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TRIALS AND HEARINGS

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

In the matter of:

DEPARTMENT OF HOUSING PRESRVATION AND DEVELOPMENT

Petitioner,

Index No.
25-1984

- Against -

MICHAEL GEYLIK

Respondent.

June 05, 2025

Office of Administrative Trials
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New York, NY 10007

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<u>PETITIONER'S WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIR</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
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1 ALJ CHRISTINE STECURA: All right. Good morning.
2 This is Administrative Law Judge Christine Stecura in the
3 matter of Housing and Preservation Department v. Michael
4 Geylik; OATH Index number 25-1984. Today is June 5th, 2025,
5 and the time is now 9:45. This matter is being conducted in
6 person at 100 Church Street, and today we have a witness
7 appearing by video. Counsel and Respondent are all present.
8 And I'll ask counsel to state their appearances starting with
9 Petitioner.

10 MR. DEMETRIOS MESTOUSIS: Yes, Your Honor. For
11 Petitioner, Demetrios Mestousis, 100 Gold Street, New York,
12 New York.

13 MS. RONIT JOSEPH: And Ronit Joseph, HPD 100 Gold
14 Street -- 100 Gold Street, New York, New York as well.

15 ALJ STECURA: Thank you. Good morning.

16 MR. MESTOUSIS: Good morning.

17 MS. JOSEPH: Good morning.

18 MR. VLADIMIR FAVILUKIS: Vladimir Favilukis of
19 Kucker Marino Winiarsky & Bittens for Respondent, Your Honor.

20 MR. JOSEPH GOLDSMITH: Also, Joseph Goldsmith from
21 Kucker Marino Winiarsky & Bittens. Good morning.

22 ALJ STECURA: Good morning. And I'll note that
23 Respondent, Mr. Geylik, is also present today. Because we're
24 doing a hybrid trial, I'll just remind everyone that you
25 actually need to speak into the microphones directly today.

1 All right. So there was a number of emails that went back
2 and forth, one was pertaining to Petitioner's Exhibit 31 in a
3 request for withdrawal. I am denying that request. However,
4 as I noted before we went on the record, any cross
5 examination of today's witness or any witness is limited to
6 the subject matter of direct examination and matters
7 affecting credibility. Anything that goes beyond the direct
8 examination will be very narrowly tailored and should -- will
9 be subject to whether or not it's probative and relevant in
10 connection to the charges and not overly prejudicial. So
11 that will be our guiding light today. I'm sure a lot of
12 things will come up in the moment. And with that, I will
13 invite HPD to call its next witness.

14 MS. JOSEPH: Thank you, Judge.

15 MR. MESTOUSIS: Your -- Your Honor, we call
16 Remigiusz Chlapek who will be appearing remotely.

17 ALJ STECURA: All right, so I'm going to pause the
18 record until he appears. Before I do that, who will be
19 taking his direct examination?

20 MR. MESTOUSIS: Ms. Joseph will be taking his
21 direct.

22 ALJ STECURA: Okay.

23 [OFF THE RECORD]

24 [ON THE RECORD]

25 ALJ STECURA: Okay. We are now back on the record.

1 Mr. Chlapek, please don't speak at this point unless you're -
2 - you're being asked a question. We can hear when you speak
3 with your attorney, we can hear you, so you should be aware
4 of that. So good morning, Mr. Chlapek. Please raise your
5 right hand. Do you swear --

6 MR. REMIGIUSZ CHLAPEK: Good morning.

7 ALJ STECURA: Do you swear or affirm that the
8 testimony you are about to give will be the truth?

9 MR. CHLAPEK: Yes, I do.

10 ALJ STECURA: All right. Lower your hand, please.

11 [WHEREUPON THE WITNESS, R E M I G I U S Z C H L A
12 P E K, WAS DULY SWORN IN.]

13 ALJ STECURA: Please state and spell your name for
14 the record.

15 MR. CHLAPEK: Remigiusz Chlapek. R-E-M-I-G-I-U-S-
16 Z, last name, Chlapek, C-H-L-A-P-E-K.

17 ALJ STECURA: Great. I'm going to give you some
18 instructions. This hearing is being recorded, and your
19 responses must be verbal. Please speak clearly. Please wait
20 until the question has finished before you answer. If
21 there's an objection, please wait until I issue a decision
22 before you answer. If there's a question you don't
23 understand or you didn't hear, please tell us, and that
24 question can be rephrased or repeated. If there's any issue
25 with the technology or you can't see an exhibit, please let

1 us know immediately. Do you understand, sir?

2 MR. CHLAPEK: Yes, I do.

3 ALJ STECURA: All right. I'm also going to record
4 this on the WebEx because I believe there's a chance that
5 some exhibits may be shown, so -- but the transcript in the
6 courtroom will be the official transcript. All right. Ms.
7 Joseph, you may proceed.

8 MS. JOSEPH: Thank you, Your Honor.

9 **DIRECT EXAMINATION OF MR. CHLAPEK**

10 **BY MS. JOSEPH:**

11 Q: Mr. Chlapek, may I call you Remy?

12 A: Yes, you can, miss.

13 Q: Okay, thank you. So what is your professional skillset?

14 A: I'm a carpenter.

15 Q: And what kind of work do you do?

16 A: I can fix anything that has to do with houses and build
17 houses.

18 Q: Sorry, go ahead.

19 A: Fix houses, anything that breaks in a house, build
20 houses, homes.

21 Q: Okay. Remy, where do you -- where do you live?

22 A: 109 East 9th Street, Apartment 2D, New York, New York.

23 Q: And what is the neighborhood your building is at?

24 A: East Village.

25 MS. JOSEPH: Now --

1 ALJ STECURA: Sorry, I need to pause the record for
2 one moment.

3 [OFF THE RECORD]

4 [ON THE RECORD]

5 ALJ STECURA: My -- my apologies. We could not see
6 the witness on the big screen here, so please continue.

7 MS. JOSEPH: Sure, Judge.

8 Q: And what floor is your room at, at 109 East 9th Street,
9 what floor is it at?

10 A: 3rd floor.

11 Q: Now, since about when did you -- have you been living at
12 -- at this apartment?

13 A: 2015.

14 Q: Okay. And what fixtures do you have in your room in
15 terms of a sink, a toilet, or a shower?

16 A: I have a standup shower and a sink. That's it.

17 Q: So in terms of a toilet, do you have a toilet in your
18 room?

19 A: No.

20 Q: And how long since you've had the shower in your room?

21 A: Since I got there.

22 Q: So when Mr. Geylik became the owner, the shower was
23 already in your room?

24 A: Correct.

25 Q: Now prior to 2022, what shared facilities -- common

1 facilities were on your floor, the 3rd floor?

2 A: We had a toilet.

3 Q: Okay. And what shared facilities were on the 4th floor
4 above you?

5 A: Kitchen.

6 Q: Sorry. With regard to a toilet or a shower, was there
7 those shared facilities also on the 4th floor as you recall?

8 A: Yes, there was a kitchen on the 4th floor.

9 Q: I'm asking with regard to a toilet or a shower, was
10 those facilities also on the 4th floor?

11 A: I believe that was on the 5th, if I'm not mistaken.

12 Q: Okay.

13 A: Yeah.

14 Q: Now, what happened with -- in late 2022 regarding the
15 toilet of the 3rd floor?

16 A: The landlord asked me to remove the toilet. It was --

17 Q: And -- sorry, go ahead.

18 A: He asked me to remove the toilet. I said I could do it.

19 Q: Okay. Do you know why Mr. Geylik wanted the toilet
20 removed from the 3rd floor?

21 A: He said he was going to replace it with a nicer one.

22 Q: And what did you do with regard to removing the toilet
23 from the 3rd floor?

24 A: I made it look like a closet.

25 Q: Why did you do it?

1 A: He asked me to.

2 Q: And with regard to the kitchen on the 4th floor, what
3 happened in -- what happened in late 2022 regarding that facility?

4 A: Mostly same thing with the toilet. We removed the
5 kitchen, he said we were going to make a nicer one.

6 Q: When you said we removed the kitchen, were you --

7 A: Thomas -- mostly Thomas. I helped very little with the
8 kitchen. I was mostly part of the removing of the toilet.

9 Q: Okay. And why -- why did yourself or Thomas remove the
10 kitchen?

11 A: The landlord asked us to.

12 Q: Okay. And again, what -- what did Mr. Geylik tell you
13 about restoring the -- the 4th floor kitchen?

14 A: We will make a nicer one for you guys. That's his exact
15 words.

16 Q: Now since last year to date, what other type of work did
17 you do at the building, and I'm not referring to a particular
18 unit, I'm talking about the building itself?

19 A: Anything that broke, we had one pipe leak that was
20 coming, I fixed a pipe leak. I had painted some stairs outside,
21 small stuff around the building. When DOB came, I did the shoring
22 of the floor of the big -- the shoring of the floor. That was a
23 big job.

24 Q: Okay. Let me ask you specifically, the pipe leak you're
25 referring to, who asked you to fix that, if anyone?

1 A: Well, it was leaking downstairs, so, you know, it was
2 actually coming from one of the walls. It could've been from my
3 unit, so I said, you know, let me volunteer to fix it. And I
4 fixed it.

5 Q: Who did --

6 A: I fixed it, yeah.

7 Q: Who did you say that to?

8 A: Well, it was me, the landlord and one of his other
9 colleagues and, you know, we found the leak and I opened up the
10 wall and I was able to fix it right away.

11 Q: So when you opened up the wall, you're saying that Mr.
12 Geylik was there and one of his colleagues were present?

13 A: Yes.

14 Q: Okay. And about painting of the stairs you mentioned,
15 who asked you to paint the stairs?

16 A: The landlord.

17 Q: Okay. I believe you mentioned shoring; do you -- can
18 you just elaborate where -- where was the area that you did
19 shoring for?

20 A: 2nd floor in the vacated units.

21 Q: Okay. And who asked you to do the shoring in that area?

22 A: The landlord had hired a contracting company to come do
23 the work, but I guess they were running out of time, and landlord
24 gave me a call to see if I could help. So I said, sure, why not,
25 you know, I -- I love helping fix the building, anything I could

1 do. So I put on my tool belt, I grabbed my saw and my drill and I
2 came down to help and I got it done the same day.

3 Q: Okay. Now, let me -- let me ask you, since -- since
4 March, 2020 -- 2024, last year, do you have a toilet on your floor
5 that you could use?

6 A: No, I don't.

7 Q: Which toilet do you use?

8 A: I use the one on the 2nd floor.

9 Q: And who cleans the toilet and provides the supplies?

10 A: I do, and Judy from upstairs, she also uses that one, in
11 passing.

12 Q: Now, since Michael -- since Mr. Geylik became the
13 landlord, who's cleaning the public -- public areas and the shared
14 facilities and provides supplies?

15 A: Definitely not him. It was the tenant to the building
16 where I was mostly cleaning the hallway till everything happened,
17 and now nobody does it.

18 Q: Now -- okay, when you say nobody does it, I'm asking
19 specifically from the -- from the -- from the -- Mr. Geylik -- Mr.
20 Geylik or any of his agent in terms of a super or -- or janitor,
21 have -- have you had those people cleaning the public areas and
22 the shared facilities?

23 A: No.

24 Q: Now, let me ask you, about late last year or there
25 about, what happened with your key to the building?

1 A: I had lost my key because I go all over the place. So I
2 lost my key and I asked the landlord for a new key and --

3 Q: Go ahead.

4 A: -- we couldn't get a new key.

5 Q: So when you say we couldn't get a new key, do you know
6 why you couldn't get a new key?

7 A: Something about the key having a special code that
8 needed to be special made. It's not a regular key you can just go
9 copy.

10 Q: Okay. So towards the end of December, 2024 --

11 A: Still no key.

12 Q: Okay. Well, let me just ask you a question. During the
13 month of December, 2024, when did you get a replacement key to
14 your unit?

15 A: April.

16 Q: Okay. So during the month of December, 2024, you didn't
17 get a key to your unit, okay?

18 A: No.

19 Q: Now, during the time that you didn't have a key to the
20 building --

21 MR. FAVILUKIS: Objection, Your Honor.

22 [CROSSTALK]

23 ALJ STECURA: Hold on. There's an objection.

24 Stop.

25 MR. FAVILUKIS: I want to clarify that we're

[10:04:16]

[00:19:16-1]

1 talking about a key to the building's entrance, not Mr.
2 Chlapek's apartment.

3 ALJ STECURA: Could you --

4 MS. JOSEPH: Yeah.

5 ALJ STECURA: Counsel, please ask a clarifying
6 question.

7 MS. JOSEPH: Thank you, Judge.

8 Q: So -- so during the month of December, 2024, you didn't
9 have a key to the front entrance of your building?

10 A: Correct.

11 Q: Okay. And during that time that you didn't have a key,
12 how did you get into your home?

13 A: I would climb the fire escape and the ladder onto the
14 roof and climb through my window.

15 Q: Okay. And who, if anyone, from the tenants would assist
16 you getting into your building?

17 A: I would call Thomas to come down, sometimes the middle
18 of the night to open the door for me.

19 Q: And so what would you do if Thomas wasn't available or
20 he wasn't answering your calls?

21 A: I would have no choice but to climb the fire escape.

22 Q: Okay. Let me ask you about a -- a time during February,
23 2025, okay? At -- at the -- between January, 2025 and February,
24 2025, did you have a key to the front entrance of your building?

25 A: No, I didn't.

1 Q: So specifically, towards the end of February, 2025, do
2 you recall -- do you recall a time when you had to climb up the
3 fire escape in the early morning hours?

4 A: Yes.

5 Q: Can you describe what happened that time?

6 A: Say that again? Repeat the question.

7 Q: Can you describe what happened -- what happened during
8 that time?

9 A: By the fire escape like any other time.

10 Q: Okay. Now how did you -- okay, let me leave that -- let
11 me withdraw that. So after the end of February, what -- you know,
12 have you -- what key, if any, did you receive at that time?

13 A: Oh, back to your question, if we can go back to your --
14 your question --

15 ALJ STECURA: No, Mr. Chlap -- Mr. Chlapek, answer
16 the question that is pending before you.

17 MR. CHLAPEK: Okay.

18 [CROSSTALK]

19 ALJ STECURA: Mr. -- Ms. Joseph -- Ms. Joseph,
20 please repeat your last question.

21 MS. JOSEPH: Okay. I don't remember it exactly.
22 I'll try my best. So I -- I think I said -- bless you.

23 Q: After the end of February, what -- what happened with
24 you having the key to the front entrance of your building?

25 A: There was one early morning, I came home and I was a

1 little tipsy, and I had wrote Mr. -- landlord, Mr. Mike Geylik,
2 you know, I was drinking and I was climbing the ladder, a little
3 bit of tipsy. And then the next day, magic key, he -- he issued
4 me a key --

5 Q: Okay.

6 A: -- to the front door.

7 Q: Front door. Okay. So with regard to the key that he
8 issued you after that -- after you had to climbed the ladder a
9 little tipsy, what -- what -- what -- what happened with that key?

10 A: The next day, the key broke right in front of Mike
11 Geylik. When I went to use the key, the key was probably very
12 old, deteriorated key. When I put it in the lock, the key broke
13 in half and got stuck in the lock.

14 Q: So --

15 A: Right in front of Mike.

16 Q: Wait. So when you say right in front of Mike, was Mr.
17 Geylik present at the time that --

18 A: Yes, he was.

19 Q: -- you attempted -- you attempted to open the door with
20 that key?

21 A: Yes, he was.

22 ALJ STECURA: Okay. You have --

23 Q: And he observed --

24 ALJ STECURA: I'll remind you, please wait until
25 the que -- the question has finished before you answer. So

1 listen to the full question before you speak. Thank you.

2 MR. CHLAPEK: Yes, Your Honor.

3 Q: Okay. So in other words, he witnessed the key breaking;
4 is that right?

5 A: Correct.

6 Q: So what did Mr. Geylik tell you, if anything, about the
7 broken key?

8 A: He said I did it on purpose.

9 Q: So how did you feel about Mr. Geylik blaming you for the
10 key that broke?

11 A: I told him I was treasuring this key. I was like,
12 finally I had a key. I was treasuring it. Then he said, I
13 purposely broke it. My lawyer said to break it. That was his
14 answer.

15 Q: Okay. So after the key broke around early March, did
16 you get a replacement key in March, 2025? Let me rephrase the
17 question. I withdraw that. For the remainder of March, let me
18 just see here. Lets -- for the remainder of the month of March,
19 did you have a replacement key for the front door of your
20 building?

21 A: No.

22 MS. JOSEPH: Okay. And, Judge, I'd like to show
23 the witness what's been marked as Petitioner 35. It's
24 physical evidence, I -- if I could just approach the witness
25 in the next room.

1 ALJ STECURA: You may.

2 MS. JOSEPH: Okay. Thank you, Judge. All right.
3 I'm showing you what's been marked as Exhibit 35.

4 ALJ STECURA: But Ms. Joseph, how are you going to
5 share that with us, are you going to share your screen?

6 MS. JOSEPH: You -- yes, there is a copy of that.
7 This is physical evidence, but we have it. We can -- I'm
8 going to show you the exhibit.

9 ALJ STECURA: Are you going to be sharing your
10 screen or is your colleague here going to give us a physical
11 copy?

12 MS. JOSEPH: No, I'll be showing -- sharing my
13 screen.

14 ALJ STECURA: All right. Do not look at the
15 exhibit until you're asked to by Ms. Joseph, please.

16 MR. CHLAPEK: Okay.

17 ALJ STECURA: Mr. Chlapek, wait for Ms. Joseph to
18 direct you.

19 MR. CHLAPEK: Okay.

20 MS. JOSEPH: Okay. Can I just ask, I have my
21 colleague participating, could you please share Exhibit 35?
22 Thank you. Could you just bring it down so we could see the
23 exhibit itself? Thank you.

24 Q: Let me ask you, Mr. Chlapek, now you can open the key --
25 I mean open the envelope that holds the key that I gave you, if

1 you don't mind.

2 A: Opened.

3 MS. JOSEPH: Okay. Could you show -- now, I -- I
4 guess the screen is not shared, he's not able to show it to
5 the Court. Oh, he is, okay. I'm sorry. Not the envelope so
6 much, show the key. Just the key.

7 ALJ STECURA: Okay. I'll remind you it's not in
8 evidence yet, so --

9 MS. JOSEPH: Oh, I see. Okay. Okay, I'll just ask
10 my questions.

11 Q: Mr. Chlapek, what is this that you have here, what is --
12 what is it?

13 A: The key I got after I texted Mike that I was drunk and
14 climbing the ladder. This is the key he gave me, which broke the
15 next day.

16 Q: Okay. Now, does this key looks the same as it looked on
17 the date that it broke?

18 A: Same key.

19 Q: Same key. And you had observed this key on the day that
20 it broke to be the same condition that it is today?

21 A: It's a very beat up key. Very old and dangled up key.

22 ALJ STECURA: Mr. Chlapek, that's not responsive.
23 Answer the question that is before you.

24 A: Yes, the same key.

25 MS. JOSEPH: Okay. Judge, I'd like to enter this

1 key into evidence as Petitioner 35. It's a -- a physical
2 exhibit, but we have the picture of it, you know, I cannot
3 share a physical exhibit with everyone. So we've been
4 sharing the picture and I can provide that key to the Court
5 later on.

6 MR. FAVILUKIS: We don't object.

7 MS. JOSEPH: The key itself.

8 ALJ STECURA: No objection from Respondents, so
9 Petitioner's Exhibit 35 is now in evidence.

10 **[Petitioner's Exhibit 35 admitted into evidence.]**

11 MS. JOSEPH: Thank you, Judge.

12 Q: Okay. So after the key broke, the remainder of March,
13 how would you get into the building?

14 A: Back to the ladder.

15 MS. JOSEPH: Okay. I'd like to show the witness,
16 Your Honor, what's been marked as Petitioner 37. And, Mr.
17 Mahoney, could you please share proposed Exhibit 37?

18 [OFF MIC CONVERSATION]

19 MS. JOSEPH: Just one minute. I'm trying to find -
20 - oh, okay. I'm just trying to find my footing here. Just a
21 minute. Okay. Can you scroll down to the page below the
22 exhibit page, please? Thank you. And can you lodge the top
23 -- the top -- I'm sorry, the top left corner. Okay.

24 Q: Mr. Chlapek, if you could take a look, do you recognize
25 the name that we see there?

1 A: Yeah, Remigiusz.

2 Q: Okay. And if you look at the first date, it says -- I
3 believe it says 2/18/2024. Is that -- do you recognize it as a
4 text -- text received and answered between you and Mr. Geylik?

5 A: Yes.

6 Q: Okay. And -- and the blue is Mr. Geylik's answer, and
7 the other -- the left side is your text?

8 A: Correct.

9 Q: Okay. And if you look -- if you look further --

10 MS. JOSEPH: If you don't mind scrolling down to
11 page 4.

12 Q: On the bottom right -- on the bottom, let me see,
13 there's a text and I believe it says November 21st -- no, I think,
14 November 18th. I'm sorry, November 18th, 2024. Do you recognize
15 these texts between -- well, you recognize these texts as your --
16 as your texts?

17 A: Yes, these are all my texts.

18 Q: Okay. And the one in -- in green that we see on the
19 bottom of the right side, is that Mr. Geylik's text?

20 A: Correct.

21 Q: Okay. And if we look at page 6, is that -- wait, is
22 that your name --

23 MS. JOSEPH: To the top, please.

24 Q: Is that your name noted on the top again?

25 A: Yes, it is.

1 Q: Okay. Now, let's look at the bottom. It says -- I
2 believe dated February 4th. Do you recognize these texts as
3 yours?

4 A: Yes, these are all mine.

5 MS. JOSEPH: Okay. And go -- let's go to page 8.

6 Q: And the text dated two -- I'm sorry, February 28th, is
7 that your text to Mr. Geylik?

8 A: Yes. February 28th, yes.

9 MS. JOSEPH: Right, and could you scroll down a
10 little bit, Mr. Mahoney, and the -- and that's it -- well,
11 too much, too much. I'm sorry. Go back. Okay, go back one
12 a little bit more. Thank you.

13 Q: And the text in blue, is that Mr. Geylik's responding
14 text to you?

15 A: Yes, it is.

16 MS. JOSEPH: Okay. And lastly, can we go to page
17 10.

18 Q: And do you see the text dated 4/7 -- I mean April 7th,
19 2025 on top?

20 A: Correct, that's when I just received the new key.

21 Q: Okay. All right. So the text that we just looked at,
22 these were -- a text between May -- various dates between you and
23 Mr. Geylik. Do they accurately -- accurately depict the text that
24 you in actuality made between you and Mr. Geylik?

25 A: Yes. Correct.

1 Q: And -- right. And the responses also accurately
2 described -- depicted in this -- in this document?

3 A: Yes.

4 MS. JOSEPH: Okay. Judge, I'd like to enter this,
5 I believe it's, let me see here -- actually there is one more
6 item. So let me go to the very last page, Mr. Mahoney.
7 Thank you. If you could change the orientation, please.
8 Okay, great.

9 Q: And do you recognize this picture?

10 A: Yes, that's my unit.

11 Q: Okay. And do you recall that HPD officials were at the
12 building on -- what is the date that's listed on the bottom? I
13 withdraw my first question.

14 A: 3/19.

15 Q: And do you recall HPDs officials in the building on that
16 date?

17 A: Yes.

18 Q: And did you provide HPD officials access to your room?

19 A: Absolutely.

20 Q: And do you recall who -- who took this picture?

21 A: Inspector -- investigator.

22 Q: Okay. Okay. And were you present at the time that this
23 picture was taken?

24 A: Yes, I was.

25 Q: And the conditions depicted in this picture, true and

[10:18:54]

[00:33:54-1]

1 accurate description of the condition as they existed on March
2 19th, 2025?

3 A: Repeat the question.

4 Q: The conditions depicted in this picture, as you see it,
5 are a true and accurate description of the conditions of the pic -
6 - of the conditions as they existed on March 19th, 2025?

7 A: Correct, yes.

8 MS. JOSEPH: Okay, thank you. So I'd like to move
9 Petitioner 37 into evidence, between the text and the picture
10 -- and the one picture.

11 MR. FAVILUKIS: No objection, Your Honor.

12 ALJ STECURA: Okay. Mr. Favilukis has just said no
13 objection, so Petitioner's Exhibit 37 is now in evidence.

14 **[Petitioner's Exhibit 37 admitted into evidence.]**

15 MS. JOSEPH: Okay. Thank you, Your Honor.

16 Q: So with regard to this picture that we looked at, this
17 photograph, is that -- we see a refrigerator, we see a shower, is
18 that the shower we discuss -- we were discussing before?

19 A: Yes.

20 MS. JOSEPH: Okay. All right, if we can go to the
21 beginning of the text, please, Mr. Mahoney. Okay. So we are
22 page 1, and on the bottom it says 38 of 59.

23 Q: If we look at the top, the -- the -- where it looks like
24 it's grey, but you know, the left side you texting -- okay, you
25 texting that, "Next time it snows, you could leave the shovel and

1 salt. I cleared the snow in front of the building yesterday."
2 Did Michael Geylik pay you for clearing the snow in the front of
3 the building at that -- at that time, it was February 18th, 2024?

4 A: Yes, he did.

5 Q: Okay.

6 A: He sent me the building box.

7 Q: Okay. Okay. And the text that says "Thank you.", in
8 blue a little below that, that -- that was his response to you --
9 you clearing the snow?

10 A: Yes.

11 MS. JOSEPH: Okay. And let's go to page 2, which
12 is page 40 -- 46 on the bottom.

13 Q: Okay, let's look at the text that's dated, I believe
14 it's on the bottom, it's dated August 16th, 2024.

15 MS. JOSEPH: If you can enlarge that a little bit.
16 Right.

17 Q: It's that -- so you're saying -- you're telling Mike you
18 get bit by a spider and had to go for a shot, it swelled and was
19 paralyzed for two days. Why are you telling Mike that -- Mr.
20 Geylik that?

21 A: Oh, because I was -- I took off time from work and I
22 couldn't come up with -- with -- with the rent.

23 MS. JOSEPH: Okay. Can we go to page 3, please,
24 and it's page 52 on the bottom.

25 Q: The only date I see on this page is on the upper right

1 corner, you see that where it's blackened and it says Monday,
2 August 19th?

3 A: Yes.

4 Q: Okay. So below that you are asking, "Is that included
5 the painting of stairs?", do you see that?

6 A: Yes.

7 Q: And who asked you to paint the stairs?

8 A: Since I was a little behind, Mike offered me to paint
9 the stairs for -- for like one month of the rent.

10 Q: Okay.

11 A: Which I volunteered and I said, yes, I will paint the
12 stairs.

13 MS. JOSEPH: Okay. So let me go to page -- just a
14 second here, if I may page 4, and it's page 53 on the bottom.

15 Q: And I'm looking for the text that's dated November 18th,
16 2024. Okay. You write -- let's just wait to get there. Okay.
17 You write -- you write, "Hey, I -- I can't get Thomas to open the
18 door. Called him like 10 times." Do you see that, Mr. Geylik?
19 It's under November 18th, 2024?

20 A: Yes.

21 Q: Okay. And why -- why are you letting Mr. Geylik know
22 that you can't get in?

23 A: Because Mike Geylik said if I go back on the roof, he is
24 going to call the police.

25 Q: Okay.

1 A: I have no choice but to climb the ladder to get in --
2 home because I still had no key.

3 MS. JOSEPH: Okay. Let's go to page five.

4 Q: And on top, right, it says the --

5 MS. JOSEPH: Can you enlarge that a little bit?

6 Q: It says the date is November 23rd, 2024, and you're
7 texting Mr. Geylik if he can open the door because Thomas is not
8 around. Do you see that text?

9 A: Yes.

10 Q: So at that point in time, what key to the front door did
11 you have?

12 A: I didn't have any key to the front door.

13 Q: Okay. And --

14 ALJ STECURA: What -- what page is this? What page
15 are you on?

16 MS. JOSEPH: Okay. I'm on page 5 on top, and it's
17 54 on the bottom and it's the -- can you go up a little bit,
18 Mr. Mahoney, it's the text that is -- can you enlarge that a
19 little bit.

20 ALJ STECURA: It's fine. I just --

21 [CROSSTALK]

22 MS. JOSEPH: 11/23/2024, Your Honor.

23 ALJ STECURA: Thank you.

24 MS. JOSEPH: You're welcome.

25 Q: So at that point that you texted Mr. Geylik, he was

1 aware that you don't have a key?

2 A: Yes.

3 Q: Okay, now let's go to page -- actually the same page,
4 I'm sorry. You -- the text that starts on -- below that, on
5 January 3rd, 2025. Okay. And you are texting Mr. Geylik -- I'm
6 sorry, let me see again. Okay, I'm sorry. Okay, so January 3rd,
7 2025, you are texting Mr. Geylik, "Hey, I lost keys front door and
8 the mailbox." Now -- and then again, if we go below to -- to the
9 text below January 5th, 2025, "Open mailbox if you have -- "Hey,
10 want to open mailbox if you have time?" What are you asking --
11 why are you asking Mr. Geylik if he has -- why are you asking Mr.
12 Geylik -- why are you letting Mr. Geylik know that you need to
13 open the mailbox if he has time?

14 A: Because when I lost my key to the front, it was attached
15 to my mailbox key.

16 Q: Oh, I see. Okay.

17 A: {00:41:27} [Indiscernible]. And I would get my mail --
18 when the mailman would come, I would get my mail out, yes.

19 Q: Okay. So let me just ask you, the text above on -- on
20 January 3rd, excuse me, 2025, when you say lost keys front door
21 and mailbox, is this a new time that you lost the key or is that
22 the -- the same key that was lost from before?

23 A: The same key that was lost before.

24 Q: Okay. So let me go to the text, January 8th, if you see
25 that, January 8th, 2025, you're still texting, "Need to check

1 mailbox." At that point, did you receive a key to the mailbox?

2 A: Not yet.

3 Q: Not yet. Okay. And let's go to the same page, on
4 January 10th text, you texting, "Hi, can I get into the mailbox?"
5 So at that point you still didn't have a key to the mailbox --

6 A: Correct.

7 Q: -- is that right? Okay. And let's look at page 6, and
8 that is page 55 of 59 on the bottom. And this is a text dated
9 January 13th, 2025, and you're saying, "Thank you, I'll be done at
10 mailbox in about" -- well -- well let -- let me withdraw that.
11 January 13th, 2025, the text in green, "Hi Remy, we got the copy
12 for your mailbox." Is that Mr. Geylik text to you?

13 A: Yes, he issued me a key to the mailbox.

14 Q: Okay. Right. So basically, between January 3rd, it
15 took you 10 days till January 13th to get -- to get the key for
16 the mailbox?

17 A: Correct.

18 Q: Okay. Now, let's see, I'm still page 6, bottom of page
19 6. February 4th, 2025 you were texting, "Hey, I asked for key in
20 summertime, still no key. Need key ASAP." What -- what is this
21 key that you are texting about in this text?

22 A: The front door key, front door to the building.

23 MS. JOSEPH: Okay. All right, let's go to page 7,
24 the top of page 7. Okay.

25 Q: And there's a picture of -- there's a picture on top,

1 and you texted on February 9th, 2025, "Don't worry, I did it."

2 What is it that you did?

3 A: It was snowing, so I -- I think -- I believe it was
4 like, I -- I shoveled the snow. It was like -- yeah.

5 Q: Okay.

6 A: Yeah, that's -- it snowed that day. There was ice. It
7 is the sidewalk.

8 Q: Okay.

9 A: {00:44:33} [Indiscernible].

10 Q: How would you describe your demon -- demeanor, your
11 relationship with Michael Geylik at this point?

12 A: Our relationship was great. Like I never like asked him
13 for -- I mean, I never bugged him. I always tried to be very nice
14 and -- and fix anything or do -- do anything he asked for.

15 Q: Okay.

16 A: We never really crossed many paths and we still -- you
17 know, I still -- you know, I like the guy {00:45:03}
18 [Indiscernible].

19 MS. JOSEPH: Okay. Let me go to page 8. Just make
20 -- I just want to make sure one thing. Just one second,
21 Judge, if I may, I wanted to make sure I'm not skipping
22 anything here. Okay.

23 Q: So before I move to page 8, at that time in February 4th
24 -- let me just see. At that time, actually, it's February 9th,
25 when -- when we looked at the top picture, what key to the front

1 entrance of your building did you have?

2 A: What was the date again?

3 Q: February 9th.

4 MS. JOSEPH: It's just up a -- I'm sorry, up above
5 the picture that we looked at, can we just go to page 7,
6 yeah.

7 Q: At that point -- at that point, we see --

8 A: I still did -- I still didn't have a key yet.

9 MS. JOSEPH: Okay. Thank you. Let's go to page 8.

10 Q: And if you look above, you see --

11 MS. JOSEPH: Can you enlarge it a little bit?

12 Q: -- I think it's February 28th, 2025. You write "Due to
13 me not having a key, two days ago, 3:00 AM I was out on a date and
14 I had to climb the ladder to move -- to go through my window. I
15 had a few drinks and I really don't want to be climbing ladders
16 3:00 AM drunk. Get the lock park 10 keys and hand out keys, and
17 next week I'll change you. Let's be in good relationship." What
18 -- what are you -- what are you -- can you describe, what are you
19 referring to in this text?

20 A: I'm referring to Mike -- I have a locksmith connection,
21 which I had one of my friends come in and give Mike a little quote
22 to fix the lock and give us keys so it wouldn't be that expensive.

23 Q: Okay. And now if we go down to February 28th, below
24 that, it's still the same date, I see a text that says, "Thank
25 you, Mike, for giving me a new key of the front door, 109 East 9th

1 Street." So at that point, you got the key from him?

2 A: Yes. After I texted Mike that I was climbing the ladder
3 drunk, Mike issued me a -- a key he found the next day.

4 Q: Okay. And --

5 A: The key to the building.

6 MS. JOSEPH: Okay, let me -- at that point, Your
7 Honor, I'd like to show the witness a page -- one page from
8 an Exhibit 22. Exhibit 22, the whole exhibit is not in
9 evidence, but I wanted to authenticate just this one page
10 with the witness. It's page number 3, and I have it to -- I
11 guess -- I understand that Mr. Mahoney is going to move --
12 oh, he already did, to page 22 -- Exhibit 22.

13 ALJ STECURA: What --

14 MS. JOSEPH: May I --

15 ALJ STECURA: What page are you looking to pr --
16 publish before you do?

17 MS. JOSEPH: 3. Page 3, Your Honor.

18 ALJ STECURA: All right.

19 MS. JOSEPH: Thank you, Judge. Mr. Mahoney, can
20 you go down just to -- okay. Very good.

21 Q: So, Mr. Chlapek, if we look at -- if we look at this
22 picture, what -- what is it -- what does it depict?

23 A: Oh, that's the -- the famous ladder I was climbing.

24 Q: Okay. And as far as you know, is -- what's the date of
25 this -- of these photographs -- of this photograph?

1 A: Just a moment.

2 Q: Can -- you need to be enlarged. Do you see the date of
3 this photograph?

4 A: Yes, I do.

5 Q: What is the date?

6 A: January -- it says March 11th.

7 MS. JOSEPH: Let's enlarge it a little bit, please,
8 Mr. Mahoney, I don't want the witness guessing. Thank you.

9 Q: What is the date?

10 A: 03/11/2025.

11 Q: Okay. And as far as you know, is the depiction -- what
12 we're looking at, is the depiction of this ladder, a true and
13 accurate depiction as it was on March 11th, 2025?

14 A: Correct.

15 Q: And you had an opportunity to observe -- observe this
16 ladder before and after March 11th, 2025?

17 A: Yes.

18 Q: And this is a true depiction of the ladder as it was on
19 that date?

20 A: Correct.

21 MS. JOSEPH: Okay. Judge, I'd like to move just
22 page 3 of Exhibit 22 into evidence.

23 ALJ STECURA: Any objection?

24 MR. FAVILUKIS: No, Your Honor.

25 ALJ STECURA: All right. So page 3 of Petitioner's

1 Exhibit 22 is now in evidence.

2 **[Petitioner's Exhibit 22 admitted into evidence.]**

3 MS. JOSEPH: Okay. Thank you, Judge.

4 Q: So, Mr. Chlapek, this landing that we see, what -- what
5 -- can you just tell us what is it that -- describe how you would
6 be able to get to your room using this landing and -- and ladder?

7 A: The stairs are in the alleyway of the building, which I
8 would -- where we throw away our garbage, we come in, now we walk
9 up the stairs to the landing, and I'm on the railing, and then
10 leap over to the left, grab onto the ladder and climb up one
11 flight up to the roof, to my window.

12 Q: Okay. And your window is, I know it's a bit faint, but
13 is that to the right of this -- of the ladder?

14 A: Yes, to the right, but towards the end of the left side.

15 Q: So it's the end of the left side or the end of the right
16 side?

17 A: When you get onto the roof --

18 Q: Yes.

19 A: -- it's on the end of the left side.

20 MS. JOSEPH: The end of the left side. Okay.

21 Okay. Thank you. Let me go back to Exhibit 37, Mr. Mahoney.

22 Okay. So we were -- let's see here. So back to page 8, it's
23 page 57 on the bottom. Okay.

24 Q: So after your text on -- on February 28th, it's on the
25 middle of the page, we -- we looked at it, it says, "Thank you,

1 Mike, for giving me a new key to front door at 109 East 9th
2 Street." How did you feel about getting a key to the front --
3 entrance door of your building?

4 A: I was grateful to have the key. I treasured the key
5 till it broke.

6 MS. JOSEPH: Okay. Now let's go to page 9.

7 Q: And on the left side, the -- the -- the message that's
8 dated March -- March 14th, it's like a screenshot and the color
9 text you are writing, "That's what I could do to help the
10 situation with no key. Everyone is in the building, can get a
11 key." And there's a little picture of a key. Now, what -- what
12 are you -- what are you writing about, what is it about?

13 A: I'm writing about -- I have a friend that works at a
14 locksmith, and he came to try to help me and Mr. Mike to resolve
15 this situation with me not having a key, and he offered to give us
16 a new lock with 20 keys for 100 bucks.

17 Q: Okay. So at the point that you are writing this on
18 March 14th, 2025, did you have a working key to the front door of
19 your building?

20 A: No, I did not.

21 Q: Okay. So in response to your text to Mike Geylik, what
22 -- what -- what was his response with regard to your offer to get
23 a new lock with 20 keys?

24 A: He passed on the -- he passed on my idea; he didn't go
25 forward with my idea of -- with this offer.

1 Q: Right. While he passed on the idea, have you,
2 throughout the duration of this month, March -- from March 14th to
3 the end of March, did he provide you with a key to the front door
4 of the building?

5 A: I believe -- is it when he gave me the broken key, I --

6 Q: No, no --

7 A: I can't recall the date. I can't recall the date.

8 Q: Okay. That's fine.

9 A: I can't recall.

10 Q: Okay, that's fine.

11 ALJ STECURA: Mr. Chlapek, no talking, please.

12 Your testimony is in progress.

13 MR. CHLAPEK: Yes, Your Honor.

14 Q: On page 10, let's move on to page 10, you are texting
15 "Key received by 2D Remy.", and that text is dated April 7th,
16 2025. Do you see that?

17 A: Yes.

18 Q: So at that point, you received the -- a working key to
19 your front door of the building?

20 A: Correct, that's the new key that I have now.

21 Q: So my question was, between March 14th, after your text
22 about speedy Mike providing keys to the building, and April 7th,
23 did Mr. Geylik give you any other key?

24 A: No.

25 MS. JOSEPH: Okay. So -- all right. So I'm going

1 to put down Exhibit 37, Your Honor.

2 ALJ STECURA: Can you please take it down from the
3 WebEx? Thank you.

4 MS. JOSEPH: Thank you.

5 Q: Let me just ask you, during the time that you resided in
6 the building after Mr. Geylik purchased it, what assistance, if
7 any, has Mr. Geylik offered you to leave the building?

8 A: He asked me a couple times if I want to join the lottery
9 and -- and go into one of the new developments.

10 Q: And -- and do you know, to your knowledge, if anyone in
11 the building had actually moved out due to Mr. Geylik's assistance
12 with building lottery?

13 A: Yes, after asking everyone in the building, Mr. Yosef,
14 my neighbor, one week I seen him, next week he was gone. He
15 moved.

16 Q: Do you know that -- do you know -- I mean, do you know
17 that Mr. Geylik had assisted him to move to a building lottery
18 elsewhere?

19 A: Yes.

20 Q: Now, after Mr. Geylik purchased the building in June,
21 2021, who approached who first about enrolling in building
22 lottery, did you approach him or did he approach you?

23 MR. FAVILUKIS: Objection, Your Honor.

24 A: Mike approached me --

25 ALJ STECURA: Objection's pending, stop speaking.

1 What's your objection?

2 MR. FAVILUKIS: We've discussed this before, that
3 the relevant inquiry period is March, 2024 and after.
4 Everything before that date has already been decided to not
5 be harassment, and we've provided Ms. Joseph a lot of leeway
6 in forming like a background on what she wanted to say, but
7 if her questions are geared to things before March, 2024,
8 it's wholly outside the relevance of this hearing.

9 ALJ STECURA: Okay. Ms. Joseph, would you like to
10 respond?

11 MS. JOSEPH: Sure, Judge. I mean, there are some
12 background information that Respondent had elicit -- elicited
13 lengthy testimony about, I think he went back to 1990, 1992,
14 1991, and so on and so forth. So I am trying to clarify an
15 important point with regard to events that occurred since Mr.
16 Geylik purchased the building.

17 ALJ STECURA: How is it related to the allegations
18 in the petition?

19 MS. JOSEPH: Well, I'm going to see -- I'm going to
20 take a look -- well, there was -- Mr. -- Respondent could
21 cross examine on that issue, but my question simply was who
22 approached who, I already elicited the testimony that Mr.
23 Geylik approached the witness a couple of times offering to -
24 - for him to -- assistance with buil -- the building lottery.
25 I'm merely asking, so that -- that has been on the record,

1 I'm merely asking who approached who first.

2 ALJ STECURA: So --

3 MS. JOSEPH: That is the extent of my question. I
4 don't have -- I'm trying to get the -- I -- oh, here it is.
5 Okay. I'm trying to get the allegations, Your Honor. Okay,
6 sir.

7 ALJ STECURA: So the harassment, I'm looking at 11,
8 and it occurred on or within between March 4th, 2024 and the
9 present.

10 MS. JOSEPH: Okay. I'm trying to see if there is a
11 moving --

12 ALJ STECURA: Okay. Do you need a moment?

13 MS. JOSEPH: Yes, just one moment, Judge.

14 ALJ STECURA: Thank you.

15 MS. JOSEPH: Right. Okay. I -- I -- I don't see
16 an allegation specific to Mr. Chlapek with that respect, so
17 I'll withdraw my question. I see an allegation with regard
18 to --

19 [CROSSTALK]

20 ALJ STECURA: That's an -- that's -- that's fine.
21 Thank you. Thank you. All right. So the question's been
22 withdrawn.

23 MS. JOSEPH: Okay. I believe that's all I have.
24 Thank you, Mr. Chlapek.

25 ALJ STECURA: All right. So we're going -- you are

1 going to be subject to cross examination. We're
2 going to take a short break now. So you may not discuss your
3 testimony with anyone, that includes your attorney in your
4 criminal matter who's sitting beside you, and I know that I -
5 - that the attorney will keep up to that standard. So you
6 can talk about going to the bathroom, what -- logistical
7 things, nothing related to this case or your testimony. Do
8 you understand, Mr. Chlapek?

9 MR. CHLAPEK: Yes, I do.

10 ALJ STECURA: All right. So we're going to come
11 back in -- at 11:00. Thank you.

12 MS. JOSEPH: Thank you, Judge.

13 [OFF THE RECORD]

14 [ON THE RECORD]

15 ALJ STECURA: All right. It is now 11:03. We are
16 back on the record. And I'm going to invite --

17 MR. FAVILUKIS: Your Honor, I believe the courtroom
18 is muted.

19 ALJ STECURA: No, it's not. Can you hear me?

20 MS. JOSEPH: It's muted.

21 MR. FAVILUKIS: Oh, I think it was muted before.

22 MR MESTOUSIS: How's that now?

23 MR. FAVILUKIS: That's --

24 ALJ STECURA: Can you hear us? All right.

25 MR. FAVILUKIS: Yes, Your Honor.

1 MS. JOSEPH: Yeah.

2 ALJ STECURA: All right. So we are back on the
3 record. It is 11:04, and I'm going to invite Respondent's
4 counsel to cross examine Mr. Chlapek now.

5 MR. FAVILUKIS: Thank you, Your Honor.

6 **CROSS EXAMINATION OF MR. CHLAPEK**

7 **BY MR. FAVILUKIS:**

8 Q: Mr. Chlapek, can you hear me?

9 A: Yes. How are you doing?

10 Q: Okay, good. I'm good. How are you?

11 A: Good.

12 Q: My name is Vladimir Favilukis. This -- this proceeding,
13 it -- it seeks to determine whether my client harassed you, which
14 is a -- it's a term of art. It's a defined term. I'm not going
15 to go into what it means, but that's what we're here for.

16 MS. JOSEPH: I'm sorry. I'm sorry. I'm sorry, I
17 did not -- I heard -- the last sentence was muted. I -- I
18 didn't get that.

19 ALJ STECURA: Okay. So --

20 MS. JOSEPH: What was that?

21 ALJ STECURA: -- Ms. Joseph, I will ask Mr.
22 Favilukis to repeat it, but it -- can you --

23 MS. JOSEPH: Thank you.

24 ALJ STECURA: -- just try not to disrupt. Thank
25 you.

1 MR. FAVILUKIS: I sim -- Ms. Joseph, I simply was
2 briefly explaining what this proceeding is about. It's a
3 proceeding to determine whether my client, Michael Geylik,
4 harassed Mr. Chlapek among other tenants in the building.

5 ALJ STECURA: Okay. But that is not your role, so
6 --

7 MS. JOSEPH: I object to that.

8 ALJ STECURA: Ms. Joseph, please. Please, ask
9 questions.

10 MR. FAVILUKIS: Understood.

11 ALJ STECURA: Thank you.

12 Q: So with that, Mr. Chlapek, have you ever been aggressive
13 towards Mr. Geylik?

14 A: No.

15 MR. FAVILUKIS: Okay. I'd like to introduce into
16 evidence Respondent's Exhibit J3.

17 ALJ STECURA: What is Exhibit J3?

18 MR. FAVILUKIS: It's the texts between Mr. Chlapek
19 and Mr. Geylik. They're slightly different than the texts
20 that Ms. Joseph provided, they go back a little bit further.

21 ALJ STECURA: Are they related to the dates in the
22 --

23 MR. FAVILUKIS: Yes.

24 ALJ STECURA: -- allegations?

25 MR. FAVILUKIS: Yes, Your Honor. And the text --

1 the specific text that I'd like to point to predates the
2 allegations, but again, since Ms. Joseph took great liberties
3 to discuss matters that predated the inquiry period, I'd
4 simply like to point to Mr. Chlapek to a text that he sent to
5 my client.

6 ALJ STECURA: During the inquiry period?

7 MR. FAVILUKIS: Outside of the inquiry period, Your
8 Honor, again, Ms. Joseph did discuss many things outside of
9 the inquiry period.

10 ALJ STECURA: So is this text message in evidence?

11 MR. FAVILUKIS: Yes. It's -- no, it's -- I'd like
12 to introduce it into evidence. Marked for identification J -
13 -Respondent's J -- J3.

14 ALJ STECURA: All right, one moment. Ms. Joseph,
15 can you hear us?

16 MS. JOSEPH: Yes.

17 ALJ STECURA: All right. So I'd ask, while, Mr. --
18 I -- I realize with a hybrid trial, it's sometimes hard to
19 know when someone has stopped and started speaking, but if
20 you could refrain from speaking until you're actually making
21 your objection. While he's speaking, please do not speak
22 over him.

23 MS. JOSEPH: Okay, Judge. Thank you.

24 ALJ STECURA: So you were saying that this is a
25 document that's not in evidence and it's not in the inquiry

1 period.

2 MR. FAVILUKIS: Correct, Your Honor.

3 ALJ STECURA: And the purpose of --

4 MR. FAVILUKIS: The -- the pur -- the purpose of it
5 is to color the inquiry period as Ms. Joseph has done by
6 going back to events that occurred prior to the inquiry
7 period. The purpose is to show the relationship between Mr.
8 Chlapek and Mr. Geylik, as well as to shed light on Mr.
9 Chlapek's credibility with respect to his testimony here
10 today, because he did just state to me -- to my question that
11 he has never been aggressive towards my client, Your Honor.

12 ALJ STECURA: All right. I'll allow you to prob --
13 publish the un-admitted exhibit at this time, but I am going
14 to keep this very limited.

15 MR. FAVILUKIS: Understood.

16 ALJ STECURA: Thank you.

17 MR. FAVILUKIS: Thank you, Your Honor.

18 MS. JOSEPH: Can I -- can I ob -- can I object,
19 Your Honor?

20 ALJ STECURA: It has not been introduced into
21 evidence. It is now being published for the purposes of
22 authentication in response to an answer that your witness
23 just gave. So, at the time --

24 MS. JOSEPH: Right.

25 ALJ STECURA: -- before it's admitted, I will give

1 you the opportunity to object. Until then, please go ahead,
2 Mr. Favilukis.

3 MR. FAVILUKIS: Thank you, Your Honor. So there
4 the --

5 ALJ STECURA: Do you need to share?

6 MR. FAVILUKIS: I understand -- no, I understand.
7 I just want to make sure that everyone can see it -- that
8 it's large enough for everyone to see. So -- so that Mr.
9 Chlapek can see the -- the text.

10 ALJ STECURA: He can't see it; you need to share
11 it.

12 MR. FAVILUKIS: Oh, I apologize.

13 ALJ STECURA: I cannot see it, and he cannot see
14 it.

15 MR. FAVILUKIS: Sorry about that. Share.

16 ALJ STECURA: No, go to the share on WebEx.

17 MR. FAVILUKIS: Sorry. Share, and I'm just going
18 to do this whole -- the whole screen?

19 ALJ STECURA: No.

20 MR. FAVILUKIS: No.

21 ALJ STECURA: The document.

22 [OFF MIC CONVERSATION]

23 ALJ STECURA: There you go.

24 MR. FAVILUKIS: Okay, great. Thank you. Sorry
25 about all that.

1 [OFF MIC CONVERSATION]

2 MR. FAVILUKIS: There we go. Can -- can -- can
3 everyone see this large enough or --

4 MS. JOSEPH: Oh yeah.

5 MR. FAVILUKIS: Can -- Your Honor, here, yeah,
6 sorry. Mr. Joe -- Mr. Goldsmith is going to operate the
7 machinery -- the heavy machinery. Sorry about that. Okay,
8 great.

9 Q: And, Mr. Chlapek, do you recognize these texts?

10 A: Well, yes. That's my -- I have a pickup truck.

11 ALJ STECURA: Okay. So all he's asking is if you
12 recognize it, so what I'm going to ask you to do --

13 A: Yes, I do.

14 ALJ STECURA: -- is to make sure he can see it, and
15 go ahead.

16 MR. FAVILUKIS: Thank you, Your Honor.

17 Q: Do -- you said you recognize these texts, correct?

18 A: Yes.

19 Q: And these are texts between yourself and Mr. Geylik; is
20 that correct?

21 A: Correct.

22 Q: And are you the texts in the gray on the left, and is
23 Mr. Geylik the texts in the blue on the right?

24 A: Yes.

25 Q: Okay, thank you. And so that's your text there from --

1 at the very -- the very first text. It's from October 16th, 2023,
2 it says, "Sorry if I was a little aggressive."

3 MS. JOSEPH: Objection, Your Honor. He's pulling
4 from the text notes.

5 ALJ STECURA: Yes.

6 MS. JOSEPH: Not in evidence.

7 ALJ STECURA: It's not in evidence.

8 MR. FAVILUKIS: I apologize. I'd like to introduce

9 --

10 ALJ STECURA: Get the document in evidence before
11 you question him.

12 MR. FAVILUKIS: I'd like to introduce this as
13 Respondent's J3, Your Honor.

14 ALJ STECURA: Any objection?

15 MS. JOSEPH: Yes, Your Honor. First of all, I
16 don't -- I'm not clear Mr. Favilukis was referring to texts.
17 We are looking at one page. I'm not clear if his proposed
18 admission is just for this one page. That's first objection.

19 MR. FAVILUKIS: I'm keeping it limited to --

20 MS. JOSEPH: The second objection, if I recall
21 correctly, about 15 minutes ago, Mr. Goldsmith objected to me
22 going further than March 4th, 2024, and I was -- with
23 reference to eliciting evidence with regard to a particular
24 question, and I withdrew that question. So having said that,
25 now Mr. Favilukis is trying to put in a text from October,

1 2023, which is before the allegations here, and so I would
2 ask that it's not proper for this to be admitted. It's not
3 the timeframe. As much as he has objected to my eliciting
4 evidence for that particular question, I'm objecting to that
5 on that -- on that -- on that basis, and also on the basis
6 that I'm not sure what is -- what is the exhibit that he's
7 attempting to admit, because I had other objections to J3,
8 but I don't know how many pages.

9 ALJ STECURA: Okay. Thank you, Ms. Joseph. So are
10 you looking to admit the first page or the entire document?

11 MR. FAVILUKIS: For -- for this line of
12 questioning, the first page. The entire document matches
13 greatly to the texts that are part of Petitioner's Exhibit
14 37, but for now, Your Honor, what I can do is request from
15 you permission to admit any particular piece of text that --
16 that is on this exhibit before I admit it -- before -- before
17 referring to it.

18 ALJ STECURA: Yes. That is how I would like you to
19 proceed.

20 MR. FAVILUKIS: Absolutely.

21 ALJ STECURA: So please, when you seek to admit a
22 document, get the date in, and -- so if you're going to use
23 the entire document, then please try -- seek to authenticate
24 it now.

25 MR. FAVILUKIS: I can seek to it -- it's just --

1 it's several pages, so we can seek to authenticate it now,
2 Mr. Chlapek.

3 ALJ STECURA: Is it all related to your initial
4 question?

5 MR. FAVILUKIS: No, no. That's why I just want to
6 admit this first text, Your Honor, because it -- Ms. Joseph
7 is correct. We objected to her referring to issues outside
8 of the inquiry period. We also allowed her to refer to
9 issues outside of the inquiry period, such as the discussion
10 about the removal of the toilet that predated this text.

11 ALJ STECURA: Thank you. So J3, page 1, which is
12 dated 10/16/2023 and 10/21/2023, are you looking for the in -
13 -

14 MR. FAVILUKIS: No, just --

15 ALJ STECURA: -- admission in its entirety?

16 MR. FAVILUKIS: Just the first text, Your Honor.

17 ALJ STECURA: So just the first text in gray?

18 MR. FAVILUKIS: Correct.

19 ALJ STECURA: Not the blue?

20 MR. FAVILUKIS: Correct. We -- yeah, that's -- we
21 can -- we -- we'd like the blue as well, but it's just a
22 responsive text.

23 ALJ STECURA: So the three texts dated 10/16/2023,
24 and I am going to overrule the objection. And J3, page 1,
25 the first three texts dated 10/16/2023 are now in evidence.

1 **[Respondent's Exhibit J3 admitted into evidence.]**

2 MR. FAVILUKIS: Thank you, Your Honor.

3 Q: So, Mr. Chlapek, you said you recognize this text and it
4 says, "Sorry if I was a little aggressive. That's my ADD, mixes
5 with a beer -- with beer, but I have a point." And then I think
6 you say, "One, he I can move that X," and then Mr. Geylik's
7 response, "Thank you. All good." Can you tell us, do you
8 remember what -- what were you referring to when you said you were
9 -- you were apologizing for -- for being a little aggressive?

10 A: So in front of our building, there's two parking spots
11 available. One is in front of his building, one is by the
12 alleyway gate. When I drive my pickup truck, I park either --
13 either or one of those spots. When Michael Geylik doesn't have
14 his car there, and then when I'm taking one of the spots, he will
15 call me to -- if I can move my truck because he has to park. And
16 I always accommodated him and moved my truck so he can park his
17 truck and I would be doing circles, looking for a parking spot
18 while he parks in front of his building. All the time, anytime I
19 was parked, Michael would call me, hey, can you move your truck so
20 I could park. I always accommodated him, his parking spot. Never
21 did I ever say, no, it's my spot or ever argued with him. I
22 always accommodated him to have his nice parking spot in front of
23 his building and I would be parked somewhere else catching a
24 ticket. Yes, I could accommodate him.

25 Q: So -- so what was it that you considered you being a

1 little aggressive that you needed to apologize for?

2 A: For taking his spot because he would not be present in
3 front of the building and then when he does come, I accommodate
4 him with the spot. I'll move my truck.

5 Q: Were you -- okay. Were you driving --

6 A: But no, we never have any --

7 [CROSSTALK]

8 ALJ STECURA: There's no question pending. There's
9 no question pending. Wait for the question, Mr. Chlapek.

10 Q: Were you saying in this text that you were driving under
11 the influence here?

12 MS. JOSEPH: Objection, Your Honor. Objection,
13 Your Honor.

14 ALJ STECURA: What's your objection?

15 MS. JOSEPH: Counsel is now asking him if he's
16 driving under the influence, which is not related to -- to
17 anything that was -- that was asked of him or anything that
18 was on direct.

19 ALJ STECURA: Sustained.

20 MR. FAVILUKIS: Okay.

21 MS. JOSEPH: Thank you, Judge.

22 Q: What -- what were you saying you had a point about
23 there. It says, "But I have a point." What was that point?

24 A: Objection, recall my question.

25 ALJ STECURA: Mr. Chlapek.

1 MS. JOSEPH: Who's objected?

2 ALJ STECURA: Mr. Chlapek.

3 MR. CHLAPEK: Yes.

4 ALJ STECURA: That's not appropriate. Would you
5 like to hear the question again?

6 MR. CHLAPEK: Yes, read the question again.

7 Q: What were you referring to there where you say, "But I
8 have a point." What was the point that you had?

9 A: I really don't know. I can't recall.

10 Q: Okay. But the incident involved -- you say you were
11 aggressive by taking a parking spot, just to clarify, is that the
12 -- the --

13 MS. JOSEPH: Objection, Your Honor.

14 ALJ STECURA: What's your -- wait a second. There
15 is an objection. Don't speak, please, Mr. Chlapek. Yes, Ms.
16 Joseph.

17 MS. JOSEPH: Counsel is now mis categorizing this
18 text as an incident. There was no testimony about an
19 incident.

20 ALJ STECURA: Sustained.

21 MR. FAVILUKIS: Okay.

22 ALJ STECURA: You can rephrase. And, Mr. Chlapek,
23 if -- I don't need your commentary on the questioning, on the
24 objections, please just answer questions. Thank you.

25 Q: Mr. Chlapek, I'm just trying to get clarity on what it

1 was that the aggressive -- that the word aggressive was referring
2 to. What was the incident that you were apologizing for being a
3 little aggressive, and I thought that --

4 MS. JOSEPH: Objection.

5 ALJ STECURA: The question's not finished. Go
6 ahead.

7 Q: And I thought that your answer previously was for
8 parking in the spot; is that correct?

9 MS. JOSEPH: Objection. Asked and answered, Your
10 Honor.

11 ALJ STECURA: Sustained.

12 Q: Okay. Mr. Chlapek, have you ever been arrested for
13 activities within the building?

14 MS. JOSEPH: Objection, Your Honor.

15 ALJ STECURA: What's your objection?

16 MS. JOSEPH: A -- any -- ever being arrested? Any
17 -- any past arrests are not part of this -- this proceeding.
18 They're not in the allegations. There is no allegations
19 reget -- regarding any arrests, and I would also say that any
20 such prior bad acts are not -- are not admissible and they
21 definitely were not part of direct in this case.

22 ALJ STECURA: I'm going to sustain the objection
23 because it's not related to the direct testimony.

24 MR. FAVILUKIS: Understood, Your Honor. M -- my
25 request, however, is the line of questioning with respect to

[11:20:25]
[01:35:25-1]

1 this first text, which says -- which is Mr. Chlapek
2 apologizing to my client for being a little aggressive, to
3 which Mr. Chlapek answered that it was about a parking spot.
4 I'd like to know if Mr. Chlapek was ever arrested in
5 connection with any aggressive activity within the building.

6 ALJ STECURA: Sustained. I already --

7 MR. FAVILUKIS: Understood.

8 ALJ STECURA: -- sustained it.

9 MR. FAVILUKIS: Understood.

10 MR. CHLAPEK: No, Your Honor.

11 MS. JOSEPH: Mr. Chlapek, no -- no question.

12 Q: Okay. Mr. Chlapek, you mentioned that sometimes you do
13 projects around the building while -- when -- when Ms. Joseph was
14 asking you, you mentioned that you do projects around the
15 building, correct?

16 A: Yes.

17 Q: Okay. Do you sometimes do projects around the building
18 with other tenants?

19 A: Yes.

20 Q: When was the last time you did a project in the
21 building?

22 MS. JOSEPH: Objection, Your Honor. Objection,
23 Your Honor. I -- I'd like to understand what the
24 characterization of a project is. The -- the testimony
25 elicited on direct was strictly relating to work that was

1 done at the behest of Mr. Geylik or to work clearing up the
2 snow. I'm not sure as far as Mr. Favilukis' characterization
3 of a project if it relates to the direct -- to the testimony
4 on direct at all.

5 ALJ STECURA: So, Mr. Favilukis, can you be more
6 specific as to what you mean by project?

7 MR. FAVILUKIS: Yes. Work with power tools in the
8 building.

9 ALJ STECURA: Ask your question.

10 Q: Oh. when was the last time you did work in the building
11 using power tools?

12 MR. CHLAPEK: Can I answer?

13 ALJ STECURA: Yes.

14 A: Three days ago.

15 Q: And what was that work?

16 A: For my neighbor.

17 Q: Sorry.

18 A: My neighbor, Mr. Patterson, asked me to hang a shelf for
19 him.

20 Q: And what was the spec -- the nature of the work that the
21 power -- the power tools, what power tools did you use?

22 A: I used a saw and drill to cut a shelf and to hang a
23 shelf in his unit next door.

24 Q: And was all of this work done within the unit itself, or
25 was there any work using power tools done in the common areas?

1 A: Repeat your question.

2 ALJ STECURA: Are you being specific to this event?

3 MR. FAVILUKIS: To this particular -- what -- the
4 event that he's referring to.

5 ALJ STECURA: So please make the question very
6 specific.

7 MR. FAVILUKIS: Sure.

8 Q: You mentioned that you helped your neighbor hang -- what
9 -- what was that, I'm sorry? You -- you helped -- helped him do
10 what?

11 ALJ STECURA: No, he's --

12 MR. FAVILUKIS: I didn't --

13 ALJ STECURA: No, he's -- he's already answered the
14 question.

15 [CROSSTALK]

16 ALJ STECURA: Ask your question. He has answered
17 it.

18 Q: Whatever it was that you helped him hang, you said it
19 was hung in -- in the -- in Mr. Patterson Beckworth -- Beckwith's
20 unit, correct? That's what you said? I -- I'm -- I'm trying to
21 clarify what you said.

22 MS. JOSEPH: Objection, Your Honor.

23 ALJ STECURA: He -- what he answered was, is that
24 he hung a shelf for Mr. Patterson and he used a saw and a
25 drill --

1 MR. FAVILUKIS: Got it.

2 ALJ STECURA: -- three days ago.

3 Q: Was -- Mr. Chlapek, was that saw and drill, where they
4 used exclusively within Mr. Beckwith's apartment or did you use
5 the saw and drill in the hallways of the building?

6 A: Between my unit and Patterson's unit there's a little
7 hallway. We -- I cut the wood in the little hallway and I
8 installed it in Patterson's unit, and then we cleaned up better
9 than before.

10 Q: Cle -- cleaned what up?

11 A: The saw dust.

12 Q: From where?

13 A: From the hallway.

14 Q: From the hallway. Did you inform the landlord that you
15 were going to be using power tools to cut wood in the building's
16 hallway?

17 MR. CHLAPEK: Objection. I don't think we need to
18 ask the landlord if we get to use the saw.

19 ALJ STECURA: Mr. Chlapek, you do not have the
20 power to make objections to questions unless someone else --

21 MR. CHLAPEK: I'm sorry.

22 ALJ STECURA: Let me finish speaking. Unless
23 someone else makes an objection, you answer the question. I

24 --

25 MR. CHLAPEK: Sure.

1 ALJ STECURA: Please act in a professional manner,
2 sir. Thank you. Can you ask your question again?

3 MR. FAVILUKIS: Thank you, Your Honor.

4 Q: Did you inform the landlord before you used power tools
5 to cut wood in the building's hallway?

6 A: No.

7 Q: Okay. If you were using power tools to cut wood in the
8 building's hallway, would you typically inform the landlord?

9 MS. JOSEPH: Objection, Your Honor. It calls for
10 speculation.

11 ALJ STECURA: Sustained.

12 Q: Okay. Have you previously done similar work in the
13 building's hallway?

14 MS. JOSEPH: Objection, Your Honor. Can we have a
15 timeframe?

16 Q: Have you --

17 MR. FAVILUKIS: Sure.

18 MS. JOSEPH: And --

19 MR. FAVILUKIS: Sure.

20 ALJ STECURA: All right. Thank you, Ms. Joseph.

21 Q: Since March of last year, have you done similar work in
22 the building in the hallway?

23 A: Possibly.

24 Q: At those times, did you inform the landlord that you
25 were going to be doing that work?

1 A: Repeat your question.

2 Q: At those times, did you inform the landlord that you
3 would be doing that work?

4 A: If it's related to fixing stuff for the landlord, then
5 he would know about it. If it's doing stuff for myself in my
6 unit, no, I wouldn't ask him.

7 Q: Since March of last year, did you do things for the
8 landlord that he requested in the building?

9 A: Whenever he asked, I would help him.

10 Q: That's not the --

11 ALJ STECURA: That's not responsive, Mr. Chlapek.
12 Please ask the question again.

13 Q: Since March of last year, have you done work in the
14 building that the landlord requested you to do?

15 A: Yes.

16 Q: What was that work?

17 A: I did the shoring downstairs in the unit when the
18 contractors were there. Michael had called me to ask for help and
19 I came down to help them.

20 Q: How did you help the contractors?

21 A: I built the shoring wall to support the building when
22 DOB gave him the -- the work order.

23 Q: Did Michael pay you for that work?

24 A: Yes, he did. He offered to deduct some of my rent.

25 Q: How much was deducted from your rent?

1 A: I really don't -- it's noted in the taxes. I --

2 Q: Where would it be noted in the taxes?

3 MS. JOSEPH: Objection, Your Honor. I think this
4 goes past the -- the -- the -- the subject of work. We are
5 now venturing into payments, which wasn't part of -- of the
6 direct, and I -- I object to the prolonged line of
7 questioning about whether Mr. Geylik paid and how much he
8 paid to do work.

9 ALJ STECURA: I'm overruling you on the -- your
10 argument because it was elicited on direct that Mr. Chlapek
11 was paid for work. But the question -- I'm sustaining the
12 objection on form.

13 MR. FAVILUKIS: Understood.

14 MS. JOSEPH: Thank you, Your Honor.

15 Q: Mr. Chlapek, you said the last time that you did work in
16 the building's hallway, or sorry, in the building, was the cutting
17 of the wood in the hallway with Mr. Beckwith. That was the last
18 time, correct?

19 A: Correct.

20 Q: Did you do any work in the building's common areas using
21 any power tools two weeks ago in the last week or the last two
22 weeks of May?

23 A: Yes. Yes.

24 Q: What did you do?

25 A: I -- I put a new latch on the front door.

1 Q: You -- I'm -- I don't un -- really understand what that
2 means exactly. Could you explain what putting a new latch on the
3 front door entails? How did you do it, first step to last step?

4 ALJ STECURA: So --

5 A: Repeat your question.

6 Q: What does putting a new latch on the front door entail?

7 A: Required putting a new screw in the front door.

8 Q: Sorry, I'm not -- I know that you're a contractor and
9 I'm not, and I apologize if I don't understand so quickly.

10 MS. JOSEPH: Object --

11 Q: Did you remove the old latch that was there?

12 MS. JOSEPH: Objection, Your Honor. The question
13 was asked as far as what work he did, the witness answered.

14 MR. FAVILUKIS: I'm trying --

15 ALJ STECURA: Sustained.

16 MR. FAVILUKIS: Okay.

17 ALJ STECURA: You can ask follow up questions --

18 MR. FAVILUKIS: Okay.

19 ALJ STECURA: -- after he answers.

20 MR. FAVILUKIS: Understood.

21 Q: So, given that I don't really understand what exactly
22 you did, did you inform the landlord that you were doing this
23 work?

24 A: No, I was making it better.

25 Q: Who -- did -- did someone else say that you were making

1 it better?

2 MS. JOSEPH: Objection, Your Honor.

3 MR. FAVILUKIS: Well, --

4 ALJ STECURA: Wait. What's your objection?

5 MS. JOSEPH: It was -- it was ask -- it was asked
6 and answered. And the -- there's no testimony about anybody
7 else saying anything. There was a question and the question
8 was answered.

9 ALJ STECURA: Sustained on the form too.

10 Q: Okay. Did -- did anyone help you do this work?

11 A: No.

12 Q: No? Okay.

13 MR. FAVILUKIS: Your Honor, I'd like to admit into
14 evidence Respondent's -- I'm sorry, one second, I will. If
15 you could -- could you go to the thing? Thank you. It is
16 Respondent's J -- J8.

17 ALJ STECURA: Is it already in evidence?

18 MR. FAVILUKIS: No, no. I'd like to introduce it
19 into evidence, Your Honor.

20 ALJ STECURA: All right. You may publish it.

21 MR. FAVILUKIS: Oh, I'm sorry. I apologize. J --
22 J9, I apologize. J9. Okay. And can we play it so that Mr.
23 Chlapek has a chance --

24 Q: Or I can -- I -- I can ask you. Mr. Chlapek, do you
25 recognize this space?

1 A: Yes, that's the hall -- the hallway to the door.

2 Q: That's the hallway to the door. And is that you down
3 there in a hat, I think?

4 A: Yes, it is.

5 Q: Okay. And is that a second person there in front of
6 you?

7 A: It could be one of my girls.

8 MR. FAVILUKIS: Okay. I'm not sure who it is, Your
9 Honor. I mean, I think that it's not a woman, but I think
10 it's actually one of the tenants, but if we can play it you
11 can see who it is. Can we play it?

12 ALJ STECURA: You -- no.

13 MR. FAVILUKIS: No? Okay. I'd like to admit it
14 into evidence as -- as Respondent's J9, Your Honor. This is
15 a -- this is a video of the first-floor hallway, the first
16 staircase up into the building. The door is leading out to
17 the street. The date of the video is May 24th, as written on
18 the subject.

19 ALJ STECURA: Any objection?

20 MS. JOSEPH: Yes, Your Honor. I mean, the question
21 was asked and we -- the witness answered fully. And, you
22 know, at this point, Counsel doesn't have -- Counsel does not
23 -- is not able to admit evidence to challenge their answer.
24 That's extrinsic evidence, and it's on a collateral matter.
25 He had asked whether he did work, he had described and asked

1 a few questions, what type of work, he got an answer for
2 that.

3 MR. FAVILUKIS: I'd like to show --

4 MS. JOSEPH: And that should be sufficient without
5 showing the video, which is -- you know, which is extrinsic
6 to -- to the issues here. He answered the question. He got
7 an answer, he shouldn't be challenging --

8 ALJ STECURA: Thank you.

9 MR. FAVILUKIS: -- the witness testimony with
10 extrinsic evidence.

11 ALJ STECURA: Thank you, Ms. Joseph. So his last
12 response was no one helped him do the work.

13 MR. FAVILUKIS: And the video clearly shows that
14 someone does, so we'd like to show it.

15 MS. JOSEPH: I disagree.

16 MR. FAVILUKIS: Okay.

17 ALJ STECURA: It's not your turn to talk, Ms.
18 Joseph. You spoke at length. Mr. Favilukis is speaking now.

19 MR. FAVILUKIS: This is -- again, goes --

20 MS. JOSEPH: Thank you.

21 MR. FAVILUKIS: -- Your Honor, goes towards the
22 witness's credibility in answering questions in -- on what we
23 believe is an untruthful manner.

24 ALJ STECURA: Petitioner's Exhibit J9 is admitted
25 into evidence over objection.

1 **[Respondent's Exhibit J9 admitted into evidence.]**

2 Q: So I -- I -- I'd like to play this video, Mr. Chlapek.
3 We're going to do it now, okay?

4 MR. FAVILUKIS: Go ahead. Enlarge it. There,
5 there.

6 MR. GOLDSMITH: I'm sorry. One second, please. I
7 apologize.

8 ALJ STECURA: Okay. And make sure you -- you know,
9 if you're moving to different times, you -- so the video's
10 playing. Is that your intention?

11 MR. GOLDSMITH: I'm going to -- I'm going to
12 restart it.

13 MR. FAVILUKIS: I think it's viewable like this
14 also if -- and there's no sound.

15 ALJ STECURA: So you're admitting it with no sound?

16 MR. FAVILUKIS: Vi -- correct. The video -- none
17 of the videos have sound.

18 ALJ STECURA: Okay. Stop the video. If you're
19 going to play it, then you need to say at what time you're
20 playing it for the record.

21 MR. FAVILUKIS: Yeah. Play it from the beginning.
22 We're -- we're going to play the video from the beginning.
23 It's a -- it's a -- it's a video that's 00:01:09 long, and
24 I'm not sure at what point we'll stop, but we would like to
25 play it from the beginning, Your Honor.

1 ALJ STECURA: All right. Note what time you're
2 stopping it, if you stop it before it ends. Thank you.

3 MR. FAVILUKIS: Will do.

4 [VIDEO PLAYED]

5 MR. FAVILUKIS: And so this is about four seconds
6 in.

7 Q: Mr. Chlapek, you see yourself there. And what is that
8 tool that you're usings?

9 A: So I'm using a drill to put in a new screw into the
10 latch. And -- go ahead. The person in the hallway is Thomas.
11 And he's measuring the -- the handrail because the handrail is not
12 up to code.

13 ALJ STECURA: Okay. Mr. Chlapek, there's no
14 question. The question was only what tool you were using.
15 So I'm going to say that the rest is unresponsive. Counsel,
16 if you want to ask further questions, you can.

17 MR. FAVILUKIS: Thank you, You Honor. So, Tom --
18 we can stop it here at 49 seconds.

19 Q: So that's your testimony, right? Is that -- that that's
20 -- that second person in the video is Thomas. Is that Thomas?

21 A: Yes, that's Thomas.

22 Q: Okay. And so Thomas was helping you there with the
23 latch; is that correct?

24 MS. JOSEPH: Obje -- objection, Your Honor. The
25 testimony was that Thomas was measuring --

1 ALJ STECURA: No, I --

2 MS. JOSEPH: -- another part of the door.

3 ALJ STECURA: -- I said that none of that testimony
4 was responsive to the initial question. That testimony is
5 going to be stricken from the record and I'm going to ask Mr.
6 Favilukis to ask his question.

7 MR. FAVILUKIS: Thank you, Your Honor.

8 Q: And so that's Thomas there helping you with the latch;
9 is that correct?

10 A: No, he's not helping me with the latch. He's there just
11 hanging out watching me fix the latch --

12 Q: Okay.

13 A: -- while he's measuring the handrail, because the
14 handrail's not up to code.

15 Q: Okay. And the handrail -- and so -- and sorry, just to
16 go back one more to -- to the -- to one of my previous questions
17 earlier. You said you were making it better, you were making the
18 latch better, but that you did not tell the landlord that you were
19 going to be do -- doing this; is that correct?

20 A: Correct. Because if I'm making something better, why
21 would I have to bring it up to the landlord --

22 Q: So --

23 A: -- if I'm making something better for the building.

24 Q: -- you took the question out of my mo -- my -- my mouth.
25 Why wouldn't you tell the landlord that you were doing something

1 that was improving the building?

2 MS. JOSEPH: Objection, Your Honor. It was already
3 testified to. The witness just testified to that.

4 ALJ STECURA: Overruled.

5 Q: That -- that -- that means you have to answer the
6 question. The -- the -- why wouldn't you tell the landlord if you
7 were doing something to improve the building?

8 UNKNOWN SPEAKER: I'm going to advise my client not
9 to answer that question and to invoke his Fifth Amendment
10 right.

11 ALJ STECURA: All right, thank you. You can ask
12 him that --

13 MR. FAVILUKIS: I guess I have no argument to that.

14 Q: So the handrail, did you also improve, or -- I'm using
15 your words here, did you also improve the handrail?

16 MS. JOSEPH: Objection, Your Honor.

17 ALJ STECURA: Overruled. The witness may answer
18 unless directed by his criminal counsel not to do so.

19 A: No, handrail is not --

20 MS. JOSEPH: Hold on. There's an objection.

21 ALJ STECURA: I overruled your objection.

22 MS. JOSEPH: Oh, I'm sorry.

23 ALJ STECURA: Mr. Chlapek, you may answer.

24 A: No. The handrail was installed many years ago before I
25 moved in, and it's beyond my expertise to fix the handrail.

1 Q: Do you know when the latch was installed? The -- the
2 latch that you replaced?

3 MS. JOSEPH: Objection, Your Honor.

4 MR. FAVILUKIS: Sorry.

5 ALJ STECURA: What's your objection?

6 MS. JOSEPH: The testimony is about Mr. Chlapek
7 doing some work with the latch and I don't know what's the
8 timeframe that the latch was installed, if that goes way
9 beyond the period we talk -- we are talking about.

10 ALJ STECURA: Overruled. If the witness knows the
11 answer, he may answer.

12 Q: Do you know when the latch was installed?

13 A: The latch was always installed; I just added a better
14 screw to it.

15 Q: Okay. I just -- the reason why I am confused is because
16 you said you did not replace the handrail because it was installed
17 long ago but it sounds like the latch was also installed long ago
18 and you chose to replace the latch, so.

19 MS. JOSEPH: Ob -- ob -- objection, Your Honor. I
20 mean, Counsel is testifying and it's confusing the witness.
21 I mean, he can ask these questions and he got answers to
22 these questions. If he's confused, then it shouldn't be
23 going over to the courtroom.

24 Q: If you're --

25 ALJ STECURA: So -- hold on. I'm going to sustain

1 the objection. If you are confused, ask a clarifying
2 question. And also, that wasn't the entirety of his answer
3 on the handrail. He said --

4 MR. FAVILUKIS: You're right, Your Honor.

5 ALJ STECURA: He testified it was beyond his
6 expertise.

7 MR. FAVILUKIS: I withdraw that question.

8 Q: And so, was this be -- between March of last year and
9 this -- or I'm sorry, you -- and the time that you said you helped
10 contractors install shoring -- or --

11 MR. FAVILUKIS: I apologize, Your Honor. I -- I'm
12 so sorry.

13 Q: When was the shoring installed that you helped with?

14 A: Two days after the Building Department came and issued
15 him an emergency work order to do in the -- the shoring from the
16 basement, first floor and the second floor.

17 Q: And you --

18 A: I was involved in the second-floor shoring of the
19 floors.

20 Q: The second-floor shoring is -- is that -- that's above
21 the commercial space, correct?

22 A: Correct.

23 Q: And had you ever done --

24 [CROSSTALK]

25 ALJ STECURA: There's no question pending. There's

1 no question pending. Just answer the questions that are
2 asked.

3 Q: Had you ever done any work in that space where you said
4 you helped install shoring before?

5 MS. JOSEPH: Objection, Your Honor.

6 Q: Have you ever worked in that space before, Mr. Chlapek?

7 ALJ STECURA: There's an objection. Yes.

8 MS. JOSEPH: Objection, yeah. The question is
9 ever; can we have a timeframe? Again, the timeframe is of
10 importance here.

11 ALJ STECURA: Sustained. Counselor, please
12 rephrase your question.

13 Q: Have you ever done --

14 MR. FAVILUKIS: Yes.

15 Q: Ha -- have you -- had you ever done that -- any work in
16 that space between March and when you say you helped with the
17 shoring?

18 A: No.

19 Q: Okay. Going back to the door, to the front door. Did
20 you ever break -- I'll stop using the word ever. After March of
21 last year, did you break the door at any point?

22 MS. JOSEPH: Objection, Your Honor.

23 [CROSSTALK]

24 MR. FAVILUKIS: Sorry.

25 MS. JOSEPH: Okay. I withdraw my objection.

1 ALJ STECURA: Counsel.

2 UNKNOWN SPEAKER: I'm going to advise my client not
3 to answer that question and to invoke his Fifth Amendment
4 right.

5 MR. FAVILUKIS: Okay.

6 ALJ STECURA: All right. Can you actually pull the
7 vid -- stop sharing your screen also so I can -- can have a
8 better view. Thank you.

9 MR. FAVILUKIS: Or close that video, we don't need
10 it. Yeah.

11 ALJ STECURA: You just stopped sharing your screen,
12 so.

13 MR. FAVILUKIS: I'm actually going to go to another
14 video that we'd like to show in -- in very -- but --

15 ALJ STECURA: Can you please stop sharing your
16 screen.

17 MR. FAVILUKIS: Sure.

18 ALJ STECURA: Thank you.

19 MR. FAVILUKIS: There we go. Sorry. Give me one
20 second, Your Honor. We are going to share --

21 ALJ STECURA: Are you about to share another video?

22 MR. FAVILUKIS: Yeah.

23 ALJ STECURA: Okay, fine. Leave it up.

24 MR. FAVILUKIS: Thank you, Your Honor.

25 Q: Mr. Chlapek, you mentioned that you were climbing up the

1 stair -- up that step -- la -- up that ladder on the side of the
2 building because you didn't have a key; is that correct?

3 A: Correct.

4 MR. FAVILUKIS: Okay. And I'd like to show you
5 another video. We'd like to -- it -- we'd like to admit into
6 evidence Respondent's J7.

7 ALJ STECURA: Okay.

8 MR. FAVILUKIS: It's right there.

9 ALJ STECURA: You -- you may publish.

10 MR. FAVILUKIS: Yeah. And before I play it, can
11 everyone see --

12 Q: Can you see that -- that -- that screen, Mr. Chlapek?

13 A: Yes.

14 Q: And is that the -- is that the -- the rear side of the
15 building there with the step ladder? Is that -- is that what this
16 is?

17 A: Yes.

18 Q: Okay. And I -- I want to see if you can see the -- the
19 mouse here. Is that -- can you see the mouse?

20 A: Yeah.

21 Q: Is that the ladder that was from Ms. Joseph's --

22 A: It's the ladder.

23 ALJ STECURA: So the transcript cannot see --

24 MR. FAVILUKIS: Oh, sorry.

25 ALJ STECURA: -- the mouse.

[11:45:06]
[02:00:06-1]

1 MR. FAVILUKIS: There's a -- there's a ladder on
2 the right side of the -- of the video. It is attached to the
3 building's wall and I'm simply having Mr. Chlapek confirm
4 that that's the same ladder from Respondent's photograph that
5 was referred to in direct. I apologize, I don't remember the
6 -- I think 22, if I'm not mistaken.

7 ALJ STECURA: 22, page 3.

8 MR. FAVILUKIS: 22, page 3. Thank you, Your Honor.
9 So I'd like to admit this video into evidence. This is from
10 -- this is a -- a security footage -- security footage from
11 May 23rd of this month, Your Honor -- or of last month, Your
12 Honor.

13 ALJ STECURA: Of 2025?

14 MR. FAVILUKIS: 2025, correct.

15 ALJ STECURA: Any objection?

16 MS. JOSEPH: No objection, Your Honor. Not at this
17 time.

18 MR. FAVILUKIS: Thank you.

19 ALJ STECURA: Okay. J7 is now in evidence.

20 **[Respondent's Exhibit J7 admitted into evidence.]**

21 MR. FAVILUKIS: And I'd like to play it for you
22 here -- I'm going to play it now. And it's -- and it shows a
23 man walking in the -- in the alley there throwing something
24 away.

25 [VIDEO PLAYED]

1 Q: Mr. Chlapek, is that man you?

2 A: Yes, I was throwing away pizza.

3 Q: Okay. And what are you doing now in this video? Could
4 you describe to us what you're doing?

5 A: Going up to my unit.

6 Q: And how are you doing that?

7 A: Climbing the fire escape.

8 Q: You went up the stairs there on the side of the
9 building, hopped over the edge, climbed up the ladder; is that
10 correct?

11 MR. FAVILUKIS: And I'm going to pause it here,
12 Your Honor.

13 A: Correct.

14 MR. FAVILUKIS: And I paused it at 36 seconds.
15 It's a 54 second video, so at 36 of 54.

16 Q: So -- and do you recognize this person here who stepped
17 out of the door? Do you recognize that person, Mr. Chlapek?

18 A: Yeah, that's Mike.

19 Q: That's Michael. Is that -- that's Michael Geylik?

20 A: Yeah.

21 MR. FAVILUKIS: Okay. I'm going to keep playing
22 this video.

23 [VIDEO PLAYED]

24 Q: And what's happening now? You're going back up, right?
25 And it looks like --

1 MR. FAVILUKIS: And I'm going to pause it here,
2 Your Honor. I'm pausing it at 43 seconds.

3 Q: So this happened two weeks ago, maybe three weeks. It's
4 -- it's May 23rd, today is June 5th. Do you remember what Mr.
5 Geylik said to you there when he -- when he came out of the door
6 and saw you climbing up the ladder on the side of the window?

7 A: I misplaced my key.

8 Q: That's what he said to you, that he misplaced his key?

9 A: That's what I told him.

10 Q: What did he say to you?

11 A: I don't remember what he said, actually.

12 Q: You don't remember? I'm sorry. I -- I apologize. I --
13 I cut you off. What did you say?

14 A: I said I don't remember what he asked me. I just
15 remember what I told him. I said I misplaced my key.

16 Q: Okay. And then what happened? You just went back up to
17 your room?

18 A: Correct.

19 Q: Did you ever find that key, Mr. Chlapek?

20 A: Yes, I did.

21 Q: When did you find it?

22 MS. JOSEPH: Objection, Your Honor. What is the
23 relevance?

24 ALJ STECURA: Overruled. The witness may answer.

25 MR. FAVILUKIS: Thank you, Your Honor.

1 A: When I went up to my unit, I found my key.

2 Q: So you misplaced the key in your unit, left your unit,
3 realized that you didn't have your key and decided to go up the --
4 the -- the side of the building there; is that correct?

5 A: Correct.

6 Q: And does that happen often?

7 A: Now that I have a key, I don't do it anymore.

8 Q: But you had a key three weeks ago and you did it anyway,
9 does that -- not correct, didn't we just watch that happen?

10 MS. JOSEPH: Objection, Your Honor. It was asked
11 and answered as to the circumstances.

12 MR. FAVILUKIS: I'll withdraw.

13 Q: Before this video, did you have conversations with --
14 did Michael have conversations with you about not going up to the
15 roof?

16 MS. JOSEPH: Objection, Your Honor. I don't
17 believe that was part of direct at all with regard to that.

18 ALJ STECURA: Overruled.

19 MR. FAVILUKIS: I'll -- oh, okay. I'm sorry.

20 Q: Did -- be -- before this video, did Mr. Geylik have
21 conversations with you about not going up to the building's roof?

22 A: Once I got issued the key, I stopped climbing the -- the
23 ladder. Before I had no key, I kept climbing the ladder.

24 Q: Sorry, I don't think that was responsive to my question.

25 ALJ STECURA: I'm going to ask Mr. Favilukis to ask

1 the question again, please answer the question he's asking
2 you, sir,

3 Q: Before this video, which was on May 23rd of this year,
4 when you've already said you had a key, did Mr. Geylik ask you not
5 to go to the building's roof?

6 A: Yes.

7 Q: Okay. And were those requests only related to your
8 claims that you did not have a key, or were there other reasons
9 that you and Mr. Geylik discussed you not going up to the roof?

10 MS. JOSEPH: Objection, Your Honor. I believe this
11 is a -- a cumulative question and I -- I -- I believe the
12 reference was what did Mr. -- did Mr. Geylik tell you about
13 going up on the roof? And so that was answered. I don't
14 quite understand the question. It sounds cumulative to me.

15 ALJ STECURA: Sustained.

16 Q: Did Mr. Geylik ask you not to go to the roof to -- not
17 to sweep on the roof?

18 A: Not to sweep the roof. The plan was a couple of times
19 Geylik asked me to sweep the roof, then he changed his mind and
20 had me not sweep anything on the roof because I used to sweep the
21 roof.

22 Q: Sorry. Who asked you to sweep the roof?

23 MS. JOSEPH: Objection. Asked and answered.

24 MR. FAVILUKIS: He said the guy.

25 ALJ STECURA: No, he didn't.

1 MR. FAVILUKIS: Oh.

2 ALJ STECURA: But also, this is getting too far
3 off.

4 MR. FAVILUKIS: Understood.

5 ALJ STECURA: It's not related to the direct
6 examination at this point, so --

7 MR. FAVILUKIS: Understood, Your Honor.

8 ALJ STECURA: -- please keep on track.

9 MR. FAVILUKIS: I will -- I will move on -- we will
10 move on from the roof.

11 Q: Does Mr. Geylik currently have an order of protection
12 against you, Mr. Chlapek?

13 MS. JOSEPH: Objection, Your Honor. It is not part
14 of any of the allegations, it's not part of this case, and we
15 stipulated to that it is not part of any charges that the
16 city is moving under with references to any charges against
17 Mr. Geylik. I mean, I'm sorry, is it against Mr. Chlapek.

18 ALJ STECURA: Sustained.

19 MS. JOSEPH: And also, I'd like -- Thank you,
20 Judge.

21 ALJ STECURA: Sustained.

22 Q: Was there a -- a non-payment proceeding commenced
23 against you, Mr. Chlapek?

24 MS. JOSEPH: Objection, Your Honor. Mr. -- non-
25 payment proceeding is not part of the allegation. There's no

1 allegation with relation to a non-payment action against Mr.
2 Chlapek. The only allegation is regard to Mr. Saban, and
3 that is strictly listed in the -- in the -- I'm sorry, in the
4 allegations, Your Honor. There is no allegation, whatsoever,
5 with regard to Mr. Chlapek's non-payment action or for that
6 matter with regard to him -- rent payments.

7 ALJ STECURA: Okay. One -- give me one second.

8 MS. JOSEPH: Sure, Your Honor.

9 ALJ STECURA: All right. Sustained.

10 Q: Mr. Chlapek, are you --

11 MR. FAVILUKIS: And this has to do with -- this
12 goes towards the keys situation, Your Honor, so I'm not just
13 meandering around.

14 Q: Are you part of the group of tenants who are represented
15 or being assisted by someone named Anna Baker-Hines from Take Root
16 Justice?

17 A: Yes.

18 Q: Okay. And do you recall when Ms. Baker-Hines -- when
19 was the first time that Ms. Baker-Hines came to represent you over
20 your interests?

21 MS. JOSEPH: Objection. Objection, Your Honor.

22 There was nothing on direct with regard to Ms. Baker
23 assisting Mr. Chlapek or a group of tenants --

24 MR. FAVILUKIS: This has to -- this has to do with
25 the case.

1 MS. JOSEPH: -- and definitely about -- not her
2 movements with regard to the first time or so that she came
3 with that regard. None of it is relevant to the direct and
4 none of it is relevant to any allegation of Mr. Chlapek.

5 ALJ STECURA: Okay. Ms. Joseph, -- Ms. Joseph, I'm
6 going to sustain. I think I know where you're going, so ask
7 the questions related to the key.

8 MR. FAVILUKIS: Understood.

9 ALJ STECURA: Thank you.

10 Q: Did you ever ask Ms. Baker-Hines to assist you in
11 obtaining a key for the building, Mr. Chlapek?

12 A: No.

13 Q: Did you ever ask anyone to help you obtain a key for the
14 building?

15 A: Mike Geylik.

16 Q: I'm sorry?

17 ALJ STECURA: Mike Geylik.

18 Q: Mike -- Michael Geylik, got it. Okay. But Ms. Baker-
19 Hines wrote a letter on your behalf to me, and there were no
20 requests for the keys in December of last year, so I'm asking --

21 ALJ STECURA: I -- I'm going to stop. You're
22 testifying if you have something you want to show the
23 witness, but at the moment you're testifying.

24 MR. FAVILUKIS: Yeah, I understand. No, there's
25 nothing I want to show. They -- the -- the question was

1 answered. No -- no request was made to help with the keys.
2 I want to go back to one of the exhibits that Ms. Joseph
3 showed you. It's exhibit 31 of Petitioner's exhibits, page
4 4. I don't know if we can -- yeah.

5 ALJ STECURA: 31, page 4 was not --

6 MR. FAVILUKIS: It was Exhibit 31, or was it -- I'm
7 sorry. 37. Oh, 37. 37. And it was their page 4.

8 ALJ STECURA: Okay. Are you going to put it up?
9 Are you going to publish it?

10 MR. FAVILUKIS: If we can.

11 MR. GOLDSMITH: I'm going to -- I'm going to try,
12 Your Honor. Give me one second, please.

13 ALJ STECURA: Okay.

14 MR. FAVILUKIS: Another one is -- this might be the
15 old, but we'll see. Exhibit 37. Very good. Yes.

16 Q: So that's -- and, Mr. Chlapek, can you see that? Can
17 you read the -- that text?

18 ALJ STECURA: What page are you on, for the record?

19 MR. FAVILUKIS: I want to -- it's -- sorry. It's
20 the page with the big thumbs up, so let me -- let me just
21 find it. There's a big giant thumbs up there. I thought it
22 was page 4, maybe it's page 3. No, that's their -- sorry.
23 It's page 5. I think this is page 5. It -- it's page 4 when
24 -- when you don't include the -- the -- the exhibit cover
25 page.

1 ALJ STECURA: And I'm going to note that this is
2 not the same copy as HPD showed because HPD's copy had
3 handwritten page numbers.

4 MR. MESTOUSIS: Your Honor, --

5 MR. FAVILUKIS: This is from HPD's -- no, go ahead.

6 MR. MESTOUSIS: If I may explain. Mr. -- and he's
7 done this before as well. They're looking at the discovery
8 folder and the discovery folder included exhibits. They're
9 not looking at the proposed exhibits that the Court has as
10 well.

11 MR. GOLDSMITH: Is it a different exhibit?

12 MR. FAVILUKIS: I think it's the same exhibit.

13 MR. MESTOUSIS: It's the folder's called proposed
14 exhibit folder. It's not the same thing --

15 ALJ STECURA: It's not the same exhibit.

16 MR. FAVILUKIS: Oh, okay. We can find it. Is it
17 more efficient if you guys pull it up yourselves?

18 ALJ STECURA: Mr. Mahoney, can you please pull up
19 Petitioner's Exhibit 37 as a courtesy to Respondents?

20 MR. FAVILUKIS: Thank you. Thank you, Your Honor.
21 Thank you, HPD.

22 MR. MAHONEY: Yes, Your Honor. One second.

23 ALJ STECURA: Okay. You need to stop sharing your
24 screen.

25 MR. GOLDSMITH: I know, I'm trying. Sorry. I'll

[11:58:04]
[02:13:04-1]

1 figure it out. One of these things

2 ALJ STECURA: Just go to share.

3 MR. FAVILUKIS: It's got to be. No, probably the
4 three dots, I'm guessing. Oh. Up top. No, up top. There.

5 MR. MAHONEY: I believe you should be able to see
6 the exhibit now, Your Honor.

7 ALJ STECURA: Yes, thank you.

8 MR. FAVILUKIS: Thank you, Mr. Mahoney. It's -- at
9 the bottom it says 53, I think it's, of 59, so it -- it
10 should be -- yeah, there it is. There it is.

11 Q: And is that -- is that the right size for you, Mr.
12 Chlapek? Can you see that?

13 ALJ STECURA: I need it larger, please. Thank you.

14 MR. MAHONEY: Could -- just which section to be
15 larger?

16 MR. FAVILUKIS: I'd like to look at the text right
17 be -- the first text below the big thumbs up.

18 MR. MAHONEY: Is this correct?

19 MR. FAVILUKIS: Yes, but is it large enough for
20 everyone to see?

21 ALJ STECURA: Yes. Can you see it, Mr. Chlapek?

22 MR. CHLAPEK: Yes, I do see it.

23 ALJ STECURA: Thank you.

24 MR. FAVILUKIS: And -- and you see those top three
25 texts there? I think -- below them, I think the date is

1 11/13/2024. Is that -- can you see that?

2 ALJ STECURA: 11?

3 MR. FAVILUKIS: I think it's 13.

4 MR. MAHONEY: 18.

5 MR. FAVILUKIS: 18? 11/18/2024 at 10:12 PM I
6 think.

7 Q: So that's -- just to confirm and that this is already in
8 evidence, I just want to make sure that, for the record, these --
9 Mr. Chlapek, these three texts in gray on the left, these are you
10 sending texts to Mr. Geylik; is that correct?

11 A: It's correct.

12 Q: On November 18th, 2024. And -- so this is -- the reason
13 I want to make sure that we have the date correct, is because this
14 is when you say -- when you previously testified that you've been
15 trying like heck to get a key from your landlord and he has just
16 been --

17 Q: -- refusing and refusing, and refusing to give you a
18 key, and so you say, "Mike, you have been very good, nice and
19 great landlord. It's those outer holes that complain. Talk
20 tomorrow. I'll text you. I'm working in Long Island all week."

21 ALJ STECURA: Counsel, can you specify when these --
22 - these text messages were sent because it's not 11/18?

23 MR. FAVILUKIS: Is it the pre -- oh, I'm sorry.
24 Well, it -- they don't seem to have the -- the date here.
25 This is HPD's exhibit, but at some point, I think, between

1 August, 2024 and November, 2024, because the -- the previous
2 -- I thought -- frankly, Your Honor, I thought it was 11/18.
3 I thought it would've been 11/18.

4 MS. JOSEPH: I'll just say --

5 MR. FAVILUKIS: I -- I -- I -- you know what?

6 MS. JOSEPH: I'll just say, Your Honor, --

7 ALJ STECURA: Ms. Joseph, can you just --

8 MS. JOSEPH: Can I just say --

9 ALJ STECURA: No, no, no.

10 MR. FAVILUKIS: I can clarify.

11 ALJ STECURA: No.

12 MR. FAVILUKIS: It is 11/18.

13 MS. JOSEPH: Okay.

14 MR. FAVILUKIS: If we go to Petitioner's Exhibit
15 J3, -- J --

16 ALJ STECURA: Respondent's.

17 MR. FAVILUKIS: Respondent's Exhibit J3, the one
18 that we previously only refer to the first text on, I have
19 the -- the immediately preceding text to this.

20 ALJ STECURA: Then you need to --

21 MR. FAVILUKIS: We can do that.

22 MR. GOLDSMITH: So, Mr. O. Mahoney, if you can stop
23 sharing so that I can bring up the other exhibit.

24 MR. FAVILUKIS: O. Mahoney.

25 MR. GOLDSMITH: O. Mahoney.

1 MR. FAVILUKIS: Yes, sorry.

2 MR. GOLDSMITH: Apologize. Mr. Mahoney -- O.
3 Mahoney. Thank you. Which one, J3?

4 MR. FAVILUKIS: J3, yeah. And it'll be -- I think
5 it's eight or nine. Well, let me find it. Yeah, there we
6 go. Yeah, I think it's getting -- oh, there you go, yeah.
7 Your Honor -- almost there. Oh, keep going. You'll see the
8 big thumbs up. Okay. No, no. You'll see the thumbs up. Go
9 down. So, Your Honor, and for Mr. Chlapek, just to confirm
10 here, this is part of Respondent's J3, we have not admitted
11 this part of it into evidence. I'd like to admit this into
12 evidence.

13 Q: And, Mr. Chlapek, you recognize these texts here that I
14 just read to you a few seconds ago at page 7?

15 A: Yes.

16 Q: Okay. And I'll just scroll up here so that we can see
17 the date. And this is your text -- is this your text as well, Mr.
18 Chlapek, on page 6?

19 A: Yes.

20 Q: And it says, "Hi, Mike. I'm helping a friend in Long
21 Island. I'll have one month for you this week, plus 100."

22 MS. JOSEPH: I object to Counsel reading from the
23 document because he asked the witness if it's his testimony.

24 MR. FAVILUKIS: Okay.

25 ALJ STECURA: Sustained.

1 MS. JOSEPH: He answered --

2 ALJ STECURA: Sustained.

3 MR. FAVILUKIS: Okay, no problem.

4 Q: And, Mr. Chlapek, and what's that date here that I
5 highlighted here? There, right above the text, do you see that?

6 A: 1/18/24.

7 Q: At 8:41 PM, correct?

8 A: Correct.

9 Q: And so then, I think, Mr. Geylik sends you the big
10 thumbs up and then you text him the -- what -- what I previously
11 read to you. And this is all happening in November, and I'm
12 wondering --

13 ALJ STECURA: It's not in evidence.

14 MR. FAVILUKIS: Oh, I've -- sorry. Your Honor, I'd
15 like to move to enter into evidence pages 6 and 7 of Exhibit
16 J3 -- of Respondent's J3.

17 ALJ STECURA: You have -- are you -- hold on. Are
18 you looking to put in the entire page?

19 MR. FAVILUKIS: No, no, just these texts.

20 ALJ STECURA: So be specific about what you are
21 moving or seeking to move into evidence.

22 MR. FAVILUKIS: Sure. The -- sure. Thank you,
23 Your Honor. I apologize. The November 18th texts between
24 Mr. Chlapek and Mr. Geylik.

25 MS. JOSEPH: Can I just see the one above, Your

1 Honor, for a second? Above, right. So I'll just --

2 MR. FAVILUKIS: May I just -- I'm not done with my
3 questioning and so if she wants to -- if HPD wants to use our
4 exhibit later in their --

5 ALJ STECURA: She's not. She --

6 MR. FAVILUKIS: Okay.

7 ALJ STECURA: She's asking for purposes of what
8 you're seeking to admit.

9 MR. FAVILUKIS: Sure.

10 ALJ STECURA: So he's -- he's not looking to admit
11 that.

12 MS. JOSEPH: Okay.

13 ALJ STECURA: So can you scroll down. It's -- Ms.
14 Joseph, do you have an objection to the admission of just the
15 November 18, 2024 text messages on pages 6 and 7?

16 MS. JOSEPH: Okay. So I -- I don't have an
17 objection to page 7. I do have an objection, I understand
18 the purpose, which is for authenticating the date or getting
19 a date, but the text on the left has to do with payment or
20 rent, and that I have an objection to. So if it's only for
21 the purposes of the date, that is fine. But there is no
22 issue of any rent payment with regard to Mr. Chlapek and no
23 issue of non-payment brought against him, so I object to the
24 text itself, but the date is fine.

25 MR. FAVILUKIS: We'll consent.

1 ALJ STECURA: Okay. Please don't speak over one
2 another. So Respondent has stipulated that it -- page 6 of
3 Exhibit J3 is only for the date and not for the content of
4 the text message. So, J3, page 6 and 7, text message from
5 November 18, 2024, subject to what I have just said, is now
6 in evidence.

7 **[Respondent's Exhibit J3, page 6 and 7, admitted**
8 **into evidence.]**

9 MS. JOSEPH: Thank you, Judge.

10 MR. FAVILUKIS: Thank you, Your Honor. And I'd
11 like to stay on page 6, but slightly above it. So I want to
12 --

13 ALJ STECURA: No, your question should be directed
14 about this email -- this text message.

15 MR. FAVILUKIS: This page, yes.

16 MS. JOSEPH: I'm sorry, Your Honor, I don't mean to
17 interrupt. I just wanted to say that when we are -- this is
18 J6, so we are referring to the page number --

19 MR. FAVILUKIS: J3.

20 ALJ STECURA: J3.

21 MS. JOSEPH: -- as it is on J6 because they're
22 different. Okay. Thank you, Judge.

23 MR. FAVILUKIS: Ms. Joseph, it's J3. The exhibit
24 is J3. The page --

25 MS. JOSEPH: Yes.

1 MR. FAVILUKIS: -- page 7 of J3, is the one that
2 we're referring to now.

3 ALJ STECURA: Yes. Please ask your question about
4 the text message that you had admitted into evidence.

5 MR. FAVILUKIS: Thank -- thank you, Your Honor.

6 Q: And so you're saying here in November to Mr. Geylik that
7 he's been a very good landlord and that it's someone else -- it's
8 the -- it is other people -- someone else who complains and you
9 don't mention anything about a key. Why didn't you say in this
10 text to Mr. Geylik, hey, also, I don't have a key to the front
11 door?

12 MS. JOSEPH: Object -- Your Honor, I'll object to
13 that because the question is really asking not what's in this
14 exhibit, it is asking what is -- is not in this exhibit, so -
15 -

16 ALJ STECURA: Sustained. Sustained. Sustained.

17 MR. FAVILUKIS: Okay. I withdraw that question.

18 Q: Mr. Chlapek, I'd like to go above to page 6 here.

19 ALJ STECURA: Which is not in evidence.

20 MR. FAVILUKIS: Not in evidence, I just want to
21 authenticate it first.

22 Q: So, Mr. Chlapek, do you see these texts?

23 ALJ STECURA: Be more specific.

24 MR. FAVILUKIS: Do you see the green te -- one
25 second. I don't know if he can see the whole -- the entire -

1 -

2 ALJ STECURA: Mr. Chlapek, can you see the
3 document?

4 MR. CHLAPEK: I see it.

5 MR. FAVILUKIS: Okay.

6 MS. JOSEPH: Yeah, he just has to minimize it.
7 Okay.

8 Q: Okay. As long as you can see it. This green text at
9 the top of the page from October 24, 2024, do you recognize that
10 text?

11 ALJ STECURA: Okay. So he can't see the entire
12 document?

13 MR. FAVILUKIS: That's what I was -- let me try to
14 do it. Give me one second. Oh.

15 MS. JOSEPH: Oh, that was just good.

16 MR. FAVILUKIS: I -- can you -- okay. One more.
17 One second. One more try. This is how they invented butter.

18 Q: Okay. Can you see the entire page here, Mr. Chlapek?

19 A: Yes, I do.

20 Q: Okay. This green text on the right side of the page
21 from October 24, 2024, do you recognize that text?

22 A: Yes.

23 Q: And -- and is that Mr. Geylik's text to you?

24 A: Yes.

25 MR. FAVILUKIS: Okay. And, Your Honor, if you

1 don't mind, I'd like to also authenticate and admitt into
2 evidence the following two texts as well, or I guess three.
3 The "Okay," this, and the photo. Bless you. Ms. -- is that
4 all right, Your Honor, because I'll ask those questions as
5 well?

6 Q: And, Mr. Chlapek, on the left side of the page here, you
7 see -- I think this is your response to Mr. Geylik's text from
8 October, 2024 where you say, "Okay." Is that correct?

9 A: Yes.

10 Q: And then here, this is a text from November 7th, 2024.
11 And is -- are those your texts on the left side to Mr. Geylik?

12 A: Yes.

13 MR. FAVILUKIS: Okay. So I'd like to admit into
14 evidence page 6 -- the entirety of page 6. The bottom of the
15 page 6 we're -- we will not be referring to per agreement
16 previously, Your Honor.

17 ALJ STECURA: So page 6, the text messages dated
18 10/24 --

19 MR. FAVILUKIS: And 11/7.

20 ALJ STECURA: -- and 11/7, and also the photo,
21 Counsel?

22 MR. FAVILUKIS: Correct.

23 ALJ STECURA: Any objection?

24 MS. JOSEPH: The only objection is that I don't see
25 the relevance to any questions on direct to the picture of

[12:10:39]

[02:25:39-1]

1 the window in the bathroom.

2 MR. FAVILUKIS: I'll clarify. Here, --

3 MS. JOSEPH: Well, I'm not asking for --

4 MR. FAVILUKIS: Oh, sure.

5 MS. JOSEPH: I'm just asking that during direct
6 there was no issues elicited with regard to a window in the
7 bathroom. There was testimony about going on the roof, I
8 could see that, but nothing about what we had depicted in
9 that picture and the text itself.

10 ALJ STECURA: I'm going to overrule the objection,
11 but I'm going to ask that Counsel keep questions limited on
12 the 11/7 texts.

13 MR. FAVILUKIS: Understood.

14 Q: So, Mr. Chlapek, the first one from October, 2020 --
15 from October 24, 2024, that's Mr. Geylik asking you to please
16 don't go on the roof. I will have someone else clean it. Thank
17 you. And you say, okay. Since October, 2024, you have been on
18 the roof, is that not correct?

19 MS. JOSEPH: Objection, Your Honor. This is about
20 please don't go on the roof, I'll have someone else clean it.
21 So is the question relating to cleaning, going on the roof to
22 cleaning it, which is what the subject matter of this text is
23 or just --

24 ALJ STECURA: I'm going to overrule the object --
25 I'm going to overrule the objection, if you want to clean up

1 on redirect, you can.

2 Q: Mr. Chlapek, you've been to -- Mr. Chlapek, you've been
3 to the roof since October 2024, correct?

4 A: Yes.

5 Q: Okay. And you testified that you went to the roof
6 because you didn't have a key, correct?

7 A: Yes.

8 Q: But then you also agreed, when you watched the video
9 from two weeks ago, that you went up to the roof on May 23rd,
10 despite the fact that you did have a key; is that correct?

11 MS. JOSEPH: Objection, Your Honor. The testimony
12 was that at that moment in time, he did not have a key.

13 ALJ STECURA: I'm going to sustain the objection.
14 We've already covered this territory. It's been asked and
15 answered.

16 MR. FAVILUKIS: Understood.

17 Q: Okay. Moving on to November 7th, -- I'm sorry?

18 ALJ STECURA: Just ask your question.

19 Q: So moving on to November 7th, that's your text there
20 telling Michael Geylik that the window in the bathroom is fixed,
21 it's screwed shut, no more issues; is that correct?

22 A: Correct.

23 Q: And there's a photo of the window?

24 A: Correct.

25 Q: And which bathroom is that?

1 A: 2nd floor.

2 Q: And would you say that you improved this --

3 A: It's the bathroom I use.

4 Q: Sorry.

5 A: That's the bathroom that I use.

6 Q: Got it. And would you say that you improved this window
7 like you did with -- when you said you improved the door latch,
8 whatever it was?

9 MS. JOSEPH: I -- objection, Your Honor. Can the -
10 - the subject -- the question has to be related to the text.
11 There's nothing in the text that talks about --

12 ALJ STECURA: Sustained.

13 MS. JOSEPH: -- improving the window.

14 ALJ STECURA: Sustained.

15 Q: All right. Why did you choose to tell Michael about
16 this project?

17 A: Someone complained about the window and I had fixed it
18 for Michael.

19 Q: Are the projects that you choose to tell Mr. Geylik
20 about the ones that someone complains?

21 MS. JOSEPH: I'm sorry, I didn't hear the beginning
22 of that. I'm sorry, Your Honor.

23 ALJ STECURA: That's -- I -- can you please --

24 MR. FAVILUKIS: Yes, I'll rephrase.

25 Q: Do you choose to tell the landlord about projects that

1 you do in the building only when someone complains?

2 A: It's not noted, but Mike asked me to fix that window
3 because someone complained.

4 Q: Okay.

5 A: Judy complained about that window. Mike Geylik asked me
6 verbally to fix the window. It wasn't on text messages, that's
7 why we don't have any te -- anything on text messages.

8 Q: Okay.

9 A: Thank you.

10 Q: So thank you. Did Mr. Geylik pay you for this work?

11 A: No. I never asked for any money.

12 Q: Do you often do projects -- improvement projects in the
13 building for free?

14 MS. JOSEPH: Objection, Your Honor. Again, this
15 characterization of projects, and I think we have had this
16 subject already asked about at length with regard to what
17 type of work --

18 ALJ STECURA: Sustained.

19 MS. JOSEPH: -- he --

20 ALJ STECURA: Sustained.

21 Q: Has anyone complained about this window since you fixed
22 it?

23 MS. JOSEPH: Objection, Your Honor. What is the
24 relevance of -- of this line of questioning?

25 ALJ STECURA: Sustained. Move on, please.

1 MR. FAVILUKIS: Understood.

2 Q: Mr. Chlapek, you mentioned you have a shower in your
3 room, correct?

4 A: Correct.

5 Q: Are there any other units in the building with showers?

6 MS. JOSEPH: Objection. I don't believe it's part
7 of direct. He was asked about his room and his room only.

8 ALJ STECURA: Sustained.

9 Q: Mr. Chlapek, have you ever done any work -- plumbing
10 work in your room?

11 A: No.

12 Q: Okay. Mr. Chlapek, have you always lived in the same
13 apartment in the building?

14 A: Yes, I have.

15 Q: And I'm sorry, you -- you said you moved into the
16 building in 2014; is that correct?

17 A: 2015.

18 Q: Did you have any issues with the prior landlord, Mr.
19 Chlapek?

20 MS. JOSEPH: Objection, Your Honor. We are talking
21 now -- we are going in to period in time before to -- before
22 Mr. Geylik bought the building, before 2021, and I think
23 there was an objection with going to that. And I don't see
24 the relevance of --

25 ALJ STECURA: I'm going to sustain that objection.

1 Q: Mr. Chlapek, aside from the projects that you claim Mr.
2 Geylik asked you to do in the building, have you ever asked Mr.
3 Geylik for money?

4 MS. JOSEPH: Objection, Your Honor. We -- can we
5 get clarification with reference to what? Asking for money
6 with reference to what?

7 MR. FAVILUKIS: With reference to anything.

8 Q: Have you ever asked Mr. Geylik for money?

9 MS. JOSEPH: So I would -- I would object. That is
10 a gen -- general question, and I -- I -- I'd like to know --

11 ALJ STECURA: Sustained. It's sustained. It's
12 sustained.

13 MR. FAVILUKIS: Okay. I have no further questions,
14 Your Honor.

15 ALJ STECURA: All right. Do you need time before
16 you do your redirect, if you're going to do a redirect, Ms.
17 Joseph?

18 MS. JOSEPH: Yeah, I'll just need a few minutes,
19 Your Honor. Thank you.

20 ALJ STECURA: And is your redirect short? How much
21 time do you think -- how much time do you think your redirect
22 will be?

23 MS. JOSEPH: Right. It's not going to be lengthy,
24 if at all, Your Honor.

25 ALJ STECURA: All right. So we're going to take a

1 short break till 12:30 and then we will come back
2 here and finish up with the witness. So, again, Mr. Chlapek,
3 thank you for your patience. Please do not speak to anyone
4 including your attorney about your testimony. Your testimony
5 has not concluded. Ms. Joseph will be asking some additional
6 questions, but we will break until 12:30, okay?

7 MS. JOSEPH: Your Honor, -- Your Honor, I'm sorry.
8 We -- I will take the break, but I don't think I have any
9 redirect for Mr. Chlapek.

10 ALJ STECURA: All right. Well, at 12:30 you can
11 confirm that, okay?

12 MS. JOSEPH: Okay. Thank you, Judge. I
13 understand.

14 [OFF THE RECORD]

15 [ON THE RECORD]

16 ALJ STECURA: Okay. It's 12:32, does HPD have any
17 redirect questions for Mr. Chlapek?

18 MS. JOSEPH: No, we don't, at this time, Your
19 Honor. Thank you.

20 ALJ STECURA: All right. Mr. Chlapek, your
21 testimony has concluded. Thank you very much for your time
22 here today and you may --

23 MR. CHLAPEK: Thank you.

24 ALJ STECURA: -- you may leave.

25 [WITNESS EXCUSED]

1 ALJ STECURA: All right. So Mr. Chlapek's room is
2 no longer in the WebEx. At this time, I think it's a good
3 time to take a lunch recess. But before we do, so I will
4 ask, perhaps Mr. Mestousis, who is here in the courtroom,
5 what do you have planned for this afternoon?

6 MR. MESTOUSIS: Well, we have two more witnesses,
7 Your Honor. We did take a little longer than anticipated on
8 this one witness, so I'm assuming we will start our second
9 witness as well, but I'm not sure if we're going to be able
10 to complete it today.

11 ALJ STECURA: All right. And which witness will
12 you be calling first?

13 MR. MESTOUSIS: We will be calling Samuel Del
14 Pilar.

15 ALJ STECURA: Okay.

16 MR. MESTOUSIS: That is our first witness and then
17 the next one will be Abimael Sequinot.

18 ALJ STECURA: All right. So let's take a lunch
19 recess now, we'll come back at 1:35 and HPD will resume its
20 case then. So thank you everyone.

21 MR. MESTOUSIS: Thank you.

22 MR. FAVILUKIS: Thank you, Your Honor.

23 MR. GOLDSMITH: Thank you, Your Honor.

24 MS. JOSEPH: Thank you, Judge. When are we coming
25 back? I just --

1 MR. MESTOUSIS: 1:30.

2 MS. JOSEPH: 1:30. Oh, okay.

3 [OFF THE RECORD] [END OF PART 1 OF 2]

4 [ON THE RECORD] [START OF PART 2 OF 2]

5 ALJ STECURA: Okay, we are back on the record in
6 Department of Housing and Preservation and Development v.
7 Michael Geylik; Index number 25-1984. It is 1:37 and HPD is
8 continuing its case. Are you ready to call your next
9 witness?

10 MS. JOSEPH: Yes, Your Honor. I'm ready. There's
11 an issue of 14A, Your Honor -- Your Honor, wanted the
12 representation. Shall we do it later?

13 ALJ STECURA: Yes. Your next witness.

14 MS. JOSEPH: Okay. Yes.

15 ALJ STECURA: And who are you calling?

16 MS. JOSEPH: I'm going to call -- you can come on,
17 I'm sorry.

18 MR. MESTOUSIS: Samuel Del Pilar, yes.

19 MS. JOSEPH: Samuel Del Pilar, CPM, Construction
20 Project Manager.

21 ALJ STECURA: Hello, sir, you may be seated over
22 there. I'm going to swear you in. If -- so if you can sort
23 of situate yourself so you can speak into the microphone, but
24 you can turn and look at me. Now, if you could raise your
25 right hand. Do you swear or affirm that the testimony you

1 are about to give will be the truth?

2 MR. SAMUEL DEL PILAR: Yes.

3 ALJ STECURA: All right. Could you please state
4 and spell your name for the record?

5 MR. DEL PILAR: My name is Samuel Del Pilar, S-A-M-
6 U-E-L D-E-L P-I-L-A-R.

7 ALJ STECURA: Thank you. I'm going to give you
8 some instructions. This hearing is being recorded, so your
9 responses must be verbal. If -- you -- you must speak
10 clearly, please wait until the question has finished before
11 you answer. If there is an objection, please wait until I
12 issue a decision on the objection before you answer. If
13 there's a question you do not understand or you did not hear,
14 please let us know, the question can be rephrased or
15 repeated. If there's any issue with the technology or you
16 can't see the exhibit, please let us know immediately. Do
17 you understand, sir?

18 MR. DEL PILAR: Yes.

19 ALJ STECURA: All right. Thank you. Okay. HPD,
20 you may proceed.

21 MS. JOSEPH: Thank you, Judge.

22 **DIRECT EXAMINATION OF MR. DEL PILAR**

23 **BY MS. JOSEPH:**

24 Q: Mr. -- well, CPM Del Pilar or -- I withdraw that.
25 Samuel Del Pilar, who is your employer?

[01:40:28]
[00:02:46-2]

1 A: New York City Housing Preservation Development.

2 Q: And what is your title?

3 A: Construction Project Manager.

4 Q: Okay. May I refer to it in short as CPM?

5 A: Yes.

6 Q: And how long have you been employed in this title?

7 A: In this title, since 2007.

8 Q: And what are your responsibilities as a CPM?

9 A: I work with the litigation unit to verify conditions on
10 previously -- previously issued violations on buildings, roof to
11 cellar inspections to verify the conditions that have been
12 properly corrected, and if they are, I recommend for the removal
13 of violations.

14 Q: Okay. So in the context of inspection roof to cellar
15 conditions, what type of conditions would you -- you are able to
16 inspect?

17 A: We call a violation summary report, there'd be
18 violations anywhere from water leaks, defective plaster, self-
19 closing doors, loose fire skate threads.

20 Q: Okay. And -- and that -- again, when you do your roof
21 to cellar inspections, are you able to inspect a plumbing issue,
22 electrical issues?

23 A: Yes.

24 Q: Okay. And what type of HPD cases do you work with
25 attorneys on?

1 A: We do what they call comprehensive cases.

2 Q: What is a comprehensive case?

3 A: A comprehensive case is when the attorneys will bring an
4 order for all violations listed on a building; or all open
5 violations.

6 Q: Okay. So that could be violations for all types of
7 issues within the cellar to roof --

8 A: Correct.

9 Q: -- part of the building?

10 A: Within public hallways, apartment units, cellar, roof.

11 Q: Okay. And as far as your inspection cellar to roof, is
12 that citywide -- is that buildings citywide?

13 A: Yes, I'm a citywide CPM.

14 Q: Okay. Let me see here. Do you sometimes observe
15 conditions without a violation having been issued for it?

16 A: Yes.

17 Q: Can you tell us about that?

18 A: If during my route, in my line of travel, if I see
19 something that I believe is critical, I make a note of it, refer
20 it back to proper agency via 311, either DOB or HPD.

21 Q: Okay. And what would -- what would a cri -- what would
22 this classification of a critical violation be?

23 A: For example, is self-closing doors, active water leak.

24 Q: And what classification of a violation is it, is it an A
25 or B or C?

1 A: That'll be Cs.

2 Q: Okay. So prior to working at HPD as a CPM, what other
3 job did you held at -- at HPD?

4 A: I was also an inspector.

5 Q: And prior to being an inspector at HPD, what -- what --
6 where else were you employed?

7 A: I was an investigator for the New York City Department
8 of Transportation.

9 Q: What kind of an investigator?

10 A: Investigate contractors, make sure that they adhere to
11 the permits and stipulations that they were given doing open road
12 work.

13 Q: Okay. Now back to HPD, as a CPM, after you go to a
14 building, what do you do regarding your observations?

15 A: Well, after the building, I go back to the office, write
16 a report. If I find anything that's critical, I make the
17 referrals to the agencies, like I stated, organize the pictures
18 and give my reports to the attorneys.

19 Q: During your 20-year career at HPD as a CPM, how many
20 buildings did you examine, a -- approximately for comprehensive,
21 roof to cellar inspections?

22 A: Thousands.

23 Q: Now, as part of your job, did you receive any
24 specialized training?

25 A: Yes.

1 Q: What kind of training?

2 A: I received in-classroom training with HPD and also field
3 training.

4 Q: Okay. And do you hold any certifications?

5 A: FEMA, emergency management certifications for structural
6 defect and emergency coastal warning.

7 Q: Thank you. And do -- did you have occasion to visit the
8 building at 109 East 9th Street in Manhattan?

9 A: Yes.

10 Q: How did that come about?

11 A: That was requested via Investigator Sequinot if I could
12 have joined him.

13 Q: And what -- if any, what was Investigator Sequinot --
14 what was the basis of him requesting you to join him?

15 A: Well, Mr. -- Investigator Sequinot, his concerns were
16 like the integrity and the structure of the building conditions
17 that may adhere to housing maintenance code.

18 Q: What, if you recall, there -- was there any specific
19 conditions that Mr. Sequinot wanted you to join in on?

20 A: His primaries were like the sloping conditions in the
21 public hall, egress issues.

22 Q: Now, did you write a report about your finding -- well,
23 I'm sorry, I -- I -- I withdraw that. How many times did you
24 visit the building at 10 -- at East 109 Street?

25 A: Two times.

1 Q: And do you recall the dates offhand?

2 A: I believe the first date was March 11th. I believe the
3 second one was March 19th.

4 Q: Okay.

5 A: 2025.

6 Q: Thank you. Did you write a report about your finding?

7 A: Yes.

8 MS. JOSEPH: Okay. I'd like to show the witness
9 what's been marked as Petitioner 21, Your Honor?

10 ALJ STECURA: You may.

11 MS. JOSEPH: Thank you.

12 [OFF MIC CONVERSATION]

13 ALJ STECURA: Thank you.

14 Q: Can you look through that document.

15 [OFF MIC CONVERSATION]

16 A: Yes.

17 Q: And could you tell us what it is?

18 A: Is a inspection survey report of the property of 109
19 East 9th Street from my date of March 11th, 2025.

20 Q: And who wrote this report?

21 A: I did.

22 Q: And the notations made on your report are based on your
23 observations?

24 A: Yes.

25 Q: And what is -- what is the name and signature on top, is

1 that your name and signature?

2 A: CPM Samuel Del Pilar with my signatures.

3 MS. JOSEPH: So, Judge, at this time, I'd like to
4 move it into evidence as Petitioner Exhibit 21.

5 ALJ STECURA: Any objection?

6 MR. FAVILUKIS: No objection.

7 ALJ STECURA: Okay. Petitioner's Exhibit 21 is now
8 in evidence.

9 **[Petitioner's Exhibit 21 admitted into evidence.]**

10 MS. JOSEPH: Thank you, Judge.

11 Q: Let me direct you to the first page of your report, to
12 the commentary on the bottom -- towards the bottom.

13 A: Okay.

14 Q: You write that the facade is loose stucco and window
15 seals at various areas have loose concrete. Based on your
16 experience, what is the significance of that?

17 A: Oh, when you have loose stucco on exposed motor joints
18 it leaves it open to the elements, which is rain, snow, which
19 could penetrate into the building and cause damage with inside.

20 Q: Okay. Let me direct you to page 5. So this was 1, 2.
21 Okay. And that page is titled roof on top. Do you see that?

22 A: Yes.

23 Q: Okay. So you write about evidence of water penetration
24 and defective mortar. Why was this noteworthy?

25 A: Again, another thing is, when the roof asphalt bitumen

1 is defective and the mortar joints and the flashing is off, that
2 leaves it open to the elements, excessive -- water damage from the
3 rain open to vermin.

4 Q: And so this page is primarily dealing with your roof
5 inspection?

6 A: Yes.

7 Q: Okay. And on top of page 5, with regard to the roof
8 condition, what have you noted?

9 A: Poor conditions with --

10 Q: But how -- let -- let me ask the question.

11 A: Well, it's --

12 Q: I'm sorry.

13 A: Yeah. Well --

14 Q: How -- how does the roof condition of the -- I'm sorry.
15 How is poor condition of the roof affects the re -- remaining of
16 the building?

17 A: Well, it -- the roof was a premise source, which could -
18 - with water penetrating, it could go into the integrity of the
19 structure of the building, you know, causing water damage to the
20 joist, beams, creating splinter effects within the wooden areas.

21 Q: Thank you. Let me direct you to page 7, and I think --
22 right, this -- this page is -- on top is noted rear yard, condit -
23 - other conditions and note -- so under that heading, you are
24 noting that fire escape ladder is -- doesn't drop as an
25 approximate 10-foot drop into the pavement. What -- what -- what

1 -- why did you note that?

2 A: Well, it's for egress, if there's a fire or something
3 like that, there's no way for the tenants to properly get out of
4 the building without either -- without hurting themselves.

5 Q: So what -- how should the fire ladder properly be made -
6 - be maintained properly?

7 A: Well, there should be no obstruction on the ladder. It
8 should be able to slide and have guide rails to go down and land
9 on the pavement securely or landing.

10 MS. JOSEPH: Or landing, I see. I'd like to show
11 the witness what's been marked this Petitioner 22.

12 ALJ STECURA: You may.

13 MS. JOSEPH: Thank you.

14 ALJ STECURA: Are you done with --

15 MS. JOSEPH: 21, yes.

16 ALJ STECURA: Okay. So can you just put 21 to the
17 side? Thank you. Thank you.

18 Q: Could you take a look at the exhibit. Let me know when
19 you're done.

20 A: Okay.

21 Q: So who took these pictures?

22 A: I did.

23 Q: And when did you take these pictures?

24 A: On the 11th, 2025.

25 Q: And did you observe the conditions depicted in these

1 pictures?

2 A: Yes.

3 Q: Are the conditions depicted in this picture a true and
4 accurate description of the conditions that they existed on March
5 11th, 2025?

6 A: Yes.

7 MS. JOSEPH: Okay. I'd like to move it into
8 evidence, Your Honor.

9 ALJ STECURA: Any objection?

10 MR. FAVILUKIS: No, Your Honor.

11 ALJ STECURA: Okay. So Petitioner's 22 is now in
12 evidence.

13 **[Petitioner's Exhibit 22 admitted into evidence.]**

14 MS. JOSEPH: Thank you.

15 Q: By the way, do you recall if this the only pictures you
16 took on March 11th?

17 A: I believe I took more.

18 Q: Okay. Let me look at the page number 1, what -- what is
19 -- what do we see in that picture?

20 A: That is the exterior part of the building with exposed
21 mortar joints.

22 Q: And if we -- again, what's --

23 A: Some loose -- some loose stucco there.

24 Q: Why did you -- why was this noteworthy to take the
25 picture of?

1 A: Well, this is -- you don't know if the bricks could be
2 loose. It's open to the elements where water can penetrate in
3 there, creating damage into -- within the apartments or public
4 halls.

5 Q: Can we look at page 2?

6 A: Yes.

7 Q: Where do we see that?

8 A: You have a defective cell on the window.

9 Q: And can we move to page 3?

10 A: Yes.

11 Q: And what -- actually page 3 in there, but what do we see
12 in page 3?

13 A: Well, that is the fire ladder.

14 Q: Okay. So with regard to the drop of the fire ladder
15 that you noted, what -- what is significant about this picture?

16 A: Oh, the fire ladder is above a structure which is about
17 three to four feet, probably like a shed structure, which is not
18 stable. There's no landing for it to drop to the -- those little
19 guide routes.

20 Q: Okay. Can you look at page 4, what -- what do we --
21 what's depicted in this page?

22 A: That is the doors on the west yard section of the
23 building.

24 Q: And if you are standing, is this -- from which direction
25 is this picture taken from, inside the yard or from the sidewalk?

1 A: From inside.

2 Q: Okay. So if you standing on the street outside, how
3 would you able to open this gate?

4 A: Either with a key or try to stick your hand through the
5 -- to -- to one of those gates up there.

6 Q: Okay. And what's the mechanism that allows for this
7 door to open, if it is not locked? If it is not locked?

8 A: Well from the inside it's a push bar.

9 Q: Okay. And on the outside, is there a push bar?

10 A: No.

11 Q: Now let's look at page 5, what is that -- what's
12 depicted in that picture?

13 A: That is on the wall exposed -- open junction box with
14 exposed electrical wire.

15 Q: And where -- where is that located, this electrical box?

16 A: That is on the west wall within -- inside on the gate
17 framing of the doors.

18 Q: So is this juncture, or -- I'm sorry, electrical box
19 close to the metal gate?

20 A: Yes.

21 Q: Now, let's look at page 6. So what is depicted on this
22 picture?

23 A: That is the front entrance of the building, you have
24 defective tiles, loose, broken, missing, creating a trip hazard,
25 actually.

1 Q: Let's move on to page 8. What's depicted in that
2 picture?

3 A: This here is a wall with some sheetrock that was
4 installed.

5 Q: Okay. I'm talking about page 8, are you on page 8?

6 A: Oh 8, sorry.

7 Q: 8. That's okay.

8 A: This is the roof.

9 Q: Okay. Now, if we look at page 9, okay, where is it
10 taken from, is it from inside the building or it's from outside
11 the roof?

12 A: That is from inside the building, the tread going up to
13 the roof, which is approximately 15 to 17 -- 17-inch gap.

14 Q: So in order -- if you are inside the building and you
15 need to escape to the roof, what is -- what do you have to do,
16 what's the distance you have to -- to --

17 A: Well, there's a 15-inch gap from the bottom tread to the
18 actual roof landing. So it's probably 15 to 17 inches. So you
19 have to have long legs, try to stretch over, you have to really
20 climb over.

21 Q: And what do we see in that middle part, that's the
22 brownish part. What is that?

23 A: That is the defective saddle, which could -- which was
24 wood. The rotten also could create a hazard.

25 Q: Now, let's move on to page 10. What do we see in page

1 10?

2 A: That is the asphalt lining of the roof with evidence of
3 prior stagnant water in the hole, which was stepped on actually
4 water penetrated from underneath the roof.

5 Q: So the water you just described where? Inside the roof?

6 A: Underneath the lining.

7 Q: Underneath the lining. If you look at the -- if --
8 based on your experience and on this picture, how old or new is
9 this roof?

10 A: I'd say this roof is probably about 10 years old or
11 longer.

12 Q: Okay. And if we look at page 11, what do we see?

13 A: That is the rear parapet wall with the exposed missing
14 flashing and exposed mortar.

15 Q: So the darkened sort of areas we see are exposed from
16 the roof into the building?

17 A: Yes.

18 Q: And let's move on to page 12. What do we see in that
19 page, and -- and could you just show the Court the orientation, is
20 it horizontal, is it -- how do you hold this picture, as I
21 understand it?

22 A: Like this.

23 ALJ STECURA: So with the date stamp at the bottom
24 of the picture?

25 MR. DEL PILAR: Date stamp at the top, Your Honor.

1 Q: Oh, date stamp at the top. All right. So is it this
2 way with the date stamp of the top? Take a look.

3 A: Yes, that way.

4 Q: The date stamp would be on the top? Okay. And what --
5 what is depicted in this picture?

6 A: Well, you have exposed wooden joist, the beams, some
7 plywood that was laid over it, dust, dirt, debris.

8 Q: Now, how was this picture taken?

9 A: This was actually taken because the vacant units, the
10 doors were not properly fitted, as we call it. So I was able to
11 get an angle shot from the bottom of the door, which was missing
12 the saddle.

13 Q: So this picture was taken from the outside of this area?

14 A: Yes.

15 Q: And why were you not able to get into this area?

16 A: It was locked at the time.

17 Q: Okay. Let's go to page 14. So what is depicted in page
18 14 -- on picture 14?

19 A: Same thing, exposed wooden joist and beams.

20 Q: I'm looking at page 14.

21 A: Oh, water closet.

22 Q: Okay. Do you recall which floor was this, excuse me,
23 water closet on?

24 A: 4th floor.

25 Q: And -- I'm sorry?

1 A: I believe it was on the 4th floor.

2 Q: And -- well, if we look at the -- if we count the floors
3 from the street level, let -- let -- let me take you back, from --
4 if we count the -- the floors from the street level, how many
5 floors are to the building?

6 A: There's five stories.

7 Q: Five stories. And do you recall what -- if you recall,
8 what you observed on the 5th floor?

9 A: 5th floor, okay, four is all units, one room that
10 appeared to -- could be a kitchen, water closet.

11 Q: That's on the 5th floor?

12 A: No, on the 4th floor. 5th floor was with the water
13 closet.

14 Q: So let's -- let's go back to the 5th floor. We're at
15 the 5th floor. How many units did you observe? How many SRO
16 residential units do you recall observing?

17 A: There should be four.

18 Q: Four. And what else did you see other than the -- in
19 addition to the --

20 A: The water closet.

21 Q: Which water closet?

22 A: The toilet that we're looking at. Sorry.

23 Q: So this toilet is on the 5th floor or the 4th floor?

24 A: The 5th floor.

25 Q: 5th floor. And what is behind that current -- no, let

1 me just -- what is behind the blind?

2 A: Window.

3 Q: And if we turn to page 15, is that the window that was
4 behind the blind?

5 A: Yes.

6 ALJ STECURA: Can I just stop for a second, is Mr.
7 Geylik on the phone?

8 MR. FAVILUKIS: No.

9 ALJ STECURA: Okay. I heard your phone, so please
10 --

11 MR. FAVILUKIS: I could hear a phone.

12 ALJ STECURA: Thank you. Go ahead.

13 Q: So on page 15, the window or whatever, we wa -- whatever
14 is depicted, is that part of the toilet on the 5th floor?

15 A: Yes.

16 Q: So what is it -- what -- what do we see in this picture?

17 A: You have a glass pane that's broken at the bottom
18 section that's not fully flushed, and it's open to the elements
19 from outside. You have a upper wind -- upper sash, glass pane
20 that is taped up.

21 Q: What -- so above the locking mechanism, we see this dark
22 sort of -- what is that as far as -- as far as your observation
23 go?

24 A: I believe that's tape.

25 Q: Tape. And so there's like white areas underneath it,

1 between the locking mechanism and this tape. What are those?

2 A: Those are these gaps from the upper and lower sash.

3 Q: So are these gaps open to the elements?

4 A: Yes.

5 Q: Then we look at page 16, what is depicted in page 16?

6 A: Broken defective baluster.

7 Q: Okay. And let's look at page 17. What -- what -- what
8 is -- do you recall where -- where was this taken?

9 A: This is in one of the units. I believe it was the
10 second story unit.

11 Q: And what -- what -- how old is this sink?

12 A: It's an old sink. It's going to be maybe 40 years old.

13 Q: Okay. Now, let me look at page 18. Where was this --
14 where was this taken? Was that taken in the same unit?

15 A: Yes.

16 Q: And let's look at page 19. Okay. So we see a 2B, and
17 do you recall unit 2B, which one floor was that on?

18 A: 3rd story.

19 Q: 3rd story. And so what is depicted -- what is -- what
20 is to the left of it, what are we looking at?

21 A: To the left of it, it's a storage area now that used --
22 used to be a water closet, now it's used as a storage area.

23 Q: And how do you know it used to be a water closet?

24 A: I was told by the tenants.

25 Q: And what independent observation you had that -- that

1 would tell you that this used to be a water closet?

2 A: Well, it's the same size configuration as the one above,
3 plus it's on the same line.

4 Q: Okay. Now, how big was this space?

5 A: Excuse me.

6 Q: How large was this space?

7 A: Maybe three feet wide, approximately, maybe 10 feet
8 long.

9 Q: And if you look -- if you move to page 20?

10 A: Yes.

11 Q: Would that be the inside of that space?

12 A: Yes.

13 Q: Okay. Let's move to page 21. What do we -- what is
14 depicted in page 21?

15 A: Yeah, this was a unit that the door was not properly
16 fitted, so I was able to take a picture of exposed plumbing
17 fixtures with evidence of like water damage on the wall.

18 Q: Okay. And do you -- do you recall where was this
19 picture taken?

20 A: I believe this was on the 4th story rear.

21 Q: Okay. And then if we -- let me take you to the 4th
22 story now, do you recall how many residential units -- SRO units
23 you -- there were on the 4th floor?

24 A: Three.

25 Q: And in addition to those units, what -- what other

1 spaces did you observe?

2 A: There was a open space in the rear, which showed, again,
3 this exposed plumbing fixture with evidence of water damage on the
4 wall.

5 Q: So -- I'm sorry?

6 A: With -- on the wall.

7 Q: And if you look at the next picture, 22, is that the
8 same areas?

9 A: Yes.

10 Q: Okay. And what's depicted in this picture?

11 A: That is exposed electric wires, BX cables.

12 MS. JOSEPH: Okay. I'm going to put that down,
13 Your Honor. You could put that down. Let me show the
14 witness what's marked as Petitioner 23 at this time, Your
15 Honor.

16 ALJ STECURA: You may.

17 MS. JOSEPH: Thank you.

18 ALJ STECURA: Thank you.

19 Q: And can you take a look at that?

20 A: Yes.

21 Q: Okay. Okay. What is that -- what is this -- documents
22 contained?

23 A: It contains my report from March 19th, 2025.

24 Q: And who wrote this report?

25 A: I did.

1 Q: And the notation -- the notations in this report are
2 based on your observations?

3 A: Yes.

4 Q: And the name and signature on top, is that yours?

5 A: Yes.

6 MS. JOSEPH: Okay. I'd like to move it to evidence
7 at this time, Judge.

8 ALJ STECURA: Any objection?

9 MR. FAVILUKIS: No -- no objection, Your Honor.

10 ALJ STECURA: Okay. Petitioner's 23 is in
11 evidence.

12 **[Petitioner's Exhibit 23 admitted into evidence.]**

13 MS. JOSEPH: Thank you.

14 Q: I direct you to the first page of the report. On the --
15 on the comments, when you write about section of wall, ceiling,
16 and floors missing that you could see below or above, why was this
17 noteworthy?

18 A: These open areas leave it open to egress, hazardous
19 conditions that could spread throughout the building easily, like
20 fire, water damage, safety.

21 Q: What do you mean by safety?

22 A: Somebody walk in, there's a hole in the floor. Fire --
23 there's a fire, fireman goes through. There's no covering on the
24 -- the flooring. You could just penetrate right through.

25 Q: With condition that you described, weren't the

1 violations issued?

2 A: Yes.

3 Q: What -- what's classification of violation?

4 A: I would classify it as a C.

5 Q: C. And what is -- what is the -- the -- what is the
6 terminology of a C versus do a B, what is a C?

7 A: That'll be emergency repair.

8 Q: Say again?

9 A: That would be considered emergency repair.

10 Q: And what is a B violation?

11 A: B violation would give it a longer timeframe to make the
12 adjustments and repair properly.

13 Q: Okay. Now, let me see here. You write that room 2A
14 having -- had a painted -- painted sprinkle head. Why is this
15 noteworthy?

16 A: Well, a painted sprinkle would be class C because in
17 case there's a fire, the water not -- would not be able to come
18 out of the sprinkler system and shut off the fire.

19 Q: What classification or violation would be a painted
20 sprinkler head warrant?

21 A: I would write it as a C violation.

22 Q: Okay. Now, you also write about doors to rooming units,
23 not self-closing. Right. Do you see that?

24 A: Yes.

25 Q: Now, would such a condition warrant a violation?

1 A: Yes.

2 Q: What type of violation?

3 A: Those would be C violations as well.

4 Q: Right. And I direct you to page -- to the fourth page.
5 So this was the first, second, third. Okay. So on the bottom on
6 your comments, you are writing that the sprinkler system is
7 missing a 10-foot hose and -- and sand bucket. Why is that
8 noteworthy?

9 A: Sprinkler system's on the roof and the bulkhead, so you
10 have a 10-foot hose and a sand bucket in case the fire reaches up,
11 you're able to connect the -- the hose to the sprinkler system.
12 Let pressure out, let -- turn off, you know -- let water out. The
13 sand also helps to put, you know, fire down.

14 Q: Okay. Now you also write after that note, the roof
15 asphalt is soft, soggy and alligated. What -- what does an
16 alligated roof tell you?

17 A: Alligated roof is means of warped, it's turnover we used
18 when the roofing area is like the back of the alligator and it's
19 warped up and it has -- create tripping conditions and it's worn
20 underneath.

21 Q: Now you said evidence of water penetration and moisture.
22 How do you know that?

23 A: The same thing from last time, there's -- you see
24 evidence of prior stagnant water. When we stepped on the roof,
25 there was bubbled areas where water came out from underneath the

1 asphalt lining.

2 Q: Okay. And during your March 19 visit -- observations of
3 the roof, how long, approximately does it take for a roof to get
4 to this condition?

5 A: We're talking about years of neglect.

6 Q: Now if I direct you to page 7, so that would be two
7 pages -- no, that would be three pages ahead. Let me just make
8 sure I'm at the right spot. Yeah, I'm just trying to find my --
9 my -- my spot. I didn't mark it properly; I just want to make
10 sure. Yeah, right. So you write under -- under other conditions
11 and note, you write that you -- you saw evidence of shoring from
12 floor to ceiling to create a stable condition and the units on the
13 2nd floor have been gutted to create open space. Do you recall
14 what is the -- what is the legal configuration of the SRO units on
15 that floor, the 2nd floor?

16 A: Three.

17 Q: And instead of three SRO units, what did you observe?

18 A: One open space.

19 Q: Now, you write that in vacant units, you observed
20 exposed electrical wires, exposed wooden joist and beams and doors
21 not self-closing?

22 A: Yes.

23 Q: Right. And -- and how does these three conditions
24 affect the safety of the building occupants?

25 A: Well, exposed electric wires, it could be live, you

1 know, they're not tested. It could create sparks, which could --
2 especially if there's open wooden joists, create sparks which
3 could go onto the wood and create a fire. Non-self-closing doors
4 create an open space for fires to travel instead of prohibiting it
5 from traveling and containing it into a situation where it
6 started.

7 Q: So with regard to between exposed elect -- electrical
8 wires, exposed wooden joists and beams and doors non-self-closing,
9 what -- what -- what is these conditions -- what type of violation
10 does it warrant, if at all?

11 A: That would be -- warrants C violations.

12 Q: C violation for all three conditions?

13 A: Yes.

14 Q: Okay. As far as the -- I believe you write about the
15 1st floor area, let me see here. Right, at first store,
16 commercial unit, temporary jack columns installed. What type of
17 space was that?

18 A: It's office space.

19 Q: Okay. Now, in the back of your report, if we flip to
20 the next page, please. Those are the pages, 1, 2, 3, and 4, we
21 see notations about SRO number, it says 311-22470763, and if we go
22 to the next page and the page after that, and we go to the fourth
23 page, up on top, we see SRO number 311-22470886. Do you see that?

24 A: Yes.

25 Q: Excuse me. What are those two -- what are those SRO

1 numbers represent?

2 A: These are service request numbers that were created as I
3 made a complaint via 311 to HPD regarding these conditions.

4 Q: Okay. Now, do you know offhand if there were any
5 violations issued ba -- based on -- based on your files to 311?

6 A: No.

7 Q: Now, let me direct you --

8 MR. FAVILUKIS: Sorry, could you clarify --

9 MS. JOSEPH: Yes.

10 MR. FAVILUKIS: -- do you not know if there were
11 violations issued or were there no violations issued.

12 ALJ STECURA: Can you -- so, Ms. Joseph, can you
13 clarify? Thank you.

14 MS. JOSEPH: Sure, Judge.

15 Q: Mr. Del Pilar, can you tell us whether, to your
16 knowledge, there were -- were there any violations issued based on
17 your referrals?

18 A: There were no violations issued.

19 MS. JOSEPH: Okay. I'd like to show the witness
20 what's been marked as Petitioner 36, and I'm going to put
21 this one aside.

22 ALJ STECURA: You may.

23 MS. JOSEPH: Thank you.

24 [OFF MIC CONVERSATION]

25 ALJ STECURA: Thank you.

1 [OFF MIC CONVERSATION]

2 Q: Okay. Mr. -- CPM Del Pilar, can you take a look at
3 these records quickly. it says pages 1 to 8 on the bottom, and
4 then I believe there are four pages attached the end -- towards
5 the end?

6 A: Yes.

7 Q: Okay. What are these?

8 A: These are the results for the complaints that were made
9 --

10 Q: Okay.

11 A: -- from inspector's point.

12 Q: Right. And are the four pages on the bottom, whose
13 database is that taken from?

14 A: It's taken from our HPD info.

15 MS. JOSEPH: Great. and -- I mean, Judge, I'd like
16 to move it to evidence. It's I believe a certified copy of
17 HPD's records. There's inspect -- 311 calls and there are
18 inspector's note at the last -- as the last four pages.

19 ALJ STECURA: Any objection?

20 MR. FAVILUKIS: No objection.

21 ALJ STECURA: Okay. Petitioner's 36 is now in
22 evidence.

23 **[Petitioner's Exhibit 36 admitted into evidence.]**

24 MS. JOSEPH: Thank you.

25 Q: So if we look at the second page, you see on the bottom

1 it says one of -- 1 of 8. So I'm referring to 2 of 8. Okay. The
2 complaints -- the complaints up above, it says s -- number 3, that
3 ends at -- at 886, and then the one in the middle, it -- it ends
4 at 886, and the one on the bottom ends at 763. Are these related
5 to your referrals that we looked at before?

6 A: Yes.

7 Q: Okay. Why did you refer the -- well, let me -- let me
8 go to a particular one. So the -- the one on top that -- number 3
9 at apartment 2A, why did you refer that to a 311?

10 A: Getting access, painted sprinkler had referred it to 311
11 so inspector could verify the condition.

12 Q: And -- and if we look at page 2 on the bottom, it says
13 apartment building. Do you see that, that's the one that ends in
14 763?

15 A: Yes.

16 Q: And why did you refer that to 311?

17 A: Well, the banister broken, keeps the handrail loose,
18 create a trip hazard or fall hazard.

19 Q: Okay. And if you look -- if -- if -- if we quickly go
20 back to the top one, what is the notation regarding the result of
21 your -- of this 311 complaint.

22 ALJ STECURA: Which --

23 Q: What is the status description?

24 A: The --

25 MS. JOSEPH: The -- the -- I'm sorry, the number 3,

1 on the bottom, the complaint at the top for apartment 2A,
2 Your Honor.

3 Q: So what is the status description, what does -- what
4 does that tell you?

5 A: Well, HPD tried to get in, but they tried to notify the
6 owner and -- and they couldn't get access.

7 Q: Is that the same status description for the complaint
8 number 4?

9 A: Yes.

10 Q: Okay. And if we go to page 3, let me just see, the
11 bottom of page 3, do you see this complaint, it ends in 763?

12 A: Yes.

13 Q: So what -- what -- why did you refer this condition --
14 this condition to 311?

15 A: Roof condition, especially if it's leaking and there's
16 water damage, again, you're looking at the structure and integrity
17 of the property and the building.

18 Q: And what -- what was the status description for this
19 referral?

20 A: HPD attempted to conduct an inspection, was unable to
21 complete it.

22 Q: When -- if we look at -- if you turn to page 4, if you
23 look to number 9, complaint number 9. I mean, it -- it's a
24 complaint on the left that states 9.

25 A: Yes.

1 Q: Okay. You write that a ball removed, community
2 bathroom. Again, what floor was that?

3 A: 3rd floor.

4 Q: And what was the -- what was the -- what was the result
5 of this -- of this referral?

6 A: HPD tried to conduct an inspection, was unable to
7 complete it and gain access.

8 Q: Okay. If we move to page 6. Okay. So the middle --
9 the middle complaint, the one that ends in 763, I believe it's
10 number 14, why did you refer this to 311?

11 A: Fire escape block, that's an egress issue.

12 Q: And, again, what's the -- sta -- what's the status
13 description for this complaint?

14 A: They tried to conduct an inspection, but was unable to
15 gain access.

16 Q: Okay. Now, if we -- if we look at the last four pages
17 of this document, okay, what does these notes -- what does these
18 screenshots or notes tell you?

19 A: Well, these are screenshots that I -- we got from our
20 HPD database that states that the inspectors did try to go out,
21 try to make access calls and left notices for the -- for HPD to be
22 contacted to do reinspection.

23 Q: And was access provided?

24 A: No.

25 MS. JOSEPH: Okay. Let me put that down. I just

1 need a minute, Your Honor. I want to make sure I'm at the
2 right spot. I'd like to show the witness what's been marked
3 as Petitioner's 24.

4 ALJ STECURA: You may.

5 MS. JOSEPH: Thank you. There you go.

6 ALJ STECURA: Thank you.

7 MS. JOSEPH: Sure.

8 Q: Can you take a look at those?

9 A: Okay.

10 Q: Okay. So who took these pictures?

11 A: I did.

12 Q: And when did you take them?

13 A: March 19, 2025.

14 Q: And did you observe the conditions in these -- depicted
15 in these pictures?

16 A: Yes.

17 Q: Are the conditions depicted in these pictures a true and
18 accurate description of the conditions that they existed --

19 A: Yes.

20 Q: -- on the day you took the pictures?

21 MS. JOSEPH: So I'd like to move them into
22 evidence, Your Honor.

23 ALJ STECURA: Any objection?

24 MR. FAVILUKIS: No, Your Honor.

25 ALJ STECURA: Okay. 24 is in evidence.

[02:26:37]

[00:48:55-2]

1 **[Petitioner's Exhibit 24 admitted into evidence.]**

2 MS. JOSEPH: Thank you.

3 Q: Can we take a look at the very first photo where it says
4 4C, was that on the 5th floor?

5 A: Yes.

6 Q: Okay. In picture 2, what do we see on the walls and
7 ceilings there?

8 A: Oh, you have the ceiling, which has been sheet rocked,
9 and the walls where there's a open space between the wall and the
10 sheetrock ceiling.

11 Q: Right. And let's move on to page -- I mean, to picture
12 3. What do we see -- as -- as far as you could tell -- I withdraw
13 that. What do we -- what's depicted in this picture?

14 A: Ceiling that has been sheet rocked with exposed sections
15 along the seams of the wall. Missing smoke detector with exposed
16 electrical wires.

17 Q: Okay. And let's move to page 4 -- photo 4. What's
18 depicted in this picture?

19 A: You have exposed flooring with plywood placed over it,
20 exposed wooden joist beams.

21 Q: Now, this plywood, is that part of the -- of the floor --
22 - subfloor, as far as you could tell?

23 A: No.

24 Q: No. So in order for you to access the -- the wooden --
25 I mean -- I'll withdraw that. If this plywood was not placed on

1 the floor, would you be able to walk into this room?

2 A: No.

3 Q: Let's look at page 5. Is that a room on the 4th floor?

4 A: 4th floor, yes.

5 Q: Right. And so let's move on to page 6, if you will.

6 What do we see on page 6?

7 A: We have exposed electrical wires next to open wooden
8 frame with a defective plaster sheetrock.

9 Q: And move on to page 7, what do we see in this picture?

10 A: Exposed wooden area on the wall.

11 Q: Okay. And can you move to -- I'm sorry, go ahead.

12 A: Yes, that's it. Oh, no. The junction box together
13 would be in the corner, exposed electric wires.

14 Q: I'm sorry?

15 A: At the bottom end there is the exposed electrical wire
16 in the junction.

17 Q: I see. And let's move on to page 8. Are we still on
18 the 4th floor?

19 A: Yes.

20 Q: Okay. Let's move on to page 9. What do we see in page
21 9?

22 A: Oh, we have exposed electric wires with the wooden joist
23 and beams exposed, BX cable.

24 Q: What do we see on the -- there's like dark marks on the
25 -- on the ceiling; what is that?

1 A: On the wooden joist, it's like evidence of water damage.

2 Q: Okay. And let's go to picture -- picture 10. What's
3 depicted in this picture?

4 A: It is the same thing with the wooden joist and means
5 evidence of water damage and possible splintering.

6 Q: Now from the top of the wall, right, to -- to the -- to
7 the -- from the top of the wall to the top of the exposed wood, is
8 that the ceiling for the other unit?

9 A: Yes.

10 Q: So anything between the top of the wall and the -- the
11 ceiling for the upstairs when it has been removed are then those
12 two beams?

13 A: Correct.

14 Q: Okay. Let me look at page 11. Actually, I'm sorry,
15 page 12. What floor is that?

16 A: 3rd floor.

17 Q: Okay. And let me look at page 13. With -- with
18 relation to the -- the saddle, the door opening, right, where was
19 this picture taken?

20 A: I was standing in front of the opening of the door right
21 there in front of the saddle right there before entering the room.

22 Q: So what do we see in this picture?

23 A: You're missing flooring, you could see the apartment
24 below, exposed wood.

25 Q: And the plywood sheet on top, is that part of the

1 missing subflooring of floors?

2 A: No.

3 Q: Okay. And what's depicted in picture number 14?

4 A: So the exposed wooden area with plywood sections cut --
5 just plywood covering sections of the wooden flooring.

6 Q: Okay. And if we move on to picture 15, what do we see
7 in this picture?

8 A: That is the painted sprinkler head with the defective
9 ceiling.

10 Q: So let's move on to page 16. What floor -- is that on
11 the 2nd floor?

12 A: Yes.

13 Q: Okay. And what do we see in page 17?

14 A: Shower body. Bathroom. The shower body.

15 Q: As far as your observation goes, is this -- is this area
16 open to the tenants?

17 A: No.

18 Q: Now, what's depicted in page 18?

19 A: Copper plumbing fixtures for the shower body.

20 Q: Now, we see the -- so we see sort of two colors of the
21 copper pipes on the right -- I'm sorry, on the left it's shiny and
22 on the le -- on the right it's dull. What does that tell you?

23 A: The shiny one's newer than the dull one. There's no
24 oxidation on the new part, so this is probably fairly new
25 installed.

1 Q: So would you say this -- this was recent plumbing
2 installed?

3 A: Sure, yes.

4 Q: Okay. Now, on page 19, what do we see there?

5 A: This is a shoring within the unit.

6 Q: Okay. And on page 20, what's depicted in that picture?

7 A: This is the top of the shoring with the stabilization of
8 a sister joint and bolt.

9 Q: And what do we see in page 21?

10 A: You have an open junction box with exposed electrical
11 wires, GFI switch.

12 Q: Now, as far as you could tell, was this electrical
13 installation old or is it relatively new?

14 A: It's relatively new. You could tell also by the top of
15 the BX cable, which is shinier.

16 Q: Okay. Now, in this area, part of the 2nd floor that you
17 observed the open space, were the -- several units --

18 A: Yes.

19 Q: -- was supposed to be? Okay. Let's look at page 22.
20 What's depicted in this picture?

21 A: Same thing. You have the junction boxes with open BX --
22 open wiring within the walls.

23 Q: And on page 23, what -- what's depicted in this picture?

24 A: This is stabilization jacked in the commercial area.

25 Q: Okay. And if we look quickly at 24, 25 and 26, which

1 areas -- which area is that?

2 A: That's the commercial office space area.

3 MS. JOSEPH: Okay. Thank you. Let me put that
4 aside. I'd like to show the witness Respondent's B3, which I
5 believe is in evidence; am I right? Yes.

6 ALJ STECURA: Thank you.

7 MS. JOSEPH: Sure.

8 Q: Do you recognize this document?

9 A: Yes.

10 Q: And what is it? What do you recognize it to be?

11 A: It's a certificate of occupancy issued by the Department
12 of Buildings.

13 Q: Okay. So if we go to -- I believe it's -- let me go
14 from the beginning. Second page, actually. On the 2nd floor, how
15 many dwelling units are legally on this 2nd floor? It says floor
16 2.

17 A: Okay. Three.

18 Q: Three. And as far as your observation, this -- the
19 actual observation, the actual configuration did not comply with
20 this legal configuration, right?

21 A: Correct.

22 Q: And so, based on the legal configuration of the SRN of
23 the 2nd floor, is this building in violation of the CO?

24 A: Yes.

25 MR. FAVILUKIS: Objection, Your Honor. I'm not

1 sure -- I don't believe that you have the technical expertise
2 to state what is and what is not a violation of CO. That's a
3 Building Department jurisdiction, correct?

4 ALJ STECURA: You're not asking him questions at
5 this time. You --

6 MR. FAVILUKIS: Okay. I understand?

7 ALJ STECURA: -- can object --

8 MR. FAVILUKIS: I object, Your Honor.

9 ALJ STECURA: -- and say -- all right. So restate
10 your objection.

11 MR. FAVILUKIS: The witness does not have the
12 technical expertise to answer that question.

13 ALJ STECURA: Any response?

14 MS. JOSEPH: May I answer?

15 ALJ STECURA: Yeah.

16 MS. JOSEPH: Yeah. I'm asking him based on this
17 document that's a certified document. It is that this -- the
18 CO for this building, it is a Department of Building record,
19 but it's a certified document and it states plainly on its
20 face that floor 2 has three dwelling units. And I asked him
21 for his observations.

22 ALJ STECURA: You can ask him for his observations,
23 but he didn't draft the article so he can't give a conclusion
24 and he doesn't work for DOB.

25 MS. JOSEPH: I know, I'm asking for conclusion

1 based on the certified document.

2 ALJ STECURA: You can ask him about his
3 observation, not his conclusion.

4 MS. JOSEPH: Okay.

5 ALJ STECURA: He did not draft the certified
6 document.

7 MS. JOSEPH: Okay, Judge.

8 ALJ STECURA: Thank you.

9 Q: So as far as this record that states that the dwell --
10 there's three dwelling units on floor 2, did your observation of
11 the configuration of floor 2 comply with it?

12 A: No.

13 Q: Okay. Thank you. Let me just go back here. We saw
14 pictures of unit 2A from exhibit -- I'm sorry, Exhibit 24. I'm
15 not asking you to look at it now, it's specifically page 13. In
16 regard to the exposed area, how different and is it at all based
17 on your experience from probing or exploratory openings?

18 A: It's -- in -- from my experience, probing exploratory
19 was excessive in comparison to more than 50 percent.

20 Q: And --

21 MR. FAVILUKIS: Obje -- objection, Your Honor.

22 Same objection.

23 ALJ STECURA: You're going to have to make a basis
24 upon which --

25 MS. JOSEPH: Okay. I'll ask him.

1 ALJ STECURA: -- the question can be asked.

2 Q: What -- what is your base -- what is your basis for --
3 for -- for -- for -- for an -- for this answer? What are you
4 basing your answer on?

5 A: I go by Local Law 11.

6 Q: What does Local Law 11 tell you?

7 A: From -- that phase 9, Local Law 11, states about probing
8 and issuance with the regards to how ma -- the area square feet
9 supposed to be entitled to.

10 Q: And --

11 MR. FAVILUKIS: Objection, Your Honor. Local Law
12 11 is not in evidence, and I believe that's not what Local
13 Law 11 says.

14 ALJ STECURA: Sustained.

15 MS. JOSEPH: Okay. Okay. Let me show the witness
16 then OCN, it is the -- the law. He could -- he could look
17 at it and he could --

18 ALJ STECURA: But can you --

19 MS. JOSEPH: Yes.

20 ALJ STECURA: It -- it has to be within his job
21 duties that what he can testify to.

22 MS. JOSEPH: Well, he's just --

23 ALJ STECURA: I'm not arguing with you, --

24 MS. JOSEPH: I understand.

25 ALJ STECURA: -- I'm telling you.

1 MS. JOSEPH: I understand.

2 Q: Okay. So, again, based on your experience, when we
3 looked at the pictures on -- on page 13, the area specific -- I'm
4 sorry, on Exhibit 24, page 13, the areas in 2A that you had
5 exposed flooring on the bottom, to the extent that you know if --
6 if -- if that was compliant with -- with -- with the law, was it
7 compliant with the law?

8 MR. FAVILUKIS: I object, Your Honor. There was no
9 -- there was never any testimonies taken as to what extent
10 Investigator Del Pilar has knowledge about compliance with
11 the building code, what experience he has with probing. The
12 only, I believe, job description that was given was that
13 Inspector Del Pilar has been a construction ma -- I'm sorry,
14 I didn't catch it.

15 MR. DELPILAR: CPO.

16 MR. FAVILUKIS: A C -- I don't remember what it
17 stands for.

18 ALJ STECURA: There's no question pending.

19 MR. FAVILUKIS: Sorry. Sorry.

20 ALJ STECURA: So --

21 MR. FAVILUKIS: I -- we object, Your Honor.

22 ALJ STECURA: So I'm going to sustain. I also
23 didn't understand the question, --

24 MS. JOSEPH: Okay.

25 ALJ STECURA: -- so I'm going to ask you to

1 rephrase.

2 MS. JOSEPH: Okay. I'll try, Your Honor.

3 Q: All right. Let me -- can you go back to Exhibit 24,
4 page 13. Let's just quickly -- do you have it?

5 A: Uh-huh.

6 Q: Okay. So when you look at -- at the condition of the
7 floor here, is -- as far as -- as far as -- as far as your
8 experience, does that -- is that -- does that comply with the --
9 is that -- does that comply with limitation of probing or does it
10 exceed it?

11 MR. FAVILUKIS: I -- I object, Your Honor. It's
12 literally the same question asked three times.

13 MS. JOSEPH: Well, I'm trying to clarify, Your
14 Honor.

15 MR. FAVILUKIS: You're asking the witness --

16 ALJ STECURA: All right. Stop arguing. If you can
17 answer, you may answer.

18 MR. DEL PILAR: Oh, I thought objection.

19 A: What was the question again, please?

20 Q: Well, I wish I know the exact way I answered it. Based
21 on your observations of the extent of -- of the condition of the --
22 - of the floor here, does that extent of your observation, does
23 that comply with probing or that exceeds that?

24 A: From my observation?

25 MR. FAVILUKIS: Objection.

1 ALJ STECURA: What's your objection?

2 MR. FAVILUKIS: I -- I don't believe that is what
3 she asked the last time. That what -- what Ms. Joseph asked
4 the last time.

5 MS. JOSEPH: Okay.

6 ALJ STECURA: Can you please ask a question that he
7 can answer based on his experience in his job duties?

8 MS. JOSEPH: Okay.

9 ALJ STECURA: Thank you.

10 MR. FAVILUKIS: If -- if -- if I may, Your Honor.

11 ALJ STECURA: No, you may not.

12 MR. FAVILUKIS: Okay.

13 Q: Okay. Based on your experience and your -- and your
14 knowledge and your job duties, does the -- the condition that we
15 saw on unit 2A, the floor area, does that comply with probing or
16 does it exe -- exceed that?

17 A: Exceeds.

18 Q: Okay. To your knowledge and -- you know, to your
19 knowledge and based on your experience, after -- after probing is
20 done, what -- what is the condition of the floor supposed to be?

21 A: It's supposed to be restored back to its natural state.

22 Q: And when you observed the condition you observed on
23 March 19th, was this condition restored to original state?

24 A: No.

25 MR. FAVILUKIS: I object, Your Honor. I don't

1 think that Mr. -- Investigator Del Pilar has --

2 ALJ STECURA: Overruled, you may cross examine the
3 witness. Thank you.

4 MS. JOSEPH: Okay. Thank you. Let me show you
5 Exhibit G2, and I believe -- let me just see here. Oh,
6 sorry. There you go.

7 MR. DEL PILAR: Excuse me. Your Honor. Your
8 Honor.

9 MR. MESTOUSIS: Do you want some water?

10 MR. DEL PILAR: No. Can I use the bathroom?

11 ALJ STECURA: Do you need to take a break?

12 MR. DEL PILAR: Yes, please.

13 ALJ STECURA: Okay. So the witness has asked to
14 take a break. It is 2:44, we're going to take a five-minute
15 break.

16 MR. DEL PILAR: Give me five minutes.

17 ALJ STECURA: Your testimony is in progress; you
18 may not to speak -- you may not speak to anyone regarding
19 your testimony or anything about this case; do you
20 understand?

21 MR. DEL PILAR: Yes.

22 ALJ STECURA: All right. So let's come back at
23 2:50, everyone.

24 MR. DEL PILAR: Thank you, Judge.

25 [OFF THE RECORD]

1 [ON THE RECORD]

2 ALJ STECURA: Okay. We're back on the record.

3 MS. JOSEPH: Thank you, Judge. So I put Exhibit G2
4 in front of the witness. I'm showing that to him. May I
5 question him, Your Honor?

6 ALJ STECURA: Yes.

7 MS. JOSEPH: Okay.

8 ALJ STECURA: And this is in evidence, correct?

9 MS. JOSEPH: Yes. I believe so.

10 ALJ STECURA: Okay. Go ahead.

11 Q: So you see on top it's a violation that ends -- ends in
12 177M, do you see that?

13 A: Yes.

14 Q: Okay. And it's issued by DOB, and, let me see here, the
15 date is -- date of occupancy March, 19/25. Do you see that?

16 A: Yes.

17 Q: Okay. Now, under the description of the violation
18 detail it says ATOI fire stopping removed and exposed electrical
19 wire and unoccupied rooms on 2nd, 3rd, and 4th floors of premises.
20 Do you know what ATOI means?

21 A: At time of occurrence.

22 Q: Okay. And what did you -- based on your observation on
23 March 19th, what did you observe as far as fire stopping removed
24 in vacant rooms, 2nd, 3rd, and 4th floors?

25 A: Same thing.

1 Q: In addition to fire stopping material removed, what
2 other material did you observe was removed?

3 A: Plaster, flooring, sections of ceilings.

4 Q: And during your March 19th visit, what did you observe
5 as far as exposed electrical wiring in -- in -- in vacant rooms?

6 A: Exposed wire, BX cables out of junction box with exposed
7 electrical wires.

8 Q: What did you observe in the vacant room's ceilings -- at
9 some of the vacant rooms, I should say, ceilings with ref -- with
10 reference to exposed electrical wires?

11 A: Certain areas that were open in the ceilings, not fully
12 sealed with BX wires and exposed electrical wires.

13 Q: Okay. Let me show you what's been entered into evidence
14 as -- as Petitioner's -- no, I'm sorry.

15 MS. JOSEPH: F6 is -- Respondent's F6, Your Honor.

16 ALJ STECURA: Thank you.

17 Q: If you look at that document I put before you, who is
18 this letter from, as far as you could tell?

19 A: It is from S&M Tam Architect.

20 Q: And who is it addressed to?

21 A: Commissioner John Raine, Manhattan Borough Commissioner.

22 Q: Okay.

23 A: New York City, DOB.

24 Q: Oh, sorry. Thank you. Now under the Commission -- dear
25 Commissioner Raine, that sentence, "I'm writing in response to

1 your request for additional information regarding violation that
2 ends in 176K and 177M." Do you see that?

3 A: Yes.

4 Q: Okay. With regard to the violation that ends in 177M
5 that we just looked at, I direct you to the third paragraph. So
6 the one that starts with more important -- importantly, do you see
7 that?

8 A: Yes.

9 Q: Okay. Now it states, "No fire rated or structural
10 assemblies were disturbed. The scope of work was confined to
11 limited area and vacant units conducted in accordance with 1RCNY
12 Section 101-14 which allows for the temporary removal of any
13 portion of non-load bearing, non-fire rated partition without
14 permit as long as it's limited to less than 50 percent of a given
15 wall, 45 square feet in area, and where the completion of work,
16 the partition is restored to its original condition." What were
17 your observations on March 19th with regard to structural --
18 structural assemblies that were disturbed?

19 A: Certain areas were still exposed, not restored with like
20 open wooden joists, open beams exposed.

21 Q: Okay. Now, I direct you to the -- let me ask you, I'm
22 sorry. As -- as part of your job, do you have occasion to look at
23 building code, multiple dwelling law, housing maintenance code,
24 and other codes relating to buildings?

25 A: Yes.

1 Q: So is -- are you familiar with 1RCNY Section 101-14?

2 A: Somewhat yes.

3 MR. FAVILUKIS: What was that?

4 MR. DELPILAR: Yes.

5 MS. JOSEPH: Okay. So may I show that to the
6 witness, Your Honor, at this point?

7 ALJ STECURA: You want to show him a copy of --

8 MS. JOSEPH: Of 101 of the statute that's stated in
9 this letter. It is related. It's sort of incomplete in that
10 it's just citing to it.

11 ALJ STECURA: You may.

12 MS. JOSEPH: Thank you, Judge.

13 [OFF MIC CONVERSATION]

14 ALJ STECURA: Thank you.

15 MS. JOSEPH: Okay. There you go. If you could put
16 that slide up. Thank you.

17 Q: So I direct you to the third page, up on top, where it
18 says on the right side, "No -- no permit." Could you tell us on
19 the left of -- to that, what is -- oh here it's -- what is -- what
20 is the description of the work that's allowed, starting with non-
21 fire rated, non-load bearing wall?

22 A: Temporary removal with a cutting away and temporary
23 removal of any portion of a non-load bearing, non-fire rated
24 partition is limited to lesser 50 percent of a given wall, 45
25 square feet in area, and where at the completion of work partition

1 is restored to its original condition.

2 Q: Okay. So based -- based on your observations, what --
3 did your observation comply with 1RCNY section 101-14?

4 MR. FAVILUKIS: Objection, Your Honor. Mr. Del
5 Pilar has not testified what the original conditions here
6 were. At no time did Mr. Del Pilar -- did -- at no time did
7 Ms. Joseph ask Mr. Del Pilar whether he saw the original
8 conditions. The only testimony has been with respect to his
9 post part -- post probing photographs.

10 MS. JOSEPH: Okay. Judge, what I'm asking him is
11 what his observations were in March 19th, 2025 with relation
12 to what -- the description of what he just read, and
13 specifically to the portion that states that at the
14 completion of the work, the partition is restored to its
15 original condition. So I'm asking specifically about March
16 19th, his observations.

17 ALJ STECURA: Okay. You may ask specific to his --
18 his observations on March 19th and you can cross examine
19 later.

20 MS. JOSEPH: Thank you.

21 Q: So based on your observations on March 19th, was the
22 section you just read from 101-14 complied with?

23 A: No.

24 MS. JOSEPH: Okay. Let me look at Exhibit D2, Your
25 Honor.

1 ALJ STECURA: Okay.

2 MS. JOSEPH: It's Respondent's and it's in
3 evidence.

4 Q: Can you take a look at that, please.

5 MS. JOSEPH: Wait, did I give Your Honor a copy?

6 ALJ STECURA: No.

7 MS. JOSEPH: I'm sorry.

8 ALJ STECURA: It's okay.

9 MS. JOSEPH: I have two copies of this. No, I got
10 it, thank you. Do you mind just picking it up because I'm
11 walking to the Judge.

12 MR. FAVILUKIS: Sure.

13 MS. JOSEPH: Thank you.

14 ALJ STECURA: Thank you.

15 Q: Okay. Now, if you look at the document I just put
16 before you, what is the -- the date of this document?

17 A: September 20, 2024.

18 Q: All right. And -- and what is -- who is it from?
19 What's the title of this document up on top?

20 A: Steel Core Engineering.

21 Q: Okay. Now could you -- I direct you to page 3, photo 2.
22 It's up on top on the right-hand top corner, the pages numbers.
23 Do you see that? And -- excuse me, I direct you to page 5, photo
24 5, and -- and page 6, photo 7 and 8. Now, the conditions that we
25 see in this document, how similar are they to the conditions you

1 observed on March 19th?

2 A: Similar.

3 Q: Okay. Now if you look at the first page, second
4 paragraph, it starts with starting from roof level. Do you see
5 that?

6 A: Yes.

7 Q: It says, "There are multiple areas where excessive water
8 damage is observed in the roof rafters, masonry walls and
9 ceilings. Water seems to be collecting inside the roof making its
10 way down to the structure leading to having water leaks in the
11 rooms below. The roof structure has been deteriorated for many
12 years due to water infiltration throughout the roof. This
13 deterioration is also evident in the way the floors and stair
14 landings are sloping." With regard to the statement, what were
15 your observations with regard to water deter -- or water slippage
16 that caused the deterioration in this building?

17 A: Same thing.

18 MS. JOSEPH: Okay. Okay. I'll put that down. I
19 want to put it down. I'll show you what's been -- wait a
20 second. Just one minute, Judge.

21 Q: Do you still have Exhibit 24 in front of you?

22 MS. JOSEPH: Could you -- I direct the witness,
23 again, to Exhibit 24, Your Honor.

24 Q: Could you look at pages -- photographs 12, 13 and 14,
25 please?

1 A: Exhibit 12?

2 Q: 12, 13 and 14, please.

3 A: Yes.

4 Q: And these pictures were taken in room 2A, right?

5 A: Yes.

6 Q: On March, 19/25?

7 A: Uh-huh.

8 MS. JOSEPH: Okay. So hold that in mind. I'd like
9 to show the witness exhibit -- Respondent Exhibit 3 -- I
10 mean, I'm sorry, D3.

11 ALJ STECURA: Thank you.

12 MS. JOSEPH: We can keep 24 here just in case I
13 want to show the witness.

14 MR. DEL PILAR: Excuse me.

15 Q: Do you see the date of this document?

16 A: November 11th, 2024.

17 Q: And, again, what -- what is the title? Where was it
18 from?

19 A: Steel Core Engineering?

20 Q: Okay. So I direct you to pa -- page 36. Again, it's up
21 on top on the right-hand side. Okay. And if you look at page 36,
22 if you look at the -- there's a -- the -- the -- the square on the
23 bottom on the left-hand side, what is the area this is referring
24 to?

25 A: That'd be unit 2A.

1 MS. JOSEPH: Okay. And if we're looking at page
2 37, no, I'm sorry. Is it 37? Let me just make sure here.

3 MR. FAVILUKIS: Can you tell us the photo numbers?
4 The photo numbers are on there.

5 MS. JOSEPH: Oh, okay. Just a second. Let me find
6 my footing. Right.

7 Q: So photo 30, on page 36. And I'm moving to photo 31, on
8 page 37. Do you see that?

9 A: Yes.

10 Q: And what is the area that this depicts in that square at
11 the bottom?

12 A: That'd be 2A.

13 Q: Okay. So when you visited this unit in March 19th, was
14 these areas restored to original condition?

15 A: Well, it's probably sections that had ply --

16 [CROSSTALK]

17 MR. FAVILUKIS: Again, objection, because Mr.
18 DelPilar has never testified what the original condition was.

19 ALJ STECURA: Overruled.

20 Q: So when you were there on March 19th, did these areas
21 were restored to original conditions?

22 A: Sections just had a piece of plywood put over.

23 Q: Let me show you G9.

24 ALJ STECURA: Thank you.

25 Q: So if we look at G9, it's a one-page document. So all

1 the way on the -- the -- the -- the middle part on the
2 Petitioner's justification, do you see it says. "Therefore, no
3 work permit was required for the probes of the non-fire assemblies
4 as long as the probes remain within the limits of RCNY 101-14," do
5 you see that?

6 A: Yes.

7 Q: And as long as -- based on your observations in March
8 19, 2025, were they remained within RC -- RCCNY guidelines?

9 MR. FAVILUKIS: Your Honor, I apologize. I object
10 again. Ms. -- Inspector Del Pilar does not have the
11 technical expertise to interpret RCNY 101-14, it is a
12 building code statute. The -- this -- G9 is the DOB's
13 dismissal of the violation that Ms. Joseph has john -- just
14 talked about for 30 minutes. This is based on the two DOB
15 letters plus the DOB's physical inspections of the
16 conditions. So we're talking about a violation that was --

17 ALJ STECURA: Overruled.

18 MR. FAVILUKIS: Thank you, Your Honor.

19 ALJ STECURA: You may cross examine and the witness
20 may answer if he can based on his experience.

21 MS. JOSEPH: So let me repeat the question, just --
22 if that's okay, Judge.

23 ALJ STECURA: You may.

24 MS. JOSEPH: It may come out a little different,
25 but let me ask it again.

1 Q: So, per your observations on March 19th, were -- the
2 probes that you -- according to -- to this letter, were they --
3 what -- were your observation show that it remained within the
4 limits of RCNY 101-14 specifically with regard to the restoration
5 of its original condition?

6 A: Well, you still have open section, so no.

7 MS. JOSEPH: Okay. All right. Let me show the
8 witness Petitioner's -- I'm sorry, it's Respondent's C.

9 ALJ STECURA: Thank you.

10 Q: Okay. Can you look at that, it's a two-page document.

11 A: Okay.

12 Q: Let's -- let's look at the second page, it's a violation
13 that ends in 657 up on top in red, do you see that?

14 A: Yes.

15 Q: Okay. And do you see when was this -- what was the
16 date? It's sort of in the middle.

17 A: 8/14/24.

18 Q: Okay. Now, if you look directly after description of
19 violation, sort of in the middle of the page.

20 A: Remedy?

21 Q: No under the -- under description of violation.
22 Emergency work order, five stories to seller. I'm asking you to
23 look -- let me just see here. I'm sorry. Right. The fourth
24 line, the framed -- the framed word that says remedy.

25 A: Okay.

1 Q Do you see what that says as far as what is the remedy
2 the owner is asked to do?

3 A: "Owner to immediately retain New York State PE and
4 license GC to shore building as required on the full-time
5 continuance."

6 Q: Okay. I'm sorry.

7 A: Yeah, full-time continuance.

8 Q: Now, when you were at the building on March 19th, what
9 did you observe -- what did you observe with regard to shoring?

10 A: Second story had shoring installed and the jacks at the
11 commercial space.

12 Q: Okay. And if you go to the first page, it's a violation
13 that ends in 658 in red.

14 A: Yes.

15 Q: Okay. Now, if you look again at the description of
16 violation under -- under the description of violation, it's the
17 first line, "Failure to maintain building and safe condition."
18 Does it tell you, from this description, that this is an emergency
19 work order?

20 A: Fourth line down it says, "EWO, Emergency Work Order is
21 issued separately for emergency shoring and, again, remedy."

22 Q: So on the fourth line down, as you just stated, it says,
23 the -- the EWO is -- stands for emergency --

24 A: Work order.

25 Q: -- work order, was issued separately for emergency

1 shoring. Does that relate to the violation that we just looked at
2 before?

3 A: Yes.

4 MS. JOSEPH: Okay. Now let me show you what's been
5 marked as exhibit -- Judge, I'm going to show him Exhibit E
6 and -- E1 and E2 at the same time and just direct him to --
7 or -- or Your Honor would like me to do it separately?

8 ALJ STECURA: Are they both in evidence?

9 MS. JOSEPH: Yes.

10 ALJ STECURA: Okay. You can do them together.

11 MS. JOSEPH: Thank you, Judge.

12 [OFF MIC CONVERSATION]

13 Q: Which one did you -- I'm sorry, which one do you have,
14 E1?

15 MR. MESTOUSIS: E1.

16 MS. JOSEPH: No, I'm asking Samuel.

17 MR. MESTOUSIS: I think it's E1.

18 MS. JOSEPH: It's E1. Okay. I got a bit mixed up
19 here.

20 MR. MESTOUSIS: This is also E1 --

21 MS. JOSEPH: Okay. This is E1. This is E1?

22 MR. MESTOUSIS: Yeah.

23 MS. JOSEPH: Yeah.

24 ALJ STECURA: How much longer do you expect your
25 questioning to take?

1 MS. JOSEPH: Oh, not much longer. Okay. So you
2 have E1 --

3 ALJ STECURA: Thank you.

4 MS. JOSEPH: This is E1, this is E2. That is also
5 E2, Your Honor.

6 ALJ STECURA: Thank you.

7 Q: Okay. So with reference to E -- oh, I'm sorry. Go
8 ahead.

9 ALJ STECURA: Sir, what are you doing?

10 MR. DEL PILAR: I need different glasses, Your
11 Honor. I'm sorry.

12 ALJ STECURA: Okay.

13 MR. DEL PILAR: Print is fine on this one. Okay.

14 Q: So you are looking at the one that says E1 on top?

15 A: Yes.

16 Q: Okay. Let me direct you to page 6, it's actually on the
17 bottom and the -- great. Let me just see something here.

18 Actually, I'm sorry, let's go to page -- the bottom of page 5.

19 And can you see the email at the very bottom? Who is this email
20 from? What's listed on the from?

21 A: Sebastian Stokowski.

22 Q: Okay. And who is it to and it's in parenthesis?

23 A: Phillip Eng from DOB.

24 Q: Okay. And if we go to page 6 on top after, "Good
25 evening, Phil -- Philip." Just -- just -- can you read the first

1 two lines?

2 A: "I would like to inform you that temporary shoring work
3 was started in the morning, was completed in the evening. Shoring
4 jacks were installed at cellar supporting the floor -- supporting
5 1st floor joists. Shoring jacks were installed on 1st floor,
6 supporting third, two -- supporting three, 2 by 10 beams, which
7 were installed on the bearing walls above 2nd floor."

8 Q: Okay. And what's the date -- if you go back to page 5,
9 what's the date of this email?

10 A: August 18th, 2024.

11 Q: Okay.

12 ALJ STECURA: So I'm going to note that the witness
13 is not one of the copied individuals on this email.

14 MS. JOSEPH: Sure.

15 Q: And if you go to the first page of this document, you
16 see the email dated November 15th, 2024, do you see that?

17 A: Yes.

18 Q: Okay. And -- okay. Who wrote -- who wrote this --
19 who's -- who's written as the writer of this email?

20 A: Phillip Eng from DOB.

21 Q: Right. And what is -- what is he writing in item number
22 3?

23 A: Item number 3 states, "Have any arrangements been made
24 to relocate tenants temporary for the repairs?"

25 Q: Okay.

1 A: Temporarily for the repairs.

2 Q: Okay. And let's look at the E2, if you will. Oh, let
3 me -- I'm sorry. Let me backtrack. When you were there on March
4 19, 2025, what have you observed with regard to tenants in the
5 building?

6 A: Tenants were living there.

7 Q: Okay. And let's go to E2, if you'll. Okay. And the
8 first page, one, two, sort of the second email down, do you see
9 that email from tenant advocate --

10 A: Yes.

11 Q: -- at buildings? Okay. And what's the date of that
12 email?

13 A: March 24, 2025.

14 Q: Okay. And what -- what is stated in this email?

15 A: "I understand that you had asked for contact information
16 to tenant advocates. Depending on the scope and sequence of the
17 planned work, it may require temporary relocation of the tenants
18 in occupancy. If it requires temporary relocation, you will need
19 to work out with tenants and their representatives in advance.
20 Any tenants re -- any tenant relocation should be handled,
21 negotiated directly with the attached parties -- affected
22 parties."

23 Q: Right. And the first line of this email, what is this
24 email -- what job application does this email relating to?

25 A: Regarding the shoring?

1 Q: No, I'm asking -- do you see on the -- the good
2 afternoon? There is --

3 A: Oh, yes. I understand that you had asked contact
4 information related to DOB filing M10181265-I1.

5 Q: Okay, thank you.

6 A: Yeah.

7 Q: And did -- did we mention the date of this email? What
8 is the date of this email?

9 A: It is March 24, 2025.

10 Q: Right. So when you were there five days prior to this
11 email, were tenants relocated out of the building?

12 A: It was still occupied.

13 MS. JOSEPH: Okay. Judge, my last two exhibits.

14 So let me show you Petitioner's 25 and 25B.

15 [OFF MIC CONVERSATION]

16 ALJ STECURA: And my records reflect these have
17 already been admitted.

18 MS. JOSEPH: Yeah, they're admitted, Judge.

19 ALJ STECURA: Okay.

20 MS. JOSEPH: Yeah. They're admitted into evidence,
21 yes.

22 Q: If you look at 25, on the first page, on the right side,
23 what is the number of this job application -- job number?

24 A: Job number is M01181265-I1.

25 Q: And is that the same number we just referenced in the

[03:22:11]

[01:44:29-2]

1 email?

2 A: Yes.

3 Q: Okay. Now if you look at page 6, and let me see. 6,
4 right. Page 6 from the beginning of this document, not counting
5 the exhibit page. What is the -- you see up on top, job
6 description?

7 A: Yes.

8 Q: Okay. So what is the description of this job?

9 A: Install temporary shoring to support the main roof,
10 remove existing framing at the 3rd, 4th, 5th, and main roof
11 levels, installing new steel framing at the 3rd, 4th, 5th, and
12 main roof levels.

13 Q: Okay. And if we go to the last page of this exhibit,
14 who is signed as far as the job applicant?

15 A: Electronically signed by Michael Geylik.

16 Q: And what's the date?

17 A: 2/17/2025.

18 Q: Okay. And let's go to 25B. The last page. The very --
19 the very last page. Very last page. So as far you see on top, it
20 says existing 3rd floor framing plan, do you see that?

21 A: Yes.

22 Q: Okay. And as far as the -- what's described as the
23 existing layout for the common areas, what is described for the
24 common areas here on this document?

25 A: Water closet.

1 Q: Okay. And when -- and when you were at the building,
2 did you see a water closet on the 3rd floor?

3 A: No.

4 Q: And when you look at the 4th floor, what is described as
5 far as common areas on the 3rd floor?

6 A: You are looking at water closet, shower and kitchen.

7 Q: Okay. And did you observe a water closet, shower and
8 kitchen on the 4th floor when you were there March 19?

9 A: No.

10 MS. JOSEPH: Okay. No further questions, Judge.

11 ALJ STECURA: Do you need some time before you
12 cross examine?

13 MR. FAVILUKIS: Yes, Your Honor. That'd great.

14 ALJ STECURA: Okay.

15 MR. FAVILUKIS: Five minutes.

16 ALJ STECURA: Five minutes? Okay.

17 MR. FAVILUKIS: Okay.

18 ALJ STECURA: Let's come back then at 3:30.

19 MR. FAVILUKIS: Thank you, Your Honor.

20 ALJ STECURA: Okay. And the same direction as
21 before, sir.

22 MR. DELPILAR: Yes, Your Honor.

23 ALJ STECURA: Don't speak to anyone. Thank you.

24 [OFF THE RECORD]

25 [ON THE RECORD]

1 ALJ STECURA: All right. We're back on the record
2 and Mr. Favilukis is going to start cross examination on
3 behalf of Respondent.

4 MR. FAVILUKIS: Thank you, Your Honor.

5 **CROSS EXAMINATION OF MR. DEL PILAR**

6 **BY MR. FAVILUKIS:**

7 Q: Mr. Del Pilar, how are you?

8 A: Doing well, what about yourself?

9 Q: I'm okay. Do you remember -- do you remember meeting
10 me?

11 A: Yes.

12 Q: And did we meet at the March 19th inspection?

13 A: Yes.

14 Q: Do you remember meeting Phillip Eng at that time as
15 well?

16 A: Yes.

17 Q: Okay. Do you know the position that Phillip Eng has?

18 A: For DOB?

19 Q: Yeah.

20 A: Engineer.

21 Q: He's the, I believe, head of the forensic engineering --

22 A: Yeah.

23 Q: -- for DOB. I want to -- to clarify. You are not a
24 licensed engineer, correct?

25 A: Correct.

1 Q: Okay. Have you ever worked for the DOB before?

2 A: No.

3 Q: Okay. I want to go back to one of the exhibits that Ms.
4 Joseph asked you about, it was the certificate of occupancy for
5 the building. It's Exhibit B3, B as in boy, 3. Just let me know
6 when you have it in front of you.

7 A: Yes.

8 Q: I can give you my copy also if you need.

9 A: Got it.

10 Q: You got it? Okay. All right. At the top it says
11 section A, after section A it says section B, C, D, E on the first
12 page, correct?

13 A: Correct.

14 Q: Do you see that on the left side?

15 A: Yes.

16 Q: In section B it says, "Construction classification."
17 Could you read to me what the construction classification for this
18 building is?

19 MS. JOSEPH: Objection, Your Honor.

20 ALJ STECURA: What's your objection?

21 MS. JOSEPH: For purposes of this document, the
22 only issue that Mr. Del Pilar was questioned about was the
23 configuration on floor 2 having three units.

24 MR. FAVILUKIS: No. You also had him testify with
25 respect to 101 -- RCNY 101-14.

1 MS. JOSEPH: With respect to this document, I would
2 say.

3 MR. FAVILUKIS: Excuse me. You also had him
4 testify with respect to the building component or systems,
5 Section 101-14 of RCNY, which is for non-fire rated and non-
6 load-bearing walls. I just want to make sure that he
7 understands what a three non-fire fireproofed structure is.

8 ALJ STECURA: All right. Thank you for the
9 clarification, I'm going to overrule the objection.

10 MR. FAVILUKIS: Thank you, Your Honor.

11 Q: It says that this construction classification is a three
12 non-fireproofed structure, correct?

13 A: Correct.

14 Q: Pursuant to the old code?

15 A: Yes.

16 Q: What does that mean, the old code?

17 A: It's hereafter old code.

18 Q: What is it?

19 MS. JOSEPH: Objection, Your Honor. It wasn't part
20 of direct questioning Mr. Del Pilar with regard to --

21 ALJ STECURA: I've already rule -- overruled.

22 MS. JOSEPH: Okay.

23 MR. FAVILUKIS: Thank you, Your Honor. Also, Your
24 Honor, we have about an hour and 25 minutes before five
25 o'clock on my cross. I'm going to go as fast as I can so we

1 can finish with this witness and then hopefully we don't have
2 to do another witness and we can start our case next week
3 because I believe that HPD was supposed to finish today. But
4 I'll do my best but the o -- but the o -- objections after
5 every single question will make it go slower.

6 ALJ STECURA: Can you ask your question, please?

7 MR. FAVILUKIS: Yes, Your Honor.

8 Q: What does that mean, old code?

9 ALJ STECURA: If you know.

10 Q: If you know.

11 A: I have no recollection at this time.

12 Q: Understood. So you don't know what old code means. Do
13 you know what three non-fire structured means?

14 A: Yes.

15 Q: What does that mean?

16 A: It doesn't have to have like insulation.

17 Q: Doesn't have to have insulation around what?

18 A: Within the walls.

19 Q: Okay.

20 A: I believe.

21 Q: The -- you believe, of course, you're not an engineer,
22 so --

23 A: Right.

24 Q: -- you're not expected to know. Old code, I believe,
25 refers to the 1938 building code, I believe.

1 ALJ STECURA: Hey, you're -- I don't need your
2 testimony.

3 MR. FAVILUKIS: Understood.

4 ALJ STECURA: Thank you.

5 Q: So now I want to refer you to G9, that's that single
6 page document

7 A: G9?

8 Q: Yes.

9 A: Okay.

10 Q: Thank you.

11 Q: Can you tell me the date of this document at the top?

12 A: May 13, 2025.

13 Q: And is this document a dismissal of the violation and
14 another violation but of the violation that Ms. Joseph was asking
15 you about?

16 A: It's a withdrawal, yes.

17 Q: It's a withdrawal of the violation. What does
18 withdrawal mean, do you know?

19 A: Taking away, dismiss.

20 Q: Does it mean that the DOB is correcting itself in
21 determining that a violation -- violating condition existed?

22 MS. JOSEPH: Objection, Your Honor. He's asking
23 him about what DOB is doing.

24 MR. FAVILUKIS: I can withdraw and restate it.

25 ALJ STECURA: Yes. Thank you.

1 MR. FAVILUKIS: Thank you, Your Honor.

2 ALJ STECURA: And -- and just so that we avoid
3 objections, if you can frame it in his experience and
4 understanding.

5 MR. FAVILUKIS: Understood.

6 ALJ STECURA: Thank you.

7 Q: In your experience, what does a withdrawal mean?

8 A: You take away the original violation.

9 Q: Take away the original violation. That last sentence
10 that Ms. Joseph asked you to read it says, "Therefore, no work
11 permit was required for the probes of the non-fire rated
12 assemblies as long as the probes remain within the limits of RCNY
13 101-14." And you heard me object a few times because Ms. Joseph
14 was asking you the meaning, interpretations of 101-14, but I'm not
15 going to ask you about that. You said that this is dated May
16 13th, 2025, correct?

17 A: Yes.

18 Q: And the inspection that you met Phillip Eng the chief
19 engineer of the forensic engineering unit for the DOB was March
20 19th?

21 A: Yes.

22 Q: So March 19th was almost two months before May 13th,
23 correct?

24 A: Correct.

25 Q: Phillip Eng accompanied you throughout all of the vacant

1 units and --

2 A: Yes.

3 Q: So is it reasonable, in your opinion, to assume that
4 Phillip Eng saw the same things that you did?

5 A: Yes.

6 Q: Okay. And then -- so just, again, to put a cap on it,
7 two months after Phillip Eng, the chief engineer of the DOB
8 forensic unit, accompanied you on the inspection and viewed all
9 the things that you saw, the DOB then withdrew their violations;
10 is that correct?

11 A: Yes.

12 Q: Okay. I want to ask you about probing. In your
13 experience, what is your experience with probing?

14 A: I do not have that much experience.

15 Q: I'm sorry. How much is not that much?

16 A: I've seen people do it, contractors. Myself, I haven't
17 done any probing.

18 Q: Have you ever spoken to any professional licensed
19 engineers about probing?

20 A: No.

21 Q: Okay. Would it be fair to say that you would not know
22 what proper probing is if you saw it unless there was a licensed
23 engineer with you?

24 A: Correct.

25 MS. JOSEPH: Object -- oh, go ahead.

1 Q: Okay. I want to go to these letters from Steel Core,
2 they're D2 and D3, D as in dog.

3 A: Yes.

4 Q: These documents are numerous pages long, yes?

5 A: Yes.

6 Q: I'm not going to ask you to read them. I'm only going
7 to ask you to tell me the dates of the documents, who they're from
8 and to whom they are addressed?

9 A: They are from Steel Core Engineering, D2, September 20,
10 2024, and D3, Steel Core Engineering, November 11, 2024. Both of
11 them to New York City, Department of Engineering -- Department of
12 Buildings, forensic engineering unit.

13 Q: And -- and to whom at the forensic engineering unit?

14 A: Mr. Phillip Eng.

15 Q: Thank you very much. I'm going to ask you about, I
16 believe, it's E1, it's an email -- it's a big email chain. I'm
17 sorry, I apologize. Not E1. E -- or let's go with E1 and then
18 I'll ask you about E2. I'm sorry about that.

19 MS. JOSEPH: You said E1 and E2.

20 Q: And you see my name there printed at the top? Left at
21 the top, --

22 A: Yes.

23 Q: -- that's me, and that's because I was CC'd on some of
24 these emails. The most recent email at E1, that's from Sebastian
25 Stokowski, you got his name exactly correct.

[03:42:49]

[02:05:07-2]

1 A: Oh.

2 Q: Yes.

3 A: Thank you.

4 Q: I -- I have trouble with it and I'm from that part of
5 the world. Sebastian Stokowski, do you see his -- do you see the
6 -- the ending there in his email address? It says, sebastian@ --

7 A: steelcoreengineering.

8 Q: -- steelcoreengineering.

9 A: .com, yeah.

10 Q: And it's to someone named Phillip; is that correct?

11 A: Yes.

12 Q: Okay. And it's -- what's the date of that?

13 A: November 25, 2024.

14 Q: And how does that email start, that first sentence?

15 A: "Hello, Phillip. Thank you for coming down to the
16 building to examine the existing conditions of the structure."

17 Q: Now, if I asked you to stop right there, would you take
18 this sentence to mean that Phillip Eng was at the building to
19 examine the existing conditions of this structure on or about
20 November 25th?

21 MS. JOSEPH: Objection, Your Honor. Based on this
22 document, not in reality. He has no knowledge of what --

23 MR. FAVILUKIS: That's what I asked.

24 MS. JOSEPH: -- really happened. Is as -- is per
25 this document only.

1 ALJ STECURA: That's what he asked.

2 MS. JOSEPH: Okay.

3 MR. FAVILUKIS: Thank you, Your Honor.

4 ALJ STECURA: Okay. If you can answer, you may.

5 A: According to the document, that's what it states.

6 Q: Great. Thank you. And then E2. And see at the top
7 there E2, --

8 A: Yes.

9 Q: -- it's from me, Vladimir Favilukis, to, and it just
10 says tenant advocate. But if you look down to the email -- to the
11 second email, the one that was sent from tenant advocate to me on
12 Monday, March 24, 2025 at 4:45 PM, you can see the person's name
13 who's sending me that email, right?

14 A: Tenant advocate -- tenantadvocate@buildingsnyc.gov.

15 Q: And then right below best.

16 A: Best would be Sarah Desmond.

17 Q: Correct. And what's her signature saying?

18 A: Executive Director, Office of Tenant Advocate, New York
19 City Department of Buildings.

20 Q: Right. Have you ever dealt with Sarah Desmond?

21 A: No.

22 Q: Okay. And you see her email to me and it says, "I
23 understand that you had asked for the contact information for the
24 office of the tenant advocate relating to DOB filing MO0 --
25 M01181265-I1, that's the permit -- the DOB permit that -- that Ms.

1 Joseph asked you about; is that correct?

2 A: Yes.

3 Q: Okay. And then she -- Ms. Desmond goes on to state,
4 "Depending on the scope and sequencing of the planned work." I'm
5 going to stop there. What does that mean to you, "Depending on
6 the scope and sequencing of the planned work?"

7 MS. JOSEPH: I mean, I object, Judge. This is an
8 email written by Sarah Desmond and he's asking the witness
9 what did she mean.

10 ALJ STECURA: Overruled. You asked him the same --

11 MR. FAVILUKIS: Thank you, Your Honor.

12 ALJ STECURA: -- questions.

13 Q: What does that mean to you, "Depending on the scope and
14 sequencing of the planned work?"

15 A: Well, she's awaiting -- she's going to wait the results.

16 Q: She's going to wait to see how the planned work is
17 supposed to be --

18 A: The scope.

19 Q: -- planned and sequenced?

20 A: Right.

21 Q: And then it says, "It may require temporary relocation
22 of the tenants in occupancy." It may require temporary relocation
23 of the tenants in occupancy. So this is not a certainty that the
24 tenants are going to have to vacate, is that cor -- would you --
25 is that how you would read this?

1 A: Correct.

2 Q: Right. But it is a possibility; is that correct?

3 A: Yes.

4 Q: Okay. And then if you go up to the very top, my
5 response to Ms. Desmond there, the next day, and I say, "Ms.
6 Desmond, thank you for getting back to me. We completely
7 understand your position and I'm actually scheduled to speak with
8 the tenant's attorney next week about their willingness to
9 temporarily relocate so that my cli -- my client can perform the
10 structural work necessary to make the building safe.
11 Unfortunately, my client does not have any alternative housing to
12 offer to the tenants. I will keep you apprised of our discussions
13 with their counsel, (unless you prefer that I not). Thank you
14 again for your assistance. Vladimir." That's me writing to the -
15 - to the tenant advocate. Now, I have -- do -- are you aware of
16 any conversations that I had with the tenants' attorneys?

17 A: No.

18 Q: Okay. I want to take you to the photographs that Ms.
19 Joseph had you look at. And I just want to go through a few of
20 them, not all of them. So in Ms. Joseph's Exhibit 22, that's the
21 shorter of the photographs. There's one that's bigger. You got
22 it? Let me -- just let me know when you got it.

23 A: 22? Got it.

24 Q: Yeah. Got it. Okay. Let's go to page 6. Okay. Now I
25 remembered, and I wrote it down, you said, when you were

1 testifying when Ms. Joseph was asking you questions, that it would
2 take " years of neglect for the roof to get to the condition in
3 which you found it." You said, "years of neglect."

4 A: I'm sorry.

5 ALJ STECURA: Sorry. Which page are you on,
6 because --

7 MR. FAVILUKIS: I'm on page 6; I'm not talking
8 about the roof right now.

9 A: Yes.

10 MR. FAVILUKIS: This is the floor.

11 ALJ STECURA: Okay.

12 MR. FAVILUKIS: I'm just using -- that's right.
13 Correct.

14 Q: Would you agree if I said that it would take years of
15 neglect for this floor to turn into this?

16 A: Yes.

17 Q: Could this floor turn into this in weeks of neglect?

18 A: From my experience, no.

19 Q: Okay. I want to look at page 9. This was the gap -- I
20 think the gap between the roof where you were saying -- and I
21 remember because you were saying some -- if there was gap -- a bit
22 of fire and someone had to go to the roof, this is the gap -- this
23 is the gap that's about 15 to 18 inches.

24 A: Right.

25 Q: -- in depth -- depth, right? Would you agree with me if

1 I said it would take years of neglect for something like this?

2 A: Yes.

3 Q: Could this happen -- could this have been in perfect
4 condition but then turned into this since March of last year?

5 A: From my experience, no.

6 Q: Okay. I want to go to page 10, this is the roof. I
7 think this is what you were referring to when you said it would
8 take years of neglect to turn into this, is that?

9 A: Yes.

10 Q: Okay. So --

11 A: To water seeping from underneath.

12 Q: In your experience, the roof was not in perfect
13 condition in March of last year if it looks like this now?

14 MS. JOSEPH: Objection, Your Honor.

15 A: I was not there last year.

16 MS. JOSEPH: Objection.

17 ALJ STECURA: Hold on, there's an objection.

18 MS. JOSEPH: Mr. Del Pilar -- CPM Del Pilar
19 testimony was not in any way about March of last year. We've
20 been talking about March 11, March 19 of this year.

21 MR. FAVILUKIS: The inquiry period started March 4,
22 2024 and as I understood, this was supposed to be indicative
23 of my client's neglect during the inquiry period, is that not
24 correct?

25 ALJ STECURA: Overruled.

1 MR. FAVILUKIS: Thank you, Your Honor.

2 ALJ STECURA: If you can answer, you may.

3 A: From my experience and observations, prior inspections,
4 this would be years of neglect.

5 Q: It would take longer than 12 months. We're in June, it
6 would take longer, in your experience, this is the question?

7 A: Yes.

8 Q: It would take longer? I want to go to the -- the next
9 photos and then tell me when you have them.

10 A: Which one?

11 Q: 20 -- Exhibit 24 and I just want to look at two
12 pictures.

13 A: Okay.

14 Q: I want to go to page 9 and I want to go to page 10, but
15 I'll ask them individually. So when you look at page 9, you
16 mentioned this seemed like water damage to the beams?

17 A: Yes.

18 Q: And would -- is this something that could -- could have
19 been in perfect condition a year ago, but now it looks like this?

20 A: I wasn't here a year ago, so --

21 Q: Let me rephrase it. Would this take years of neglect?

22 A: In my experience, yes.

23 Q: And then if you can page -- flip to page 10. In your
24 experience, could this take 10 months?

25 A: 10 months? Longer.

1 Q: Longer. Years of neglect?

2 A: Yes.

3 Q: Okay. I want to ask you about the electrical wires that
4 we talked about -- that you spoke with Ms. Joseph about. Do you
5 remember if you -- you said they could be dangerous if they were
6 live wires?

7 A: Correct.

8 Q: Is there a way to check --

9 A: Yes.

10 Q: -- if a wire is live?

11 A: Yes.

12 Q: Did you check if that wire was live?

13 A: No.

14 Q: Okay. How do you check if a wire is live?

15 A: I have a probing tester.

16 Q: Did you have it with you that day?

17 A: No.

18 Q: Okay. One second. Ms. Joseph asked you about the
19 complaints. So, if I understood correctly, after the March 19th
20 inspection, you referred some of the conditions to the HPD -- to a
21 different unit so that they would inspect an issue?

22 A: Yes, code. Code.

23 Q: Code compliance?

24 A: Yes.

25 Q: Is that -- are -- are you not allowed to issue

1 violations during your inspections?

2 A: Yes, my title doesn't give me to issue.

3 Q: Okay. And are there times where one HPD inspector,
4 whether it's in code compliance or in your unit, believes that a
5 violation -- that a condition should be -- should -- is a
6 violating condition, but another inspector disagrees?

7 MS. JOSEPH: Objection, Your Honor. It's -- it's -
8 - it's -- calls for speculation.

9 MR. FAVILUKIS: It's not that -- I'm asking if --
10 if there are times.

11 ALJ STECURA: Can you ask him -- okay. So you said
12 in -- in -- so in your experience.

13 Q: In your experience, are there times where inspectors
14 disagree as to the severity of a condition where one inspector
15 says, I think this is a violating condition, but another inspector
16 says, I don't think so?

17 A: In classifica -- maybe in classification.

18 Q: In classification?

19 A: Yes.

20 Q: Got it. What does that mean? Sometimes they classify
21 them as non-hazardous, --

22 A: It could be.

23 Q: -- sometimes they classify them as hazardous and other
24 times immediately hazardous?

25 A: Correct.

1 Q: Okay. In your experience, when one inspector refers an
2 immediately hazardous violation to the code compliance unit, does
3 the code compliance unit take it seriously?

4 A: Yes.

5 Q: And you referred these as immediately hazardous
6 violations?

7 A: Correct.

8 Q: Have there been any violations issued yet?

9 A: Not that I'm aware of.

10 Q: Okay. Do you know how the code compliance unit notifies
11 the landlord that they came out to inspect but were not able to
12 get access?

13 A: Well, they either do an access call, which the
14 management office is listed, or like as one of them stated, they
15 left F 22C card, which identifies for them to call the Borough
16 office back.

17 Q: When they leave a card, do they come out to reinspect?

18 A: Supposed to.

19 Q: Supposed to?

20 A: Yes.

21 Q: In these violations -- excuse me. In these complaints,
22 the SR numbers that Ms. Joseph asked you about, and I'll be --
23 I'll -- I'll try to be specific. She asked you about a few of
24 them, but I did not see any indication as to how the code
25 compliance unit contacted the owner. There were mentions --

[03:55:04]

[02:17:22-2]

1 MS. JOSEPH: Which -- which exhibit are we at?

2 MR. FAVILUKIS: If I can get it. It says -- I'll
3 give an example. I'll give an example.

4 MS. JOSEPH: Which exhibit are we on?

5 MR. FAVILUKIS: Oh, I apologize. I apologize.
6 It's -- it's your exhibit. It -- it's Petitioner's 36.
7 Petitioner's 36.

8 MS. JOSEPH: Okay.

9 Q: So if you look at page -- page 2, it -- it says -- at
10 the bottom left corner it says page 2 of 8.

11 A: Okay. Okay.

12 Q: So I'm going to use SR4 as an example. It says, "The
13 following complaint conditions are still open. HPD has already
14 attempted to notify the property owner that the condition exists.
15 Tenant should provide access for the owner to make the repair.
16 HPD -- any attempt to contact the tenant by phone, verify -- HPD
17 may attempt to contact the tenant by phone, verify the condition,
18 et cetera, et cetera." So this doesn't say how they attempted to
19 contact the owner, right?

20 A: No.

21 Q: Okay. But it say -- it -- it seems to infer that they
22 may have called the tenant. Is that -- that's how I read it, but
23 maybe I misunderstood?

24 A: It says already attempted to notify the property owner.

25 Q: Property owner. But it doesn't say how, but then it

1 says HPD may attempt to contact the tenant by phone.

2 A: By phone, yes.

3 Q: By phone, right?

4 A: Yeah.

5 Q: But -- but it doesn't -- that's what I'm -- what I mean
6 is on one, -- I'll move on. SR9 on page 4 of 8.

7 A: Yes.

8 Q: It says, "HPD attempted to conduct an inspection in
9 response to this complaint, but was unable to complete the
10 inspection. Please submit a new service request to 311 if the
11 conditions still exists. For more information on the reason why
12 HPD was unable to inspect contact HPD at the tenant information
13 messaging service." So does this say how they attempted to
14 contact?

15 A: No.

16 Q: Okay. I'm not going to go through all of them, but your
17 testimony, I just want to make it clear, is that they will
18 sometimes call or sometimes leave a card?

19 A: Yes.

20 Q: And the times that they leave a card, they're supposed
21 to reinspect?

22 A: From my understanding, yes.

23 Q: Okay. There's an exhibit that is already in evidence,
24 it's the I-cards and I have a copy of it. I want to give it to
25 you. And I think that everyone already has it, I don't know.

1 ALJ STECURA: Which exhibit number is it?

2 MR. FAVILUKIS: It is Petitioner's B1, B as in boy,
3 1. We -- we shared it, I think last.

4 ALJ STECURA: Okay. Just give me one moment.

5 MS. JOSEPH: B1 is Respondent's.

6 MR. FAVILUKIS: Respond -- oh, what did I say,
7 Petitioner's? I'm sorry.

8 MS. JOSEPH: You said Petitioner's, I'm not sure.

9 MR. FAVILUKIS: Yeah. Respondent's B1. It's --
10 it's stipulated.

11 MS. JOSEPH: Okay. I got you.

12 MR. FAVILUKIS: You got it?

13 MR. MAHONEY: Looks like this, Your Honor, on the
14 screen.

15 ALJ STECURA: I don't think I have a copy here, but
16 you -- you can still -- if -- is it in evidence?

17 MR. FAVILUKIS: It's in evidence.

18 MS. JOSEPH: It's in evidence. It just wasn't part
19 of direct, Your Honor. We --

20 ALJ STECURA: Is it related to the direct
21 examination --

22 MR. FAVILUKIS: Yes.

23 ALJ STECURA: -- your question?

24 MR. FAVILUKIS: Yes.

25 ALJ STECURA: All right. You may proceed.

1 MS. JOSEPH: And you're going to have it somewhere?

2 MR. FAVILUKIS: And I'm going to want you to go to
3 the last page.

4 MS. JOSEPH: Can we get it? Can I just get it,
5 because I don't have it in front of me.

6 ALJ STECURA: Yes. Okay. So let's just pause.

7 MR. FAVILUKIS: And then we'll -- yes. And then
8 we'll have it up on screen as well.

9 MS. JOSEPH: I don't want to mix it up. Oh, there
10 it is. Okay. Thank you.

11 ALJ STECURA: Okay. Are you ready, Ms. Joseph?

12 MS. JOSEPH: Am I ready? Yes, I am, Judge. Sorry.

13 ALJ STECURA: Okay. Go ahead, Mr. Favilukis.

14 MR. FAVILUKIS: Thank you, Your Honor.

15 Q: So I'm going to ask Mr. Del Pilar to go to the last
16 page. Okay. Now, we talked about the fire -- I believe you
17 referred to it as the fire escape ladder?

18 A: Yes.

19 Q: Is that correct? And it was in your inspection report,
20 which is already in evidence. In your experience, are there
21 buildings that lawfully do not have fire escapes?

22 A: Yes.

23 Q: Okay. On -- on -- up -- up there on the 6th -- on the
24 top half of that page, it's -- it looks like this -- this page is
25 kind of split into two.

1 MS. JOSEPH: It's the last page, right?

2 MR. FAVILUKIS: The first page -- yeah.

3 MS. JOSEPH: It's the last page.

4 MR. FAVILUKIS: It's the last page. I apologize.

5 MS. JOSEPH: Okay.

6 Q: It's the last page. And if you take a look at the
7 fourth line from the top, fourth line from the top.

8 A: Right.

9 Q: Let me see if I can get it. Where that line on the left
10 side starts with FES. Do you see that? I'll come up -- I'll show
11 you up here. It would be --

12 MR. FAVILUKIS: Joe, if you -- if you scooch it
13 down so that you can see --

14 A: Four, five from the top.

15 Q: I'm so sorry. From the bottom. From the bottom. I
16 apologize. So you've got 1, 2, 3, 4, right.

17 A: Okay.

18 Q: All right. And it says FES. Now, you're familiar with
19 reading I-cards, is that correct?

20 A: Yes, somewhat.

21 Q: To some extent?

22 A: Yeah.

23 Q: Do you know what FES stands for?

24 A: It's Fire Escape --

25 Q: System.

1 A: -- System, yeah.

2 Q: Sorry.

3 A: Yeah, yeah, no.

4 Q: Okay. Can you read the handwriting there next to it?

5 A: So the initial.

6 Q: Oh, I -- I think it says none.

7 ALJ STECURA: Okay.

8 MR. MESTOUSIS: Get your other glasses.

9 MR. DEL PILAR: Yeah. You know the feeling.

10 A: It says None.

11 ALJ STECURA: If you can see it. All right.

12 Q: Right there. FES, and then there's a handwriting right
13 next to it. Can you read what that says?

14 A: None.

15 Q: None. And there should be a date at the top right
16 corner of this document.

17 A: I believe it's 9 of 45.

18 Q: I think that is 65.

19 A: 42? Oh, 65.

20 Q: Yeah.

21 A: Yeah.

22 Q: Before --

23 A: 65.

24 Q: So, now, if you -- did you look at this document before
25 you did the inspection?

1 A: I could do.

2 Q: Okay. If you had looked at this document before you did
3 the inspection and read FES none, would that lead you to believe
4 that this building has no fire escape system?

5 A: Yes.

6 MR. FAVILUKIS: Okay. I have no further questions,
7 Your Honor.

8 ALJ STECURA: Okay. Any redirect?

9 MS. JOSEPH: Yeah, a bit of redirect.

10 ALJ STECURA: Do you need a moment?

11 MS. JOSEPH: Yeah, just a moment, Judge.

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

13 MR. DEL PILAR: I'm good, Your Honor. Thank you.

14 MS. JOSEPH: Thank you. Okay.

15 **REDIRECT EXAMINATION OF MR. DEL PILAR**

16 **BY MS. JOSEPH:**

17 Q: Mr. Del Pilar, when you testified about the compliance
18 of what you observed on March 19th with -- with the statute you
19 were shown, Section 101-14, as far as what the description you
20 read, and I'm not going to reread it, but as far as the statute
21 stating that at the completion of the work, the petition is
22 restored to original condition. Based on the statute, you -- what
23 was your observation of compliance with that sentence?

24 A: Well, there was no.

25 Q: I'm sorry.

1 A: There was still sections that were open to the elements
2 and tenants or Fire Department personnel, so it wasn't like a
3 flush floor put in, it was just plywood covering up parts.

4 Q: So it was not -- was it restored to original condition -
5 -

6 MR. FAVILUKIS: Objection, Your Honor.

7 Q: -- as far as your observation specifically?

8 MR. FAVILUKIS: Mr. Del Pilar has never testified
9 what the original condition of the floor was. It would be
10 speculative at best.

11 MS. JOSEPH: No. I -- well, I disagree, Your
12 Honor. What he saw -- what he observed is what he observed
13 and I'm asking him --

14 ALJ STECURA: From when to when? From --

15 MS. JOSEPH: I'm asking him --

16 ALJ STECURA: You're asking him to --

17 MS. JOSEPH: I'm asking him --

18 ALJ STECURA: -- you know, by comparison, so what
19 are you asking him to compare?

20 MS. JOSEPH: I'm asking him to compare as far as
21 his experience as far as original condition of a floor or
22 ceiling or wall. Was -- was his observation on March 19th
23 showed that this was restored to original condition. We all
24 know what a floor and a ceiling and a wall looks like.

25 ALJ STECURA: I'm going to su -- sustain the

1 objection. You can ask a different question.

2 Q: Okay. In your experience, is -- is a floor -- what you
3 observed on March 19th as far as removed floor or ceiling or
4 walls, in your experience, is that original condition of -- of
5 rooms?

6 A: No.

7 Q: Let me look at pa -- sorry. Exhibit 24, if you will,
8 and I'll direct you to page 9. Okay. Tell me when you have it.

9 A: Okay.

10 Q: Okay. So --

11 A: What page?

12 Q: Page 9.

13 A: Yes.

14 Q: So as far as the stripping of -- what -- what do we see
15 up -- let me hold it this way. As far as the -- I believe, the
16 ceiling of these of what we see in this picture, excuse me. Would
17 the stripping of the elements -- the structural elements of the
18 ceiling, would that -- would that take years to do?

19 A: Can you rephrase?

20 Q: Yes. In order to do ex -- exploratory openings or
21 probing or stripping of the elements of these -- structural
22 elements of the ceiling, does that type of work will take years to
23 do?

24 A: Well, to strip the ceiling, you could strip a ceiling in
25 a day, but --

1 Q: I'm sorry.

2 A: -- the damage that is caused --

3 Q: No. I'm asking about the stripping of the ceiling, the
4 -- taking away, the -- what did I say? Structural elements of the
5 ceiling specifically?

6 A: You could remove a ceiling in a day.

7 Q: Excuse me.

8 A: You could remove a ceiling in a day, a couple hours.

9 Q: In a day, okay. Thank you. And --

10 MR. FAVILUKIS: Your Honor, I object also. There
11 has been no testimony that these are structural elements of
12 the building.

13 MS. JOSEPH: Well, --

14 ALJ STECURA: Well, he already answered the
15 question.

16 Q: Okay. Let me move to page 10. The missing parts that
17 we see up on the ceiling, how would you define those missing parts
18 from the wall to the part of the wooden parts that we see? What
19 is there that would not be there anymore?

20 A: Sheetrock, plasterboard.

21 Q: Okay. And would that take -- how long would that take
22 to take -- how long would that take to strip off?

23 A: A plasterboard and a sheetrock could be taken off in a
24 day.

25 Q: Okay. And let me -- let me move on to page -- to page

[04:08:34]

[02:30:52-2]

1 13. Okay. And if you don't mind, look at 14 as well, but let's
2 stick on page 13. The condition that we are looking at where the
3 floor parts were taken out to the -- to the point that you could
4 see the floor below. What parts of this floor were taken out?

5 A: The primary subfloor.

6 Q: The primary subfloor? Excuse me, primary subfloor?

7 A: The primary subfloor.

8 Q: Okay. And how long would such stripping will take,
9 approximately?

10 A: Approximately to remove a flooring could take a day or
11 two.

12 Q: Okay. Now let's go to page -- sorry, Exhibit 36. If we
13 look at the last four pages, okay. Does it tell you that a --
14 actually, the -- the -- the -- the third page from -- from last,
15 okay, so 1, 2, 3. Does it tell you that an access call was made
16 to building?

17 A: Yes.

18 Q: And as far as the person that is listed as the contact
19 person for the building, would that call be made to that person?

20 A: That'll be made to the premise management.

21 Q: Okay. And I wanted to show you Petitioner's Exhibit 1.

22 MS. JOSEPH: And then I believe it's in evidence,
23 Your Honor. Where is it? On page 7?

24 ALJ STECURA: Petitioner's Exhibit 1.

25 MS. JOSEPH: Yeah.

1 ALJ STECURA: But how does that relate to the
2 cross?

3 MS. JOSEPH: It's related to the cross because he
4 asked about the HPD making a call to the tenant or to the
5 property manager, and I wanted to show who was the call as
6 far as the contact -- who's the contact person?

7 ALJ STECURA: Go ahead.

8 MR. FAVILUKIS: Sorry.

9 MS. JOSEPH: Thank you, Judge.

10 MR. FAVILUKIS: Your Honor, I didn't ask whether
11 HPD called the owner. I asked what is the practice for when
12 HPD is unable to inspect?

13 MS. JOSEPH: No, I -- I believe he went through
14 line by line and I believe he said was the tenant called.
15 And I believe the witness even corrected him and said the
16 property manager was called.

17 MR. FAVILUKIS: That's not --

18 ALJ STECURA: I'm going to allow the questioning.
19 Thank you.

20 MS. JOSEPH: Okay. Thank you. This is Exhibit 1.

21 ALJ STECURA: Thank you.

22 MS. JOSEPH: There you go. There you go.

23 Q: So if you open to page 2, up on top, do you see that?

24 A: Original page 2?

25 Q: Page 2. On the bottom it says 2 of 6.

1 A: Okay.

2 Q: All right. And this is for 109 East 9th Street,
3 correct?

4 A: Yes.

5 Q: And who is the site management information?

6 A: Mr. Michael Geylik, (718) 522-1111.

7 MS. JOSEPH: Okay, thank you. I don't have any
8 further questions, Your Honor.

9 ALJ STECURA: All right. Thank you. Your
10 testimony has concluded and you may leave.

11 MR. DELPILAR: Thank you, Your Honor.

12 ALJ STECURA: Have a good rest of your day.

13 MR. DEL PILAR: You too.

14 [WITNESS EXCUSED]

15 ALJ STECURA: Pausing the record.

16 [OFF THE RECORD]

17 [ON THE RECORD]

18 ALJ STECURA: Okay. HPD, are you ready to call
19 your next witness?

20 MR. MESTOUSIS: Yes, Your Honor.

21 ALJ STECURA: And who are you calling?

22 MR. MESTOUSIS: We're calling Abimael Sequinot.

23 ALJ STECURA: Okay. You may bring in the witness.

24 MS. JOSEPH: Thank you.

25 ALJ STECURA: Thank you. You may have a seat. I'm

1 going to swear you in.

2 MR. ABIMAEEL SEQUINOT: Thank you, Your Honor.

3 ALJ STECURA: Okay. Can you raise your right hand.

4 Do you swear or affirm that the testimony you are about to
5 give will be the truth?

6 MR. SEQUINOT: I do.

7 [WHEREUPON THE WITNESS, A B I M A E L S E Q U I N
8 O T, WAS DULY SWORN IN.]

9 ALJ STECURA: All right. You may be seated.

10 MR. SEQUINOT: Thank you.

11 ALJ STECURA: Can you please -- so direct your --

12 MR. SEQUINOT: The mic --

13 ALJ STECURA: -- testimony into the microphone.

14 And can you please state and spell your name for the record?

15 MR. SEQUINOT: My name is Abimael Sequinot. First
16 name's A-B-I-M, like in Mary, A-E-L, last name S-E-Q-U-I-N,
17 like in Nancy, O-T.

18 ALJ STECURA: Thank you. So I'm going to give you
19 some instructions. This hearing is being recorded, so your
20 answers must be verbal. Please speak clearly. Please wait
21 until the question has finished before you answer. If
22 there's an objection, please wait before you answer. And if
23 there's a question you don't understand or you did not hear,
24 please let us know because the question can be rephrased or
25 repeated. And if there's an issue with an exhibit that you

1 can't see, please also let us know; do you
2 understand?

3 MR. SEQUINOT: Yes, Your Honor.

4 ALJ STECURA: Okay. You may proceed.

5 MR. MESTOUSIS: Thank you, Your Honor.

6 **DIRECT EXAMINATION OF MR. SEQUINOT**

7 **BY MR. MESTOUSIS:**

8 Q: Good afternoon, Investigating Supervisor Sequinot.

9 A: Good afternoon.

10 Q: Who are you employed by?

11 A: HPD.

12 Q: And how long have you been employed by HPD?

13 A: Little -- little over 19 years.

14 Q: And what is your title with HPD?

15 A: Supervising Investigator.

16 Q: How long have you had this title?

17 A: Since 2018.

18 Q: What specific unit within HPD do you work for?

19 A: The Certificate of Non-Harassment Unit.

20 Q: What kind of training did you have in your position as a
21 supervising investigator?

22 A: Was -- even as an investigator, when I first came on the
23 job, we had extensive training by my supervisor at that time. How
24 to run databases, how to search for people, how to search for
25 violations, how to read them, how to understand them, how to use

1 them as my tool. We also reach out to tenants from one of our
2 databases and talk to former tenants within the inquiry period.
3 We also make field visits to the property in which we will then
4 talk to tenants. And I was trained in all those facets.

5 Q: Okay. What educational degrees do you have?

6 A: I have a Bachelor's of Science from John Jay College,
7 Criminal Justice Administration.

8 Q: Now, explain to me, how do you go about investigating an
9 application for a CONH?

10 A: On a monthly basis we're assigned cases from the intake
11 unit. I take on those cases, I divide them amongst my staff and I
12 assign some to myself.

13 Q: And do you have any other work experience besides your
14 investigator experience?

15 A: From 1999 to 2006, I was a fraud investigator for Social
16 Services, HRA.

17 Q: Okay. And during that time, did you have any other type
18 of experience?

19 A: From 2002 to 2005 I was a volunteer fireman for
20 Woodstock 1.

21 Q: And what were your duties as a volunteer firefighter?

22 A: To respond and to fight fires.

23 Q: Did you receive any training as a volunteer firefighter?

24 A: I was trained on the behaviors of fires, how to approach
25 a fire, how to put out a fire, what -- what could start, what to

1 escalate a fire, how to use all the tools and equipment.

2 Q: Okay. Now, are you familiar with the property at 109
3 East 9th Street?

4 A: Yes, I am.

5 Q: How are you familiar with this property?

6 A: That property was a -- I took it as an assignment and I
7 assigned it to myself once it came in.

8 Q: Okay. And how did it come into you?

9 A: There was some -- from an outside agency, an attorney in
10 one of the neighborhood associations made some inquiries to HPD
11 about the possibilities of harassment on the property. So that
12 prop -- that building had already been done, so I assigned it to
13 myself.

14 Q: What do you mean it had already been done?

15 A: It already had been investigated by the -- the prior
16 investigator guy, Donaldson, who wasn't with the agency at the
17 time, so -- so when it came in, I took it upon myself to take the
18 case over.

19 Q: Now you said it had already been taken by the prior
20 investigator, but why did that prior investigator have that
21 already -- have this file already?

22 A: Well, I assigned it to him as part of his -- his -- his
23 monthly work. He did the preliminary investigation and he did his
24 job with the case and went on from there.

25 Q: Now, did -- is this case typically how you receive cases

1 from the CONH unit?

2 A: No. I said, prior, we get them assigned to us on a
3 monthly basis. I divide them, I take my case and I work them from
4 beginning to end. This was a special case because it came in as
5 already done. There was already a decision made on it prior.

6 Q: Okay. Well, what do you mean by there was already a
7 decision made on it?

8 A: They were granted the CONH already.

9 Q: Okay. And what happened after the CONH was granted?

10 A: Well, that's when the inquiries came in and HPD decide
11 to reopen the investigation to find out about these allegations
12 and further dive into them.

13 Q: Do you know what happened with the -- with the
14 certificate that was initially granted?

15 A: What happened with it?

16 Q: Yeah.

17 A: Since the time it's been granted, I know it's been
18 suspended.

19 Q: Okay. How many times did you visit the building?

20 A: Twice.

21 Q: Did you ask anyone else to visit the building with you?

22 A: Yes, I did. CPM Samuel Del Pilar.

23 Q: And how come you asked CP Del Pilar to join you?

24 A: He is an expert on structures and code. Having some
25 inspector background, so took him along.

1 MR. MESTOUSIS: Okay. Your Honor, I'd like to show
2 the witness Exhibit 8, which is already in evidence.

3 ALJ STECURA: You may.

4 MS. JOSEPH: There you go.

5 ALJ STECURA: Thank you.

6 MR. SEQUINOT: Thank you.

7 Q: Just please go through that and let me know when you're
8 finished.

9 A: I'm finished.

10 Q: Okay. Now what are these memos?

11 A: These are separate -- three separate memos that I -- I
12 wrote up, one depicting my visit -- the first visit, which is
13 March 11, 2025. The second memo is when I had the tenants come
14 into the building and I interviewed them at HPD at 100 Gold
15 Street. And the last memo depicts the last visit I took, the
16 19th.

17 Q: Okay. So just to confirm, you -- you stated your visits
18 were -- can you just state again when your visits were?

19 A: The 11th of March, 2025 and the 19th of March, 2025.

20 Q: Okay. Now, approximately how many tenants did you speak
21 with during your investigation?

22 A: In total, six.

23 Q: Okay. I want to direct you to the exhibit, let's go to
24 page 3. Please go to exhibit -- I'm sorry, page 3 of the exhibit.
25 And I'm going to direct you to the 11 lines down from the first

1 paragraph.

2 ALJ STECURA: So page 3, not including the cover
3 page, Counsel?

4 MR. MESTOUSIS: Including the cover page, Your
5 Honor.

6 MS. JOSEPH: So you could just state the date on
7 it.

8 MR. MESTOUSIS: On the top there's a date, March
9 14th of 25, that's the memo I'm referring to.

10 Q: All right. So 11 lines down, --

11 A: Yes.

12 Q: -- do you see the sentence that begins they stated that
13 the landlord?

14 A: Yes.

15 Q: All right. So it says, "They stated that the landlord,
16 Mr. Geylik could inform him that if they helped him in getting the
17 CONH by not complaining, that he would restore new bathrooms and a
18 new kitchen area." Do you remember which tenants told you this?

19 A: Five out of six tenants mentioned that to me.

20 Q: Okay. And let's go from that line, let's go another
21 three lines down to line 14. And I'm looking at the sentence that
22 states -- one second, Your Honor. Do you see where it says they
23 stated that they maintain, do you see that line?

24 A: No, I'm --

25 Q: It's towards the right-hand side of the par -- of the

[04:30:20]

[02:52:38-2]

1 sentence or the line.

2 A: That's 14 down -- 14 sentences down?

3 Q: 14 -- 14 lines down, yeah.

4 MR. FAVILUKIS: What does the line start with?

5 Q: It says they stated that -- oh, the line begins with --

6 A: Eliminated.

7 Q: -- stated that there is no super in the building or one
8 that comes by.

9 A: Oh, okay. I see where we're at.

10 Q: And then the next sentence says, they stated; you see
11 that?

12 A: Yes, the tenant stated.

13 Q: Yeah. So they stated that they maintained the building
14 themselves?

15 A: Yes.

16 Q: As far as you know, is there a super in this building?

17 A: No.

18 Q: Okay. All right. I want you to put that to the side
19 for now, but I will go back to it. Now, how many floors are in
20 this building?

21 A: Five.

22 Q: What's located on the 1st floor?

23 A: On the 1st floor, you have the entry to the building
24 that the tenants would use. Facing the building to the right-hand
25 side will be the business entrance to Mr. Geylik's business.

1 Q: Okay. And what's located on floors 2 to 5?

2 A: 2 to 5, you had some facilities and some other floors
3 and dwelling units.

4 Q: How many residential units are occupied in the building?

5 A: Six.

6 Q: So during your March 11th visit to the property, how
7 many residential SRO units did you observe on the 5th floor?

8 A: Four.

9 Q: Did you observe any common facilities on the 5th floor?

10 A: One wash -- wash -- washroom -- washroom. One toilet.

11 Q: How many residential units did you observe on the 4th
12 floor?

13 A: Three.

14 Q: Are there any common facilities on the 4th floor?

15 A: No.

16 Q: How many residential SRO units did you observe on the
17 3rd floor?

18 A: Four.

19 Q: And are there any common facilities on the 3rd floor?

20 A: No.

21 Q: How many residential SRO units did you observe on the
22 2nd floor?

23 A: The first visit, none.

24 Q: Did you observe any on the second visit?

25 A: The space was opened up and it was unidentifiable as

1 individual units as it's an open space.

2 Q: Okay. And that was on the March 19th visit that you
3 observed this?

4 A: Yes, Counsel.

5 Q: What, if anything, did they tell you -- did the tenants
6 tell you about the common facilities on the 4th floor?

7 A: It -- it was no longer there, it was removed. They were
8 actually using the toilet area for storage.

9 Q: Okay. And -- and did they tell you when they were
10 removed?

11 A: They were removed back in 20 -- 2022.

12 Q: What, if anything, did the tenants tell you about the
13 common facilities on the 3rd floor?

14 A: They were removed.

15 Q: Okay. Did they say if the owner, Mr. Geylik, told them
16 why it was removed?

17 A: They mentioned that he mentioned something about
18 violations that were posted that he needed to remove them.

19 MR. MESTOUSIS: Okay. Your Honor, I'd like to show
20 the witness what is already in evidence as Respondent's G4.

21 ALJ STECURA: You may.

22 MS. JOSEPH: Do you have a copy?

23 MR. MESTOUSIS: I have one.

24 ALJ STECURA: Thank you.

25 A: Thank you.

1 Q: You can just take a look at that document, let me know
2 when you're done.

3 A: I'm done, Counsel.

4 Q: You're done with this?

5 A: Yes.

6 Q: Okay. Just one second. Let me -- all right. I want
7 you to flip to the second to last page. The one right before Mr.
8 Favilukis' certification.

9 A: Yes.

10 Q: All right. Can you just tell me what is the violation
11 number on this paper?

12 A: It's 34206761J.

13 Q: Okay. And what floor is the violation issued for?

14 A: 3rd.

15 Q: And it's at 109 East 9th Street?

16 A: Yes.

17 Q: What spaces, with removed facilities, did you observe on
18 the 3rd floor?

19 A: On the 3rd floor there was a removed toilet.

20 Q: Okay. And was the space large enough to accommodate a
21 residential unit?

22 A: No.

23 Q: I want you to go to the -- closer to the bottom of this
24 page.

25 A: Yes.

1 Q: The last section there, it says OATH ECB penalty
2 information.

3 A: Yes.

4 Q: Now, what is the amount of the penalty that was imposed?

5 A: \$2,500.

6 Q: And does this indicate whether the penalty was paid?

7 A: Yes, it was paid.

8 Q: Okay. All right. Now I want you to flip to the page
9 before that, It's the 3rd to last page.

10 A: Yes.

11 Q: Can you read me the violation number with this paper?

12 A: 34205637H.

13 Q: All right. Now, I want you to go down to the second to
14 last section where it says OATH ECB hearing information.

15 A: Yes.

16 Q: On the right-hand side there's something that says
17 hearing status, what does that say is the hearing status of this
18 violation?

19 A: The stipulation\in violation.

20 Q: Okay. And what is -- on the -- in the next section,
21 what is the amount of the penalty that was imposed here?

22 A: \$500.

23 Q: Was that penalty paid?

24 A: Yes.

25 Q: And I want you to look at the -- one second. Yes. The

1 docket date. Do you see a docket date on here? I'm sorry, not
2 the docket date. What was the hearing date of this violation?

3 A: Oh, May 27, '99.

4 MR. MESTOUSIS: Okay. All right. You can put that
5 document to the side. Your Honor, I'd now -- now like to
6 show the witness what is in evidence as Respondent's G5.

7 ALJ STECURA: You may. Thank you.

8 Q: You can just review that.

9 A: Thank you.

10 Q: Okay. Let me know when you're ready.

11 A: I'm ready.

12 Q: Okay. All right. Can you just tell me what location in
13 the building is this work permit for?

14 A: 3rd floor.

15 Q: Okay. And does it list here what violation this permit
16 was filed to resolve?

17 A: Remove stove cap, remove refrigerator --

18 Q: No, no, I'm sorry. What violation this permit was filed
19 to resolve violation? Violation number, yes.

20 A: Number, oh.

21 MR. FAVILUKIS: Your Honor, I -- I want -- before
22 objecting, I'd like to get some clarity on how long and much
23 further does Petitioner intend to go beyond the inquiry
24 period?

25 ALJ STECURA: Yes, I am wondering the same thing

1 myself.

2 MR. MESTOUSIS: Your Honor, the -- the purpose of
3 bringing this up is because there there's been testimony
4 about facilities that were removed. So -- and one of the
5 things that the tenants have told us previously is that they
6 were removed because -- or at least Mr. Geylik told them they
7 were removed because of a violation. So it is linked to
8 things that happened after 2024, which is our review period
9 here. And they have not been restored, Your Honor, so that's
10 why we're bringing this up.

11 ALJ STECURA: Okay. Go ahead.

12 MR. MESTOUSIS: Thank you, Your Honor.

13 Q: So what was the violation number that this permit
14 intended to resolve?

15 A: 34206761J.

16 Q: Okay, thank you. And can you tell us what the scope of
17 the work for this permit is?

18 A: To remove stove, refrigerator, bathroom and shower.

19 Q: Okay. Now, when you observed the third floor, did you
20 observe that the items described in the scope of work were
21 removed?

22 A: The toilet was removed. There was no kitchen and every
23 refrigerator stuff.

24 Q: So you didn't observe any areas that would potentially
25 be a place where they were -- the kitchen was removed or?

1 A: No.

2 MR. MESTOUSIS: Okay. All right. Your Honor, I'd
3 like to -- you can put that to the side, we're done with that
4 exhibit. Your Honor, I'd like to show the witness Exhibit 4,
5 which is already in evidence.

6 MS. JOSEPH: There you go. It's the -- Judge. Oh,
7 wait. This is connected. Oh, I took it up. I'm sorry, my
8 bad.

9 MR. MESTOUSIS: It's okay. That's all right.

10 ALJ STECURA: Thank you.

11 MS. JOSEPH: Actually, no. I'm sorry. Let me give
12 him this.

13 MR. MESTOUSIS: Oh, yeah. That one is better than
14 this.

15 MS. JOSEPH: Yeah.

16 MR. SEQUINOT: Thank you.

17 MS. JOSEPH: Sure.

18 Q: Okay. Can you just review that and let me know when
19 you're done?

20 A: I'm done.

21 Q: Okay. Do you recognize this document?

22 A: Yes, the application.

23 Q: The application for what?

24 A: For the certificate of harassment.

25 Q: Okay. And I want to refer you to page 3 of this

1 document, including the cover page. And do you see where it says
2 date application accepted?

3 A: Yes.

4 Q: What is that date?

5 A: August 16, 2023.

6 Q: Okay. And how long after -- so the -- before you
7 testified that the tenants informed you that the common facilities
8 were removed in 2022, correct?

9 A: Yes.

10 Q: So how long after those common facilities were removed
11 was this application dated?

12 A: Several months. About eight months, give or take.

13 Q: Okay. I want you to flip three more pages. It's the
14 page number -- number 3 on the bottom there.

15 A: Yes.

16 Q: And I want you to look at the bottom of the page, do you
17 see where it says A?

18 A: Yes.

19 Q: All right. So based on the information on that page,
20 did Mr. Geylik inform HPD about any applications pending with the
21 Department of Buildings?

22 A: Yes.

23 Q: Okay. I want you to flip to the final page of this
24 exhibit now, which is the attached plans.

25 A: Yes.

1 Q: Do you recognize what this is?

2 A: Yes, architectural plans submitted to DOB.

3 Q: Okay. And what is the New York City Department of
4 Buildings job application number associated with those plans?

5 A: M00865697-I1.

6 Q: Okay. And when were these plans filed? What's the date
7 of these plans?

8 A: Really tiny. November. I can't see the year, but --
9 even with my glasses, but it's November, 2022?

10 Q: Yeah.

11 A: Okay.

12 Q: That's correct, yeah.

13 A: Sorry.

14 Q: All right. Now, are there any proposed construction
15 plans for the common facilities on the 4th floor of the building
16 that's indicated on this page?

17 A: Yes.

18 Q: And what are the proposed plans for the 4th floor common
19 facilities?

20 A: New bathroom, kitchenette, shower.

21 MR. MESTOUSIS: I just want to point out for the
22 plans we're looking at is the one in the middle, the second
23 one, it says proposed 4th floor plan in the middle of the
24 page. And if you look there, there's a marking regarding the
25 new bathroom, new kitchen.

[04:42:16]

[03:04:34-2]

1 Q: All right. So when you visited the building in March,
2 2025, what common facilities did you observe on the 4th floor?

3 A: None.

4 Q: Okay. You could put that exhibit to the side.

5 A: Yes.

6 MR. MESTOUSIS: Your Honor, I'd like to show the
7 witness proposed Exhibit number 9 for identification, please.

8 ALJ STECURA: You may. Thank you.

9 MR. SEQUINOT: Thank you.

10 Q: If you could just review the photos.

11 A: Okay.

12 Q: Supervi -- Supervising Investigator, can you take a look
13 at these and just -- who took these photos?

14 A: I took these photos.

15 Q: And when did you take these photos?

16 A: These photos were taken on the 11th of March.

17 Q: And did you observe the conditions in the photos?

18 A: Yes.

19 Q: Are the conditions depicted in the photos a true and
20 accurate description as it existed on the day you took the photos?

21 A: Yes.

22 MR. MESTOUSIS: Your Honor, I'd like to move
23 Petitioner's 9 into evidence as Exhibit 9.

24 ALJ STECURA: Any objection? Okay. Petitioner's
25 Exhibit 9 is now in evidence.

1 **[Petitioner's Exhibit 9 admitted into evidence.]**

2 MR. MESTOUSIS: Thank you, Your Honor.

3 Q: Okay. Mr. Sequinot, if you could just flip to the first
4 picture there, they are numbered on the bottom.

5 A: Yes.

6 Q: What is this picture?

7 A: This is a picture of the entryway into the building
8 where the tenants would've used. That's the saddle. I'm standing
9 outside the building taking the picture inward.

10 Q: Okay. And what is the condition of the floor, can you
11 describe it for us?

12 A: Broken and removed tiles, the floor was dirty.

13 Q: Okay. I want to skip all the way to picture number 6,
14 please. Let me know when you're there.

15 A: I'm there.

16 Q: Okay. Now, where was this picture taken?

17 A: This is the public hallway on the 2nd floor of the
18 building.

19 Q: Okay. And what does this picture show us?

20 A: Some plasterboard needing paint, gaps in the wood, gaps
21 in the walls, unfinished wall rather.

22 Q: Okay. Can you flip to the next page, picture number 7.

23 A: Yes.

24 Q: Can you tell us what this is a picture of?

25 A: Yeah, this is the toilet located on the 2nd floor. You

1 have the toilet on the left; on the right you have a bunch of
2 tools stored in there.

3 Q: So what's the condition of the -- of the toilet and also
4 of the room as a whole?

5 A: Well, the toilet bowl itself was fine. The floors were
6 dirty and, again, it was cluttered with tools.

7 Q: Okay. Now, how large is this room?

8 A: Not large at all. Maybe a few feet across.

9 Q: Is it large enough to fit an SRO unit?

10 A: No.

11 Q: Okay. Let's flip to the next picture, please, picture
12 number 8.

13 A: Yes.

14 Q: Where was this picture taken?

15 A: This is the -- the shower on the 2nd floor.

16 Q: Okay. And then what is the condition of the shower?

17 A: To the left-hand side, you see where the stepping for
18 the shower is. On the right-hand side, there's a bunch of -- it's
19 housewares and looks like personal items up on the tables, so.

20 Q: Okay. Now, how large is this room?

21 A: A few feet across, tops.

22 Q: And is it large enough to be an SRO unit?

23 A: No.

24 Q: All right. I want you to skip to picture number 10.
25 Can you describe what this picture is?

1 A: Sure, that's the inside of the shower. That's the
2 shower head.

3 Q: Okay. And what's -- and describe to me the condition of
4 the shower.

5 A: The shower itself was fine but right above it you see
6 cracking in the -- the walls leading up to the ceiling. Cracks
7 going all the way across.

8 Q: Okay. Okay. Let's go to picture number 11, the next
9 picture.

10 A: Yes.

11 Q: What is this a picture of?

12 A: This is the picture of what was a toilet on the 4th
13 floor at one point, but it's being used by -- as storage.

14 Q: Okay. Let's go to picture number 13. What's this a
15 picture of?

16 A: This is the toilet -- toilet bowl on the 5th floor.

17 Q: All right. And what's the condition of the toilet?

18 A: Well, the toilet itself was fine.

19 Q: How about the -- the room?

20 A: The room, the floors were dirty but aside from that, the
21 toilet was fine.

22 Q: Okay. Let's go to picture number 14. What is that a
23 picture of?

24 A: Same bathroom, that's the overhead light.

25 Q: Okay. What's the condition of the light there?

1 A: You see separation from where the bracket should be
2 flushed to the ceiling, openings, cracking around the light
3 fixture.

4 Q: Okay. I want you to go to the next picture now, picture
5 number 15.

6 A: Yes.

7 Q: What are we looking at here?

8 A: That's a window located in the same bathroom area --
9 toilet bowl area. Directly behind the toilet bowl, there's a
10 window.

11 Q: All right. And what type of material was that window
12 made of?

13 A: The top part is like a plexiglass; it's not true glass.
14 It was --

15 Q: Okay.

16 A: -- there's tape. The black part is like masking tape,
17 electrical tape, black. And then there's blue tape along the
18 sides. Window wasn't operable.

19 Q: So the black part you're referring to is right in the
20 middle, right underneath the window?

21 A: Yes.

22 Q: Now what's right underneath that black tape? There's
23 like a little --

24 A: Little gap. There's a gap be -- doesn't -- it's not
25 flush all the way down.

1 Q: Okay. Is there -- did you observe any air coming
2 through those?

3 A: During the visit there was no air, but I could see how
4 air would be coming in and out from there, but during the visit
5 there was none.

6 Q: Okay. All right. Let's skip to picture number 17 now.
7 Can you tell me what we're looking at here?

8 A: Yes. Hallway area. On the right-hand side, you have
9 piping, usually have wires in those -- those pipings running up
10 and down, and then alongside of it is a big open gap.

11 Q: I'm sorry, I think I missed the first part. Where was
12 this again?

13 A: Public hall.

14 Q: Public hall. Okay. Let's go to picture number 20 now.
15 What are we looking at here?

16 A: Again, just a gap in the wall -- public hall. There is
17 a big gap between the walls -- between the -- where the walls were
18 joined.

19 Q: Okay. And is that exposed wood over there or this --

20 A: That's exposed wood throughout, yeah.

21 Q: Okay. Let's go to picture number 22, please.

22 A: Yes.

23 Q: What are we looking at here?

24 A: These are the banishes in the hallway that you would use
25 to go up and down the stairs for support and they'll be held

1 together by the wire you see twisted around the banisters in
2 between.

3 Q: Now, how would you describe the stability of these
4 banisters?

5 A: They were shaking. They were moving. I, myself, moved
6 them to see if they were moving. They were very unstable, that's
7 the wiring in between it, I would assume.

8 Q: Okay. And what floor again are these banisters on? Is
9 this --

10 A: It's -- they're throughout this -- the upper floors.

11 Q: The upper floors. Okay. All right. I want you to go
12 to the next picture as well.

13 A: Yes.

14 Q: What are we looking at here?

15 A: That's the base of the banister, so that's the wood it
16 would sit on. And see the wood is cracked and it's pretty dirty
17 and dusty, but it's cracked throughout, adding to the instability
18 of those banisters.

19 Q: And flip to the next picture, picture 24.

20 A: Yes.

21 Q: What do -- what do we see here?

22 A: Those are the banisters, again, being held together by a
23 wire that's twisted around them. The banisters were not stable
24 and those are leading up to the bulk of the building, which were
25 leading up to the roof.

1 Q: Okay. I want you to go to the next picture now. What
2 do we see here?

3 A: This picture is us measuring from the landing of the
4 bulkhead to the top of the door. So you would have to step well
5 over 15 inches to get onto the roof from this --

6 Q: Okay.

7 A: -- landing.

8 Q: I see there's a -- a measuring tape there, so you -- you
9 took the measurements?

10 A: Yes. Well, Sam -- these are Sam Del Pilar's legs you
11 see.

12 Q: Okay.

13 A: I took the picture. He held the measuring tape in
14 place.

15 Q: Now you said Sam Del Pilar was standing there?

16 A: Those are his legs, yes.

17 Q: Now from where Sam was standing, because I -- I could
18 see a gap, so that's -- is that the roof?

19 A: Well, right behind him is the air.

20 Q: Okay.

21 A: It is about, from that doorway, maybe a couple feet tops
22 to the edge of the roof.

23 Q: To the edge of the --

24 A: To go over the roof to the edge.

25 Q: So couple of feet to the edge of the roof. Okay. Now

1 where are you standing when you take the picture?

2 A: I'm standing on the landing.

3 Q: Okay.

4 A: Squatting down so I could try and get the measurements.

5 Q: So as you take the picture, you are looking towards the
6 roof.

7 A: I'm looking towards the door leading outside -- right to
8 the outside of the roof.

9 Q: Got it. Okay.

10 A: Yes.

11 Q: Now let's go to picture 26, what are we looking at here?

12 A: That's just showing that the measuring tape is flushed
13 down. That's the landing I would've been standing on. And you
14 see the decayed wood, the water damage on the wood on that landing
15 right underneath where the new door was put into place. And you
16 see the silver part on the top of the picture; that's the new
17 framing -- the door framing that they put in. But beneath it,
18 it's all decayed wood and water damaged wood.

19 Q: Okay. Let's go to picture number 27 now.

20 A: Yes.

21 Q: What are we looking at here?

22 A: This is us on the roof. That is Samuel Del Pilar's
23 foot. As he pressed down the foot, water would geyser -- got --
24 geyser out from underneath the -- the roof. And we're trying to
25 get a picture of the water emanating from this. Every time it was

1 pushed down on it, more and more water would come out.

2 Q: Okay. So -- and on that day when you visited -- first
3 of all, what date -- that was March 11th?

4 A: Yes, March 11th.

5 Q: How was the weather on that day?

6 A: It was a beautiful sunny day.

7 Q: No rain?

8 A: Nope.

9 Q: Okay. I want you to go to picture 29 now.

10 A: Yes.

11 Q: What do we see here?

12 A: It's a vent pipe -- building vent pipe. Those pipes are
13 used to vent through the building and get, you know, gases and
14 stuff that build up in buildings over time and allows them to
15 escape. And the pipe was covered with a piece of concrete, say
16 there was a brick and a piece of wood.

17 Q: So just explain to me what is the significance of that
18 pipe though?

19 A: These are vent pipes, they go all the way down to the
20 basement and they just -- the buildings build up gasses throughout
21 the years and throughout time, it just helps them escape to make
22 it a safe environment for the tenants inside not breathing
23 anything -- not -- carbon monoxide, nothing of that nature. So it
24 helps the building breathe.

25 Q: I see. Okay. All right. So we're done with that

[04:53:26]

[03:15:44-2]

1 exhibit.

2 MS. JOSEPH: Judge, if I may. Would that be a good
3 place to stop by because we are going to go to a new exhibit,
4 if that's a good time to stop.

5 ALJ STECURA: Well, I'll ask Counsel.

6 MR. MESTOUSIS: Yeah. We -- we are going to like a
7 new -- obviously, the pictures are done, so we're -- I'm
8 going back to Exhibit 8 at some point, so -- and going
9 through that, so that might take some time to even get
10 through one sentence of that. So it might be a good place.

11 ALJ STECURA: Would you like to stop now?

12 MR. MESTOUSIS: Yeah, I think it would be -- it
13 would be smart.

14 ALJ STECURA: Okay. So --

15 MR. SEQUINOT: Yes, Your Honor.

16 ALJ STECURA: -- your testimony is still in
17 progress, so when you -- after today, you may not speak to
18 HPD Counsel, you may not speak to anyone, any of your
19 colleagues, anybody about your testimony.

20 MR. SEQUINOT: Understood.

21 ALJ STECURA: Okay. And so you'll be recalled back
22 here on June 12th.

23 MR. SEQUINOT: Yes, Ma'am.

24 ALJ STECURA: All right. So you may be excused for
25 now.

1 MR. SEQUINOT: Thank you, Your Honor.

2 ALJ STECURA: Thank you.

3 MR. SEQUINOT: Thank you, everybody. Have a great
4 afternoon.

5 MR. FAVILUKIS: Thank you. You too.

6 MS. JOSEPH: Thank you. You too.

7 MR. MESTOUSIS: Thank you.

8 MS. JOSEPH: Would that be a good time to --

9 ALJ STECURA: Well, hold on. I'm -- Counsel, you
10 wanted to bring something up about Exhibit 14A.

11 MS. JOSEPH: Exactly. So Your Honor had asked and
12 I -- I could state for the record that the witness was
13 provided the correct Exhibit 14, which is one photo and 14A,
14 which is eight photos. And just --

15 ALJ STECURA: Which -- which witness?

16 MS. JOSEPH: Yeah. It was Ms. Judy Saban.

17 ALJ STECURA: Okay. And by correct, what do you
18 mean?

19 MS. JOSEPH: I mean that the exhibit she was shown,
20 again, Exhibit 14, consisted of one photo and Exhibit 14A
21 consisted of eight photos, and she testified accordingly.
22 And I was able to go to transcript, Your Honor, to
23 corroborate all that. So on page 132 and 141 to 146, she's
24 testifying separately about each exhibit. I also wanted to
25 point out that on the transcript that -- I'm sorry, the

1 transcript on ex -- page 3, it shows that Exhibit 1 was one
2 photo entered and Exhibit 14A was photos and texts entered
3 separately. Now, what appears to have happened here that if
4 you look -- I, again, I'm sorry, I looked at the transcript,
5 pages 131 to 132, and I realized that in court, Mr. Favilukis
6 was holding -- or Mr. Goldsmith was holding Exhibit 14 only
7 that we shared in discovery, not the exhibit from the
8 Petitioner exhibit folder, because Counsel stated he was
9 holding Exhibit 14 that had eight pages. Now, in discovery,
10 we gave it as eight pages later on we separated it. So it
11 wasn't part of the Petitioner exhibit folder, it was part of
12 discovery folder. And so that's where the confusion and I
13 think today something similarly happened then --

14 MR. MESTOUSIS: Yes, Your Honor, before we were
15 reviewing something and I -- I noticed that they had
16 something up on the screen, but they were reviewing the
17 discovery folder, which is not the exhibits folder that's
18 been provided to the Court.

19 ALJ STECURA: But --

20 MR. FAVILUKIS: If -- if we're -- if we're ta -- if
21 we're taking --

22 ALJ STECURA: Hold on.

23 MS. JOSEPH: I just -- yeah.

24 ALJ STECURA: Was the correct exhibit shown to the
25 witness by both parties?

1 MS. JOSEPH: Yes, yes.

2 MR. MESTOUSIS: Yes.

3 MS. JOSEPH: The witness had the correct exhibit.

4 ALJ STECURA: Then I don't think there's any issue.

5 MR. FAVILUKIS: I have no idea what was -- Your
6 Honor, if we're talking about 14A, I'm looking at it from
7 Petitioner's exhibit folder. Whether Mr. Goldsmith had it --
8 had some other exhibit pulled up on the screen from
9 Petitioner's discovery folder is irrelevant. I'm -- I've --
10 I've consistently used Petitioner's exhibit folder and 14 A,
11 in the exhibit folder, was a 10-page PDF including the cover
12 page. So it's a nine-page PDF with texts -- screenshots of
13 text. But -- but I'm not sure if -- I'm not sure if -- I --
14 I'm -- I'm honestly not sure what we're talking about. It --
15 whether Ms. Saban was given the right exhibit by Petitioner,
16 I take them at their word that they did.

17 ALJ STECURA: Thank you. Okay. I'm going to just
18 go off the record for one moment.

19 [OFF THE RECORD]

20 [ON THE RECORD]

21 ALJ STECURA: All right. It's exactly 5:01 PM and
22 we're concluding today. The parties will let me know, by
23 Monday close of business, which I believe is June 9th, yes,
24 June 9th, if they wish -- if -- after meeting and conferring,
25 if they wish to submit closing arguments by brief. And our

1 next date of trial is June 12th and we'll resume at 9:30 AM -
2 - 9:30 AM and HPD will continue its case then.

3 MS. JOSEPH: Okay.

4 MR. MESTOUSIS: Thank you, Your Honor.

5 [END OF TRIAL]
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CERTIFICATE OF ACCURACY

I, Derrick Ndilo, certify that the foregoing transcript of Department of Housing preservation and Development v. Michael Geylik on June 05, 2025 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

DN

Date: June 11, 2025

I, Blanca Martinez, conducted a quality control review of the certified foregoing transcript.

Reviewed By

BM

Date: June 12, 2025

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