bath in my room.

17 Q: Take a bath in your room?

18 A: Yes.

19 Q: When you moved into your unit sometime in either 2018 or  
20 2019, was that bathtub there?

21 A: Yeah, it's been there.

22 Q: And it's been -- it was working. It's a working  
23 bathtub?

24 A: Yes.

25 Q: Okay. So before the second floor bathroom was

1 removed -- sorry, second floor shower was -- no, third floor  
2 shower.

3 MS. JOSEPH: Objection, Your Honor.

4 MS. SABIN: That's incorrect.

5 MS. JOSEPH: No. Objection, Your Honor.

6 ALJ STECURA: What's the objection?

7 MS. JOSEPH: It's the fourth floor shower.

8 MS. SABIN: It's the fourth floor Shower.

9 ALJ STECURA: Okay. So re-ask the question.

10 Q: Before the fourth floor shower was removed, did you  
11 shower on the fourth floor?

12 A: Yes.

13 Q: And when it was removed, did you have a conversation  
14 with Michael about that shower being restored?

15 A: In the hallway, yes, we had a conversation about it. He  
16 said that he would restore them.

17 Q: And at that time you believed him?

18 A: Sure. He seemed like a nice guy struggling with, you  
19 know, his first business.

20 Q: Okay. But you no longer believe him?

21 A: Unfortunately, he's -- he doesn't do what he says. So,  
22 no, I don't believe him. No.

23 Q: Now when you say he doesn't do what he says, can you  
24 give me examples of what he doesn't do that he says he will?

25 A: Yes, I can. When he first initially told me that he

1 could offer me help for the housing lotteries, I never got any  
2 help from house housing lotteries. He just would direct me there.

3 And then after that initial direction, which was around  
4 2022, and that's when he offered and he helped one of the other  
5 tenants. We -- I understood that that was an option, but he  
6 wouldn't -- he didn't opt for that.

7 After the toilets were removed, there were issues with  
8 different tenants. All the -- six tenants using only two toilets,  
9 it got really difficult. And anytime I would bring up something,  
10 whether it was bedbugs, I mean, the toilet's not working, he would  
11 say he was sorry, and he would mention again, how is the rent --  
12 how's the housing lottery going? So to me, it felt like there was  
13 no issues being resolved. I would always get constantly directed  
14 to, "Why don't you just move out?"

15 And at the time, because the landlord wasn't providing  
16 us heat, he provided us small details like, oh, we have no heat.  
17 Why don't I put space heaters in the hallway, which were  
18 dangerous.

19 We thought he was doing the best that he could. And  
20 housing lottery sounded too good to be true. Everybody wants a  
21 housing lottery, but none of them fit my pay right now. And I  
22 have not found one, and I have not been accepted to one, and I  
23 unfortunately haven't had any access to that.

24 Q: So you mentioned another tenant did go to a housing --  
25 didn't - did -- did move to a -- did get an apartment from the

1 housing lottery?

2 A: I mentioned that another tenant in the building was  
3 relocated, thanks to Michael's help.

4 Q: What does that mean?

5 A: It means that he helped the tenant relocate.

6 Q: How do you do that?

7 A: I'm unsure, but I know that he assisted in that and  
8 helped the gentleman was named Yusef [phonetic]. He lived on the  
9 third floor.

10 Q: Is that -- can I direct you to -- is that --

11 MS. JOSEPH: May I just say something, Your Honor,  
12 not with relation to the testimony. Can I let my witness who's  
13 been waiting go, because it's going to be 5:00 in about 20  
14 minutes. I don't think we'll get to his testimony, or should he  
15 stay?

16 ALJ STECURA: You can -- maybe you could ask your  
17 colleague to speak to him so we don't have to take a break.

18 MS. JOSEPH: Okay. Thank you.

19 ALJ STECURA: Thank you.

20 Q: Is that the tenant who used to hang his mattress out and  
21 bring a lot of bugs into the building? Is that what --

22 MS. JOSEPH: Objection, Your Honor. Where is --  
23 I'm sorry, I don't understand what --

24 ALJ STECURA: Sustained.

25 MR. FAVILUKIS: Okay, okay.

1 Q: So you mentioned just now that it was difficult for six  
2 tenants to use two bathrooms?

3 A: Yes. After the removal of the facilities, we were left  
4 with only two toilets and no sink until one was installed later,  
5 after the removal of the toilets.

6 Q: Do you have a sink in your unit?

7 A: I don't have a sink.

8 Q: Just a bathtub?

9 A: Just a bathtub.

10 Q: And you don't use the second toilet above?

11 A: I do not. I use one toilet because I designated to keep  
12 one toilet clean. I'm a woman who shares it with many men, so I  
13 decided that's my toilet, so --

14 Q: Is there any other reason why you don't use the bathroom  
15 above?

16 A: It smells like pee.

17 Q: That's the only other reason you don't use the bathroom  
18 up --

19 MS. JOSEPH: Objection, Your Honor.

20 ALJ STECURA: What's your objection?

21 MS. JOSEPH: Asked and answered.

22 ALJ STECURA: Sustained.

23 MS. JOSEPH: Thank you.

24 Q: Do you know who Ping was employed by?

25 A: I do not.

1 Q: And you said that Ping used to clean all the bathrooms?

2 A: I believe so, yes.

3 Q: So before Michael purchased the building, when Ping used  
4 to clean all the bathrooms --

5 MS. JOSEPH: Objection. I believe the testimony  
6 was that in the beginning, while Mr. -- Respondent was the owner,  
7 they had a janitor, not --

8 MR. FAVILUKIS: I believe that was the testimony.

9 MS. JOSEPH: Maybe you could clarify.

10 MR. FAVILUKIS: Sure.

11 Q: Okay. Do you know when Michael purchased the building?

12 A: I do.

13 Q: When was that?

14 A: I have a text message that he closed on the building  
15 July of 2021.

16 Q: Okay. I think it was actually June, but okay.

17 A: Okay.

18 Q: And was Ping the janitor after July 2021?

19 A: No.

20 Q: Okay. Before Michael purchased the building, Ping was  
21 the janitor and cleaned the bathrooms?

22 A: Yes.

23 Q: So both the bathrooms were clean at that point before --  
24 when Ping cleaned them?

25 MS. JOSEPH: Objection, Your Honor. The question

1 was, did he clean the bathroom, yeah, I think so. Both --

2 ALJ STECURA: Sustained.

3 MR. FAVILUKIS: Okay.

4 MS. JOSEPH: -- bathrooms is plural.

5 MR. FAVILUKIS: I'm sorry.

6 ALJ STECURA: Can you resume your questioning,  
7 please?

8 MR. FAVILUKIS: Yes.

9 Q: Do the bathrooms ever get flooded?

10 ALJ STECURA: What are you talking about?

11 MR. FAVILUKIS: Do the toilets in the -- in the  
12 building --

13 ALJ STECURA: Are you asking currently?

14 MR. FAVILUKIS: In the past two years in her recent  
15 memory. Do they get --

16 MS. JOSEPH: Objection. It wasn't part of direct  
17 by any means. Specifics about flooding in the toilets or flooding  
18 in the building --

19 MR. FAVILUKIS: I'm just asking whether or not they  
20 get cleaned and whether they get fixed.

21 ALJ STECURA: Overruled. But please be specific in  
22 what time you're referring to, please?

23 Q: Since Michael purchased the building, have you had any  
24 floodings in any of the bathrooms?

25 A: Yes.

1 Q: Okay. And you let Michael know about that?

2 A: Yes, I would -- I would complain about them regularly  
3 not working since he had removed two toilets. And there are six  
4 tenants now, we used to have four. Now we have two. One of the  
5 toilets, the one that I use and I share with two other tenants  
6 flooded regularly.

7 Q: And when they flood, do they get fixed?

8 A: It's like a poorly temporary fix because they always end  
9 up stopping again.

10 Q: Have there been times when Michael has refused to fix  
11 them?

12 A: There's been times that he would not respond, yes.

13 Q: When he would not respond to texts about them?

14 A: Yes.

15 Q: For how long, days?

16 A: Yes. Sometimes he wouldn't respond at all.

17 Q: Okay, one second. I'm sorry. I apologize. I'm just  
18 going through my questions here.

19 Do you remember speaking to an Investigator Donaldson,  
20 from HPD?

21 A: Yes, I do.

22 Q: And did he ask you about the conditions in the building,  
23 like I am now -- the bathrooms, the removal of the kitchen?

24 A: I don't remember. I don't remember. But I do remember  
25 speaking with him.

1 Q: Do you remember anything that you told Inspector  
2 Donaldson?

3 MS. JOSEPH: Objection. Asked and answered.

4 MS. SABIN: I don't.

5 Q: No. Okay. Did --

6 MR. FAVILUKIS: So am I done asking about Inspector  
7 Donaldson's questions for Ms. Sabin, is that the objection?

8 MS. JOSEPH: Objection was that --

9 MR. FAVILUKIS: She asked and answered the  
10 question.

11 ALJ STECURA: The question was. And she answered  
12 your question.

13 MR. FAVILUKIS: Mm-hmm [affirmative].

14 ALJ STECURA: I don't know. Are you finished  
15 asking questions?

16 MR. FAVILUKIS: No, but I just --

17 ALJ STECURA: But she said that she does not recall  
18 the content of the conversation --

19 MR. FAVILUKIS: She said she does not recall.

20 ALJ STECURA: -- so -

21 MR. FAVILUKIS: Right. I'd like to ask.

22 Q: Do you remember if Inspector Donaldson asked if Michael  
23 Geylik harassed you?

24 A: I don't remember.

25 Q: Sure. And approximately, do you have any idea when

1 Inspector Donaldson spoke to you?

2 A: I don't remember the exact date.

3 Q: Okay. Was it before or after the earthquake?

4 A: I'm just being honest. I don't remember exactly.

5 Q: Sure. Yeah, that's okay. It's good to be honest.

6 Okay. And so after the earthquake happened, you didn't feel that  
7 there were any changes to the building?

8 A: No.

9 MS. JOSEPH: Objection. I believe that was asked  
10 and answered way in the beginning, of course.

11 ALJ STECURA: Sustained.

12 Q: The kitchen area. Yes, the kitchen area that was  
13 removed. The kitchen area that was removed --

14 ALJ STECURA: Do you have a question?

15 MR. FAVILUKIS: Yes, I'm just -- I'm trying to  
16 elicit any kind of -- if there's an understanding or not. I  
17 apologize.

18 ALJ STECURA: Just ask your question.

19 MR. FAVILUKIS: Yeah.

20 ALJ STECURA: Thank you.

21 Q: The kitchen area that was removed, that was -- do you  
22 know, was that in a unit? Was that in an apartment?

23 A: No.

24 Q: No. Okay. Did you store anything in Apartments 2B or  
25 2A.

1 A: Defined "stored."

2 Q: I -- kept things in?

3 A: What was the room that you're asking about?

4 Q: Either 2A or 2B?

5 A: 2A and 2B was given to all the tenants to put the  
6 kitchen supplies. It was called our temporary kitchen. Since our  
7 kitchen was removed, the landlord gave us all permission to store  
8 the microwave.

9 We even had the kitchen sink stored at one point, but he  
10 had removed it from the building. We were hoping to save money on  
11 that, but we stored our sink -- I mean, sorry. We stored our  
12 microwaves, our ovens, our pots and pans, and --

13 Q: And are all these things collectively owned?

14 A: What is it? What do you mean?

15 Q: Well, I asked you if you stored anything in either 2A  
16 and 2B and you told me that you guys all stored a bunch of things,  
17 so --

18 A: So I stored my oven that I had put in, and I would share  
19 that oven. I let others use it because it was our communal  
20 kitchen.

21 Q: Electrical oven?

22 A: It was an air fryer.

23 Q: It was an air fryer.

24 A: And I had pans.

25 Q: Okay. Okay. And have you received all those things

1 back?

2 A: No. We were to temporarily store them in that room 2B.  
3 And then the landlord actually told us to throw them -- to remove  
4 them all out. He still actually gave us a third place to store  
5 our temporary kitchen, which is in the toilet on the third floor,  
6 which is now an empty space. He allowed us to cram as much stuff  
7 as possible in there because he still says he's going to build our  
8 kitchen back.

9 Q: Did he threaten to throw it all out?

10 A: The way that the notices were in the door -- we formed a  
11 tenant association and came together right after we joined  
12 together as a tenants and we advocated together. We received a  
13 notice that you need to remove all your belongings. And to me, it  
14 felt like retaliation.

15 What was promised to us was now never going to happen is  
16 how I felt. That telling us that we had to fix those violations  
17 to remove the kitchen now turned into, you're never getting your  
18 kitchen back.

19 Q: Retaliation for what?

20 A: Retaliation technically happens when you do something  
21 and somebody retaliates because they want to kind of punish you  
22 for, in our case, coming together and forming this tenants'  
23 association in order to have better communication with our  
24 landlord, who had been refusing to really discuss anything with  
25 us.

1 MS. JOSEPH: Your Honor, may I have a few minutes?  
2 It's just -- I'm not trying to stop Counsel. Just for a short  
3 redirect. It's 4:47.

4 ALJ STECURA: No. It's not time for redirect. The  
5 cross-examination is still going on.

6 MS. JOSEPH: Okay. Thank you, Your Honor.

7 ALJ STECURA: Go ahead.

8 Q: And so, again, to be clear, none of those things were  
9 thrown out?

10 A: Some of my things were thrown out.

11 Q: Like what?

12 A: I had, like, a pot. Just small items that I wasn't able  
13 to fit into the third relocation, I took photos of them. It was  
14 remove your stuff or they're going to be removed for you. And I  
15 unfortunately, did leave some stuff in there because there was no  
16 space to store it, and they got thrown away.

17 Q: Did you tell Michael about those things?

18 A: About the things that were thrown --

19 Q: Thrown out?

20 A: About the things thrown out?

21 Q: Yeah.

22 A: Did I tell him what?

23 Q: Did you tell Michael about the things that were thrown  
24 out -- that they were thrown out?

25 A: I don't understand. They were thrown out. The only --

1 around that time when those notices went up into our building --

2 ALJ STECURA: Okay. Hold on. Can you re-ask your  
3 question?

4 MR. FAVILUKIS: Yeah.

5 ALJ STECURA: I don't think what you're trying to  
6 ask is being communicated.

7 MR. FAVILUKIS: Sure.

8 Q: Did you complain to Michael that the things were thrown  
9 out?

10 A: No. At the time, Michael wouldn't communicate with me.

11 Q: Have you ever complained to Michael about those things  
12 being thrown out?

13 MS. JOSEPH: Objection, Your Honor. The issues of  
14 the things store -- kitchen items stored, thrown out, again was  
15 not part of direct. And it's --

16 ALJ STECURA: Overruled.

17 MS. JOSEPH: Okay.

18 Q: You want me to repeat the question?

19 A: Yes.

20 Q: Did you ever complain to Michael about the things being  
21 thrown out?

22 A: I don't remember.

23 Q: Sure. The kitchen area that was removed, were you aware  
24 that there was a DOB violation for that kitchen area?

25 A: No, not at all.

1 Q: And the construction work -- you call it construction  
2 work, we call it exploratory probing -- but for ease of the  
3 question, I'll ask about the construction work. The construction  
4 work that's all being performed in the vacant units?

5 MS. JOSEPH: Objection, Your Honor. I believe that  
6 the witness termed it "demolition."

7 MR. FAVILUKIS: Oh, I'm sorry.

8 MS. JOSEPH: And so if the question is to the  
9 witness about the work, I expect that the terms that the witness  
10 used will be --

11 MR. FAVILUKIS: I thought it was Mr. Dukleth who  
12 called it demolition work, but I'm happy to call it demolition  
13 work.

14 ALJ STECURA: Okay. So the witness did use the  
15 word demolition.

16 MR. FAVILUKIS: Sure.

17 ALJ STECURA: How much more questioning do you  
18 have? I'm looking at the time.

19 MR. FAVILUKIS: I mean a couple more minutes, a few  
20 more minutes. I can try to wrap up. I'll speak faster.

21 ALJ STECURA: That's not fine. Maybe make your  
22 questions more pointed.

23 MR. FAVILUKIS: Yes.

24 Q: The demolition work, is that in all -- in only  
25 unoccupied units, or is there any demolition work going on in

1 occupied units?

2 A: If you count the demolition that was done in our shared  
3 kitchen, because that was -- all the tenants used it. There is  
4 now a lock on it. I'm trying to think if there was any holes done  
5 in the hallway. I think that there was, but there -- I just know  
6 that none was done in my room.

7 Q: Where are the holes in the hallway that you think there  
8 are?

9 A: There's holes in the hallway still from the cameras that  
10 the landlord installed. He installed cameras right when he bought  
11 the building. And instead of pen patching up the holes that he  
12 created, they're still wide open. And I also did clean the dust  
13 from that.

14 Q: And you consider that demolition work?

15 A: I consider that destroying the building.

16 Q: Okay. Because I asked before about the demolition work  
17 with --

18 A: About in vacant units.

19 Q: -- the photos. Do you remember seeing the photos?

20 A: [No audible response.]

21 Q: Do you remember seeing the photos that were shown to you  
22 when Ms. Joseph was asking you questions about the demolition  
23 work?

24 A: What photo?

25 Q: Petitioner's --

1 ALJ STECURA: Are you referring to the photos that  
2 the witness took?

3 MR. FAVILUKIS: Yes. Yes.

4 MS. SABIN: Yeah, those photos that I took?

5 MR. FAVILUKIS: Yes.

6 Q: Was that all -- so those photos and the cameras, that's  
7 all part of one demolition?

8 A: No, the cameras are separate.

9 Q: Okay. But you still consider it the demolition project?

10 A: I still consider it the inclination of my landlord  
11 destroying the building that I live in.

12 Q: Okay. Sure. And the previous landlord, Jim Giles,  
13 would you consider anything that they did also destroying the  
14 building?

15 MS. JOSEPH: Objection, Your Honor. This is not  
16 about the previous owner.

17 ALJ STECURA: Sustained.

18 Q: Okay. The trash that you say is difficult to take  
19 out --

20 A: Yes.

21 Q: -- how did you take out the trash before Michael bought  
22 the building?

23 A: There used to be a dumpster in the alleyway, huge  
24 dumpster.

25 Q: Same alleyway that you have to take the trash out now

1 into?

2 A: Yes.

3 Q: And but that dumpster is no longer there?

4 A: That dumpster is no longer there.

5 Q: Do you know who owned that dumpster?

6 A: I don't.

7 Q: Okay. But did you have permission from Ping to throw  
8 your trash there?

9 A: I had permission from Joe.

10 Q: Who's Joe?

11 A: The guy who I was paying rent to.

12 Q: What position did Joe have with Jim Giles?

13 A: He owned the bar.

14 MS. JOSEPH: Objection, Your Honor. Again, we're  
15 talking about --

16 MR. FAVILUKIS: Joe, but --

17 MS. JOSEPH: Objection, objection. About people in  
18 control of the building before the Respondent. And this case is  
19 not about whoever controlled the building and whose permission was  
20 given or not given prior to the Respondent owning the building. I  
21 don't see the relevance.

22 ALJ STECURA: But you did elicit on direct about  
23 the dumpster, so. But I'll ask you to keep it limited and  
24 relevant, please.

25 MR. FAVILUKIS: Sure. Yeah, I just wanted to know

1 if something had changed in how --

2 MS. SABIN: No, we were always allowed to use the  
3 dumpster.

4 ALJ STECURA: There is no question pending right  
5 now.

6 MS. SABIN: Sorry.

7 ALJ STECURA: All right. Ask your question,  
8 Counselor.

9 MR. FAVILUKIS: Thank you, Your Honor.

10 Q: So you were always throwing out your garbage in the  
11 dumpster before Michael bought the building -- after Michael  
12 bought the building, there was no longer this big dumpster, but  
13 the trash is still --

14 ALJ STECURA: You didn't answer the question.

15 MR. FAVILUKIS: She -- oh, I'm sorry. She --

16 ALJ STECURA: I know, but that means nothing in the  
17 world of court transcripts, so.

18 MR. FAVILUKIS: You'll have to answer verbally.

19 MS. SABIN: What's the question again?

20 Q: Before Michael bought the building --

21 A: Yes.

22 Q: -- you're always throwing out your garbage in the big  
23 dumpster, in the alleyway?

24 A: That I was allowed to, yes.

25 Q: Yes. And then after Michael bought the building, that

1 big dumpster was removed?

2 A: Yes. There was nowhere now to throw my trash anymore.

3 Q: Okay. And is there still a dumpster, just not the big  
4 dumpster in the alleyway?

5 A: There's no longer a dumpster.

6 Q: There's no longer a bin?

7 A: There's no longer a dumpster.

8 Q: Okay. And so now the method by which you throw out the  
9 trash remains the same, correct?

10 A: No.

11 Q: No. Tell me how it's different?

12 A: We have a different small trash bin that we share with  
13 the office, and now we don't have access to open the door. We  
14 actually have to kind of jimmy our way in by lifting up this  
15 latch.

16 Q: Before, when I asked you if there's a bin in the  
17 alleyway, you said no.

18 A: You said dumpster. And that's different because a  
19 dumpster is provided for multiple tenants. Now we have just one  
20 bin that is shared with the office, and we weren't provided that  
21 until two years after the building was bought.

22 Q: Okay.

23 A: So we --

24 Q: How did you throw your trash away during those two  
25 years?

1           A:   Unfortunately, I had to throw it on the side -- on the  
2 corner of the street. I didn't have any way -- any garbage to  
3 throw it in.

4           Q:   Okay. And you don't remember telling any of this to  
5 Inspector Donaldson?

6                   MS. JOSEPH:  Objection, Your Honor.  That question  
7 --

8                   MS. SABIN:  I think I did.

9                   ALJ STECURA:  Hold on.

10                  MR. FAVILUKIS:  She just said she did.

11                  MS. JOSEPH:  The question --

12                  ALJ STECURA:  Hold on.

13                  MS. SABIN:  I think I did.

14                  ALJ STECURA:  What's your --

15                  MS. JOSEPH:  Question --

16                  ALJ STECURA:  When she says objection, we all stop,  
17 we wait to hear the objection.

18                  Ms. Joseph, what's your objection?

19                  MS. JOSEPH:  The objection is that the question was  
20 asked, I believe, twice about what she told Investigator  
21 Donaldson. And the witness answered, she does not recall. And  
22 now it is almost like sort of a mocking, like, oh, you don't  
23 remember that?

24                  ALJ STECURA:  So asked and answered.  Sustained.

25                  MR. FAVILUKIS:  Your Honor, if I may --

1 ALJ STECURA: No.

2 MR. FAVILUKIS: She did just answer it.

3 MS. JOSEPH: No, that was an objection.

4 MR. FAVILUKIS: Oh, I see.

5 ALJ STECURA: There was an objection pending --

6 MR. FAVILUKIS: I see.

7 ALJ STECURA: -- so go on.

8 MR. FAVILUKIS: Okay, I'm done. No further  
9 questions, Your Honor.

10 ALJ STECURA: Thank you. Do you need a moment?

11 MS. JOSEPH: I don't think so, Your Honor. I think  
12 we have just a few questions.

13 ALJ STECURA: All right, go ahead.

14 MR. MESTOUSIS: Yes, Your Honor.

15 **REDIRECT EXAMINATION OF JUDY SABIN**

16 **BY MR. MESTOUSIS**

17 Q: So, Judy, did you notify Mr. Geylik about the tenants'  
18 association that was formed?

19 A: I don't remember.

20 Q: That's okay.

21 A: Wait, we did email him that we formed one, if that  
22 counts. But I thought you were asking if I individually told him,  
23 which I don't remember individually telling him, but I did form it  
24 with the tenants, and we did email him that we formed, so --

25 Q: Okay.

1 A: -- yes.

2 Q: And after that email was sent, when did you get the  
3 letter basically saying you have to remove your items from  
4 Apartment 2B?

5 A: Shortly after that.

6 Q: Shortly after that. Now, is there a gate to access the  
7 trash bin?

8 A: There is a gate to access the alleyway and the trash.

9 Q: All right, and how do you access it? How do you open  
10 the gate?

11 A: Where before we were able to -- we had -- there's two  
12 doors on this side, and then the gate is in the middle. And we  
13 were able to access the door, the doors on the side, but since  
14 then, they had been locked. And when that happened, we started  
15 throwing trash on the corners of the street.

16 And then eventually, when we would ask Michael about how  
17 we would throw the trash, he did say to come downstairs to have a  
18 key provided, but I was never provided a key; therefore, one of my  
19 other tenants showed me, well, you can get in this way. And so we  
20 were able to lift our hand, pull this latch up, which opens the  
21 gate, I drop my trash, and then I shut the gate after me.

22 And then that gate is locked permanently, like around  
23 11:00 or 12:00 until the early morning. I think it's the pizza  
24 people who lock it, that I don't -- I don't access it after that,  
25 but I still don't have a key.

1 MR. MESTOUSIS: Just one second, Your Honor.

2 Q: You mentioned you throw trash on the corner. Like,  
3 where is that? What is it?

4 A: Well, New York City provides, like, trash cans on every  
5 street corner, so that's where I would throw -- if I had garbage,  
6 I would have to throw it in there because I --

7 Q: How far away from -- or where is that located?

8 A: It's located on the corners of the street.

9 Q: So it's on the block of the --

10 A: Yeah, it's on -- it's on the block. I would use any of  
11 them that I could get to if I -- you know.

12 MR. MESTOUSIS: We're done, Your Honor.

13 ALJ STECURA: All right. Thank you very much, Ms.  
14 Sabin. Your testimony has concluded, and you're excused for the  
15 day.

16 [WITNESS EXCUSED]

17 MS. SABIN: Thank you.

18 ALJ STECURA: Thank you.

19 MS. SABIN: Do you want this back?

20 ALJ STECURA: You could just leave those there,  
21 please.

22 MS. SABIN: Okay.

23 ALJ STECURA: Thank you.

24 [OFF THE RECORD]

25 [ON THE RECORD]

1 ALJ STECURA: So trial is concluded for today. It  
2 is exactly 5:00 pm. We are rescheduled to start again on May 22nd  
3 at 9:30 a.m. and HPD will continue its case. If there's any  
4 revision to the witness list. Please inform everybody.

5 Also, please ensure that the Exhibits 14 and 14A,  
6 the electronic copies, match the paper copies we were given today.

7 MR. GOLDSMITH: Your Honor, before we go off the  
8 record.

9 ALJ STECURA: Yes.

10 MR. GOLDSMITH: You had mentioned earlier about  
11 submitting a memo about the statutory obligation to be concluded  
12 by today.

13 I would request that the both parties be required  
14 to submit that at a certain deadline before the next date so that  
15 Your Honor can have read them and be capable of speaking or ruling  
16 on it on the next date.

17 ALJ STECURA: You don't have to submit a formal  
18 memo. I understand your positions. If you want to give me  
19 relevant case law, you can give me a letter in an email, but --  
20 just pointing me to what you think is relevant that supports your  
21 position.

22 If you could do so -- today's the 8th, we're  
23 meeting again on the 22nd. So if you could do so on or before the  
24 15th, close of business, 5:00 p.m.

25 MR. GOLDSMITH: Thank you.

1 MR. FAVILUKIS: Thank you, Your Honor.

2 ALJ STECURA: Thank you, everyone.

3 MR. MESTOUSIS: Thank you.

4 MS. JOSEPH: Thank you, Judge.

5 [END OF TRIAL]

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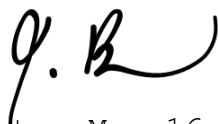
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## CERTIFICATE OF ACCURACY

I, Jaquetta Bazier, certify that the foregoing transcript in the matter of HPD v. Michael Geylik, on May 8, 2025, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: May 16, 2025

I, Blanca Martinez, conducted a quality control review of the certified foregoing transcript.

Reviewed By



Date: May 16, 2025

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