

THE CITY OF NEW YORK
OFFICE OF ADMINISTRATIVE
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.

July 10, 2025

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

Volume V, Page 700 - 949

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

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1 ALJ CHRISTINE STECURA: Good morning. It is July
2 10th, 2025. The time is 9:44 AM. This is day 5 of the
3 continuing trial of Department of Housing Preservation and
4 Development v. Michael Geylik. The Index number is 25-1984.
5 Counsel, can you please state your appearances.

6 MS. RONIT JOSEPH: For Petitioner, Ronit Joseph HPD
7 100 Gold Street, Your Honor.

8 MR. DEMETRIOS MESTOUSIS: For petition -- for
9 Petitioner, Demetrios Mestousis 100 Gold Street. Good
10 morning.

11 ALJ STECURA: Good morning.

12 MR. VLADIMIR FAVILUKIS: For Respondent, Vladimir
13 Favilukis of the law firm Kucker Marino Winiarsky & Bittens,
14 Your Honor.

15 MR. JOSEPH GOLDSMITH: Also, for Respondent, Joseph
16 Goldsmith from Kucker Marino Winiarsky & Bittens. Good
17 morning.

18 ALJ STECURA: Good morning. And I'll note that
19 Michael Geylik is also present in the courtroom today. All
20 right, so HPD, do you have anything further you wish to
21 present?

22 MS. JOSEPH: Yes, Your Honor. I have sent out
23 business records, it's Exhibits 38, which I believe is a
24 record of violations which Respondent also received notice
25 of. So these are not new records to Respondent. Also

1 Exhibit 39, 39A, 39B, which are records of Respondent's
2 filing registrations with HPD, which again are not a surprise
3 to Respondent because he himself filed those with HPD and I
4 wish for them to be entered as business record, Your Honor.

5 ALJ STECURA: All right. So I'm going to take this
6 one by one. Exhibit 38 -- proposed Exhibit 38, which is the
7 open violation summary report. Is there any objection to
8 this exhibit?

9 MR. FAVILUKIS: This is for this particular
10 building, Ms. Joseph?

11 MS. JOSEPH: Yes.

12 MR. FAVILUKIS: No objection.

13 ALJ STECURA: All right. So Petitioner's Exhibit
14 38 is now in evidence.

15 **[Petitioner's Exhibit 38 admitted into evidence.]**

16 ALJ STECURA: Petitioner's Exhibit 39, which is
17 listed as 37 West End Avenue, Brooklyn 11235 registration, is
18 there any objection?

19 MR. FAVILUKIS: Yes, Your Honor. We have the same
20 objection to 39, 39A and 39B, which is that there is no like
21 context for these documents regardless of whether they are
22 certified as a printout from a website, there is no witness
23 testifying as to why they're relevant to this proceeding,
24 there isn't any tie in to this particular proceeding. It's
25 just being delivered without any kind of like context and

1 showing relevance to this proceeding, and if the Petitioner
2 wishes to tie it in on any particular point of their cross
3 examination on questions that were presented on direct, you
4 know, they're free to do so, but like to just submit it as
5 proof of something or other is what we are objecting to.

6 ALJ STECURA: All right. And so, because you're
7 objecting to 39A and 39B, I'll just note what they are for
8 the record. 39A is registration for 291 Brighton Beach
9 Avenue, Brooklyn 11235. 39B is a registration for 2 3 2 9
10 Camber -- I'll spell it out, C-A-M-B-R-E -- B-R-E-L-E-N-G
11 Avenue Bronx, 10458. Ms. Joseph, do you wish to respond to
12 the objection?

13 MS. JOSEPH: Yes, Your Honor. There's also an
14 Exhibit 39 before 39A.

15 ALJ STECURA: Yes, I already --

16 MS. JOSEPH: Oh, okay.

17 ALJ STECURA: -- read that.

18 MS. JOSEPH: Okay. So these exhibits are, if I
19 take it again in part, 39 is an exhibit of I believe Mr.
20 Geylik residence, and at the same building that he is a
21 building manager -- he's listed as the building manager of, I
22 think that building has 27 units. A -- also -- he is also
23 listed as the first -- first officer, I believe. Can I see
24 those exhibits, I'm sorry?

25 ALJ STECURA: But how is it relevant to your

1 petition and the charges here --

2 MS. JOSEPH: So it's relevant --

3 ALJ STECURA: -- which are about a different
4 address?

5 MS. JOSEPH: Okay. So it's relevant in that there
6 is an allegation about failure to provide janitorial
7 services, and Mr. Geylik is not a novice. It shows that he
8 is a experienced landlord, he knows -- or excuse me, building
9 manager, he knows what are the -- or should know what are the
10 rules and regulations with regard to providing services --
11 superintendent services, janitorial services. Also
12 particular with 39, it also shows that there is a
13 relationship -- a transactional relationship between Steel
14 Core Engineering and the Respondent in that they're both are
15 housed on the same building. One is at 4E -- Steel Core
16 Engineering is Suite 4E, Respondent is at 2E and he is the
17 building manager -- has been the building manager. He is
18 the, like I said, first officer. So there's a relationship
19 there in addition to --

20 ALJ STECURA: So --

21 MS. JOSEPH: Yeah.

22 ALJ STECURA: -- Counsel, you're testifying as to
23 this information. You have not presented a witness that is
24 stating those facts. So if you want to get that through on
25 cross examination, you can try to do so, but you cannot

1 testify as to what the relevance of that information is. The
2 document says what the document says. If there's anything
3 further to be gleaned from it, it has to come through a
4 witness.

5 MS. JOSEPH: Okay. I was -- okay. I was just
6 pointing out the relevancy to this proceeding being that it -
7 - they are also certified business records. It's just the
8 issue of the relevancy and that's the relevance to this
9 proceeding. That's why I'm asking them to be admitted.
10 Those -- those are the -- the reasons for the relevance, why
11 -- how they're related to this proceeding.

12 ALJ STECURA: Without a witness, I don't see how
13 Petitioner's Exhibits 39, 39A and 39B are relevant.

14 MS. JOSEPH: Okay.

15 ALJ STECURA: You can attempt again to move them in
16 through one of Respondent's witnesses.

17 MS. JOSEPH: No, thank you, Your Honor.

18 ALJ STECURA: All right, thank you.

19 MS. JOSEPH: Sure.

20 ALJ STECURA: Anything further from Petitioner?

21 MS. JOSEPH: No, Your Honor. Would the Court like
22 the Exhibit 38 at this point? Should I give it out? That
23 has been, I believe, admitted without objection.

24 ALJ STECURA: Sure.

25 MS. JOSEPH: Okay. Thank you.

1 ALJ STECURA: Thank you. Thank you very much.

2 Okay. Does HPD rest?

3 MS. JOSEPH: Yes, Your Honor.

4 ALJ STECURA: Okay.

5 MS. JOSEPH: Oh, just subject to possible rebuttal
6 as needed.

7 ALJ STECURA: Well, we'll see. All right. So, Mr.
8 Favilukis, do you care to call your first witness?

9 MR. FAVILUKIS: Yes. Thank you, Your Honor.
10 Respondent would like to call Sebastian Sztukowski as my
11 first witness. Should I go get him?

12 ALJ STECURA: Okay. Yes. Thank you.

13 [OFF MIC CONVERSATION]

14 ALJ STECURA: Good morning, sir. You can have a
15 seat there. Okay. So you're going to want to speak into the
16 microphone.

17 MR. SEBASTIAN SZTUKOWSKI: Sure.

18 ALJ STECURA: But I'm going to swear you in first.
19 So if you could raise your right hand. Do you swear or
20 affirm that the testimony you are about to give will be the
21 truth?

22 MR. SZTUKOWSKI: Yes.

23 ALJ STECURA: All right. You may lower your hand.

24 [WHEREUPON THE WITNESS, S E B A S T I A N S Z T U
25 K O W S K I, WAS DULY SWORN IN.]

1 ALJ STECURA: Can you please state and spell your
2 name for the record?

3 MR. SZTUKOWSKI: My name is Sebastian Sztukowski.
4 First name, S-E-B-A-S-T-I-A-N. Last name Sztukowski, S-Z-T-
5 U-K-O-W-S-K-I.

6 ALJ STECURA: All right. I'm going to ask you to
7 keep your voice level up.

8 MR. SZTUKOWSKI: Okay.

9 ALJ STECURA: I'm going to give you some
10 instructions. The record -- this hearing is being recorded.
11 Your responses must be verbal. Please speak clearly. Please
12 wait until the question has finished before you answer. If
13 there's an objection, please wait until I rule on the
14 objection before you answer. If there's a question that you
15 don't understand or you did not hear clearly, please ask that
16 it be either rephrased or repeated. If you can't see an
17 exhibit, please also let us know immediately. All right. Do
18 you -- do you understand?

19 MR. SZTUKOWSKI: Yes.

20 ALJ STECURA: All right. Counselor, you may
21 proceed.

22 MR. FAVILUKIS: Thank you, Your Honor.

23 **DIRECT EXAMINATION OF MR. SZTUKOWSKI**

24 **BY MR. FAVILUKIS:**

25 Q: Good morning, Mr. Sztukowski.

1 A: Hi, good morning.

2 Q: Are you a licensed engineer?

3 A: Yes, correct.

4 Q: And how long have you been a practicing licensed
5 engineer?

6 A: I have my license for just about eight years now, but
7 I've been practicing in this field for 12.

8 Q: Thank you. And what field is -- is this field?

9 A: Structural engineering, structural design, basically
10 civil engineering.

11 Q: Okay.

12 A: But me -- focus on buildings.

13 Q: And do you have -- would you say that in your opinion,
14 do you have extensive familiarity with old structures in New York,
15 structures, buildings that are 100 years old or older?

16 A: Correct. Working in New York, especially the five
17 boroughs, we deal with old buildings on -- almost on a daily
18 basis, such as row houses, townhouses, whether it's repair work,
19 renovation work, extension work. Yes, I am familiar with old
20 buildings.

21 Q: In -- in the years that you've been practicing, have you
22 dealt with structural issues for these types of old buildings more
23 than five times?

24 A: I would say maybe 90 percent of the buildings we
25 encounter that are old have structural damage issues, whether it's

1 through decay or water. Most of the time it's due to water,
2 corrosion.

3 Q: And did -- at those times, you said it's 9 -- 90 percent
4 of the time?

5 A: Yeah, I would say most of these old buildings that we
6 encounter, we work with have some kind of deterioration due to
7 their age.

8 Q: In those instances where the building has deterioration,
9 do you typically perform or supervise or -- or -- or direct
10 someone to perform probing?

11 A: Correct. If -- if the building is -- if the structure
12 of the building is not exposed for us as the engineer to -- to
13 take a look at and to inspect visually, we would request -- we
14 would request -- request that probes be made.

15 Q: What does probing mean exactly?

16 A: Probing means like an explore -- expl -- like a
17 exploratory investigation. So if I walk into a building and I see
18 it's finished off like this one, I -- I cannot consult on the
19 structural condition because I cannot see the structure. So
20 therefore, we request that probes be made so that the structure
21 could be exposed, whether it's the beams, the columns, the -- the
22 walls, what have you, so that we can do a more competent visual
23 inspection of it.

24 Q: So specifically, just to use this building as an
25 example, if this building had some kind of deteriorating --

1 deterioration or -- or was suspected of having some kind of
2 structural issue, would -- would you, if you -- if you advise to
3 do probing in this room, what -- what specifically would that
4 require?

5 MS. JOSEPH: Objection, Your Honor. That's
6 speculative, with regard to this room in particular.

7 MR. FAVILUKIS: I can rephrase it.

8 Q: In a building that is suspected of having some kind of
9 deterioration or structural issue and you advised to do probing in
10 a space, what specifically would that require? What would
11 specifically be required to do the probing?

12 A: So upon entering a building, if everything's finished
13 off right and I cannot see the structure, we would have to first
14 try to, in a way guess to see which walls are bearing, where are
15 the columns, where are the main beams, et cetera, and then we
16 would probe those locations because those are mainly the -- those
17 are usually the -- like the weakest link of the building, right,
18 where the columns are, where the be -- where the main gird is tied
19 to the columns, et cetera. And also, just exposing the joists,
20 the -- the floor framing as well. But first we would try to map
21 out or try to get a better understanding of the structure of the
22 building so that then we can understand where appropriate probes
23 would be required.

24 Q: Got it. And so a -- a probe is an opening; is that
25 correct?

[09:58:02]

[00:13:29-1]

1 A: Correct. It's -- it's removal of -- of furnish, yes.

2 Q: And does that opening have to be of a certain size, must
3 it be one size, must it be another size, is there a specific size
4 of opening that you need to do?

5 A: It depends on what you're looking for. For example, if
6 we -- if I'm just to, for example, reinforce the floor, I can open
7 up a probe to expose a handful of joists just so I can assess the
8 size of the joists and the spacing, just so I can go back and to -
9 - to the office and see, okay, this kind of reinforcement is
10 required for this kind of existing joists. However, if there's
11 extensive damage to the building, or I am brought to believe that
12 there's extensive damage to the building, then more extensive
13 probe would be made so that we can see a full extent of the global
14 condition of the building rather than something local, because
15 making a smaller probe gives you the local picture, but if -- if
16 we feel that a building is compromised, then we would -- we would
17 request that a larger probe be made so that we can get a better
18 sense of the global condition of the building, if that makes
19 sense.

20 Q: It does. And so did -- did you advise or request that
21 probing be done at 109 East 9th Street?

22 A: Correct.

23 Q: Was the probing that you requested at East 9th Street
24 the largest probing that you've ever requested or advised during
25 your eight or 12 years of experience?

1 MS. JOSEPH: Objection, Your Honor. I mean,
2 largest, it is a very vague and gen -- generic term as far as
3 particular -- probing particular spaces.

4 ALJ STECURA: Sustained.

5 MR. FAVILUKIS: It's a -- it's an objective term.
6 It's the largest --

7 ALJ STECURA: Sustained.

8 MR. FAVILUKIS: Okay.

9 Q: Have you advised or requested to do in -- in your entire
10 experience with all of the probing that you've done in the -- I'm
11 sorry, you said eight or 12 years?

12 A: I'm licensed for eight, but I've been in this field for
13 12.

14 Q: Okay. So in your 12 years of being in this field, and
15 in your eight years of being a licensed engineer, have you
16 requested, at another building, larger probes than the one at East
17 9th Street or was East 9th Street the largest probe?

18 MS. JOSEPH: Objection, Your Honor. Again, to the
19 word largest, we are talking about specific openings,
20 exploratory openings. Largest is a generic term.

21 MR. FAVILUKIS: In size -- largest in size.

22 MS. JOSEPH: But --

23 ALJ STECURA: Your question is compound. Can you
24 simplify it, please?

25 Q: Have you requested larger probes at other buildings?

1 A: I've requested large probes, correct, not your build --
2 at other buildings, correct.

3 Q: Larger than the one at --

4 A: Yes.

5 Q: Than the ones at East 9th Street?

6 A: Correct. If -- if we c -- for -- for example -- can I
7 give an example?

8 Q: Absolutely.

9 A: So for example, where stair openings are or are -- are
10 sagging or -- or -- or fo -- the stair -- the stair shaft is
11 falling down, a small local probe, let's say a three foot by
12 three-foot probe wouldn't give you the whole picture. We -- we
13 would have to open up the entire area of the stair so that we can
14 see the full extent of the trimmer beams, the two trimmer beams
15 and the one header beam that runs across, that ties into the two
16 trimmer beams, if that makes sense.

17 Q: It -- it does, but I want to make sure that I understand
18 correctly. In other words, probes come in different sizes
19 depending on the structure and the situation of the building?

20 A: Yes, correct.

21 Q: Okay. Are you aware of two DOB, I will refer to them as
22 control orders, that were issued for 109 East 9th Street in
23 August, 2024?

24 A: If you're referring to the ones August 14th, I believe,
25 yes.

1 Q: Yes.

2 A: Yes.

3 MR. FAVILUKIS: That -- that -- that's absolutely
4 correct, I am referring to those. And -- and I'll get those
5 so that you can have them -- a refresher. Just one second.
6 I apologize. And this is Exhibit C -- Respondent's Exhibit
7 C, I believe it's already in the record. I will provide
8 copies.

9 ALJ STECURA: Yes, it's in evidence.

10 MR. FAVILUKIS: Do you need another copy or no?

11 MS. JOSEPH: I'll take one if you have it.

12 MR. FAVILUKIS: I do.

13 ALJ STECURA: Counselor, I don't know if I have a
14 copy.

15 MR. FAVILUKIS: Oh, I'm sorry. This one is not
16 stapled.

17 ALJ STECURA: Oh, I have a copy, never mind. Thank
18 you.

19 Q: So the first page, or rather the second page behind the
20 exhibit tab there, that's DOB control number 341657, is that
21 correct, do you see that?

22 A: I'm looking at that one, yes.

23 Q: Okay. And there, in the last sentence, three lines up
24 from the bottom in the description of violation section, there's a
25 little square, there the word remedy is squared, right?

1 A: Yes.

2 Q: And I'll read it because I know that the handwriting is
3 sometimes difficult to read. It says "Owner to immediately retain
4 NYSPE." Does -- does PE stand for professional engineer?

5 A: Correct. New York State Professional Engineer, yes.

6 Q: And you're a New York State professional engineer?

7 A: Correct. Correct.

8 Q: "And licensed GC", GC stands for?

9 A: General contract.

10 Q: General contract. "To shore building as required under
11 full-time cont." What's cont?

12 A: Continuous.

13 Q: "Continuous NYSPE, so New York State Professional
14 Engineer supervision/direction, New York State Professional
15 Engineer to submit means and methods to EEU" -- oh, sorry, excuse
16 me, FEU." What's FEU?

17 A: Forensic Engineering Unit.

18 Q: Unit -- from what agency?

19 A: DOB, Department of Buildings.

20 Q: "By 08/15/2024 for renew and approval period. Start
21 work immediately upon approval and cont., continue, daily until
22 complete New York State Professional Engineer submit DO -- is that
23 DOI or DAY, I'm not sure?

24 A: After the word submit?

25 Q: Yes. On the bottom --

1 A: Da -- day -- daily, I believe it says.

2 Q: Daily.

3 A: D-A-I-L-Y.

4 Q: D -- yeah, I'm sorry about that. "Daily reports to FEU,
5 Forensic Engineering Unit, file job with DOB within two days from
6 start of work." And this is dated August 14th, 2024, and you've
7 seen this order -- you -- you've seen this control number before?

8 A: Yes, of course.

9 Q: Okay. And is it your understanding that you're the
10 professional engineer that was directed to be hired pursuant to
11 this control order?

12 A: Correct.

13 Q: And did you inspect the building after August 14th,
14 2024?

15 A: After this work was done, the rem -- the -- the -- the --
16 - yes, correct.

17 Q: Okay. And did you inspect the building by yourself?

18 A: I was there to -- to -- for this occasion, yes.

19 Q: Okay.

20 A: Correct.

21 Q: And how did you -- can you describe the conditions that
22 you set -- that you found in con -- the context of your
23 inspection?

24 MS. JOSEPH: Objection, Your Honor. Just want to
25 get clarification to when did he expect -- inspect the

1 building.

2 ALJ STECURA: Sustained.

3 Q: When did you inspect the building?

4 A: So originally, I inspected the building the day of this
5 control number was issued. That was together with Phillip Ing, I
6 believe his last name is pronounced. He's the principal engineer
7 from the FEU, from Forensic Engineering Unit. Him, I and Michael,
8 we walked the building and we -- we showed him a condition that
9 was very alarming to us, which was on the 2nd floor, on the
10 ceiling of the 2nd floor where there was a beam that was literally
11 hanging by, I -- I guess the skin of its teeth, you can say. It -
12 - it was basically, there was -- there was no connection anymore.
13 So we brought this to Philip's attention. He also felt alarmed
14 and when I saw his face, it looked like he saw a ghost because
15 that condition was very alarming to the both of us. He's also an
16 engineer. And we -- he immediately stated that we need to
17 remediate -- fix this issue.

18 Q: Had you met Philip Ing before then?

19 A: Before that meeting, no.

20 Q: Before that meeting no. Okay. And you said, I'm -- you
21 said that his face was like he had seen a ghost?

22 MS. JOSEPH: Objection, Your Honor. It was --

23 ALJ STECURA: Sustained.

24 MR. FAVILUKIS: I'm sorry, sustained?

25 ALJ STECURA: Sustained.

1 MR. FAVILUKIS: Okay.

2 Q: You said that you found the conditions alarming?

3 A: Correct.

4 Q: Why did you find them alarming?

5 A: Because at the time, the way I'm -- the -- the way the
6 building is framed, the central stair shaft bears on a beam that's
7 in the 2nd floor ceiling, and that beam ties into another, we --
8 we technically call it trimmer joist, the trimmer beam, and the
9 connection between the -- there was basically no connection left
10 between the two. There's a large check or crack running, almost
11 like through a quarter of the length of the one header beam that's
12 supporting the wall, that -- that runs up the building that's part
13 of the stair shaft. And that's a load-bearing structure, or in
14 other words, a transfer beam on a lower floor, which takes a lot
15 of load and seeing -- understanding that that's what the beam is
16 doing and under -- and seeing the condition of the connection,
17 that's what scared both of us.

18 MS. JOSEPH: Objection, as far as scared both of
19 us. Who --

20 ALJ STECURA: Overruled.

21 Q: You can answer.

22 A: I mean which --

23 Q: What do you mean both -- both of us?

24 A: Phillip and I, yes. Yes. Correct.

25 MS. JOSEPH: I'll just object to the fact that the

1 witness is --

2 ALJ STECURA: I've already overruled your
3 objection.

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

5 Q: You mentioned something about a stair shaft, and because
6 I'm not an engineer, I want to make sure that I understand what
7 structural element we're talking about. Is the stair shaft the
8 area where the staircase is located?

9 A: Inside, yeah -- yes. Yeah. When I say stair shaft, I
10 mean like the -- the perimeter boundaries of the shaft. Correct.

11 Q: And is the stair shaft in the center of the building?

12 A: In this building, yes.

13 Q: Is the stair shaft in the center of all buildings that
14 you've inspected?

15 A: No.

16 Q: No, it's --

17 A: No.

18 Q: But in this building --

19 A: Well, in this building you have a stair shaft -- you
20 have a staircase from the 1st to the 2nd floor, which is along the
21 pa -- the exterior wall, and then it trans -- transitions to a
22 shaft in the middle of the building, which goes from 2nd floor up
23 to the -- to the roof.

24 Q: So above the 1st floor, the stair shaft is in the center
25 of the building, is that --

1 A: No, no. I'm sorry if I misspoke. The -- the stair
2 shaft -- the stair is -- between the 1st floor and 2nd floor, the
3 main egress stair is to the -- along the exterior wall, masonry
4 exterior wall. And then at the -- from the 2nd floor up the stair
5 shaft transit -- the stairs transition, and therefore the stair
6 shaft transitions to the center of the -- center of the building.

7 Q: I understand. And --

8 ALJ STECURA: Sir, could you just move the
9 microphone a little bit back?

10 MR. SZTUKOWSKI: Okay. Like this?

11 MR. FAVILUKIS: No, I think away -- away. Yeah.

12 MR. SZTUKOWSKI: Like that?

13 MR. FAVILUKIS: No, no, no. Away.

14 MR. SZTUKOWSKI: Oh, like that?

15 MR. FAVILUKIS: Yeah.

16 MR. SZTUKOWSKI: Got you.

17 ALJ STECURA: No, it's fine. Just move it back so
18 that we don't get feedback.

19 MR. SZTUKOWSKI: How's that? How's that?

20 ALJ STECURA: That will be fine. Thank you.

21 MR. SZTUKOWSKI: Okay.

22 MR. FAVILUKIS: Good. Thank you. Sorry.

23 MR. SZTUKOWSKI: Thanks.

24 Q: In this building, what is located above the 2nd floor
25 where the stair shaft is in the center?

1 A: Well, a -- above the 2nd floor --

2 Q: Yeah.

3 A: -- I mean if you're standing on the 2nd floor, what's
4 the 2nd floor?

5 Q: What type of occupancy is up there?

6 A: From what I recall, there was a -- a bathroom on the 2nd
7 floor, and that was about it.

8 Q: Okay -- no, I mean, 2nd, 3rd, 4th --

9 A: Oh, okay. So --

10 Q: -- what's -- what's there?

11 A: So well, the 2nd floor bathroom. And then on -- on the
12 -- on the -- on the 3rd floor which would be Unit 2A, et cetera,
13 there -- there was -- there was either vacant units or -- or non -
14 - non-vacant units.

15 Q: I see.

16 A: Sin -- single room unit occupancy.

17 Q: Okay. And in your professional experience as an
18 engineer who has eight years of experience being a licensed
19 engineer and 12 years of experience in this area, in this field,
20 what is your concern about -- what -- what is your concern that --
21 that could occur with these types of conditions in the building?

22 A: With the condition that we saw at -- at -- at the -- at
23 the 2nd floor --

24 MS. JOSEPH: Objection, Your Honor. I don't
25 believe the witness was authenticated as an expert witness,

1 he's -- as to render opinion.

2 ALJ STECURA: He's talking about his experience.
3 Overruled.

4 MS. JOSEPH: Okay.

5 A: Can you rephrase the question again? I'm sorry.

6 Q: Sure. What --

7 A: Can you repeat the question again?

8 Q: Sure. Sure. What is -- what are you concerned about ha
9 -- potentially happening in the building as a result of the
10 conditions that you witnessed?

11 MS. JOSEPH: Objection. Speculative, potentially
12 happening.

13 ALJ STECURA: Overruled. The witness may answer.

14 A: So -- so with the condition that was first observed with
15 Philip Ing from DOB, that was a very, like I mentioned before,
16 alarming condition because that s -- that -- that -- that framing
17 at the -- the -- at the ceiling of the 2nd floor was supporting
18 the entire stair shaft, and that con -- the -- the -- the
19 connection there was -- was basically gone, meaning it was just
20 hanging by -- by a couple nails. That could have been a subtle
21 collapse.

22 Q: Sorry, literally a couple nails?

23 A: I would say a handful of nails. I don't re -- I don't
24 recall because it's been in August of last year, but yes, correct.
25 There was just a couple of nails that was literally supporting the

1 -- and -- and the friction of the two beams in contact, there's
2 some strength in that too. But besides that, that's not an -- an
3 adequate connection for such a -- for such a beam that's
4 supporting such a -- a massive load, if that makes sense.

5 Q: So what -- what would happen if that connection were
6 severed?

7 MS. JOSEPH: Objection, Your Honor. Speculative.

8 ALJ STECURA: I'll allow the -- the witness to
9 answer. Overruled.

10 A: Based on the condition that I saw, that could have been
11 a -- a -- a sudden collapse because --

12 Q: A sudden collapse --

13 A: -- a -- a lot of -- a lot of the -- the -- the stair
14 shaft is -- most -- one side of the stair shaft is sitting on that
15 beam, and a lot of the joists that are tying into that side of the
16 wall were also -- the load path was down to that beam. So they
17 could have -- there could have been a collapse, yes.

18 Q: A collapse of what?

19 A: Of the floor -- of -- of the floor down basically of --
20 the middle of the building.

21 Q: Be -- of the stair of -- of -- I'm sorry.

22 A: Of the stair shaft, but -- but the stair shaft would
23 take the floor joists with it.

24 Q: Okay.

25 A: The upper floor, the floor joists.

1 Q: Did you express that to Philip Ing?

2 A: Yes, we -- we both -- we both saw the condition as very
3 alarming, and this is why they issued this -- this order -- this
4 emergency work order for us to remediate the condition as soon as
5 possible, within 20 -- I mean, they said -- give us draw -- give
6 us temporary sh -- drawings within 24 hours. So the first thing I
7 do when I get back to the office, I just spent the rest of my
8 evening and night getting those drawings out to him.

9 Q: Have you seen orders like these from the DOB in your
10 practice?

11 A: Yes, for buildings that are in bad condition or need
12 immediate repair work, sure. Emergency work orders, sure.

13 Q: Okay. Is -- is this an -- this is -- this is an
14 emergency work order?

15 A: This -- this one is, yes. It -- it -- the first sent --
16 the first two words in the description says emergency work order,
17 correct.

18 Q: I see. Okay. And so did -- what was done then -- what
19 does -- sorry. What does means and methods mean?

20 A: Well, means and methods just means explaining to the
21 Building Department how -- one thing we -- one thing is to present
22 to them a design drawing. A drawing on how to shore it, but
23 another thing is to explain to them how the general contractor in
24 this case would install the shoring. So we have to, on top of --
25 besides sending them drawings for approval, we had to explain to

1 the -- to the Building Department that -- how we were going to
2 install it.

3 Q: And were you involved in -- in obtaining the DOB work
4 permit for the emergency shoring?

5 A: So basically, we did not need a permit, or Philip -- one
6 -- we just needed direct approval from Philip Ing to start the
7 work. And then he requested that after work commences, we have
8 two days to -- to file the drawings to -- to get a permit. But
9 under emergency work order, as long as DOB gives you the green
10 light to -- to proceed, you can proceed even outside of business
11 hours, just --

12 Q: So in other words, based on what you're telling me, is
13 it correct to say that the DOB -- for an emergency work order, the
14 DOB wants you to start the work even without a permit; is that
15 correct?

16 MS. JOSEPH: Objection, Your Honor.

17 ALJ STECURA: Sustained.

18 MS. JOSEPH: Okay.

19 Q: Was there a permit ultimately issued for the shoring?

20 A: Ultimately the drawings were approved and permitted,
21 correct.

22 MR. FAVILUKIS: I'd like to introduce into evidence
23 e -- Respondent's F1, F as in Frank, 1. I don't believe it's
24 in evidence yet, Your Honor.

25 ALJ STECURA: Let me just check.

1 MR. FAVILUKIS: Okay, so --

2 ALJ STECURA: F -- F1, the permit number -- the
3 last number 599?

4 MR. FAVILUKIS: Yes. Correct.

5 ALJ STECURA: Was admitted on 5/8.

6 MR. FAVILUKIS: Okay, great. Thank you, Your
7 Honor. I have a copy if you need it.

8 ALJ STECURA: Let me check.

9 MS. JOSEPH: If you have a copy, I'll take it. I
10 don't want to burden you if you don't have any --

11 MR. FAVILUKIS: No, no, no. I came with enough.

12 MS. JOSEPH: Oh, great.

13 MR. FAVILUKIS: I came with enough.

14 MS. JOSEPH: Great.

15 MR. FAVILUKIS: There you go.

16 MS. JOSEPH: Thank you.

17 MR. FAVILUKIS: Then, Your Honor, I don't know if
18 you need it.

19 ALJ STECURA: Yes, I need a copy. Thank you.
20 Thank you.

21 Q: And, Sebastian, if you can flip to the second page
22 there, right behind the exhibit page.

23 A: Exhibit F1, yes?

24 Q: Uh-huh. And on the right side of the permit, it says
25 "The person and business to whom the permit was issued."?

1 A: Yes.

2 Q: Gennady Krichevsky (phonetic) at Gingerich Design LLC.
3 Are you familiar with that company?

4 A: I'm not, but I believe that was the contractor.

5 Q: The GC that is --

6 A: That's usually who pulls the permit, correct.

7 Q: Understood. And then what's -- and the -- the
8 description of the work is, could you read that for me?

9 A: Yes. "Install temporary shoring steel jacks at cellar
10 floor, steel jacks and wood shoring beams at 1st floor, wood
11 shoring wall at 2nd floor, and no change in use, occupancy or
12 egress. This is in accordance with EWO control numbers 341657,
13 and 341658."

14 Q: And EWO stands for Emergency Work Order?

15 A: Emergency Work Order, yes.

16 Q: And -- and this permit was issued at the top, it says
17 December 13th, 2024?

18 A: Issued, yes. Correct.

19 Q: So by the time that this permit was issued, was the
20 shoring already -- was the emergency shoring already installed?

21 A: Yes.

22 Q: Okay. And the description states that this is to
23 install temporary shoring. What does temporary mean?

24 A: Temporary means that it's not to last forever. It's
25 just -- just to temporarily fix the issue, and in the meantime,

1 trying to figure out a solution on how to fix the underlining
2 issue.

3 Q: Okay. And can you flip to -- on go -- go back to
4 Exhibit C for me for a second, and I want you to flip to the other
5 -- to the second page of that exhibit, control number 341658?

6 A: Yes, I'm looking at it.

7 Q: And here in the second line from the bottom, that's
8 where the remedy starts, all the way on the left, there's words --
9 remedy squared and it says, "Owner to retain New York State
10 professional engineer to evaluate the entire building and file
11 repair drawings with DOB permanent repairs to begin under permit
12 by 10/14/2024, and completed and sign off by 12/13/20/24." All
13 right. So now this control number uses -- that doesn't use the
14 word temporary, it states permanent.

15 A: Correct.

16 Q: And it requires that the professional engineer "evaluate
17 the entire building." Okay. So is that what you were hired to
18 do, to evaluate the entire building?

19 A: Yes. We were hire -- hired to also respond to this
20 emergency work order as well.

21 Q: And --

22 MS. JOSEPH: I'm sorry, I didn't hear the last --
23 respond to what?

24 MR. SZTUKOWSKI: We -- we -- I -- I -- I was hired
25 to also respond to this emergency work order as well.

1 MS. JOSEPH: Okay.

2 MR. SZTUKOWSKI: Meaning to work on this emergency
3 work order.

4 MS. JOSEPH: Right. I object to that description,
5 Your Honor. There's no way In this document it's says
6 emergency work order.

7 ALJ STECURA: I'm going to ask counselor to inquire
8 about that.

9 MR. FAVILUKIS: Sure.

10 Q: In your experience, when the DOB issues an emergency
11 work order, such as the one that we looked at before, does the DOB
12 all show -- also issue a secondary control number like the one
13 you're looking at now?

14 MS. JOSEPH: I -- I -- I object to in your
15 experience, we are talking about the specific document,
16 Exhibit C in front of us.

17 ALJ STECURA: Sustained.

18 Q: Was it abnormal for the DOB to issue a control number
19 like this together with it -- that requires permanent repairs?

20 A: No, that -- that -- that control number basically means
21 that we need to find a permanent solution for this building.

22 Q: And is the reason that this control number not titled
23 emergency work order --

24 ALJ STECURA: Which control number is this?

25 MR. FAVILUKIS: Sorry, the one ending in 58. The

1 control number ending in 58, because this one is not
2 requiring or requesting or demanding emergency work but
3 rather permanent work.

4 MS. JOSEPH: Objection, Your Honor. He's now
5 asking about why the DOB did what DOB did. The witness is
6 not -- is not --

7 MR. FAVILUKIS: The objection was --

8 ALJ STECURA: Stop. Finish, Ms. Joseph.

9 MS. JOSEPH: Thank you. The witness is not
10 qualified to answer for DOB.

11 ALJ STECURA: Sustained.

12 Q: Does this control order require any emergency work, the
13 one ending in 58?

14 MS. JOSEPH: Objection, Your Honor. Again, the
15 control order ending in 658 does not state -- actually, it
16 states that an emergency work order issued separately for
17 emergency shoring. So it refers back to the emergency order
18 under the previous control number 341657.

19 ALJ STECURA: So the document speaks for itself.

20 MS. JOSEPH: Correct.

21 MR. FAVILUKIS: Thank you, Your Honor.

22 ALJ STECURA: Counsel, you may proceed.

23 MR. FAVILUKIS: Thank you, Your Honor.

24 Q: So were the permanent repairs that were required by the
25 control order ending in 58, did they begin by October 14th, 2024?

1 A: No, but they -- they -- they wanted us to begin as soon
2 as possible.

3 Q: I understand. But they did not begin by October, 20 --
4 14/2024?

5 A: No, they did not.

6 Q: And so since --

7 A: The permanent repairs, no.

8 Q: And so since they didn't begin by October '24, is it
9 safe for me to assume they were also not completed and signed off
10 by December 13th, 2024?

11 A: Correct. Correct.

12 Q: And why did the permanent repairs, the -- the DOB
13 control order ending in 58 required? Why were they not begun by
14 October 14th, 2024?

15 A: We -- we were not able to properly assess the building
16 to -- to present to DOB a -- a -- a proper permanent remediation.

17 Q: What is, in your professional opinion, the permanent
18 repair for this building?

19 A: The permanent repair of this building would be to
20 replace the floor joists of the upper floors with new floor
21 joists, which are -- which will span across the entire width of
22 the building, because the current condition, the -- the floor
23 joists resting on this -- on this infamous stair shaft, I should
24 call it, that brings the load down to that very critical condition
25 we have downstairs.

1 Q: And after the temporary shoring was installed, you said
2 that it was installed before the December permit was issued, did
3 Philip Ing come to inspect the temporary shoring that was
4 installed?

5 A: That was my job. I was supervising the shoring work,
6 and then I had to submit to Philip Ing a -- a report stating that
7 the was completed, and -- it was completed. Correct, but Philip
8 Ing came later for the -- to observe the probes that were made.

9 Q: When did Philip Ing come?

10 A: He came November -- in November, I don't recall the
11 exact day. I believe it was close to the 20 -- 22nd of -- of
12 November, I believe.

13 Q: Did you write a report to the DOB after Philip Ing's
14 inspection?

15 A: Cor -- after we made the probes in the vacant units,
16 Philip Ing came to the site and did a walkthrough with -- with --
17 with me, and we made a -- we made a report before that to express
18 our concerns and our findings to Philip Ing, which prompt his
19 visit. And then we made another report after that -- that visit
20 again, to -- to Philip -- to the DOB, just expressing our concerns
21 again about the building condition.

22 Q: And did Philip Ing view the probes that you had made?

23 A: Correct.

24 MS. JOSEPH: Objection, Your Honor. What -- what -
25 - when are we talk -- when are we talking about, with regard

1 to, did Philip Ing review the probe, just a timeframe?

2 MR. FAVILUKIS: He did just say, but I'll --

3 MS. JOSEPH: Counselor, could you ask him to --

4 MR. FAVILUKIS: When --

5 ALJ STECURA: -- be specific.

6 Q: When did Philip Ing view these probes?

7 A: After they were completed. The day --

8 Q: Around when?

9 A: I -- if I recall it was the 22nd of November. I -- I
10 believe around there, around that time.

11 Q: Sorry, just to -- because my understanding is that you
12 wrote a report to the DOB on November 25th?

13 A: That was after the -- that was after the visit with --
14 with Philip.

15 Q: Got it. So the -- the Philip Ing inspection occurred
16 before November 25th?

17 A: Correct.

18 Q: Was it in November?

19 A: Yes.

20 MR. FAVILUKIS: Is that satisfactory, the -- the --
21 the timeframe?

22 ALJ STECURA: Counselor --

23 MR. FAVILUKIS: I'm just asking --

24 ALJ STECURA: -- that's not appropriate.

25 MR. FAVILUKIS: You know.

1 ALJ STECURA: Resume your questioning, please.

2 Q: So the -- the Philip Ing visit you mentioned, I believe,
3 and I want to make sure that I want to get this right, that Philip
4 Ing did view the probes that you had made during his inspection;
5 is that correct?

6 A: Correct.

7 Q: Okay. And did Philip Ing at that time tell you that
8 these probes were somehow inappropriate and too large?

9 A: No, he did not.

10 MS. JOSEPH: Objection, leading.

11 ALJ STECURA: Overruled.

12 Q: What did Phillip In -- Ing tell you about the probes, if
13 you can remember?

14 A: We did a walkthrough together -- together. Basically
15 he, if -- I remember that he was on the same page as me as far as
16 the conditions. I showed him the deterioration, the water damage,
17 the -- the -- the condition of the masonry walls, and he agreed
18 with me that, yes, this is in a very lousy condition. I mean, the
19 building is very old, it's deteriorated for so many years, and we
20 were on the same page. Basically, he agreed with -- with what I
21 was showing him.

22 Q: Were there any tenants present during Philip Ing's
23 inspection?

24 A: A few -- a couple tenants were in the corridors,
25 correct.

1 Q: Did -- did the tenants speak to or ask Philip Ing
2 anything?

3 A: Yes, they were just -- basically wanted to know what was
4 going on.

5 Q: Did the tenants ask Philip Ing whether permits were
6 required for the probing?

7 A: Yes.

8 Q: They did?

9 A: Did a tenant ask him, yes.

10 Q: Yeah. And did Philip Ing tell the tenants that a permit
11 was required for the probing?

12 A: I recall Philip Ing saying, for exploratory probes, you
13 do not need a permit.

14 Q: Sorry. Did Philip Ing interpret -- sorry, the -- the
15 exploratory probes, and were -- did Philip Ing say these are not
16 exploratory probes?

17 MS. JOSEPH: Objection, Your Honor. Leading.

18 ALJ STECURA: Sustained.

19 MR. FAVILUKIS: Got it.

20 Q: So Philip Ing told the tenants that for exploratory
21 probes, permits are not required?

22 A: Yes.

23 Q: Thank you. The deterioration that you observed, that
24 Philip Ing observed, that the tenants observed, did that occur --
25 in your opinion, did that occur in the last year?

1 A: No.

2 Q: In your opinion, did that occur in the last three years?

3 A: No.

4 Q: In your opinion, how many years would it take for that
5 type of deterioration to occur?

6 A: 50, more.

7 Q: 50 years?

8 A: Yes. Correct, 50 years.

9 Q: 50 years or more?

10 A: More. Yes.

11 Q: In -- in your time and inspections of the units and
12 evaluation of the building, did you go into only vacant units or
13 did you also happen to go into any occupied units?

14 A: There was a couple occupied units that we entered.

15 Q: Did those occupied units have bathtubs?

16 A: I recall seeing bathtubs, yes.

17 Q: Did any of the occupied units have showers?

18 A: I do not recall seeing showers.

19 Q: Okay. How many bathtubs do you recall seeing?

20 A: I believe I saw two.

21 Q: Two?

22 A: Two, yes.

23 Q: Two -- two bathtubs in a single unit or two --

24 A: No, no. In -- in -- I -- I recall seeing one bathtub in
25 a unit, and I believe I recall seeing another one in -- in another

1 unit. Correct.

2 Q: Okay. And do you have any idea how much bathtubs weigh?

3 A: Full of water, they could be 500, 600 pounds.

4 Q: What about empty?

5 A: Just a co -- maybe a co -- depends on the material.

6 Q: Okay.

7 A: Few -- a couple hundred pounds.

8 Q: Okay.

9 A: Could be or could be lighter.

10 Q: And does placing heavy weight onto an already
11 deteriorating floor joist structure -- I'm sorry. Does that help
12 the -- the -- the joist become more structurally sound?

13 A: No, it does not.

14 MS. JOSEPH: Objection, Your Honor. The placing of
15 heavy weight, what is the timeframe Counsel is -- is
16 referring to that placing.

17 MR. FAVILUKIS: Generally placing weight that's
18 heavy on a deteriorating floor, joist or floor that has
19 deteriorated joists. I'm not sure how -- how does --

20 ALJ STECURA: Let him finish his --

21 MR. FAVILUKIS: -- does placing heavy weight on
22 deteriorated flooring, does that help the flooring become
23 more structurally sound?

24 MS. JOSEPH: Objection, Your Honor.

25 ALJ STECURA: What's your objection?

1 MS. JOSEPH: There's no testimony and the witness
2 has not qualified to -- to testify to --

3 MR. FAVILUKIS: Structural engineer when --

4 ALJ STECURA: Don't interrupt her.

5 MS. JOSEPH: -- as to when those bathtubs were
6 installed. The question asked, placing it on a deteriorated
7 building, there's no testimony that that was placed on the
8 deteriorated building.

9 ALJ STECURA: I'm going to ask you to rephrase the
10 question.

11 MR. FAVILUKIS: Does the -- placing was -- I -- I --
12 - I didn't mean -- maybe that's -- I'm looking for the right
13 word. I'm -- I don't mean the verb placing -- placed.

14 ALJ STECURA: I -- I understand. Can you rephrase
15 the question?

16 Q: Does the fact that a bathtub is located on a
17 deteriorated flooring or flooring that's deteriorated, does that
18 help the flooring -- does that bathtub being placed there, being
19 there, being present there, does that help the flooring become
20 more structurally sound?

21 A: No.

22 Q: Does it -- does it cause that flooring to become more
23 structurally compromised?

24 A: Yes.

25 MS. JOSEPH: Objection, Your Honor. Okay, I

1 withdraw my objection.

2 ALJ STECURA: Thank you.

3 MR. FAVILUKIS: Thank you.

4 Q: Why does --

5 ALJ STECURA: But could -- could you ask open-ended
6 questions and not leading questions, please?

7 MR. FAVILUKIS: Yes.

8 Q: Why -- why does that cause the structural compromise?

9 A: It adds more weight to the -- to the structure, to the
10 floor joists. And given the condition of this building, given the
11 way I understand the way it's framed, all that weight is going
12 down into strength -- that central stair shaft.

13 Q: And --

14 A: Most -- I'm sorry, most of the weight goes down to the
15 central stair shaft.

16 Q: And so are there -- are there risks to the occupants?

17 MS. JOSEPH: Objection, Your Honor.

18 ALJ STECURA: Overruled.

19 A: Are there risks to the occupants? If -- if there are
20 bathtubs in the building that are full of water, for example,
21 that's a lot of weight. That plus the weight of the occupants,
22 plus the weight of any other storage that could be there, yes,
23 that -- that -- that does add weight to the structure that's
24 already compromised.

25 Q: Did -- do you know what the floor plate of this building

1 is?

2 A: When you say floor plate, you mean like the floor
3 composition or --

4 Q: The -- the -- the -- the -- the width or the depth --

5 A: Oh, like the -- the dimensions.

6 Q: The dimensions, yeah.

7 A: The -- the -- the -- the front of the building, which is
8 the five storey portion, it's -- it's -- I recall it being 30 feet
9 wide in the east, west by 20 feet depth in the north south
10 direction.

11 Q: And does the width of a building factor into the risks
12 that additional weight can cause for the deteriorated structure?

13 A: Well, the width of this building -- well, the -- the --
14 the framing of this building spans the entire width. Okay, from -
15 - from exterior wall to exterior wall. And it's relieved on the
16 middle partition walls because the floor joists themselves will
17 not be able to span 30 feet, the existing floor joist. So they're
18 relieved on the middle walls, which is why I keep saying adding
19 more load to the building, you're -- you're -- you're adding more
20 of that load onto the middle of the building, which is that --
21 that stair shaft.

22 Q: The -- did -- did you have a -- an opportunity to
23 inspect the building's exterior walls?

24 A: Yes.

25 Q: From the inside?

1 A: From the inside.

2 Q: And what was the condition of the walls from the inside?

3 A: As you go up the building, the -- the condition worsens
4 and worsens to the point where you can literally remove the brick
5 by hand.

6 Q: What does that -- what do you mean by that?

7 A: What I mean is there's no mortar, there's no paste,
8 there's no adhesive anymore in -- in the -- in the masonry. The
9 brick is just sitting there by -- on its own. It's not
10 structurally working the way it should be working because there's
11 no tensile strength in the wall and there is no adhesion. So you
12 can literally just take a brick by hand and move it. And in
13 common construction practices, for example, when you have to
14 repair parapets, you know when to stop once you can stop removing
15 the brick by hand, although that -- that's a sign that this needs
16 to be repaired, this is compromised.

17 Q: And are the beams -- they're -- you said that they --
18 they run from one end of the building to the other, so they are
19 attached to the walls; is that correct?

20 A: They're -- they're pocketed into -- into the -- the
21 phrase is pocketed, yes. So --

22 Q: What do you mean pocketed?

23 A: They're -- they're boring in the walls about four
24 inches, five inches.

25 Q: Okay.

1 A: In some cases, no inches. Zero inches.

2 Q: What do you mean -- what do you mean zero inches?

3 A: We -- we've seen -- we've seen joists that are not
4 pocketed in the wall at all. They're just -- they're -- they're
5 either rotten at the wall or -- or basically they're just --
6 they're just so rotten that there's nothing left.

7 Q: In this building?

8 A: In this -- correct. I'm talking about this building.

9 Q: Okay. And how would you address that issue? Is that a
10 problem?

11 A: Yes, because if you were to stand or step on that -- on
12 that joist, now you're relying on the subflooring, the flooring
13 that standing on the transfer load to adjacent framing or joist,
14 which could handle the load. And now those joists were not
15 designed to take that load because they're designed to take their
16 own tributary area of load. So by having one joist compromised,
17 now you're putting more load on other adjacent joist -- floor
18 joists.

19 Q: Is that the reason why the floor is sloped?

20 A: I believe the reason the floor is sloped is because of
21 this infamous stair shaft. That -- that -- that -- that --
22 there's a -- a settling issue there. And all -- a lot of the
23 building load is going onto that middle portion of the building.

24 Q: Can you explain a little bit -- in a little bit more
25 detail what you mean by settling?

1 A: Settling meaning that the -- the -- there -- there is --
2 well, the floor is sloped, so therefore that means that somewhere
3 along the span of the floor joist, there must have been deflection
4 of the floor joist.

5 Q: What does deflection mean?

6 A: Deflection just means that it -- it -- the -- the joist
7 bent -- or the bottom of the joist, for example, is a lot lower
8 than what it's -- than what it used to be, if that makes sense.
9 It -- it -- it bent under -- under stress, under load.

10 Q: And what -- what could have caused such a deflection or
11 settling?

12 A: Usually overweight or instability of the joists.

13 Q: And so how would you fix this to be in compliance with
14 the DOB control number ending in 58?

15 A: So we issued drawings for -- to DOB for -- for this
16 repair. For this repair, basically, we proposed to replace the
17 floor joists with entirely new joists that would span again, the
18 entire width of the building, not relying on the middle stair
19 shaft -- not relying on the middle shaft. Because all that load
20 comes down to the second floor. And we -- we want to avoid that
21 in -- in the -- in the repair work.

22 MR. FAVILUKIS: And I want to bring up Respondent's
23 Exhibit F2, F as in Frank. I believe this is in the record.
24 We're double checking now, Your Honor.

25 ALJ STECURA: It was in on May 8th.

1 MR. FAVILUKIS: Thank -- thank you, Your Honor. And
2 -- and I can give you guys a -- oh, I'm so sorry. That's --
3 this is not, I apologize, not F2. I'm looking for the plans
4 associated for this permit, one second. I believe that the
5 plans are F3, F as in Frank 3.

6 ALJ STECURA: That is not in evidence.

7 [OFF MIC CONVERSATION]

8 MR. FAVILUKIS: I can open them on the screen, but
9 I do believe I have a copy. Just one second. I apologize,
10 Your Honor.

11 [OFF MIC CONVERSATION]

12 MR. FAVILUKIS: Okay. And this is -- actually, I
13 think you guys should have a copy because it is your -- it's
14 actually -- I think it's in the record as Petitioner's 25B as
15 in boy.

16 ALJ STECURA: Okay. Give me a moment.

17 MS. JOSEPH: Oh, petitioner?

18 MR. FAVILUKIS: I think. But so because I have
19 your copy here and I have a different copy of ours, you need
20 your copy?

21 MS. JOSEPH: No.

22 MR. FAVILUKIS: I can pull it up on the screen.

23 MS. JOSEPH: I should -- I should -- I should have
24 it. Did you say which one again? I'm sorry. What do you
25 want to --

1 MR. FAVILUKIS: Yours is B -- is 25B as in boy, and
2 ours is F3.

3 [OFF MIC CONVERSATION]

4 ALJ STECURA: My records -- oh, yes, it was
5 admitted on May 8th, but I -- I --

6 MR. FAVILUKIS: It was the -- I -- you -- you have
7 it, Your Honor, as -- as B 25 B or or -- or --

8 ALJ STECURA: 25B on May 8th. Plan submitted DOB
9 for job M0111811265L1.

10 MR. FAVILUKIS: That's correct.

11 ALJ STECURA: I do not have a copy because it was
12 admitted per stipulation, so --

13 MR. FAVILUKIS: I have several copies. I can bring
14 it up. This is -- so I can give you both ours so you can see
15 it's the same.

16 ALJ STECURA: Well, yours is not admitted, so I'll
17 use 25B.

18 MR. FAVILUKIS: Yes, I'm going to introduce --

19 [CROSSTALK]

20 MR. FAVILUKIS: -- and have them authenticated.

21 ALJ STECURA: All right, thank you. And then
22 you'll bring up -- oh, you've already brought up yours.

23 MR. FAVILUKIS: I -- I have this up and this might
24 be easier because we can zoom in. Okay. So I'd like to give
25 you Sebastian a copy --

1 MR. SZTUKOWSKI: Okay.

2 MR. FAVILUKIS: -- of the plans for the permit
3 number ending in 265. And --

4 ALJ STECURA: Counsel, do you have any objection to
5 them admitting their exhibit?

6 MS. JOSEPH: Which -- which exhibit? I'm looking
7 at my exhibit. I'm sorry, you're looking to admit --

8 ALJ STECURA: F -- it's F which? F --

9 MS. JOSEPH: F3.

10 MR. FAVILUKIS: F3. Ours is F3 and yours is 25B.

11 MS. JOSEPH: And it's the same?

12 MR. FAVILUKIS: Correct. Ours is a five-page
13 document. Yours should be also.

14 MS. JOSEPH: Okay. All right. I have no
15 objections, Your Honor.

16 MR. FAVILUKIS: Thank you.

17 ALJ STECURA: All right. So Petitioner --
18 Respondent's Exhibit F3, the design drawings approved under
19 DOB permit M0118126511ST is now in evidence.

20 **[Respondent's Exhibit F3 admitted into evidence.]**

21 ALJ STECURA: So you can just ask questions about
22 the use of it.

23 MR. FAVILUKIS: Thank you. And I don't know that I
24 can --

25 MS. JOSEPH: I just don't have a copy of it.

1 MR. FAVILUKIS: Is this my computer with the All-
2 Star roster on?

3 MS. JOSEPH: I have a copy of my exhibit; they're
4 not of their exhibit.

5 MR. FAVILUKIS: This is somebody else's.

6 MS. JOSEPH: What?

7 MR. FAVILUKIS: I'm sorry. This is not my
8 computer. Just -- I don't have the All-Star game on in the
9 morning.

10 ALJ STECURA: So do you want me to pause the record
11 while you --

12 MR. FAVILUKIS: No, I have them and -- okay. Oh,
13 do -- we don't need them. We all have copies. I thought
14 that I could work this better, but I don't think I can. This
15 is just the same.

16 MS. JOSEPH: Do -- do --

17 MR. FAVILUKIS: Do you want me to --

18 MS. JOSEPH: You didn't give me a copy, I'm sorry.
19 I have a copy of 25B --

20 MR. FAVILUKIS: Sure.

21 MS. JOSEPH: -- my exhibit.

22 ALJ STECURA: So I -- if you're going to refer to
23 25B with your witness, Mr. Favilukis, you can refer to 25B
24 with your witness, if that's the paper copy that you have. I
25 do not have a copy of F3.

1 MR. FAVILUKIS: I'm giving -- I can give you a copy
2 of F3.

3 ALJ STECURA: All right.

4 MR. FAVILUKIS: And I'm going to refer to F3
5 because that's the copy that I have. Paper copy.

6 ALJ STECURA: That's fine.

7 MR. FAVILUKIS: And -- and if Petitioner will stick
8 to it, that's great. If not, then we can authenticate it,
9 but obviously --

10 ALJ STECURA: She already stipulated to it.

11 MS. JOSEPH: I don't have it though. I --

12 ALJ STECURA: Ms. Joseph?

13 MR. FAVILUKIS: Do --

14 ALJ STECURA: Do you need a copy?

15 MS. JOSEPH: Yeah, I would like to -- I'd like a
16 copy, yeah. Oh, thank you.

17 ALJ STECURA: Okay. And the witness has a copy?

18 MR. FAVILUKIS: And the witness has a copy.

19 ALJ STECURA: All right, great.

20 Q: And, Sebastian, can you tell me what this is and just
21 walk us through these drawings.

22 A: Okay, so this is in regards to the other control number
23 order, right, ending in 559, which is to present to DOB --

24 Q: Sorry, not 5 -- oh, I think you mean 58.

25 A: 58, 58. I'm sorry. 58. To -- to present to DOB a

1 permanent repair. So basically, these are -- these are drawings
2 that were submitted to the building department for the permanent
3 repair work. The first two pages are -- are general
4 administrative and -- and construction notes. And then the -- the
5 third page is where you start seeing the plans, which is labeled
6 S100. These are existing -- these are -- these are representative
7 of the existing framing of the building showing second floor
8 through the roof basically just showing -- we are required to show
9 existing and proposed plans on our drawings. So this is -- this
10 is what this page shows. It shows existing framing plans which
11 gives you a sense of how the building's framed, shows the stair
12 shaft in the middle that we keep talking about, the roof framing
13 plan. The -- the second-floor framing plan with the stair --
14 where there -- where there's stair transitions to the -- to the
15 west wall. That's this page. And then the -- the following page,
16 which is S101. This is our proposed plans. This is showing the
17 proposed permanent remediation basically showing to replace
18 existing floor framing which has been compromised with -- with new
19 floor framing that can span the 30 feet; the -- the width -- the -
20 - the longer width of the -- of the building. Again, showing the
21 -- at the new framing for the stair opening, framing around the
22 chimney breasts, framing for the stair bulkhead. And adjacent to
23 the plans, there's also a procedure in the box, and you can find
24 the bottom right corner of each drawing, of each drawing that show
25 the plans, basically stating the means and methods, right, the

1 means and methods, and how the -- the removal and replacement
2 should -- should be done in a -- in a safe and proper manner.

3 Q: And were these plans permitted by the DOB? Do you know?

4 A: These plans were approved and permitted, correct.

5 Q: And why hasn't this work started?

6 A: This work hasn't started because we received a -- a -- a
7 -- a stop work. No, we -- we received a violation from DOB that -
8 - that the -- the permit would be revoked because there's some --
9 there -- could potentially be revoked because there is some issues
10 with HPD, something along the line of that. That's how I
11 understood it.

12 Q: And do -- do you understand what the issues are with
13 HPD?

14 A: That basically something along the lines where there was
15 harassment or something, potential harassment or something along
16 those lines.

17 Q: Okay. So just to clarify, all of these conditions that
18 you saw that you described as alarming, they -- they remain today.

19 A: Correct.

20 Q: And you prepared plans for the remediation as the DOB
21 had directed --

22 A: Yes.

23 Q: -- but the work that the DOB approved and permitted
24 can't proceed; is that correct?

25 MS. JOSEPH: Objection, Your Honor.

[10:48:07]

[01:03:34-1]

1 ALJ STECURA: What's your objection?

2 MS. JOSEPH: It's continuously leading. That is
3 one objection. And the second one is asked and answered.

4 ALJ STECURA: I'm going to allow the witness to
5 answer, but I'm going to remind Mr. Favilukis that your
6 questions --

7 MR. FAVILUKIS: Understood.

8 ALJ STECURA: -- are leading and then leading
9 questions get less weight.

10 MR. FAVILUKIS: Understood.

11 ALJ STECURA: Thank you.

12 MR. FAVILUKIS: Thank you, Your Honor. You can
13 answer.

14 A: Can you repeat the question one more time? I'm sorry.

15 Q: Sure. So you were -- the question is, were you ready to
16 start this work?

17 A: Given that -- that they were approved and permitted,
18 yes, we would be ready to start the work.

19 Q: Okay. And I want to -- I'll move on from the plans. Do
20 -- where -- Sebastian, do you live in -- in New York?

21 A: Yes, New York State. Yes.

22 Q: New York State.

23 A: Yes.

24 Q: Where in New York state do you live?

25 A: Long -- Long Island.

1 Q: Long Island. Are you familiar with an earthquake that
2 occurred in New Jersey and New York City last year? Last April, I
3 believe?

4 A: Yes.

5 Q: Okay. Did you feel that in Long Island?

6 A: I was actually at home when it happened, and I even felt
7 the shaking. Yes.

8 Q: You -- you even felt the shaking in Long Island. The
9 earthquake -- the -- the -- the effects from an earthquake that
10 you felt in Long Island, would that have a deleterious effect on
11 this building?

12 MS. JOSEPH: Objection, Your Honor.

13 MR. FAVILUKIS: I'll rephrase.

14 ALJ STECURA: What's your objection?

15 MS. JOSEPH: The objection is as to the testimony
16 that the witness lives in Long Island. How does that affect
17 -- how does that relate -- the relevance to the building.

18 ALJ STECURA: Sustained. Can you please rephrase
19 the question?

20 MR. FAVILUKIS: I can -- I can -- thank you. But
21 the -- can I explain why it's relevant? We -- we have two --

22 ALJ STECURA: No, thank you.

23 MR. FAVILUKIS: I'll rephrase.

24 Q: Did that earthquake have a deleterious effect on this
25 building?

1 MS. JOSEPH: Objection, Your Honor. There was no
2 testimony if it refers to the witness observation the
3 earthquake in -- in this building, he observed it in Long
4 Island.

5 ALJ STECURA: Sustained.

6 MR. FAVILUKIS: I -- I -- I'm not sure the -- the
7 witness inspected this building after the earthquake
8 occurred.

9 ALJ STECURA: So bill -- so work that into your
10 question.

11 MR. FAVILUKIS: So I thought that's how I -- that's
12 -- I thought that's what I did.

13 Q: Did -- did you inspect the building after the earthquake
14 occurred?

15 A: Yes.

16 Q: Okay. And how did the earthquake affect the building?

17 MS. JOSEPH: Objection, Your Honor. The witness
18 did not testify as to observing the building or inspecting
19 the building before the earthquake. So he is not qualified
20 to speak to how it affected the building. He doesn't know
21 how it was before.

22 ALJ STECURA: Sustained.

23 Q: Okay. The -- are you aware that earthquakes shake
24 buildings?

25 A: Yes.

1 Q: Okay. Did you -- did you find anything in this building
2 specific that made it immune from earthquakes?

3 A: Immune? No.

4 Q: No. Is this -- is this a normal 150-year-old building?

5 A: Well, like the condition --

6 MS. JOSEPH: Objection.

7 Q: Is there anything special about this building that you
8 hadn't seen in other buildings that would protect it from
9 earthquakes?

10 MS. JOSEPH: Objection, Your Honor. I mean, the
11 relevance as to what he had seen in other buildings is a
12 generic question.

13 ALJ STECURA: I am going to sustain the objection.
14 I'm going to ask Counsel to rephrase his question.

15 MR. FAVILUKIS: Is there something -- I'm -- I'm
16 sorry, Your Honor. I'm -- I'm trying to think.

17 ALJ STECURA: Okay. Take a moment.

18 MR. FAVILUKIS: Thank you.

19 Q: Did you hear any of the tenants mention the earthquake
20 to you when -- during any of your inspections?

21 A: Not that I recall.

22 Q: Did you speak about the earthquake with Philip Ing?

23 A: I mentioned that that could have made the condition
24 worse of what we saw downstairs, yes.

25 Q: What did Philip Ing tell you?

1 A: He agreed -- he agreed that there -- there're structural
2 issues with the building and an earthquake is -- basically damages
3 it more, right, she rattles it up, shakes it up, and loosens up
4 any connections that are already weakened or -- or beam pockets
5 that already compromised. It -- it -- it -- it shakes up the
6 whole assembly of -- of the -- of the structure.

7 Q: The -- the earthquake --

8 A: The earthquake.

9 Q: -- shakes the building and rattles the conditions that
10 are already weak?

11 A: Correct.

12 MS. JOSEPH: Objection.

13 MR. FAVILUKIS: Okay, I'll move on.

14 Q: Had you ever worked with Michael before to this
15 building?

16 A: Michael, no.

17 MR. FAVILUKIS: Okay. I have nothing further.

18 ALJ STECURA: Nothing further. All right, I'm
19 going to -- we're going to take a break before cross-
20 examination. It's 11:53. I'm going to ask that we come back
21 at -- sorry, it's 10:53. I'll ask that we come back at
22 11:15. And sir, your testimony is still in progress. You
23 may not speak to anyone regarding your testimony. Do you
24 understand?

25 MR. SZTUKOWSKI: Yes.

1 ALJ STECURA: All right, I'm going to pause the
2 record and we'll come back at 11:15.

3 MR. FAVILUKIS: Thank you, Your Honor.

4 MS. JOSEPH: Thank you, Judge.

5 [OFF THE RECORD]

6 [ON THE RECORD]

7 ALJ STECURA: Okay. It's 11:17 AM and HPD is going
8 to cross examine the witness, but before they do so, Ms.
9 Joseph, could you state who's sitting at Counsel's table with
10 you today?

11 MS. JOSEPH: Yes, Your Honor. Ms. Julia Ramoni
12 (phonetic) from HPD is sitting on the Counsel table to -- for
13 the limited purpose of taking notes during today's testimony.

14 ALJ STECURA: Thank you.

15 MS. JOSEPH: Sure.

16 ALJ STECURA: All right. You may inquire.

17 MS. JOSEPH: Thank you.

18 **CROSS EXAMINATION OF MR. SZTUKOWSKI**

19 **BY MS. JOSEPH:**

20 Q: Good afternoon. Is it afternoon? Good morning. Sorry.
21 I wanted to ask you about the reports that you filed. You -- you
22 testified you filed several reports with DOB after the August
23 violations as you were required?

24 A: Correct.

25 Q: Okay. And -- and as far as the emergency repair order,

1 the order that ends in 657, I mean, it's called control number, or
2 I call it violation number. The -- the shoring -- the temporary
3 shoring, that was done fairly quickly after August 14th, correct?

4 A: Correct. Correct.

5 Q: That was actually done in one day, right?

6 A: No. We submitted the drawings within 24 hours for their
7 -- for DOB's review, they approved it. And then -- I believe that
8 was a -- a week -- a Friday, so we had to order material. The
9 material -- both of the material arrived, but work didn't start
10 until the following Monday.

11 Q: Right. But --

12 A: So it was done within a couple -- few days later, yes.

13 Q: Right. No, I'm asking -- my question was not as far as
14 what you've had to do before the work, but the work itself was
15 done in one day, the shoring?

16 A: Oh, I'm sorry.

17 Q: That's okay.

18 A: Was it done in one day? Yes, yes. Correct. Correct.

19 Q: Okay. So it was completed in one day fairly quickly
20 after the violation for the shoring, right?

21 A: Yes.

22 Q: And I think you testified that you personally supervised
23 it as -- as -- as -- let me go to the violation --

24 ALJ STECURA: Which exhibit are you referring to,
25 Counsel?

1 MS. JOSEPH: I'm looking at -- well, I'm looking at
2 Exhibit C, Your Honor. The -- and I'm referring to violation
3 number that ends in the 341657, Your Honor.

4 Q: So with regard to the emergency shoring, it says that it
5 should be done under supervision of an engineer, New York State
6 engineer. And -- and you testified that you did supervise that
7 work, right?

8 A: Yeah, because I was familiar with the conditions, so I
9 was there to supervise full-time.

10 Q: Okay.

11 A: Correct. They needed -- they needed to be supervised by
12 -- by -- by an engineer full-time.

13 Q: Okay. And the DOB violation is o -- is ordering the
14 Respondent, Mr. Geylik, to hire a licensed general contractor to
15 shore up the building, right?

16 A: Correct.

17 Q: Right. And so were you aware that one of the tenants,
18 Mr. Chlapek, did some of the showing in the building and he's not
19 a licensed contractor?

20 A: I -- I -- I'm not quite sure. I know that shoring was
21 built in the building, yes.

22 Q: Were you aware that Mr. Chlapek did shoring is the
23 question.

24 A: I believe someone did assist with that, yes.

25 Q: Right. You believe that he assisted with that shoring?

1 A: Correct.

2 Q: Right. And that was not what DOB ordered, right?

3 A: Well, DOB want -- needed -- the work needed to be done
4 by a general contractor, correct.

5 Q: Right. And do you know Mr. Chlapek is not a general
6 contractor? He's not certified in such a -- such title at all?

7 A: I -- I -- I'm not aware if he's a contractor or not.

8 Q: Okay. Okay. So in that respect, there was a departure
9 from what the -- the -- the -- what was ordered in that violation,
10 right?

11 A: In the 64 -- sorry, 657, you're referring to?

12 Q: Right. That was a departure from what was ordered in
13 that violation, right?

14 A: The shoring work was done by a general contractor,
15 correct.

16 Q: Right. My question is --

17 MR. FAVILUKIS: Objection, Your Honor. It -- it
18 was asked and answered several times. Three times I counted
19 it.

20 MS. JOSEPH: It was not responsive, the answer.

21 ALJ STECURA: Overruled.

22 MS. JOSEPH: Thank you.

23 Q: So my question was, with respect to Mr. Chlapek doing
24 some of the shoring as you -- as you testified, who is not a
25 general contractor; that was a -- that was a departure from what

1 DOB ordered in this violation, right?

2 MR. FAVILUKIS: Objection, your -- objection, Your
3 Honor. The DOB does not order specific individuals to
4 perform work. The order states general contractor, it is an
5 entity. A general contractor is not Jack Smith, --

6 ALJ STECURA: overruled.

7 MR. FAVILUKIS: -- Joe Johnson.

8 ALJ STECURA: Overruled. You may answer

9 A: I believe there was ass -- assistance with the work,
10 correct.

11 Q: Right. So that -- because the viola -- DOB violation is
12 ordering the owner to hire a general contractor under -- under
13 supervision of an engineer, having a tenant, Mr. Chlapek, who's
14 not a general contractor assist with the work was a departure from
15 this order, right? It's a yes or no question.

16 A: If -- if he was hired by the general contractor to do
17 it, then -- then he would be part of that umbrella of work.

18 Q: Right. But if he wasn't hired by the general contractor
19 --

20 MR. FAVILUKIS: Asked and answer. Ob -- objection,
21 Your Honor. He -- he just said it. He -- he just said if
22 Mr. Chlapek was part -- hired by the general contractor --

23 MS. JOSEPH: Right. I hear that.

24 ALJ STECURA: Stop.

25 MR. FAVILUKIS: -- then he would be under the

[11:23:17]

[01:38:44-1]

1 umbrella --

2 ALJ STECURA: Stop. You need to bring your tone
3 down, Mr. Favilukis. I am going to sustain the objection;
4 you can ask a different question.

5 Q: Okay. Given that Mr. Chlapek was asked to do the work
6 by Mr. Geylik, was not --

7 MR. FAVILUKIS: Objection, Your Honor.

8 ALJ STECURA: She has not finished her question.
9 If you keep objecting, then I'm going to have to ask you to
10 leave --

11 MR. FAVILUKIS: I understand.

12 ALJ STECURA: -- and ask your co-counsel to take
13 over.

14 MS. JOSEPH: Thank you, Your Honor.

15 Q: So let me reiterate your answer as I recall it. You
16 said if he was hired by the general contractor, then it would not
17 be a departure.

18 A: Correct.

19 Q: So my question is, if he indeed was hired by Mr. Geylik,
20 who is not a general contractor, would that then be a departure
21 from what DOB ordered?

22 MR. FAVILUKIS: Objection, Your Honor. Ms. Joseph
23 does not know whether Mr. Geylik is a general contractor.
24 Nothing in the testimony addresses that. I believe the
25 question was asked and answered, but --

1 ALJ STECURA: I'm going to sustain the objection on
2 the basis that it's speculative. You can ask the witness
3 what he knows regarding this event.

4 Q: Do you know Mr. Chlapek to be a general contractor?

5 A: I -- I don't know him --

6 Q: Do you know that he was hired by a general contractor?

7 A: I don't know.

8 Q: Okay. Do you know if Mr. Geylik is a general
9 contractor?

10 A: I don't. He's the building -- he's the building owner,
11 that's what I know.

12 Q: Right. My question was, is he a general contractor?
13 That's a title.

14 A: To the best of my knowledge, I -- I -- I don't think so.

15 Q: Okay. Thank you. Okay. so you testified that -- I
16 wanted to clarify that issue. You testified that you walked to
17 the building with Philip Ing from DOB prior to the date that the
18 violation was issued -- prior to August 14th?

19 A: Correct.

20 Q: Right. And the violation came after, based on that
21 walkthrough?

22 A: Correct. The two violations, yes.

23 Q: The two violations, sorry. Right. And you described
24 the condition that you observed as dire?

25 MR. FAVILUKIS: Objection, Your Honor. That's not

1 the word he used.

2 MS. JOSEPH: Let's see. I'll have a look at my
3 notes.

4 MR. FAVILUKIS: He said alarming.

5 ALJ STECURA: Counsel, can you rephrase.

6 MS. JOSEPH: Yes, Judge.

7 Q: So you described the conditions that you saw, your
8 observations, as alarming; is that right?

9 A: Alarming, yes.

10 Q: Okay.

11 A: Correct.

12 Q: And -- and you -- I believe you testified that Mr. --
13 Mr. Ing described to you that he also thought those -- those
14 conditions were alarming?

15 A: Correct. We were in the same room together when we
16 looked at the condition in the ceiling, and we both said, this is
17 -- you know, this is a serious condition.

18 Q: Right. And you -- you -- I'm -- just to clarify. You
19 testified about a condition you -- you saw on the 2nd floor
20 cracked beam; is that right?

21 A: Yes.

22 Q: 2nd floor. Okay. And the violation that was issued
23 with regard to the emergency work order, the one that is ending in
24 657, that references -- okay. I'm sorry. I -- I -- I -- I take
25 that back. So that happened -- what -- how close to August 14th

1 did that walkthrough happen with Philip Ing?

2 A: The first walkthrough with Philip Ing was, if I recall,
3 on the same day, and then he issued a violation that same evening.

4 Q: Okay. So it occurred on August 14th, the same day that
5 the violation was issued?

6 A: Yes. If recall --

7 Q: Violations --

8 A: -- if I recall, he issued them the same evening.

9 Q: The same evening?

10 A: Later -- later that day.

11 Q: I -- I get it. Okay.

12 ALJ STECURA: Okay. So I'm going to ask, let him
13 finish, you let her finish. Otherwise, the transcript's
14 going to be very messed up.

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

16 Q: During that walkthrough with Mr. Ing, did you enter any
17 of the vacant units in the building, at that point?

18 A: We -- the first walkthrough, correct?

19 Q: Yes.

20 A: The August 14th one? Did we -- I -- we did go up -- we
21 did go up the entire building, I believe we did enter the units
22 but there was not much to see at the time.

23 Q: Okay. So the units that you entered, were they some of
24 the units that later on probing took place at?

25 A: Yes, correct.

1 Q: So let me just be specific. I believe it's unit 2A. Do
2 you recall that unit?

3 A: Yeah. So I remember that 2A, yes.

4 Q: Okay.

5 A: So 2A, correct. Correct.

6 Q: Okay. 3A?

7 A: 3A would be above -- directly above 2A, I bel -- I
8 recall, yes.

9 Q: Okay. And do you recall on the 5th floor, 4C and 4A?

10 A: So 4A is, again on the left -- if you were looking at
11 the stairs, it's on the left. 4A is here, and which one? 4C?

12 Q: 4C.

13 A: I don't recall -- oh, yeah. 4C is this one here, yes.
14 Not 4D. 4 -- yes, correct. Because in those we saw the roof. We
15 saw the rafters, correct.

16 Q: I see. So you entered all these units before the
17 probing, right?

18 A: We en -- we just -- we -- they were vacant so we went in
19 just to see what's going on in those units.

20 Q: Right. And that was before the probing took place,
21 right?

22 A: Before probing took place, yes.

23 Q: Okay. Right. And so after you did your walkthrough
24 with Philip Ing, who's also an engineer from DOB, those two
25 violations were issued, right? The one that ends in 657, the one

1 that ends in 658, and that's Exhibit CC that you have in front of
2 you. And at that point DOB did not issue a vacant order for the
3 building, right?

4 A: At that point, no, they did not.

5 Q: No. And later on, I want to say in about November of
6 that year, DOB did not issue a vacant order, right?

7 A: On November, no.

8 Q: No. And you actually, in one of your reports, which I
9 believe is the one from November 15th, you urged DOB to issue a
10 vacate order, right?

11 A: Which date? Can you repeat the date, I'm sorry.

12 Q: November 15th.

13 A: In November 15th then you're referring to the November
14 11th --

15 Q: I take it back. I take it back. My bad. I believe it
16 was -- may have been November 25th.

17 A: Yes, that's the final report --

18 Q: Right.

19 A: -- we -- we issued to Phillip after he did the
20 walkthrough together with the -- with us the second time.

21 Q: Okay. So you urge DOB and you write about how
22 imperative it is that DOB issue a vacate order for the building,
23 right?

24 A: We -- we mentioned how, in my professional opinion, the
25 building is in an unsafe condition to be habitable, correct. And

1 we --

2 Q: My question was, you specifically -- I could pull the --
3 the -- I could pull the exhibit if you'd like.

4 A: Sure. Yes, please.

5 Q: Okay.

6 A: Yes.

7 MS. JOSEPH: Okay. I just wish that Counsel would
8 not nod to the witness. He just nodded to the witness.

9 MR. FAVILUKIS: Oh, I was just -- I wasn't nodding.
10 Okay.

11 MS. JOSEPH: He's letting him know something and I
12 don't think that's proper.

13 ALJ STECURA: So I -- honestly, I was taking notes
14 so I didn't observe that, but please refrain from making any
15 gestures.

16 MR. FAVILUKIS: No problem.

17 ALJ STECURA: Thank you.

18 MS. JOSEPH: Okay. Just a moment, Judge, I'm
19 trying to find -- I believe it's D4. I don't know if you
20 could pull it. I should have it somewhere in here, but let
21 me see if I have it here. Because it did say it was the
22 final report. Yeah, D4. Okay. There we go. Great.

23 Q: So I'll -- I'll show you your report, it's marked as
24 Respondent D4.

25 MS. JOSEPH: I don't know if you need a copy.

1 There's a copy here in case you want a copy, Your Honor.

2 ALJ STECURA: I do.

3 MS. JOSEPH: Okay.

4 ALJ STECURA: Is it in evidence?

5 MS. JOSEPH: Yes, it's in evidence, Your Honor.

6 ALJ STECURA: Thank you.

7 MS. JOSEPH: Correct me if I'm wrong, it is in
8 evidence, right?

9 MR. MESTOUSIS: I don't recall.

10 ALJ STECURA: Let me -- I -- I can check.

11 MS. JOSEPH: Sure. It's in evidence.

12 MR. MESTOUSIS: Yes.

13 ALJ STECURA: D4, yes, May 22nd.

14 Q: All right. And so you see the last paragraph from the
15 first page?

16 A: Yes, I do.

17 Q: Okay. And so that is your report, right, you wrote it?

18 A: Correct.

19 Q: Okay. And you wrote it for -- to Department of
20 Buildings, Forensic and Engineering Unit. "Attention, Mr. Phillip
21 Ing," right?

22 A: Correct. Correct.

23 Q: Okay. So do you see the last paragraph you were saying,
24 "For the safety of all residents, it's imperative that the upper
25 floors be vacated immediately to allow for the -- to allow for the

1 necessary repairs." So my question was after you have wrote that
2 to Mr. Phillip Ing in November 25th, 2024, DOB did not issue a
3 vacate order, right?

4 A: They did not.

5 Q: Okay. And as far as you know, to date, did DOB issue a
6 vacate order?

7 A: To the best of my knowledge, no.

8 Q: Okay. Now you testified that the purpose of the probing
9 was to see --

10 MS. JOSEPH: Just one minute, Judge. I'm just
11 trying to find --

12 ALJ STECURA: Should the witness put the exhibit
13 aside?

14 MS. JOSEPH: Yes, you could put the exhibit aside.

15 MR. SZTUKOWSKI: Okay.

16 MS. JOSEPH: I'm sorry, Your Honor.

17 Q: Let me go back to Exhibit C. You -- and that's the one
18 that ends in 658, right? It starts by, "Failure -- failure to
19 maintain the building in safe condition." It makes mention of a
20 cracked third foot header with inadequate connection to trimmer
21 which was supporting interior wall. Did you have an occasion to
22 observe that?

23 A: Yes. So he's referring to the same header I was
24 referring to when I said on the 2nd floor. So what I meant by 2nd
25 floor was we're standing on the 2nd floor looking at the ceiling,

1 so therefore we're looking at the -- we're looking at the 3rd
2 floor framing.

3 Q: I see. So when you testified before by your observation
4 with Phillip Ing from the 2nd floor, you were referring to the 3rd
5 floor header?

6 A: Correct. Because we was --

7 Q: Of observation?

8 A: Correct.

9 Q: I see. And so when you observed the 3rd foot -- the --
10 I'm sorry, the 3rd floor header, did you observe that there were
11 any prior repair done to that header?

12 A: I did not see that there was any type of repair done to
13 that header.

14 Q: Okay. And this violation was issued August 14, '24,
15 correct?

16 A: Correct, the date says that.

17 Q: And you testified it gave you, it -- it -- on the -- on
18 the violation itself it lists, "Full work to be done on October
19 14th, to be completed by -- by December 13, 2024," right, that's
20 on the bottom line?

21 A: Yes, correct.

22 Q: Okay. Now, you testified that -- I -- I withdraw that.
23 The per -- the permit for the correction of these conditions
24 wasn't filed for until January, 2025, right? You were -- you were
25 looking at the -- the permit for this work?

[11:35:47]
[01:51:14-1]

1 A: The -- the -- this permit in exhibit, yes, correct.
2 That was --

3 ALJ STECURA: okay. It -- let her refer to the
4 exhibits that she wants to direct you to. Thank you.

5 MR. SZTUKOWSKI: Sure.

6 Q: Right. So I'm going to refer you to exhibit --
7 actually, no, that's not the correct one. I'm sorry. Too much
8 stuff going on here. You were shown Exhibit F3, do you have that
9 over there?

10 A: Sure. Yes, I do.

11 MS. JOSEPH: Where is mine? Okay. Okay. And if I
12 look at these drawings, I'm trying to find it. This -- the
13 date, Your Honor. Oh, here it is.

14 Q: These were not filed until January, 2025, right?

15 A: The -- these are dated January 6th.

16 Q: 2025?

17 A: Correct. Correct.

18 Q: 2025, okay.

19 A: 2025.

20 Q: Right. And you testified that you -- there was -- the
21 delay was caused because you couldn't access the building, if I'm
22 correct or let me withdraw that. Why -- why -- why did you wait
23 close to six months or -- or so to file these permits for this
24 work?

25 A: So it took us a while to prepare these drawings because

1 we needed to get a better understanding of the condition of the
2 building on the upper floors. At that time, we only knew what the
3 condition was of the 3rd floor framing, or the ceiling of the 2nd
4 floor, where we did the temporary shoring work. So it just took
5 us some time to do a proper assessment of the building so that we
6 can develop drawings which are realistic for the situation to
7 present to DOB.

8 Q: So as part of your assessment was doing the probing in
9 the building?

10 A: As part of my assessment?

11 Q: Right.

12 A: Correct.

13 Q: Okay.

14 A: Not -- not -- sorry. Not doing the probing, inspecting
15 the probes.

16 Q: Inspecting the probing. I understand. And that didn't
17 happen until November sometime, correct?

18 A: If I recall, sometime November, yes.

19 Q: Yes.

20 A: Yes.

21 Q: So from August till November, still these three months -
22 - I mean, this is a di -- or alarming, I should say, I take it
23 back, situation. Why was it delayed three months?

24 A: We just didn't have the probes done in --

25 Q: Excuse me.

1 A: We -- we -- we did not have the probes done until
2 November.

3 Q: Right. Why?

4 A: We just needed to coordinate having the probes done in
5 the vacant units, so it just took some time to coordinate that to
6 happen.

7 Q: When you say coordinate, you are referring to the --
8 coordinate with the owner of the building?

9 A: Correct.

10 Q: Right. Because the units were vacant, right, you didn't
11 need to coordinate it with tenants, right?

12 A: We-- correct. We did not go into -- we did not do
13 probes in te -- in -- in occupied units.

14 Q: Okay. So although the condition was alarming, it took
15 three months to get to a point where you were able to do -- to
16 observe probing?

17 A: It took us up to November to -- to -- to do -- do the
18 probes and write the -- write our report to DOB.

19 Q: Okay. Now, as far as the probes, you testified that the
20 purpose of the probe was to see what is con -- what is the
21 condition of the beams and of joist and such, correct?

22 A: Yes, correct.

23 Q: Okay. You also -- before I go there, you also testified
24 that the condition of the exterior of the building was -- was as
25 such that bricks were -- can you -- can you tell me a little bit

1 about what your -- what your observation of the condition of the
2 exterior of the building was?

3 A: Yeah. So as -- as you make your way up the building,
4 the masonry -- the exterior masonry wall deteriorate more and more
5 as you go up the building to the point where you can -- on the
6 upper floors, in those upper vacant units, you can literally take
7 the brick and move it by hand.

8 Q: Okay. And as far as exterior work to the building, that
9 -- that wasn't held up because the certificate of no harassment
10 was suspended, right?

11 A: Can you repeat that? That the exterior --

12 Q: As far as doing work to the exterior of the building,
13 the work that the -- to -- to repair conditions you just
14 described, that work was not stopped because the certificate of no
15 harassment was suspended, right?

16 A: Well, that work was part of the -- the drawings that we
17 submitted; the -- the -- the repaired drawings.

18 Q: As far as the exterior of the building?

19 A: Correct. It's -- it's part of the procedure for means
20 and methods of repairing of the building.

21 Q: Okay. And, as far as you know, for repairing the
22 exterior of the building, there's no certificate of no harassment
23 needed, right?

24 MR. FAVILUKIS: Objection, Your Honor. That's not
25 this witness's expertise.

1 ALJ STECURA: If the witness knows, he may answer.

2 A: Not to my knowledge.

3 Q: Not to your knowledge. So if I tell you what are the
4 categories for which a certificate of no -- what are the
5 categories of work for which a certificate of no harassment is
6 needed, and I'm referring to New York City Administrative Code 28-
7 107.3 which designate what are the covered categories of work, the
8 type of work, which is; one, demolition of a single room
9 occupancy, multiple dwelling. Correcting the exterior of the
10 building is not demolishing the building, right?

11 MR. FAVILUKIS: Same -- same objection, Your Honor.
12 This witness is not an expert in the New York City
13 Administrative Code.

14 ALJ STECURA: I understand. Overruled.

15 MS. JOSEPH: Thank you.

16 Q: So correcting the exterior of the building, repair to
17 bricks that are, as you described, could come off, does then --
18 that does not entail demolition of a single room occupancy
19 building, right?

20 A: Well, the -- the -- the repair work would happen from
21 both sides, mainly from the interior side, actually.

22 MS. JOSEPH: Right. Judge, may I show the witness
23 the statute? It'll be easier if we -- he could see the
24 categories that I'm tal -- that I'm listing and I'm asking
25 about.

1 ALJ STECURA: No.

2 MS. JOSEPH: Okay. That's fine. I --

3 ALJ STECURA: If you want to mark it as an ex --
4 well, no. Actually, no.

5 MS. JOSEPH: Okay, Judge.

6 Q: So my question was strictly for the outside of the
7 building, not from the inside and the outside, just the exterior
8 part of the building, the condition you just described, right,
9 that does not entail -- you don't need to demolish the building in
10 order to correct -- to do the pointing in order to correct the
11 exterior, right?

12 A: From the exterior you can work -- build up scaffolding
13 or work from the exterior, correct. However, re -- just point --

14 Q: That's -- that's -- that's what I --

15 ALJ STECURA: Let the witness finish.

16 A: However, re -- pointing just from the exterior is not
17 sufficient enough to -- to completely repair the walls.

18 Q: Okay. But it'll be sufficient as far as re -- repairing
19 the exterior of the building? In other words -- I'll -- I'll
20 withdraw my question. As far as the part of the repair that would
21 -- you know, that would entail repointing of the exterior part of
22 the building, right, that -- that part could be done with -- I
23 guess, you had said with scaffolding to the exterior of the
24 building?

25 A: You -- you can repoint the exterior from the exterior,

1 correct.

2 Q: Okay. And --

3 MR. FAVILUKIS: Your Honor, I'm -- I --

4 ALJ STECURA: There's no question pending.

5 MR. FAVILUKIS: No, it's with respect to the
6 proceeding question and the line of questioning. The witness
7 is testifying not about ex -- the witness is testifying not
8 about -- testified, on direct, not about exterior pointing,
9 but the structural composition of the building. He has said,
10 in response to several questions, that most of the work is
11 interior, yet the last three questions have all been about
12 exterior pointing.

13 ALJ STECURA: You don't have to point your finger
14 at me.

15 MR. FAVILUKIS: Sorry, I apologize.

16 ALJ STECURA: And you did ask on direct about the
17 masonry.

18 MR. FAVILUKIS: Yes.

19 ALJ STECURA: And about -- and the witness
20 testified about the brick, so Counsel is able to now ask
21 questions about that.

22 MR. FAVILUKIS: Thank you, Your Honor.

23 Q: Mr. Sztukowski; is that correct?

24 A: Yes, correct.

25 Q: Okay. So you could point -- you could point the

1 building from the exterior of the building to correct loose
2 bricks. That would not entail alteration of any single room
3 occupancy unit within the building, right? That's separate from
4 that?

5 A: You can repoint from the exterior, any loose bricks.
6 However, the walls of this building are 3, 4 -- 3 wide thick,
7 which is three layers of brick, so you're only doing a third of
8 the work --

9 Q: Okay.

10 A: -- from the outside.

11 Q: Thank you. So you -- when you do the third of the work
12 from the outside, as I said, the question is, you're not altering
13 any in -- any units on the inside by doing the work on the
14 outside, correct?

15 A: Correct.

16 Q: Correct. And you're not adding or removing any
17 bathrooms or kitchens by doing the work outside, right?

18 A: Correct.

19 Q: Okay. Right. And as far as the deterioration of the
20 exterior of the building, that is -- that was part of your
21 observation as far as the general deterioration state of the
22 building, right?

23 A: Yes. But --

24 Q: Okay.

25 A: But mainly interior -- oh.

1 ALJ STECURA: Is there a question pending? No.

2 Q: Okay. So you testified for exploratory probing, there's
3 no need for a permit, right?

4 A: Correct.

5 Q: Okay. Now, for that exploratory probing that you do not
6 need a permit for, that is for temporary probing, right?

7 A: Correct. It's for -- it's -- it's the probe to see what
8 the condition of the structure is.

9 Q: Right. And in order for it to be temporary, it means
10 that after you do your probe, the condition is put together as it
11 was? The condition -- I withdraw that. The -- the -- the
12 condition -- the areas probed are sealed?

13 MR. FAVILUKIS: Objection. There's no question.

14 MS. JOSEPH: What?

15 ALJ STECURA: Okay. Can you please ask a question.

16 MS. JOSEPH: Right.

17 Q: When exploratory probing is temporary, that means that
18 after the probing, the area is sealed back the way it was.

19 MR. FAVILUKIS: Ob -- objection, Your Honor.

20 Again, no question and merely a summary of Ms. Joseph's
21 opinions, I think, as to exploratory probing.

22 ALJ STECURA: Can you rephrase your statement into
23 a question, please.

24 Q: Okay. In order for exploratory -- exploratory opening
25 or probing to be temporary, as far as you know, what has to be

1 done after the -- to the probing ar -- to the area probed after --
2 after the probing?

3 MR. FAVILUKIS: I object, Your Honor. That's a
4 speculative, I think, that we covered in the direct that
5 probing is different at different properties it requires
6 different things.

7 ALJ STECURA: Overruled.

8 Q: In order for probing to be temporary, right, what needs
9 to happen after the probing is done with regard to the probed
10 areas?

11 A: The -- the area either has to be closed off or it has to
12 -- or the -- the -- the -- the probed area has to be covered off.

13 Q: Okay. Thank you. And are you familiar with the
14 regulation that states that if a probed area is not closed off and
15 remains open, that's no longer temporary probing?

16 A: I -- I -- to my knowledge, as long as the -- the -- the
17 area or the room, in this case, is closed off, it's -- it's --
18 it's -- the -- the -- the probe is closed off.

19 Q: Okay. So -- so when you testified that the probing --
20 probed areas have to be closed off, you mean the room has to be
21 closed off, not the area of where the probe took place?

22 A: Well, the -- the -- the -- yes, you cannot have anyone
23 access the room because the -- it's -- it's an unsafe, it's --
24 it's -- you -- you have no floor -- there is no subflooring there
25 or -- or ceiling there, correct.

[11:49:35]
[02:05:02-1]

1 Q: Right. And are you familiar with the fact that if a
2 probing remains open and uncovered or unsealed, that is no longer
3 temporary, that is considered permanent?

4 MR. FAVILUKIS: Objection, Your Honor. That's the
5 same question that was asked. It was answered. Mr.
6 Sztukowski said if it's closed off, it's appropriate.

7 ALJ STECURA: Sustained.

8 Q: So, in your opinion, when a room is closed off, the
9 probed areas, where there's floor removed or walls removed, have
10 been sealed or considered to be sealed or covered up?

11 MR. FAVILUKIS: Objection, Your Honor. That's
12 speculative. Ms. Joseph objected to nearly identical
13 questions by me.

14 ALJ STECURA: I'm going to sustain the ob --
15 objection on the fact that it's been asked and answered.

16 MS. JOSEPH: Okay, Judge.

17 MR. FAVILUKIS: Thank you, Your Honor.

18 Q: Now, you testified that in order, again, to do -- you
19 did probe in order to assess the joist and the columns of what's
20 behind the walls, right?

21 A: There was no columns in the building, but yes, correct.

22 Q: What -- what is it that you can see once you remove the
23 wall, right?

24 A: We didn't remove any walls; we just removed the -- the --
25 -- we exposed the framing and the -- the -- the -- the -- exposed

1 the masonry.

2 Q: Right. And what about flooring? Did you remove any
3 flooring?

4 A: The flooring, mainly the ceilings, were removed.

5 MS. JOSEPH: Right. Can I -- with that respect,
6 Judge, I'd like to -- I'd like to show the witness
7 Petitioner's 11 with regard to his answer about flooring.

8 ALJ STECURA: You may.

9 MS. JOSEPH: Thank you, Judge. Do I have 11? I
10 may have it. Okay. I have it. I got it. I have it.

11 ALJ STECURA: I have my copy.

12 MS. JOSEPH: Thank you, Judge.

13 MR. SZTUKOWSKI: Thank you.

14 Q: I'll direct you to the particular pages.

15 A: Okay. So can you look at page 10, it says numbers on
16 the top, I believe.

17 A: Okay. Yes, I see the numbers now.

18 [OFF MIC CONVERSATION]

19 ALJ STECURA: I think your co-counsel is missing a
20 copy. Do you have a Petitioner's 11?

21 MS. JOSEPH: Oh. Oh, I'm sorry. Yeah, we -- we
22 have another copy. We should be able to give counsel a copy.

23 [OFF MIC CONVERSATION]

24 MS. JOSEPH: I just want to make sure you have all
25 the pages in here because it's not sticking. 27 and I have

1 27. Yeah, okay. There you go.

2 Q: So you look -- are you looking at page 10?

3 A: I'm looking at the page -- there's a 10 at the bottom,
4 yes, correct.

5 Q: Yeah. There is a 10 at the bottom, right below the item
6 -- the date, right?

7 A: Yep, exactly.

8 Q: So you see there the floor is removed to the point that
9 you see the floor below, I mean, the room below, right?

10 A: Yes.

11 Q: Yeah. So as far as the extent of this probing, right,
12 when you remove the floor altogether, what is it that you could
13 see other than the room below?

14 A: Well, when you remove the floor altogether, if I recall,
15 I think this is unit 2A.

16 Q: Probably, yes.

17 A: So if I recall, this -- this unit had like a built-up
18 floor as well. Originally, when you open the door, you have to
19 step up to the floor, so there was some kind of built-up floor
20 there. It looks like -- yeah, that was -- that was partially
21 removed to expose the top of the joists. Basically, to see the
22 condition of the joists to see if there's any bridging or blocking
23 of the joists, which is numbers that -- that are supposed to brace
24 the joist laterally. And to just see the full extent of -- of
25 these joists, just make sure there's no severe condition that's

1 observed like we did up on the floor below.

2 Q: Right. But at the point that you don't see anything
3 anymore but -- you don't see any joist, am I right, at the point
4 where you see the -- the room below, there's nothing left to
5 observe, right?

6 A: In photo 10, yes.

7 Q: Yes.

8 A: In photo 10, I -- I just see one floor joist underneath
9 the plywood; a -- a portion of it.

10 Q: Right. And I'm -- I'm referring you di -- specifically
11 to the areas -- to the right and to the left of that floor joist.
12 That is removed to the point that you don't see any -- any parts
13 of this room anymore, correct?

14 A: I don't think I understand when you say -- which part of
15 the room do I not see?

16 Q: The part of the room that you see here that is part of
17 the room below it.

18 A: Okay. Yes. Below, yes.

19 Q: Right. So you just see below it, but you don't see any
20 part of this probing anymore, right? That -- that part has been
21 totally removed, right?

22 A: The -- the -- the ceiling was removed below, yes, to --
23 to see below.

24 Q: Right. So the ceiling was removed below and the floor
25 was removed in 2A so you could see through?

1 A: Yes, like this picture shows.

2 Q: Yes. Okay. And if you look at page 18, do you see, as
3 far as the ce -- oh, sorry, not the ceiling, the floor, there is
4 no further joists or any structural elements remaining, but you
5 could see through to the floor below, right?

6 A: You can see through to the floor, but I think there is
7 structural elements there. There's -- there's -- there'll be
8 floor joists there.

9 Q: There's a floor joist that goes through, like in the
10 middle of the picture?

11 A: Yeah. So in the middle of the picture, you see like a
12 very light --

13 Q: Yes.

14 A: -- timber, that's usually like a nailer that you can use
15 to nail the floor -- subfloor into, so below that should be a
16 floor joist that's like a darker color, darker tone.

17 Q: Right. But we don't see that in this picture, right?

18 A: You don't because of the angle of the photo, I guess.

19 Q: Okay. Well, I see piping; is that right? Is that what
20 you see?

21 A: You mean like the -- to -- to both sides of the joist?

22 Q: Yes.

23 A: No, that's -- that's like cross-bridging.

24 Q: Cross-bridging. Okay.

25 A: That should be like a -- uh-huh, cross-bridging like

1 this, that braces the joist laterally.

2 Q: Okay. And the subfloor and floor has been removed in
3 this picture -- according to this picture?

4 A: In -- in this picture, in this location, yes.

5 Q: Yes, in this location. And like you see a little
6 lighted area to the right of it, that is -- that area is -- is --
7 again, is exposed to the room below, right?

8 A: Yes.

9 Q: Yes. Okay. Now, you had written in one of your reports
10 that -- I believe it was the next to last one. Let me just see
11 here. That the walls were literally hanging off the -- the
12 subfloor. Do you recall that report?

13 A: I think I meant the joists were hanging off the
14 subfloor.

15 Q: Let me see if I have it, it's Exhibit D3. You can put
16 that exhibit down.

17 A: Okay.

18 Q: Let see if I have that. Yes, I do have D3.

19 ALJ STECURA: I have my D3 copy.

20 MS. JOSEPH: Okay.

21 ALJ STECURA: Thank you.

22 MR. SZTUKOWSKI: Thank you.

23 MS. JOSEPH: Do you need the copy? Okay.

24 Q: So let me look -- show you the -- it's the first page.
25 I believe it's -- let's see, the first page from the bottom two --

1 two lines. Let me see here. Yes, you see insufficient bearing of
2 floor joists. You see under item 4, right?

3 A: Yes, I do. On the first page.

4 Q: It says, "There are also floor joists, especially on the
5 upper floors, which do not have sufficient bearing in the beam
6 pockets or lack bearing and are just supported by the subfloor to
7 which they're fastened and hang off of." So removing the -- the
8 subfloor to a unit, as we just saw, could affect the -- the
9 stability of, according to what you -- what you were writing in
10 this report, right?

11 A: It depends on -- it depends on the joist condition.

12 Q: Right. And so in the -- in the room 2A, did you find
13 the joist condition to be perfect?

14 A: Nothing was perfect in this building; however, I don't
15 recall that in 2A we had the compromised beam pockets. I have to
16 double -- I would have to refresh my memory on that exact unit.

17 Q: Right. Well, let's look at page -- I think you were
18 mentioning unit 2A in page -- the same exhibit you have, page 36
19 and -- and, I believe, page 37. So you see how, on the bottom
20 left, there's a diagram and says unit 2A?

21 A: Yes. Yes, I do.

22 Q: Right. So you're saying the -- the -- the joist that's
23 sloping towards the middle of the building and also pull on the
24 scratch chimney header, such a framing condition is not safe and
25 hazardous, do you see that?

1 A: Correct.

2 Q: Yeah. And the same for photo 31 on the next page. So
3 if that was the condition of the joist, removing the subfloor
4 could affect the stability of that room?

5 A: Well, this is referring to a condition now where the
6 joist meet the -- the -- the -- the chimney breast header, which
7 is the header that frames out the chimney. So re -- removal --
8 removal of the flooring to -- to investigate that condition, the --
9 -- these joists, they do have bearing on the header, it's the
10 header itself that -- that -- that's cracked. The header that
11 that would -- it's -- that we're pointing to in this photo with
12 the red arrow, that's the -- that's the piece that's compromised.

13 Q: Okay. And you stated, now you said to investigate, so
14 when you say investigate, you mean to look at the condition and
15 what -- what has to be done and after the investigation in order
16 to -- in order to complete the -- the probed areas?

17 A: Basically, when I mean, investigate, I mean, to get a
18 better understanding of the existing condition so that we can then
19 develop proper drawings on how to repair this building --

20 Q: Right.

21 A: -- as per the other control number.

22 Q: I understand. And after you investigate, what has to
23 happen to that floor?

24 A: After you investigate, you have to close off the area.

25 Q: Okay. Now, you testified that you were in the building,

1 or based on your testimony, that you filed a report with DOB, you
2 were in the building in September of 2024, right?

3 A: I was in the building of -- yes, that was in order to
4 write this report. Correct.

5 Q: Right. And -- right. Well, this report is dated
6 November. I am referring you to the first report from September
7 20th. Do you recall that report?

8 A: From September 20th, I do not at this moment.

9 Q: You do not. Okay. Let me just see.

10 ALJ STECURA: Should the witness put that exhibit
11 aside? D3?

12 MS. JOSEPH: For now, yes. Yes, definitely.

13 [OFF MIC CONVERSATION]

14 MS. JOSEPH: Let me show you what -- Exhibit D2,
15 which is your report from September. I'm referring to the
16 last page.

17 MR. SZTUKOWSKI: Okay.

18 MS. JOSEPH: Your Honor, you have that --

19 ALJ STECURA: I have a copy. Thank you.

20 MS. JOSEPH: Okay. Thank you.

21 Q: So if we are looking at the last page and -- this report
22 before I -- I ask you the question, that one you filed in
23 September, right?

24 A: September 20th, yes.

25 Q: Right. And you said that you conducted an inspection

1 and you -- right --

2 A: So --

3 Q: You made -- I'm sorry, there's no question. You -- you
4 made certain findings and you attached pictures to this report,
5 right?

6 A: Correct. We were required -- we were required to
7 inspect the -- the shoring that was done. So we went back a month
8 later to inspect the shoring, make sure everything was still
9 there. And -- and at the same time we started doing small probes
10 where we could to -- to get a better sense of understanding the
11 condition of the building on the upper floors.

12 Q: Right. So if you look at page 7, photo 9, do you see
13 that photograph?

14 A: Yes, I -- yes, I do.

15 Q: And that was from September, right? 2024?

16 A: Let's see. Correct.

17 Q: Correct. And if you look at your -- you still have D3
18 there, right? If you look at D3 on page, I believe it's 36 or 37.
19 Let me see here. It's 37, right?

20 A: Yes.

21 Q: So now we are going from September 2024 to November '24,
22 and we have that same picture here, right?

23 A: Correct.

24 Q: Do you see that?

25 A: Correct. Similar condition.

[12:03:57]
[02:19:24-1]

1 Q: Yeah. And you're aware that -- you're aware that HPD
2 was -- inspected the building in March of 2025?

3 A: I'm aware that there was some of -- some inspection,
4 yes.

5 Q: Right. Do you know whether those areas were sealed at
6 that point?

7 A: I would have to say they were, but I was not there.
8 Yeah.

9 Q: Okay. So the pictures that I just showed you, I think
10 it was Exhibit 11, which you may still have there, the pictures we
11 looked at of room 2A, do you see the date of that picture?

12 A: You're talking about Exhibit 11, yes?

13 Q: Exhibit 11. I'm sorry.

14 A: Okay, one second.

15 Q: Thank you.

16 A: Which picture, I'm sorry?

17 Q: It was picture number 10 and number 18. Do you see the
18 date of those pictures?

19 A: Yes, I do see the dates.

20 Q: Right. So in March of '25, those areas were still
21 exposed, as you see in this picture, right?

22 MR. FAVILUKIS: Objection, Your Honor. These are
23 photos taken by the HPD investigator for whom these door --
24 these units have to be unlocked. This exhibit is the
25 photographs taken by Investigator Sequinot, I believe.

1 ALJ STECURA: Overruled.

2 Q: Okay. So at this point in March, 2025, these areas we
3 see in the pictures are still exposed, right?

4 A: The -- the -- the condition you see in the photo, I
5 would be -- would be representative of the condition at the time,
6 yes.

7 Q: Okay. And so -- and would you have any knowledge as --
8 as to violations that were issued in that unit, specifically that
9 unit 2A in June, 2025 for broken floor?

10 A: No.

11 Q: No. Let me show you those. That's 38. Let me see. I
12 may have some more here.

13 [OFF MIC CONVERSATION]

14 MS. JOSEPH: It's Petitioner's 38. I don't know
15 how many copies. Do -- do -- do you have any copies or do I
16 have to furnish copies?

17 [OFF MIC CONVERSATION]

18 MS. JOSEPH: Your Honor, do you have a copy?

19 ALJ STECURA: I have my copy. Thank you.

20 Q: I'm going to show you what's entered as Exhibit 38, and
21 I'll refer you page -- so it's page 2. Do you see the -- it says
22 story 3, apartment 2A, the third from top. Do you see that?

23 A: Is it page 204 on the bottom? This one? Oh, or the
24 second page of the --

25 Q: 204. Yes, 204. It's the three -- the third column from

1 the top. Right. And it says apartment 2A, or APT 2A, right? And
2 you see the date is June 25th, 2025?

3 A: Yeah, 2A. It says a -- apart -- APT 2A, and then date
4 reported 6/25/25.

5 Q: Correct. And it's -- the description is, and I'm
6 paraphrasing, it says, "Repair with similar material the broken or
7 defective wood floor located at room 2A," right? So according to
8 this violation, at that time, the floor at 2A was still broken,
9 right?

10 A: This date was 6 -- I would -- I mean, this was taken --
11 this -- this was 6, that photo was in 3. But I would say the
12 condition hasn't changed.

13 Q: Okay. Thank you. And as far as in -- you see the one
14 below it, it says, repair the broken defective plastered surfaces,
15 walls and ceiling. Do you recall that the walls and ceiling were
16 the -- the condition of the plaster in the pictures we saw of the
17 floors and ceiling?

18 A: Was I aware of the condition?

19 Q: Right. As you saw it in September and then in November?

20 A: Correct.

21 Q: Okay. And so, according to this violation in June '25,
22 the walls and the ceiling still required -- warranted issued
23 violation for repair, broken and defective plastered surfaces,
24 right? At the walls and ceiling?

25 MR. FAVILUKIS: Objection, Your Honor. These

1 violations are of the housing maintenance code. Mr.
2 Sztukowski is a professional engineer who specializes in the
3 building code. These are two completely different standards.

4 MS. JOSEPH: Oh, Judge, if I may respond, I'm
5 asking him about his observations, not about the code, about
6 broken ceiling or whatever the description is of plaster --
7 plaster in the room -- in the ceiling and walls of that room.

8 ALJ STECURA: Okay. So can you just limit your
9 questioning then to his observations?

10 MS. JOSEPH: Yes.

11 ALJ STECURA: Thank you.

12 MS. JOSEPH: I thought I did.

13 Q: So I would ask as far as your observations from prior to
14 June 25 of the bulk of the plastered surfaces of the walls and
15 ceilings in room 2A, on -- on June 25th, 2025 the condition of
16 broken or defective plastered services of the walls and ceilings
17 was still existing, right?

18 A: Of that unoccupied room, yes.

19 Q: Okay. Now, do -- are you aware when did Mr. Geylik
20 purchase this building at all?

21 A: I'm not aware.

22 Q: Okay. Would you be surprised if I tell you it was
23 purchased in June, 2021?

24 A: No, I wouldn't be.

25 Q: Okay. So as far as the conditions that you observed in

1 August with Engineer Philip Ing --

2 ALJ STECURA: August of 2024.

3 MS. JOSEPH: 2024. I'm sorry, Your Honor. Thank
4 you. Thank you.

5 Q: Your testimony was that these conditions took a long
6 time to occur, right?

7 A: Yes.

8 Q: You said something like the neighborhood of 50 years?

9 A: Plus.

10 Q: Plus. But as far as the timeframe of -- of when Mr.
11 Geylik owned the building, as far as your observations, those
12 conditions were still there, right?

13 A: Before he owned the building.

14 Q: Before he owned the building?

15 A: I would say, correct.

16 Q: And after 2021?

17 A: Yes.

18 Q: Yes. And in 2022?

19 A: Yes.

20 Q: And 2023?

21 A: Uh-huh.

22 Q: Right. And -- and March, 2024?

23 A: Yes.

24 Q: Yes. So as far as specifically for the water
25 deterioration, you are referring in your reports, you know, you

1 have D2 in front of you. You're starting, specifically starting
2 from the roof level, there are multiple areas where excessive
3 water damages observed to the roof rafters, masonry walls, and
4 ceiling. You're saying water seems to be collecting inside the
5 roof and making its way down to the structure, leading to having
6 water leaks in the rooms below.

7 ALJ STECURA: Can you direct --

8 MS. JOSEPH: I'm sorry.

9 ALJ STECURA: I'm not even sure the witness has the
10 exhibit --

11 MR. SZTUKOWSKI: Yeah, which exhibit? I'm sorry.

12 MS. JOSEPH: I was directing him, I'm sorry, Your
13 Honor. He has the exhibit. It's D2, it's the second
14 paragraph. Let me give you time. I'm sorry about that.

15 MR. SZTUKOWSKI: Yeah, there's no tag on this one,
16 so I'm not sure. Was it the report?

17 ALJ STECURA: D2 --

18 Q: D2, it's your report from September 20th?

19 A: Yes, I have it.

20 Q: You have it? Great. So the second paragraph, it says,
21 starting from the roof --

22 A: Okay. Yes, I see it. Yes.

23 Q: You see that? So you write about excessive water damage
24 is observed to roof rafters, masonry rolls, and ceilings. Water
25 seems to be collecting inside the roof and making its way down to

1 the structure leading to having water leaks in the rooms below.
2 So this condition that you write about in September, was that --
3 I'm sorry, I'll -- I'll -- I withdraw that. You write,
4 continuously write, the roof structure has been deterring for many
5 years due to water infiltration throughout the roof. So the water
6 in -- in -- infiltration that you write about, that condition was
7 -- you observed it to be a condition for many years? That has --

8 A: Thats a gradual -- yeah, gradual condition of decaying
9 buildings. Water will eventually get in due to lack of mortar
10 joints and just waterproofing of the structure decays over the
11 years. So, yes.

12 Q: And the roof itself because you write about the starting
13 from the roof level and you write about water seems to be
14 collecting inside the roof. What could be done about to -- to
15 abate that or to prevent that condition?

16 A: Repointing of the walls because water can -- driven rain
17 could -- could get into the walls and into the voids of the walls,
18 and if it stays in there, if it's winter time, it could freeze and
19 expand, worsening the condition, making the -- the -- the voids in
20 the walls larger for the future driving water to be able to
21 infiltrate, right, so it's like a vicious cycle that deteriorates
22 over years over hun -- over many -- many years, right? Also, the
23 waterproof and membrane on the roof could deteriorate, especially
24 along the parapets. Parapets seem to suffer the most when it
25 comes to water infiltration. You see it all over New York, right?

1 Parapets are always in -- for old buildings are in horrible
2 condition. And it's -- a lot of it's due to water infiltration.
3 Whether the coping stone is -- is deteriorated or the waterproof
4 of membrane is -- is torn or -- or -- or just decayed over the
5 years. So repairing of the walls, repointing of the walls --

6 Q: I'm -- I'm sorry, the walls, you were referring to
7 exterior walls?

8 A: Correct. Exterior masonry walls, yes.

9 Q: Okay.

10 A: So in this case, the shell of the building. Repointing
11 of those walls to -- to not allow for water -- additional water
12 infiltration during rains, et cetera. As well as re -- re --
13 reinstalling the waterproof and membrane on the roof and ripping
14 out the old one, installing a new one, et cetera.

15 Q: And would you -- would you be surprised to hear that in
16 March of 2025, the condition that you have reported here in
17 September was still -- was found to be still existing as far as
18 the water seems to be collecting inside the roof and making its
19 way down to the structure?

20 A: Yeah, correct. The condition would be the same.

21 MS. JOSEPH: Okay. Let me just see what else I
22 have. Okay. Just one minute, Judge.

23 ALJ STECURA: You can -- you should not be
24 referring to exhibits at this time. You can just put them
25 aside, please.

1 MR. SZTUKOWSKI: Sure.

2 Q: Okay. Let me ask you about -- right. You testified
3 that the permit for the work to remediate the building was filed
4 in January and in around April, you received notice that DOB may
5 revoke the permit, right?

6 A: Intend to revoke, stop -- yes.

7 Q: Intend to revoke. Right. Right.

8 A: Yes.

9 Q: And so, from January till April, you had -- the building
10 had a permit, where it could have -- could have progressed at that
11 point, right?

12 A: I -- I -- depends when the permit was pulled. I know we
13 got -- we got approval but I don't know if the -- I -- I don't
14 recall when the permit was pulled.

15 Q: Okay. Let me see about the permit.

16 ALJ STECURA: I'm going to ask Mr. Geylik not to be
17 gesturing.

18 MS. JOSEPH: Right. Okay.

19 ALJ STECURA: Can you take down the exhibit that
20 you left up, please?

21 MR. SZTUKOWSKI: Yes.

22 ALJ STECURA: Thank you.

23 MS. JOSEPH: Can we have exhibit -- what is it now?
24 Is it 25B? Yes, 25B.

25 ALJ STECURA: Thank you.

1 MS. JOSEPH: I thought I had it here.

2 MR. MICHAEL GEYLIK: Can I say something?

3 ALJ STECURA: No, you cannot.

4 MR. FAVILUKIS: Are you looking for the permit?

5 MS. JOSEPH: Yes, I am.

6 MR. FAVILUKIS: It's RF2 --

7 MS. JOSEPH: Right.

8 MR. FAVILUKIS: -- as in Frank.

9 MS. JOSEPH: And my 25B.

10 MR. FAVILUKIS: Would you like me to put it up on
11 the screen?

12 MS. JOSEPH: No, no, it's okay.

13 [OFF MIC CONVERSATION]

14 MS. JOSEPH: Would You Honor need the copy of 25B?

15 ALJ STECURA: Is it the -- is that the exhibit that
16 was already shown previously?

17 MR. FAVILUKIS: I don't think so. It's -- oh,
18 sorry. I thought it was --

19 MS. JOSEPH: I have an extra copy.

20 ALJ STECURA: I think I do need a copy. Thank you.

21 MS. JOSEPH: Okay.

22 ALJ STECURA: And this is in evidence?

23 MS. JOSEPH: Yes, that's in evidence.

24 ALJ STECURA: Oh, I do have 25B.

25 MR. FAVILUKIS: I -- I -- I thought you were

[12:19:05]
[02:34:32-1]

1 putting in the permit and the plan. We just had the plans
2 up.

3 MS. JOSEPH: Right. Actually, you are right. I'm
4 looking in for the permit. Let me see. Is that 25B? I'm
5 not sure which one the permit is.

6 ALJ STECURA: The permit is F1.

7 MS. JOSEPH: The -- F2 is -- F2 is really the other
8 -- I'm looking for -- is there a permit for this, or we don't
9 have a permit for this. I think -- I think we only have --
10 you have the --

11 MR. FAVILUKIS: I'm happy to -- it's RF2, the
12 permit for the -- the plans. If that's --

13 MS. JOSEPH: No, you have F2. I'm sorry. F2 is
14 the permit for 599.

15 MR. FAVILUKIS: No --

16 MS. JOSEPH: Not looking for it.

17 MR. FAVILUKIS: -- F2 is the permit for 265. It
18 was suspended --

19 MS. JOSEPH: Okay.

20 MR. FAVILUKIS: -- a week after it was issued.

21 MS. JOSEPH: Oh, that's right. You have one.
22 Okay, I see. That's it. Finally. Sorry for the delay,
23 Judge, I finally found it.

24 ALJ STECURA: It's fine.

25 MS. JOSEPH: It is F -- F2 and you have it, right?

1 ALJ STECURA: I do not have F2. I have F1. Thank
2 you.

3 [OFF MIC CONVERSATION]

4 Q: Right. So -- right. So we did look at the plans, which
5 were filed in January, right? 2025, right?

6 A: Yes.

7 Q: For the work for them maintaining the building, right?
8 And if we look at F2, we see that this -- this permit was issued
9 in March of 2025. So between the time that I -- let me withdraw
10 that. You testified that it took time to do the drawings and
11 filed for plans and do the probing and assess the work, right?

12 A: Right. Correct.

13 Q: Right. And so that led you to file for the plans in
14 January of 2025 with DOB?

15 A: Yes.

16 Q: Do you know why it took two months to issue the permit?

17 A: I -- I -- if I recall, I think it took a couple weeks to
18 get the drawings approved first.

19 Q: Okay.

20 A: I think we had one or two rounds of objections from DOB
21 so we -- we resolved those objections. And then after they got
22 approved, the permit was issued on -- on March 19th.

23 Q: Right. And -- and at that point you testified you
24 received notice that the permit may be revoked, right?

25 A: Yes. That was, I believe in --

1 Q: About a month later?

2 A: From -- from the commissioner. Yeah, from -- yes.

3 Q: Right. So -- okay. Now, you testified that at that
4 point, the work -- you know, the work could not have proceeded and
5 the -- the building remains in this -- in its alarming state or
6 remains -- I take that back. Remains in the same state, right?

7 A: Yes.

8 Q: Yes. Now, you engaged throughout this time from August
9 2024, right, through January, and then March, you engaged with
10 Philip Ing from DOB in exchange of emails with reference to your
11 work through progression, right?

12 A: Yes.

13 Q: And you were ordered to file these reports with DOB,
14 right?

15 A: Correct.

16 Q: As far as the progression?

17 A: Correct.

18 Q: And at times, specifically, in November, I believe 15th
19 Philip Ing is asking, among other things, have you -- have the
20 tenants been relocated? Do you remember that?

21 A: I don't recall the exact email, but I believe he did ask
22 a couple times what's the progress on the -- the repair work.

23 Q: Right. And so the repair work was tied up to the owner
24 having to relocate the tenants?

25 MR. FAVILUKIS: Objection, Your Honor. That's

1 speculative.

2 MS. JOSEPH: I withdraw that. I withdraw that.

3 Q: The question was, do you recall that Philip Ing asked,
4 have the tenants been relocated as part of the progression of the
5 work?

6 A: I don't recall him asking if the tenants have been
7 relocated. I recall him asking basically what's the status --
8 when can we expect work to be filed and work to be -- start.

9 Q: Okay. So let me show you. I believe it's Exhibit E1.

10 MS. JOSEPH: I don't know, Your Honor, if you need
11 a copy. I don't know if you need a copy.

12 MR. FAVILUKIS: It's your -- it's your exhibit.

13 ALJ STECURA: Yes, please. Thank you.

14 MS. JOSEPH: Sure.

15 Q: Right. So you see that's your name on top?

16 A: Yes.

17 Q: Right, right. And if I direct you to the bottom of this
18 page, do you see an email on the bottom? It says, "On Friday,
19 November 15th, 2024. Philip Ing, building's right. Sebastian.
20 Thank you for your report." Do you see that?

21 A: Yes, I do.

22 Q: Right. In item 3, he's asking, have any arrangements
23 been made to relocate tenants temporarily for repairs, you see
24 that?

25 A: Yes, I do.

1 Q: Right. So the progression of the work was also
2 dependent on the tenants being relocated, right?

3 A: In order to repair the work, correct, the tenants
4 would've to be re -- removed from the building, correct.

5 Q: Right. And as far as you know, after this November 11th
6 question to you, have you responded to to Philip Ing with regard
7 to the progression of relocating the tenants?

8 A: I don't recall responding to that note, no.

9 Q: Okay. In fact, in 10 days later, you are writing to
10 Philip Ing asking him for DOB to vacate the building, right?

11 A: 10 days later would be when we met with him again, and
12 then I issued that other report, my May -- my November 25th
13 report.

14 Q: Right.

15 A: Yes. Stating that.

16 Q: So you asked him to -- to vacate the building, right?

17 A: Correct.

18 Q: Right. So between November 15th, if I just pick a date
19 where Mr. Ing asked a question, to the date that the CNH was
20 suspended having relocated the tenants, the work could have been
21 progressing, right?

22 A: If --

23 ALJ STECURA: Mr. Geylik, I've asked you not to
24 gesture.

25 A: If -- if the -- if the tenants were to be removed from

1 the building or leave -- if the tenants -- if there was no tenants
2 in the building, work could commence, correct.

3 Q: Right. But I'm -- I understand. And one way of the
4 tenants not being in the building was to issue a vacant order in
5 the building, right?

6 A: That's one way. Sure.

7 Q: That's one way. And another way would be for the owner
8 to relocate the tenants elsewhere, right?

9 MR. FAVILUKIS: Objection, Your Honor. That's not
10 a question and summary of Ms. Joseph's opinions.

11 ALJ STECURA: Overruled.

12 Q: So another way to have the tenants not there was would -
13 - would be for the owner to relocate the tenants, right?

14 A: That's another possibility. Sure.

15 Q: Right. And to your knowledge to date, have the tenants
16 been -- any efforts for the tenants to be relocated temporarily
17 for the repairs done?

18 A: To my knowledge, no.

19 Q: Okay. Now I'm just going to go back to the 3rd floor.
20 I'm going back, let me direct you to -- let me just see here.
21 It's a violation. So I think it's Exhibit C, I'm not sure. Yeah,
22 it's Exhibit C. And again, it's the violation that ends in 658.
23 The 3rd -- the 3rd floor header -- the -- I'm sorry. The correct
24 3rd floor header which was one of the conditions you observed in
25 August, right?

1 A: Correct.

2 Q: Could that -- could that condition in itself be
3 repaired?

4 A: That con -- in order to repair that condition, you would
5 have to implement a lot of temporary shoring, because as mentioned
6 before, that -- that beam or header is supporting the entire stair
7 shaft or half of the stair shaft.

8 Q: Okay.

9 A: Which is -- which is supporting the floor joists above.

10 Q: Okay. So shoring was implemented on the first and
11 second floor, right?

12 A: Correct. It was -- it was implemented to give it a
13 direct load path down to the foundation.

14 Q: Right. And that was done in a day, right?

15 A: That was done in August in a day, yes.

16 Q: Right. And so Mr. Geylik has his office on the first
17 and second floor, right? And --

18 A: He has his office on the 1st floor, and in the -- he his
19 -- the store in the cellar too, he used the cellar for office
20 space.

21 Q: Right. So while the shoring -- since I should say, the
22 shoring was up on August, 2024, Mr. Geylik was still able to be in
23 the store and have his assistance in the store working, right?

24 A: He's able to work, yes. With the shoring.

25 Q: Right. So again, go back to my question about the 3rd

1 floor header. If temporary shoring to be implemented, why can
2 that -- why can that not be done?

3 A: Which temporary shoring are you referring to, I'm sorry?

4 Q: Well, you testified that in order to correct the 3rd
5 foot header, you would have to implement some shoring.

6 A: Correct.

7 Q: Correct. So why didn't you?

8 A: Okay. So -- so like to repair the condition, we would
9 have to shore up the entire building because we would have to take
10 a load off of the stair shaft in order to remove that beam to
11 replace it or to reinforce it.

12 Q: Right.

13 A You can't -- but you -- in that condition, you cannot
14 just like, add another beam to it, for example, you would have to
15 repair it, re -- re -- replace it.

16 Q: Okay. So why not shore up the whole building?

17 A: Well, if we had to shore up the whole building on -- on
18 the one side, on the -- on the east side, we would have to go into
19 the -- the -- the units or -- or the units that are vacant and
20 non-vacant.

21 Q: Okay. And could the tenants still live in the units
22 with the shoring?

23 A: No, because it would be too -- they would have no, it
24 would be a tight condition. The units are small as is.

25 Q: Okay.

1 A: So if we had to add shoring in the wall in the -- in the
2 room, for example it would be tight to maneuver.

3 Q: It'll be tied to maneuver. I see. But would the -- the
4 tenants offer that option?

5 A: Were they offered that option?

6 Q: Right.

7 A: I -- I -- I don't know. I --

8 Q: Okay.

9 A: We -- we -- we knew --

10 ALJ STECURA: There's no question pending.

11 MS. JOSEPH: Okay.

12 Q: Okay. Clearly on the vacant units, on the upper floors,
13 which are the 3rd, the 4th, and the 5th, that would not be an
14 issue with regard to shoring, right?

15 A: In the vacant units, there would not be an issue because
16 they're vacant. Correct.

17 Q: Right. So the only hold up, right, from repairing the
18 cracked 3rd foot header was that shoring may have to be put up in
19 the occupied units, right?

20 A: Correct.

21 Q: Right. And those tenants, in order to have the -- the --
22 - the -- I'm sorry, the repairs progressed could have been offered
23 that option, right?

24 A: To live with the shoring?

25 Q: Correct.

1 A: I mean, it's -- but it wouldn't be code -- code
2 compliant, I guess you can say, right, you -- you would -- you
3 would -- it would be very tight living.

4 Q: It would be tight living. Okay. But again the 1st and
5 2nd floor people are able to be present in those areas with the
6 shoring, right?

7 A: Well, yeah. On -- on the 2nd floor, we have a -- a -- a
8 wall, we build up a shoring wall, and that's an unoccupied space
9 in the -- in the -- in the commercial on the 1st floor --

10 Q: Right.

11 A: -- we just have lowly columns, little screw jacks, which
12 take up just local space, but it's not a, like a continuous wall.

13 Q: Okay. Speaking of that wall that was built up on the
14 2nd floor, do you know that Mr. Chlapek assisted in building that
15 wall as well?

16 MR. FAVILUKIS: Objection, Your Honor. This was --

17 ALJ STECURA: Overruled.

18 A: I -- I recall that there was assistance with him, yes.
19 But I observed that mo -- most of -- most of this was done by the
20 contractor. Most of the shoring was installed by the contractor.

21 Q: I understand. So, Mr. Sztukowski, you work for Steel
22 Core Engineering, right?

23 A: Correct.

24 Q: How long have you worked for Steel Core engineering?

25 A: 12 -- 12 years. 12 years.

1 Q: Okay. And they're located at 37 West End Avenue in
2 Brooklyn?

3 A: Correct.

4 Q: Right. That's suite 4E?

5 A: Correct.

6 Q: Right. And so I wanted to show you exhibit -- proposed
7 Exhibit 39.

8 [OFF MIC CONVERSATION]

9 Q: Third page. Yes. Third page. Do you see up on top?
10 It says 37 West End Avenue, Brooklyn.

11 A: Is that the page that says page 2 of 2 on the bottom?

12 Q: Page 1 of 2.

13 A: Oh, okay.

14 Q: Page 1 of 2. It's a little confusing with --

15 A: Yes.

16 Q: -- certification pages. And is that the address of
17 Steel Core Engineering?

18 A: 37 West End Avenue, Brooklyn, correct.

19 Q: Correct. And Michael Geylik is the -- if you turn to
20 the second page -- no, I'm sorry. Second page. Just one moment.
21 Right. If you turn to the second page, 2 of 2. Do you see on the
22 bottom it says the -- the last line on the bottom it says managing
23 agent, and the name is Michael Geylik?

24 A: Yes. I see that.

25 Q: Right. And so did you know that Michael Geylik has a

1 unit in that building?

2 A: I -- I was not aware that he had a unit in that
3 building, no

4 Q: Okay. Do you see on the top that he's the head officer,
5 or he is listed, I should say, as the head officer of that
6 building as well?

7 A: I see. It says a head officer.

8 MS. JOSEPH: Yes. Right, so Judge, I mean, it's a
9 certified record. The -- the relevance to this is that
10 although Mr. Sztukowski is an employee of Steel Core
11 Engineering, there is a connection between Steel Core
12 Engineering and -- and Respondent. So there's a
13 transactional connection in that Mr. Geylik is the managing
14 agent for that building where they're housed and he's also
15 the head officer. And so, you know, with -- with -- with
16 relation to any you know transactional prior relationship, I
17 wanted to have this admitted as Petitioner 39 as a certified
18 record of Mr. Geylik's own registration with HPD.

19 MR. FAVILUKIS: Your Honor, can we address that?

20 ALJ STECURA: Yes.

21 MR. FAVILUKIS: This is a condo building that
22 Michael Geylik lives in. Mr. Sztukowski, I believe is not an
23 employee of Steel Core, but a partner. Mr. Sztukowski's
24 partner also lives at this building. This is not a
25 transactional relationship. Mr. Sztukowski's partner, who

1 apparently lists his business address as a home address at
2 his condo, is a neighbor of Mr. Geylik's.

3 ALJ STECURA: So the entity where -- what is the
4 official address of the entity?

5 MR. FAVILUKIS: Of Mr. Sztukowski's --

6 ALJ STECURA: And I'm asking you not the witness.
7 I'm actually going to ask the witness to step out.

8

9 MR. SZTUKOWSKI: Okay.

10 ALJ STECURA: If you don't mind just standing
11 outside.

12 MR. SZTUKOWSKI: Sure.

13 ALJ STECURA: Thank you.

14 MR. FAVILUKIS: Also, Mr. Geylik can speak to it
15 directly because he's the one that lives at the building.

16 ALJ STECURA: I'm just asking you.

17 MR. FAVILUKIS: Sure. What is the address of Steel
18 Core Engineering?

19 ALJ STECURA: If you know?

20 MR. FAVILUKIS: I only know the address that they
21 list on their letterhead, which is 37 West End Avenue.

22 ALJ STECURA: Mr. Geylik, put your hand down.

23 MR. FAVILUKIS: We were -- we were also surprised
24 by this. This was brought to my attention by the tenant's
25 attorney. In fact, I believe the original inquiry was, did I

1 know that Mr. Sztukowski was a tenant of Mr. Geylik's? He's
2 not a tenant, nor is his partner, nor is Steel Core. This is
3 a condo. So Mr. Geylik is on the board of the condo, which
4 is why he's listed as a head officer. And again, apparently
5 the condo also lists Mr. Geylik as a managing agent because
6 of his company, MGNY.

7 ALJ STECURA: It's a residential building?

8 MR. FAVILUKIS: It's a residential building. It's
9 a condo building, which can also be seen by the name of the
10 corporation that owns the building, which is 37 West End
11 Avenue Condominium Association. And the lot, which is 7501
12 on the first page, 7501 is a generic tax lot for condo
13 buildings. Each condo unit is sub -- has its own tax lot.

14 ALJ STECURA: So Ms. Joseph, I don't see how this
15 document is relevant for this witness. It might -- it might
16 be relevant if Mr. Geylik testifies, but at this time, I am
17 not admitting this exhibit.

18 MS. JOSEPH: Thank you, Judge.

19 ALJ STECURA: Thank you.

20 MS. JOSEPH: I'll keep it in mind. Thank you.

21 ALJ STECURA: Thank you. Could you recall your
22 witness, please, Mr. Favilukis? Thank you.

23 MR. FAVILUKIS: Okay, Your Honor.

24 MS. JOSEPH: I'm just going to take two minutes to
25 go over my notes, Your Honor.

1 ALJ STECURA: Yes.

2 MS. JOSEPH: Thank you. Okay, so I just -- I had a
3 question with regard to, I believe it's F3. Let me see if I
4 get that right. And those are the plans. Right. Let's see
5 if -- if I just asked the -- the witness to turn the -- the
6 rest of the exhibits face down and just look at the one
7 exhibit. Thank you. It's the plans for the -- for the --
8 for the permit that ends in 265, Mr. Sztukowski. So if you
9 were looking at -- let me just turn it that way.

10 Q: Okay. So we are looking at the third page, and it shows
11 the existing diagrams. Do you see that?

12 A: Yes, I do.

13 Q: Okay. So, for example, the 3rd floor framing plan, when
14 we look at it, it shows rooms, right? You see there's a room to
15 the left, and I believe it says size 13.7 by 7.7, right?

16 A: Correct.

17 Q: Right. And there's a room to the right I think there's
18 two rooms on the bottom of the diagram as well. 7 by 11 and so
19 on, right, 7 by 13. And on the 4th floor, the same, we see listed
20 -- lists of rooms, right, and we see facilities as well. WC, I
21 see that. And on the 5th floor, we also see rooms. There's
22 basically looks like four rooms on the 3rd floor, three rooms on
23 the 4th and four rooms on the 5th; is that right? Is that what
24 you're seeing in the diagrams?

25 A: On the 5th floor? Yes, correct.

1 Q: Yeah. And so -- okay, so that's the existing, right?
2 And if we look at the proposed -- if we look at the 3rd floor
3 proposed framing plan, I don't see allocation of tenants there,
4 allocation of rooms, I should say. Where -- where are you
5 counting -- where are these diagrams accounting for the rooms of
6 the tenants?

7 A: Yeah. So on these proposed floors, we do not show those
8 partitions, those walls because they're not structural elements.
9 So therefore, we -- we do not show -- we're not showing them on
10 the proposed floor plans.

11 Q: So the walls of the units, of the -- the tenants
12 residing are not structural elements of the building?

13 A: Currently, yes. Currently they are -- they are
14 relieving, especially the walls along the elevator shafts on both
15 sides. I'm sorry, stair shafts.

16 Q: Okay.

17 A: On the stair -- the stair shaft.

18 Q: Right.

19 A: But on the proposed plans we are not relying on any
20 interior walls or partitions, so therefore we do not show them
21 because they are not a structural element.

22 Q: They're not a structural element in your proposed --

23 A: Correct.

24 Q: -- framing plan. Right. And same thing for the 4th
25 floor and the 5th floor?

1 A: Correct. The -- the -- the framing we proposed span --
2 spans the entire building.

3 Q: Right. The framing you proposed. I understand. But we
4 cannot see where you -- where the rooms are preserved as -- as far
5 as configuration in this -- in these plans, right?

6 A: Yeah. These plans do not show the partitions, correct.

7 MS. JOSEPH: Okay. I don't think I have any
8 further questions, Your Honor. Thank you.

9 ALJ STECURA: Thank you. I assume you want to
10 redirect?

11 MR. FAVILUKIS: I do, Your Honor. I'll --

12 ALJ STECURA: Do you need time?

13 MR. FAVILUKIS: No, I -- I will try to go as
14 quickly as I can. Hopefully it won't take too long.

15 ALJ STECURA: Take the time you need.

16 MR. FAVILUKIS: Thank you, Your Honor.

17 **REDIRECT EXAMINATION OF MR. SZTUKOWSKI**

18 **BY MS. FAVILUKIS:**

19 Q: To start back where Ms. Joseph left off, the plans for
20 the permit ending in 265, are those -- those -- are those --
21 they're referred to as structural plans?

22 A: Correct.

23 Q: And do structural plans typically show the non-
24 structural elements of the building?

25 A: Typically, there's -- there's -- you don't need to show

1 them.

2 Q: Okay. So in other words, if there -- the -- the walls,
3 that Ms. Joseph, I think was referring to as the unit walls are
4 not structural elements for the purpose of this structural plan,
5 they -- they would not be shown on these plans; is that correct?

6 MS. JOSEPH: Objection, leading.

7 Q: Would they be shown on these plans?

8 A: The -- the proposed -- the existing -- of the existing
9 walls, they relieve the floor framing. Because those joists cannot
10 span 30 feet. And we show them on -- on the existing plans
11 because they are in -- in naturally relieving walls. If there's -
12 - if there's bearing, there's contact, they do bear some weight
13 just naturally, that's the way it works, right? The proposed
14 plans, we are not relying on any walls inside the building,
15 therefore we are not needing to show them because they are not
16 load-bearing walls. They're not structural elements.

17 Q: Got it. And the DOB approved these plans; is that
18 correct?

19 A: Correct.

20 Q: And I -- I know it's in small print but there on the
21 corner, I think it's on every single page.

22 A: Yeah. We even have a -- there's a desi --

23 ALJ STECURA: There's no question pending.

24 MR. FAVILUKIS: Yeah.

25 MR. SZTUKOWSKI: I'm sorry.

1 Q: I -- I -- I want to make sure that we're all looking at
2 the same place. On the right bottom corner, it says -- it's in
3 small print on yours, so I enlarged it on mine, but if everyone
4 can see it, it says, "New York -- NYC, Department of Buildings
5 approval stamp." Do you see that, Sebastian?

6 A: I do.

7 Q: And do you see the name of the person at the DOB whose
8 stamp was approved?

9 A: Yes, I do.

10 Q: And what's that name?

11 A: Monica Samuel.

12 Q: And when the DOB approves plans, does that mean that the
13 DOB finds those plans satisfactory?

14 A: Correct.

15 Q: And can you see even smaller print below the word
16 approved? There's a date and I -- is that -- do you see that
17 date?

18 A: Unfortunately, I -- even with my glasses, I'm having a
19 hard time.

20 [CROSSTALK]

21 MS. JOSEPH: I'll stipulate. You -- I believe he
22 testified before January?

23 MR. FAVILUKIS: That's no -- that's not the date.

24 MS. JOSEPH: Oh, that's not the date. I'm sorry.

25 ALJ STECURA: Just, could you pull it up?

1 MR. FAVILUKIS: Yeah.

2 ALJ STECURA: Thank you.

3 MR. FAVILUKIS: So, thank you.

4 MS. JOSEPH: Judge -- you're welcome.

5 MR. FAVILUKIS: Once you see the date, I hope
6 you'll stick -- once you see the date, I hope you'll stick to
7 it too. It's -- this is Exhibit F -- one second.

8 ALJ STECURA: 3. F3.

9 MR. FAVILUKIS: F3, and yeah, it's that. Yeah. Go
10 all the way and then zoom in on the right corner there. The
11 wonders of technology. And, yeah, we can zoom in a little
12 bit more even on the copy. There you go.

13 Q: And that date there, is that the date that Monica Samuel
14 from the DOB approved these plans?

15 A: Cor -- correct.

16 Q: And that date says March 18, 2025?

17 A: Correct.

18 Q: Okay. And then I'd like you to refer back to the
19 exhibit with the permit for these plans. And I believe that was
20 F2. Do you have that?

21 ALJ STECURA: You may need to help him with --

22 MR. FAVILUKIS: Oh, I can give you that.

23 A: I have F1.

24 [OFF MIC CONVERSATION]

25 Q: And is that -- yeah, I have two. And is that the permit

1 -- the DOB permit that's associated to these plans?

2 A: Correct, because the -- the -- the -- the permit number
3 matches the -- the -- the job -- the DOB now job number.

4 Q: The -- the permit number is the number on the left?

5 A: Correct. Where it says permit number, that matches the
6 -- the DOB now application number and ST stands for structural
7 work.

8 Q: And can you tell me when this permit was issued,
9 according to this permit?

10 A: 3/19, March 19, 2025.

11 Q: Do you remember the date that we just looked at when the
12 plans were approved?

13 A: Yeah, it was similar -- similar --

14 Q: It was March 18th.

15 A: Yes, yeah.

16 Q: Does -- does the permit get issued automatically when
17 the plans get approved or?

18 A: No. No, you have to -- the general contractor has to
19 show his insurance, et cetera, and he has to pull the -- he has to
20 go in the system -- DOB now system and pull the permit.

21 Q: Got it. And according to this permit, was there a
22 general contractor that was associated to this permit and these
23 plans?

24 A: Yes, correct. That's --

25 Q: And who was that?

1 A: Where it says issued to, forgive me if I pronounce the
2 name, but Gen --

3 Q: You can do a better job than I would.

4 A: Gennady Krichevsky.

5 Q: I was wrong, Gennady.

6 A: Gennady.

7 Q: I heard you. But -- okay. So does that mean that you
8 need -- because -- just going back to Ms. Joseph's questions about
9 Mr. Chlapek and whether Mr. Chlapek was a licensed general
10 contractor, should the owner obtain a separate permit like this
11 for every single individual that's on the work site?

12 MS. JOSEPH: Objection. It's leading.

13 MR. FAVILUKIS: Is it?

14 ALJ STECURA: Overruled.

15 MR. FAVILUKIS: Thank you, Your Honor.

16 Q: So in light of the fact that the DOB control number
17 ending in 58 required that a general contractor be retained for
18 this work; in order to comply with that DOB control number, should
19 there be a permit like this issued for every single individual on
20 the work site?

21 A: No.

22 Q: No?

23 A: No.

24 Q: Should there be one permit issued like this to the
25 general contractor?

1 A: Correct.

2 Q: And then the people who work on the work site do not
3 need permits like this?

4 A: Correct. They -- they -- they were working under this
5 permit.

6 Q: Does the DOB control number ending in 58 require that
7 every single person on the work site be a gen -- a licensed
8 general contractor?

9 A: The -- the -- the general contractor could sub out the
10 work.

11 Q: Could sub out the work to people who are not licensed
12 GC's; is that correct?

13 A: Well, we have to -- yeah. I mean, he could sub out the
14 work, correct.

15 MR. FAVILUKIS: Okay. So I do have some other
16 questions. I'll try to work back in the order that Ms.
17 Joseph finished in.

18 ALJ STECURA: If you're finished with --

19 MR. FAVILUKIS: Oh, sorry. Yes, I am.

20 ALJ STECURA: -- you can take it down and you could
21 put the exhibits aside.

22 MR. SZTUKOWSKI: Sure.

23 ALJ STECURA: Thank you.

24 Q: Did -- did you tell Phillip Ing from the DOB that the
25 proposed work under that permit and those plans that end in 265

1 could not be done while the tenants are in occupancy?

2 MS. JOSEPH: Objection, leading.

3 ALJ STECURA: Sustained.

4 Q: What did you tell Phillip Ing with respect to doing
5 these pla -- doing this work?

6 A: The -- the permanent repair work?

7 Q: Yeah.

8 A: I explained to him that it -- it cannot be done -- it
9 cannot be implemented with the tenants in the building.

10 Q: And did Phillip Ing disagree with you?

11 A: He agreed. He agreed that --

12 Q: He agreed.

13 A: He agreed that the work is extensive, it's not just the
14 slapping bandage on some portion of the building and you're done
15 with it. He agreed that -- that the work is extensive and you
16 have to repair the floors. In order to repair the floors due to
17 the -- the -- the way the building is framed, where the floor
18 joists span the entire width of the building, you cannot just
19 repair one unit and say you're done with it. You have to repair
20 the entire floor frame -- the entire width of the -- of the joist
21 -- span of the joists, sorry.

22 Q: You've been in both the occupa -- both some of the
23 occupied units as well as all of the vacant units; is that
24 correct?

25 A: Correct. Correct, yes.

1 Q: Can you des -- were -- were -- were the occupied units
2 and the vacant units approximately the same in size?

3 A: To my knowledge, yes.

4 Q: Okay. Are you able to tell, for -- for the Court,
5 approximately the size of any of those units in feet or --

6 A: Probably like 7, 8 feet by -- they were kind of
7 rectangular in size, so I would say maybe, let's say 10 feet by
8 like 7, 6 feet like that.

9 MS. JOSEPH: Objection, Your Honor. Are you --

10 A: No more than 7 feet.

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

12 Sorry.

13 MR. SZTUKOWSKI: Sorry.

14 MS. JOSEPH: The size of the units are spelled out
15 in the plans.

16 MR. FAVILUKIS: Okay.

17 MS. JOSEPH: So the estimation is incorrect as far
18 as some of the units, it depends which unit.

19 ALJ STECURA: Understood.

20 Q: Can you look at the plans, --

21 A: Sure.

22 Q: -- and --

23 [OFF MIC CONVERSATION]

24 A: I have the plans in front of me.

25 Q: And then we'll just take one as an example. On page 3

1 at the bottom left.

2 MS. JOSEPH: Which plan are we looking at?

3 Q: I will -- I will --

4 MS. JOSEPH: I'm sorry.

5 MR. FAVILUKIS: It's the -- it's the plans that are
6 right -- right up there. The ones we were just looking at.

7 F -- F3.

8 Q: And there on the 5th floor, right, bottom-left 5th
9 floor, there are two rooms at the top of the building floor plan
10 there?

11 A: Yes.

12 Q: One on the left, one on the right. And this is the 5th
13 floor, do you remember if these units were occupied?

14 A: 5th floor?

15 Q: Yeah.

16 A: 5th floor, which would be the last floor before the
17 roof. I believe the two back units were occupied because I -- I
18 recall only doing probes -- I recall only reviewing probes in the
19 front units, that's 4A and 4C, I believe.

20 Q: Got it. And so the size of these two units on the 5th
21 floor in the back is 13 and 7 inches, which I will just call 13
22 and a half feet by 7 and 4 inches?

23 A: Sure, yes.

24 Q: Okay. In order to shore up this floor, because this is
25 the last floor before the roof.

1 A: 5th floor is -- yes, correct.

2 Q: Would you need to put any shoring in -- in the unit on
3 the left side?

4 MS. JOSEPH: Objection, leading.

5 Q: Where would you need to put the shoring, if any?

6 A: You're referring to shoring up the building to remediate
7 the -- what's the -- the work downstairs, is that -- which shoring
8 are you referring to?

9 Q: Ms. Joseph was asking you if you could put, or if you
10 could or would put shoring into the occupied units and afford the
11 tenants an opportunity to live in the units with the shoring in
12 the units. And so I'm asking, where would you, if at all, put
13 shoring on the 5th floor?

14 A: You would have shoring in the corridor adjacent.

15 Q: Do you mind going to the screen and showing us?

16 A: Sure. Sure.

17 ALJ STECURA: That will not be picked up by the
18 transcript.

19 MR. FAVILUKIS: Sorry.

20 Q: Okay. Yeah, go ahead.

21 A: So we would -- we would ideally want to install shoring
22 adjacent to the -- so you see the stair core, the --

23 Q: No, explain what the stair core is.

24 A: So the stair core is basically the large X in the center
25 of the plan, and we have a little note -- we should have a note

1 there too. But basically, shoring stairs steps down and stairs
2 up, that's the stair shaft. And therefore, the walls around the
3 shaft are the core -- stair core. So tho -- those -- those walls
4 are -- are relieving walls that I keep mentioning. We would
5 install shoring adjacent to those walls to now take -- take load
6 off those walls and therefore off of the framing downstairs, but
7 we had to temporarily shore due to the emergency work order.

8 Q: So are you saying that you would have to install shoring
9 in the hallways? Are those hallways?

10 A: Those are corridors that wrap around the -- the -- the
11 stair shaft, yes.

12 Q: And so what, you would just install one shore in the
13 hallway or?

14 A: You would -- you would install shoring in -- in -- in
15 both corridors because you --

16 Q: Both corridos.

17 A: -- you want to take a load off of the stair core.

18 Q: I see. How wide would the shoring have to be?

19 A: We can get away with 2 by 6s.

20 Q: 2 by 6s. When -- when you say get away, what does that
21 mean, get away?

22 A: Get away, meaning it doesn't need to be excessive
23 shoring; it -- it -- it -- it could be -- it could be 2 by 6s,
24 which -- which is -- which is inch and a half by 4 by 4 -- 5 --
25 five and a half inch shoring --

1 Q: And --

2 A: -- studs.

3 Q: And so if you installed the shoring in the hallways
4 there, getting away with the smallest possible shoring that I
5 think you are implying, would that create a fire hazard for the
6 people occupying the 5th floor units?

7 MS. JOSEPH: Objection, leading.

8 ALJ STECURA: Overruled.

9 A: It -- it would definitely make egress tougher because
10 the corridors are -- are -- are tight as is. It'll create a fire
11 hazard as well, yes.

12 Q: I see. Would that be the only place that you would need
13 to install shoring on the 5th floor?

14 A: No, you'd have to extend it into the -- the -- the back
15 rooms, because that -- behind the stair you have that middle wall
16 that's shown -- this partition is showing on the plan, that's also
17 a relieving wall.

18 Q: I see. So where would you put the shoring in the back
19 rooms?

20 A: You can either just extend it at the same location where
21 the -- where the corridor is, just extend it into rooms or create
22 another wall closer to that middle wall.

23 Q: I'm not following when you say extending.

24 A: Okay.

25 Q: Is it a horizontal shore that lays down? I always vis -

1 - I was envisioning it as a vertical one.

2 A: Sure. So, yeah, vertical wall, like you're building up
3 a -- a -- a temporary wall, right, with studs 2 by 6s, for
4 example. And this wall would -- what I meant extend, I meant you
5 would extend it into -- through the hallway and into the back room
6 like this.

7 Q: So would this wall go all the way to the exterior wall -
8 -

9 A: The --

10 Q: -- or I mean, stop at the -- the end of the wall.

11 A: The -- the exterior mason wall, yes. The rear exterior
12 mason wall.

13 Q: I see. And you would have to put it in just the one
14 room?

15 A: Both sides.

16 Q: Both rooms?

17 A: Because we want to take a load off of the middle core.

18 Q: And so wouldn't that actually just split the room in
19 two?

20 A: Yes.

21 Q: So that room, which I think is 13 and a half feet wide,
22 the shore, again, I'm not trying to lead, I want to understand,
23 the shoring would have to go through that room, thereby splitting
24 it to something less than 13 and a half feet wide?

25 A: Correct.

[09:44:33]
[03:13:41-1]

1 Q: Okay. And then you would have to do it on the other
2 wall as well; is that correct?

3 A: Correct. Correct.

4 Q: And would this be the only floor that you needed to do
5 it in?

6 A: No.

7 Q: What other floors would you need to do this in?

8 A: Well, you would essentially extend it down the building.

9 Q: Down the building?

10 A: If you're starting on this floor, you would go down the
11 building, yes.

12 Q: And why can't you put the same shoring that you put in
13 the commercial space on the residential floors?

14 A: Of the -- the steel posts?

15 Q: The -- the Lally -- Lally --

16 A: The Lally -- the jacks --

17 Q: The Lally jacks.

18 A: The screw jacks, yeah.

19 Q: Why can't you put Lally jacks up here?

20 A: Well, those were -- those were meant to support the --
21 the floor jo -- the -- so -- so the 2nd floor framing of this
22 building is different than -- than the upper floors. If -- if --
23 so the -- the 2nd floor framing consists of a steel I-beam beam
24 that runs in the middle of the building because, if you recall,
25 there's no stair shaft anymore in -- in the first floor. And the

1 central stairs of the shaft is not there, right, so there's a
2 steel beam that runs at the center of the building, and it con --
3 and it catches the floor joists on either end like this, that's
4 the framing. So the framing is different there than here. So
5 where we had the temporary shoring wall installed, downstairs we
6 installed a -- a -- a beam, a header, I should call it beam.

7 Q: Downstairs where?

8 A: In -- in the first floor, in the commercial space.

9 Q: On the ground floor, correct?

10 A: Correct. Correct. We installed a beam with Lally
11 columns and these Lally columns, we -- Lally column -- Lally
12 columns, steel columns, and they extend down to the cellar and
13 they sit on a -- on a -- on a -- like a wood base.

14 Q: What if you tried putting those up here, see if it
15 worked, would that work?

16 MS. JOSEPH: Objection, Your Honor.

17 ALJ STECURA: Overruled.

18 A: It's a possibility. It -- it -- it -- it could
19 potentially work, but the problem with -- with that kind of
20 shoring is those loads have to go down somewhere, and we're
21 dealing with point loads that now we have to install additional
22 beams or some kind of transfers downstairs. So it's always easy
23 just to create a wall that spreads the load out and it's a lot
24 safer.

25 Q: But if we tried -- if you -- if you went to Philip Ing

1 and proposed a Lally -- what is it? Lally columns?

2 A: Lally column? Lally column.

3 Q: Lally columns. Could you tell Phillip Ing then I'm
4 proposing this other alternative way of doing it with Lally
5 columns, that way none of the tenants have to move out?

6 MS. JOSEPH: Objection. Speculative.

7 ALJ STECURA: I'm going to ask you as well, Ms.
8 Joseph, to not gesture, you were nodding your head. And it
9 is speculative, so I'm sustaining the objection.

10 MR. FAVILUKIS: Understood. Can I ask it a
11 different way, Your Honor?

12 ALJ STECURA: You can try.

13 MR. FAVILUKIS: Yeah. I'll do my best.

14 Q: What would you tell -- how -- how would you explain to
15 Philip Ing the alternative solution of installing Lally columns up
16 here?

17 A: Well, you have to essentially -- if -- if you're
18 installing Lally columns, you have to essentially install a frame
19 because a Lally column is just a point, and you have floor joints
20 that are 16 inches, 24 inches on center, so you need a frame that
21 runs across under each floor that runs from column to column, and
22 then these columns have to run down to -- to -- to -- to a -- to
23 the foundation. So it'll -- it'll still -- you still have
24 obstructions in the corridor, in the rooms because you're going to
25 have these Lally columns there.

1 Q: Would -- how many -- would -- would it just be the one
2 cop -- long Lally column?

3 A: No, no, no. You -- you would -- you would need multiple
4 column -- you would need many columns. Maybe three feet on
5 center.

6 Q: Could you -- I want to use your terminology. Could you
7 get away with just doing Lally columns in -- in the hallways and
8 not in the -- in the rooms?

9 A: No. You need -- you need to do them in the rooms as
10 well.

11 Q: And the framing that you mentioned has to be built,
12 where would that be built?

13 A: Under the floor joists.

14 Q: So can you do that with the units occupied?

15 A: No.

16 Q: No?

17 A: Or if -- if the -- if the unit's occupied you need --
18 you need access to get in there and -- and to install this
19 assembly.

20 Q: What assembly is it?

21 A: The -- the -- the -- the frame. The framing.

22 Q: The framing of the floors?

23 A: Correct.

24 Q: And could you -- let's say that you did, could you just
25 do that on one of the floors that doesn't have any occupied units

1 and leave the others alone?

2 A: No, because the -- the -- from what -- if I recall, you
3 wouldn't be able to install shoring the entire width of the
4 building with -- unless you're in an occupied unit.

5 Q: Okay. I'll move on to a different question that Ms.
6 Joseph had about the roof.

7 A: Okay.

8 Q: She had asked you whether, I think, and I -- I don't
9 want to misstate it, but whether the roof was still in the same
10 condition, and would it surprise you that it's still in the same
11 condition now as it was back then when you found it to be water
12 infiltrated and damaged?

13 A: Correct.

14 MS. JOSEPH: Objection. That wasn't the question.

15 MR. FAVILUKIS: Oh, sorry, what was the question?

16 ALJ STECURA: Why don't you rephrase your question.

17 MR. FAVILUKIS: I'll rephrase.

18 Q: There -- there was some discussion about the roof having
19 water infiltration and that that needed to be repaired. Is -- do
20 you remember that --

21 A: Correct.

22 Q: -- line of questioning?

23 A: Correct.

24 Q: And how would you propose to address that, just that
25 roof issue?

1 A: Well, we do -- we do men -- we do want to replace the
2 roof on the -- we do propose that on these drawings to replace the
3 roof, so we would just want to replace it entirely because that --
4 that -- that waterproofing membrane that the masonry -- it's --
5 it's deteriorated.

6 Q: Can you replace the roof -- in the condition the
7 building is in now, without doing the Lally popping and the
8 shoring, just leaving ev -- because you're telling me you can't do
9 those things with -- with the tenants in occupancy, so let's say
10 you just -- you know, you wait to do that, but you go ahead and do
11 the roof work; can you do the roof work on the building in its
12 condition now?

13 MS. JOSEPH: Objection, Your Honor. The questions
14 assume testimony with regard to shoring that, you know,
15 relates to replacing a roof. And I don't think the witness
16 is -- you know, gave any testimony with -- with regard to
17 roof work done -- done in the building.

18 ALJ STECURA: Overruled.

19 MR. FAVILUKIS: Thank you, Your Honor.

20 Q: Can you -- can you do -- can you do the roof work now
21 without doing the other things?

22 A: Well, if you do the roof work, you're exposing -- you
23 are exposing the floors below to the -- to weather, right, you're
24 -- you're -- you're exposing the 5th floor units to the -- to the
25 -- to the weather, so it's something that you -- you could start

1 with the roof, and we actually -- but we -- we -- we -- on these
2 plans, we have a procedure stating that the roof should be shored
3 and then you can start with the 5th floor, 4th floor, 3rd floor,
4 et cetera.

5 Q: So where would you stage the roof work if you were to
6 not do any of the stuff -

7 A: So we --

8 Q: -- with occupants in the building, as is now?

9 A: Yeah.

10 Q: So just start on the roof, yeah.

11 A: So the roof is critical for bracing the -- the -- the
12 bearing walls as well because wherever you have the -- wherever
13 you have framing, you're bracing the wall, right, so if you're
14 going to remove the roof, you're bra -- you're -- you're removing
15 the -- the bra -- the wall bracing at the top, okay. So -- so you
16 -- it's critical that that bracing remains in place. If you want
17 to remove the roof, you have to do it in sections. You have to do
18 it in sections. You have to install -- you have to basically rip
19 up the -- the -- the membrane, the insulation, do the parapet
20 repointing, because now once you rip out the coping stone,
21 membrane, insulation, you expose the masonry, repoint the
22 parapets, replace the floor joists. Well, I -- I -- I should step
23 back. The bulkhead. You have to -- you have to first demolish
24 the bulkhead, the stair bulkhead, right? There's a -- there's a
25 bulkhead above the roof that gets demolished down to the roof.

1 You remove the -- the -- the membrane, the insulation, coping
2 stones, you repoint the masonry, and then you -- you replace the -
3 - the roof rafters, basically, one at a time.

4 Q: And in order to do that, would you have to have people
5 there up on the roof?

6 A: Correct.

7 Q: Is it safe, in your opinion, to have people with the
8 construction materials up on the roof in the building -- in the
9 state that the building is in now?

10 MS. JOSEPH: Objection. Leading.

11 Q: Is it safe to have people with construction material on
12 the roof?

13 MS. JOSEPH: Objection. Leading.

14 ALJ STECURA: Sustained.

15 MR. FAVILUKIS: Okay. I'm just asking if it's safe
16 to have people up there.

17 ALJ STECURA: I've sustained the objection.

18 Q: Okay. Can you safely have people up there?

19 MS. JOSEPH: Objection.

20 ALJ STECURA: Sustained, it's the same question.

21 Q: Is it safe to replace the roof right now?

22 MS. JOSEPH: Objection. Leading.

23 ALJ STECURA: It is leading. I will allow the
24 question.

25 MR. FAVILUKIS: Thank you.

1 ALJ STECURA: But I will -- I'll tell you again
2 that --

3 MR. FAVILUKIS: That's my last question on that,
4 Your Honor. Thank, Your Honor.

5 ALJ STECURA: -- leading questions get less weight.

6 A: Is it safe to -- you have to demolish the bulkhead and
7 you have to assemble to -- for the work, you have to basically
8 shore up the roof so you can -- you can work up there. Yes,
9 correct.

10 Q: I -- I'm asking if you're not shoring anything.

11 A: Okay.

12 Q: Because you told me before, in order to shore you need
13 to displace tenants.

14 A: Correct.

15 Q: And the tenants aren't going anywhere, so --

16 MS. JOSEPH: Objection. I thought that was the
17 last question

18 MR. FAVILUKIS: Then he asked -- he said you'd have
19 to do X, Y, and Z.

20 ALJ STECURA: Stop.

21 MR. FAVILUKIS: Got it. I'll be done with -- I'm
22 done with that one.

23 ALJ STECURA: It seems like you're testifying, Mr.
24 Favilukis.

25 MR. FAVILUKIS: I apologize, Your Honor. Let see.

1 Q: You said that you were in some of the occupied units.
2 Did the occupied units have floors built on top of the original
3 floors?

4 A: I believe there was a case or two of -- like this, yes.

5 Q: Ms. Joseph was asking you about the exterior pointing
6 work and I want to clarify. If the owner was to do the exterior
7 working -- exterior pointing work and nothing else, would that be
8 in compliance with DOB control number ending in 58?

9 MS. JOSEPH: Objection. The --

10 ALJ STECURA: Do you want him to look at the
11 exhibit, because --

12 Q: You -- you can. I -- I -- it's the -- yeah, that'd be
13 nice. If -- if you want to take a look at the control number 58,
14 that's our Exhibit C.

15 MS. JOSEPH: Objection, Your Honor.

16 Q: That's the one that was --

17 MS. JOSEPH: That wasn't part of cross examination.
18 The -- the question of whether pointing the roof is in
19 compliance of violation was not, at any time, part of that.
20 The question was, can the pointing of the roof be done --

21 ALJ STECURA: Yes.

22 MR. FAVILUKIS: I'm not talking about the roof.

23 MS. JOSEPH: -- without having --

24 MR. FAVILUKIS: I'm not talking about the roof.

25 MS. JOSEPH: I know you're not talking about the

[01:09:26]

[03:24:53-1]

1 roof. I'm talking about the exterior pointing work. The
2 question was, could that be done without disturbing any other
3 elements inside the building?

4 ALJ STECURA: I understand, but you asked at length
5 about the exterior work.

6 MS. JOSEPH: Right.

7 ALJ STECURA: So I'm going to permit Counsel to ask
8 his question.

9 MR. FAVILUKIS: Thank you, Your Honor.

10 Q: You have that control number in front of you, the one in
11 -- ending in 58?

12 A: 58. Yes, I have it.

13 Q: That's the one that requires the permanent remedy?

14 A: Yes, correct.

15 Q: And so if the owner simply did nothing more than point
16 the exterior of the building, would they be in compliance with
17 this control number?

18 A: No.

19 Q: Why wouldn't they be?

20 A: Because repointing the exterior is -- is just fixing the
21 wall partially.

22 Q: Got it. But it can be done now; is that correct?

23 A: The exterior?

24 Q: The exterior. Just the exterior.

25 A: Correct, if you use -- correct with scaffolding, yes.

1 Q: But it wouldn't be in comply -- but it wouldn't comply
2 with --

3 MS. JOSEPH: Objection.

4 MR. FAVILUKIS: Got it.

5 Q: Can the exterior pointing be done without disturbing the
6 interior elements of the building?

7 MS. JOSEPH: Objection, Your Honor. There was a
8 specific list that I read from the statute as far as requiring
9 CNH for that work and I went through the list of exact
10 elements. I -- and, gladly, will give Mr. Favilukis a copy,
11 but I just went to each and every one, specifically, and
12 asked, not in generic terms, as the question is.

13 ALJ STECURA: I understand. I'm going to overrule
14 the objection, the witness may answer.

15 MR. FAVILUKIS: Thank you.

16 Q: Can the exterior work be done without disturbing the
17 interior?

18 A: Yes.

19 Q: Okay. Do you remember when the temporary shoring on the
20 ground floor, and I think on the 1st floor, when was that
21 installed?

22 A: So that's -- that was installed a -- a few days after
23 the -- the -- the control number 57 was issued.

24 Q: A few days after it.

25 A: Correct.

1 Q: So before the November reports --

2 A: Correct.

3 Q: -- or the DOB before the DOB's Philip Ing's visit --
4 secondary visit, or third, I don't know how many visits, okay.

5 A: Yes.

6 Q: So a few days, either in September or August, is that --
7 that accurate --

8 MS. JOSEPH: Objection, Your Honor. The question
9 is leading and it is --

10 ALJ STECURA: Mr. Favilukis hasn't finished his
11 question.

12 MS. JOSEPH: Oh, okay.

13 Q: So is it your understanding, as the engineer who
14 supervised installation of the temporary shoring, that having
15 installed the temporary shoring, you've now temporarily protected
16 the building from collapsing?

17 A: Temporarily, yes.

18 Q: Okay. And so is the reason that the DOB has not issued
19 a vacate order for the building because temporary shoring has been
20 installed?

21 MS. JOSEPH: Objection, Your Honor.

22 ALJ STECURA: Yes. What's your objection?

23 MS. JOSEPH: He's asking why did -- the witness why
24 didn't DOB issue a vacate order, it's --

25 ALJ STECURA: Sustained.

1 MR. FAVILUKIS: Got it.

2 Q: The -- a vacate order -- is -- is a -- is a vacate order
3 being issued by the DOB a prophylactic measure?

4 A: Yes.

5 Q: Can you explain that a little bit better? What -- what
6 -- what's it protect -- what's the vacate order protecting from?

7 A: Well, it's protecting the safety and lives of the
8 tenants, which is --

9 Q: By requiring them to move; is that --

10 A: Correct.

11 Q: So when temporary shoring is installed, temporarily
12 stabilizing the building, is that danger no longer as urgent?

13 MS. JOSEPH: Objection. It's still asking about
14 DOB's decisions into what constitutes the timing for issuing
15 a vacate order.

16 ALJ STECURA: Overruled. The witness may answer
17 regarding his ex -- his experience and observations in the
18 building.

19 Q: Once the temporary shoring is installed, that urgent
20 danger is alleviated?

21 A: Slightly.

22 Q: Slightly?

23 A: Not completely.

24 Q: Why slightly?

25 A: Because installing the shoring put a bandage on the

1 building, didn't -- it didn't fix their -- their -- the
2 underlining issue.

3 MR. FAVILUKIS: Got it. That -- that's -- I've got
4 that -- that's all for my redirect, Your Honor.

5 ALJ STECURA: Okay. So, sir, thank you very much
6 for your time here today and for your patience. Your
7 testimony has now concluded, and you may be excused.

8 MR. SZTUKOWSKI: Thank you.

9 MR. FAVILUKIS: Thank you, Sebastian.

10 MS. JOSEPH: Thank you.

11 MR. SZTUKOWSKI: Have a good evening. Thank you.

12 MS. JOSEPH: You're welcome.

13 [WITNESS EXCUSED]

14 ALJ STECURA: So I think now would be a good time
15 to break for our lunch recess. It's 1:15, so let's come back
16 at 2:20, I'm going to pause the record.

17 MR. FAVILUKIS: Your Honor, if I may, off the
18 record just in terms of timing.

19 ALJ STECURA: Yeah, let me -- yeah.

20 MR. FAVILUKIS: Sorry.

21 ALJ STECURA: Okay.

22 [OFF THE RECORD] [END OF PART 1 OF 2]

23 [ON THE RECORD] [START OF PART 2 OF 2]

24 ALJ STECURA: We are on the record now. Okay.

25 It's 2:24, we are back on the record. Mr. Favilukis, are you

1 ready to call your next witness?

2 MR. FAVILUKIS: Yes, Your Honor. Respondent's
3 calling Respondent, Michael Geylik.

4 ALJ STECURA: Okay. Mr. Geylik, if you could have
5 a seat here, please. Okay. So I'm going to ask you to raise
6 your right hand. Do you swear or affirm that the testimony
7 you are about to give will be the truth?

8 MR. GEYLIK: Yes.

9 ALJ STECURA: Louder.

10 MR. GEYLIK: Yes.

11 [WHEREUPON THE WITNESS, M I C H A E L G E Y L I
12 K, WAS DULY SWORN IN]

13 ALJ STECURA: Okay, thank you. You may lower your
14 hand. Please state and spell your name for the record.

15 MR. GEYLIK: Michael Geylik. M-I-C-H-A-E-L, last
16 name G-E-Y-L-I-K.

17 ALJ STECURA: Thank you. I'm going to give you
18 some instructions. This hearing is being recorded, so your
19 responses must be verbal. If there is an objection, please
20 wait until I issue a decision on the objection. Please wait
21 until the question has finished before you answer. Please
22 speak clearly. Make -- make sure that all your responses are
23 verbal, no gestures. If you don't understand a question or
24 you did not hear it, please let us know, the question can be
25 re -- repeated or rephrased, and if there is any issue with

1 seeing an exhibit, please let us know immediately.

2 Do you understand?

3 MR. GEYLIK: Yes.

4 ALJ STECURA: All right. Counselor, you may
5 proceed.

6 MR. FAVILUKIS: Thank you, Your Honor.

7 **DIRECT EXAMINATION OF MR. GEYLIK**

8 **BY MR. FAVILUKIS:**

9 Q: Hi, Michael. Are you a member of 109 E9, LLC?

10 A: Yes.

11 Q: And is that entity the owner of the building? Of -- of
12 -- of 109 East 9th Street the building?

13 A: Yes.

14 Q: Okay. Are you a principal of MGNY?

15 A: Yes.

16 Q: Does MGNY have an office at the building?

17 A: Yes.

18 Q: Did -- did the building recently receive a number of HPD
19 violations?

20 A: Yes.

21 Q: When did those violations -- when were those violations
22 issued?

23 A: I believe July 3rd.

24 Q: July 3rd of?

25 A: Of -- of 2025.

1 Q: Oh, so se -- so a week ago?

2 A: Yeah.

3 Q: Were there any HPD violations on the building prior to
4 July 3rd?

5 A: No.

6 Q: Were there -- do you remember -- when did you purchase
7 the building?

8 A: June 28, 2021.

9 Q: Do you remember if there were HPD violations on the
10 building when you purchased it?

11 A: I do not remember.

12 Q: The HPD violations that were issued a week ago, do you
13 intend to address those violations?

14 A: Yes, I do.

15 Q: How quickly are you going to address those violations?

16 A: Some of the violations might be addressed pretty quickly
17 for painting the walls, some violations I will need to get
18 clarification from the Building Department because they would
19 require structural work for sloping floors that were already
20 quoted in prior Building Department violations. And total 17
21 violations were issued, 16 violations class B and one class A
22 violation, so most of the violations were issued for vacant units.

23 Q: Were there any violations issued for immediately
24 hazardous conditions?

25 A: No.

1 Q: Okay. When you purchased the building, what was the
2 ground floor occupied as?

3 A: A bar.

4 Q: A bar?

5 A: Yes.

6 Q: Do you know how long it had been occupied as a bar?

7 A: I believe from 1994, 1995.

8 Q: And who operated the building before you purchased it?

9 A: It was my understanding that the bar was a triple net
10 tenant and they operated both the bar and the building.

11 Q: Got it. And after you purchased it, purchased the
12 building, did you intend to continue operating the bar?

13 A: No.

14 Q: No. What did you intend to do with the ground floor
15 that had been occupied as a bar?

16 A: We intended to convert it to an office space.

17 Q: Who was that office space going to be occupied by?

18 A: By my company, MGNY Consulting.

19 Q: Okay. In order to convert the ground floor from a bar
20 to your office space, did you have to apply for permission to the
21 DOB?

22 MS. JOSEPH: Objection. Leading.

23 ALJ STECURA: Overruled.

24 A: Yes. We had to file an alteration type 1 job for the
25 commercial portion of the building. Alteration type 1 is the job

1 that requires a change of certificate of occupancy. So the job
2 was approved by DOB, it was permitted, the work was completed,
3 inspected by the Building Department, and, subsequently signed
4 off.

5 Q: Before you amended the certificate of occupancy, were
6 there open DOB violations on record?

7 A: Yes.

8 Q: Were those DOB violations an issue with the application
9 process?

10 A: Yes.

11 Q: Can you -- can you elaborate on that?

12 A: Yeah. So in order to obtain a certificate of occupancy
13 for a building, it is a requirement by the Building Department
14 that there are -- can no be open ECB or DOB violations on the
15 building.

16 Q: Okay. And, sorry, you said that there were open DOB
17 violations on the building?

18 A: There were open three ECB, DOB violations, this is
19 correct.

20 Q: I'm going to show you an exhibit that I believe is
21 already in -- in --in the record, it's G4. Respondent's G4.

22 MS. JOSEPH: It's partially in the record.

23 MR. FAVILUKIS: Partially in the record?

24 ALJ STECURA: That's right.

25 MR. FAVILUKIS: Your Honor, do you have copy?

[02:31:37]
[00:07:17-2]

1 ALJ STECURA: I do not.

2 MR. FAVILUKIS: Okay.

3 ALJ STECURA: Thank you. Do you know which part is
4 in?

5 MR. FAVILUKIS: I do not, but I'm going to
6 introduce -- I'm going to have Mr. Geylik authenticate the
7 entire exhibit.

8 ALJ STECURA: Thank you.

9 [OFF MIC CONVERSATION]

10 Q: Now, I printed this from the DOB's website and Mr.
11 Geylik, Michael, can you flip through each page. This is a four
12 page -- excuse me, 1, 2, 3, 4, 5, five-page exhibit plus my
13 certification on the back on this exhibit. Can you just flip
14 through each page of the exhibit.

15 A: Yeah.

16 Q: And do you know what this is? What these printouts are?

17 A: Yes, those are the printouts of ECB, DOB violations, or
18 the DOB, ECB violations.

19 Q: Okay. And are they for your building?

20 A: Yes, they are.

21 Q: How do you know that?

22 A: Because it is -- the Borough block and lot in the left-
23 hand side, 555 flat 40, the bin number 1008963, and the address of
24 the building, 109 East 9th Street.

25 Q: Okay. And can you tell me -- can you flip to page 2, so

1 the second page of the actual exhibit, and can you tell me when
2 this -- according to this printout, when was this violation
3 issued?

4 A: So the violation number 3416612M was issued on May 19,
5 1988.

6 Q: And can you tell me what the description -- it says, in
7 the middle of the page, specific violation conditions and remedy.
8 Can you just read that for me.

9 ALJ STECURA: Counsel, it's not in.

10 MR. FAVILUKIS: Oh, I'm sorry. I'd like to
11 introduce -- I apologize, Your Honor. I'd like to introduce
12 this as Respondent's G4.

13 ALJ STECURA: Any objection?

14 MS. JOSEPH: Let me see. Did these specific ECB
15 violations -- I'm trying to see. There was an objection, I'm
16 just trying to think for a second what was the objection.

17 MR. FAVILUKIS: Are -- are you sure that this page
18 is not already in the record from your exhibits?

19 ALJ STECURA: Are you -- you're trying to put the
20 entire document?

21 MR. FAVILUKIS: I -- I am. I am.

22 MS. JOSEPH: Yeah.

23 MR. FAVILUKIS: I didn't anticipate there being an
24 objection.

25 ALJ STECURA: I understand.

1 MS. JOSEPH: Well, the rest of it is in evidence,
2 Your Honor. This one was just on -- on -- on issues of
3 relevance.

4 MR. FAVILUKIS: True.

5 MS. JOSEPH: The -- right. I don't see what's the
6 relevance of this to the -- to the proceeding.

7 MR. FAVILUKIS: Well, the --

8 ALJ STECURA: Based on what? The date or what are
9 you referring to as not being relevant?

10 MS. JOSEPH: No, the subject matter of the
11 violation.

12 MR. FAVILUKIS: The description of the violation
13 refers to installation of beamS, exterior brick wall. We've
14 spent several hours this morning --

15 MS. JOSEPH: So something is not right.

16 ALJ STECURA: May I?

17 MS. JOSEPH: I'm sorry, Ju -- Your Honor.

18 ALJ STECURA: I'll give you a moment.

19 [OFF MIC CONVERSATION]

20 MS. JOSEPH: I'm not reading -- which -- I'm sorry.

21 Which -- if I -- if I get clarification, which violation?

22 The one that ends in 612M?

23 MR. FAVILUKIS: No, ending in 10R.

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

25 MR. FAVILUKIS: But that's -- that -- I'm entering

1 the entire -- I -- sorry. I want to be clear. I'm seeking
2 to enter into the record the entirety of this exhibit. You -
3 -

4 MS. JOSEPH: I understand.

5 MR. FAVILUKIS: -- you objected to it.

6 MS. JOSEPH: I objected to one.

7 ALJ STECURA: And part of the document is already
8 in evidence.

9 MS. JOSEPH: Yes. Yes.

10 ALJ STECURA: So I'm going to admit the exhibit
11 over Counsel's objection.

12 **[Respondent's Exhibit G4 admitted into evidence.]**

13 MS. JOSEPH: Thank you, Judge.

14 MR. FAVILUKIS: Thank you, Your Honor.

15 ALJ STECURA: Thank you.

16 Q: So --

17 ALJ STECURA: And just note for the record what
18 this is.

19 MR. FAVILUKIS: These -- these are printouts from
20 the DOB's website for five DOB violations that were issued in
21 the 1990s to the building.

22 ALJ STECURA: Thank you.

23 Q: So -- I'm sorry, I lost my track. If you flip to page 2
24 of the exhibit, the violation ending in 12M, as in Mary. And can
25 you read the specific violation conditions and remedy there at the

1 center -- bottom -- second bottom -- seconds, I don't know,
2 whatever?

3 A: "Gas Meter and gas piping located at entrance in public
4 hallway supplying gas to 3rd floor kitchen stove. Violation:
5 failing to maintain plumbing hazardous. Memo 6/30/1975 by Thomas
6 Burke."

7 Q: Was -- did -- were you required to certify correction of
8 this violation?

9 A: Yes.

10 Q: Okay. And where's the -- how do you know when DOB
11 accepted certification of correction?

12 A: It is in the section where the Department of Building
13 complaints history and events. So it says, "Certificate
14 submission date, November 1, 2022, and complaints on November 1,
15 2022."

16 Q: And did you cause this certificate of correction to be
17 submitted to the DOB?

18 A: Yes.

19 Q: And if you can flip to page 4, this is the violation
20 ending in 37H?

21 A: Yes.

22 Q: And when was this one issued?

23 A: This one was issued on February 10, 1999.

24 Q: And what was this -- what was the con -- violating
25 condition for this one?

1 A: "Work Without a permit noted at a 4th floor rear east
2 side space. Complete demolition of plaster, fire proofing and
3 wood lath plate. Work approximately 50 percent complete. Remedy;
4 stop all work. Make area safe. Obtain all permits."

5 Q: And was this violation certified as corrected by you?

6 A: Yes.

7 Q: And when was that done?

8 A: That was December 20, 2022.

9 Q: And was this violation also an impediment to the
10 certificate of occupancy?

11 A: What -- what do you mean impediment?

12 Q: Did -- was -- did the DOB tell you that you need to
13 correct this violation?

14 A: Yes.

15 Q: Okay. In connection with the certificate of occupancy;
16 is that correct?

17 A: Yes. In order to get a certificate of occupancy, I had
18 to correct -- properly file paperwork to correct it.

19 Q: And go to the last page, the last violation.

20 A: Yes.

21 Q: The one ending in 61J.

22 A: Yes.

23 Q: And when was this one issued?

24 A: This violation was issued April 6, 1999.

25 Q: And what was the condition -- what was the violating

1 condition for this one?

2 A: "Work Without a permit. Work completed, noted at 3rd
3 floor level, west side. New partitions erected creating kitchen
4 with a stove, sink, refrigerator in conjunction with the bath --
5 with the bathroom, with shower. Licensing units to three total on
6 the floor."

7 Q: And when -- and when was this one corrected?

8 A: This violation was --

9 Q: Certified, yeah.

10 A: -- certified on December 20, 2022.

11 Q: And was this -- was this one of the violations that the
12 DOB also asked you to correct in connection with the certificate
13 of occupancy?

14 A: Yes, I was required to correct this violation.

15 Q: Now can you flip to the first page, the violation ending
16 in 10R?

17 A: Yes.

18 Q: And when was this violation issued?

19 A: This violation was issued November 28, 1994.

20 Q: And what was the condition -- the violating condition
21 here?

22 A: "Work Does not conform to approved plans, noted
23 application 100941929. Type; alteration 2-1, installing three
24 street beams tap, west exterior brick wall weak. Is structural
25 defective approximately 15 by 20 a year."

1 Q: Now, was this one of the violations that you have to
2 certify as corrected?

3 A: No.

4 Q: Why?

5 A: Because it was already corrected in 1994.

6 Q: How do you know that?

7 A: It says certification status -- it says, "Scheduled
8 hearing date, time. Certificate of compliance on November 29,
9 2004." It was already corrected.

10 Q: It was already corrected?

11 A: Yeah.

12 Q: So this was not one of the violations that you needed to
13 address, correct?

14 A: Correct.

15 Q: Okay.

16 ALJ STECURA: Are you finished with the exhibit?

17 MR. FAVILUKIS: Yes. Yes, Your Honor.

18 ALJ STECURA: Okay. You can put it aside, Mr.

19 Geylik.

20 Q: When you purchased the building, I think you said it was
21 June, 2021, so four years ago, was there a superintendent for the
22 building?

23 A: No.

24 Q: I want to be clear; you did not hire a superintendent.
25 What I'm asking is, did the bar have a superintendent for the

1 building?

2 MS. JOSEPH: Object --

3 A: No.

4 MR. FAVILUKIS: I have another exhibit here, if I
5 can introduce it. This is our Exhibit U, and I will have
6 copies, one second. I apologize. Your Honor, I have it
7 without the -- like, without the exhibit tab, if that's all
8 right. This is -- this is U.

9 ALJ STECURA: And this is for introduction?

10 MR. FAVILUKIS: For introduction.

11 ALJ STECURA: Okay. Thank you.

12 MR. FAVILUKIS: Thank you.

13 Q: Now, Michael, is that your name there at the top?

14 A: Yes.

15 Q: And the date -- the -- what's the date of this document?

16 A: May 5, 2025.

17 Q: And what is this document, Michael?

18 A: This is an affidavit from Joe Citron who used to be an
19 operating partner of the bar. This is the person that was running
20 the -- the bar business and the building. And this is affidavit
21 that confirms or states that --

22 Q: No, no, no. Before you get into the substance, I need
23 to introduce this into evidence.

24 A: Okay.

25 Q: So I want to make sure. So -- and this was addressed to

1 you from Mr. Citron?

2 A: Yes.

3 MR. FAVILUKIS: Okay. I'd like to introduce this
4 as the Respondent's U.

5 ALJ STECURA: Any objection?

6 MS. JOSEPH: Yes, Your Honor. This is an affidavit
7 by Mr. Joseph Citron, who's -- which veracity I cannot cross
8 examine, right. Whatever is listed in this -- the
9 information listed in this affidavit, it's not a business
10 record and it makes certain statements and the fact is not --
11 not here to be cross examined. And the second objection is
12 that is not relevant to the inquiry period. We have an
13 allegation that as of March 4, 2024 to the present, there was
14 no janitorial services provided in the building. This talks
15 to a period in time, which is 2015 until 2021.

16 ALJ STECURA: Okay. So leaving aside the -- the --
17 the fact that the witness is unavailable, can you address the
18 relevancy with regard to the time period?

19 MR. FAVILUKIS: Yes. It's been -- so, Your Honor,
20 you don't -- you do not want me -- wish for me to address the
21 admissibility of this affidavit per -- per the rules yet, or?

22 ALJ STECURA: I want you to just address why --

23 MR. FAVILUKIS: Sure, the rele --

24 ALJ STECURA: -- it would be relevant --

25 MR. FAVILUKIS: Understood.

[02:45:26]

[00:21:06-2]

1 ALJ STECURA: -- given the ti -- specific time
2 period.

3 MR. FAVILUKIS: Understood. It is been testified
4 that my client does not have a superintendent in the
5 building. The inquiry period here is obviously within a li -
6 - a little bit more than the last year and that -- that
7 allegation has been used as a basis for the allegation of
8 harassment; that somehow my client's -- that the absence of a
9 superintendent is indicative of my client engaging in
10 harassment. The relevance here is that the building has
11 never had a superintendent. My client did not fire or get
12 rid of a superintendent. My client purchased the building
13 that did not have a superintendent and did not hire one.
14 Now, my client has since engaged with --

15 ALJ STECURA: Don't testify for --

16 MR. FAVILUKIS: Understood.

17 ALJ STECURA: -- Mr. Geylik. So I am admitting
18 this over objection, but I will note that I'm going to give
19 it very limited weight because Mr. Citron is not available
20 for cross-examination. But since hearsay is admissible at
21 OATH, I will admit it and I am taking into consideration the
22 -- with everything, the limited period of the inquiry of the
23 petition.

24 **[Respondent's Exhibit U admitted into evidence.]**

25 MR. FAVILUKIS: Thank you, Your Honor.

1 Q: So, Michael, in the last sentence of the second
2 paragraph here, okay, can you just read what this affidavit sta --
3 states. The sentence starting with, "As both bar manager."

4 A: Oh, I don't see it.

5 ALJ STECURA: Do you want to go up there and direct
6 him, please?

7 A: Oh, no, I see it. "As Both bar manager and the building
8 manager, I can confirm that there was never a superintendent or
9 janitor on the premise responsible for the SRO units maintenance
10 or operations."

11 Q: Thank you, Michael. And the next sentence, the next
12 paragraph there it provides an email for --

13 A: Yes.

14 Q: -- Mr. Citron here and says, "Please feel free." Is
15 that -- can you read that as well?

16 A: Yes. "Please feel free to contact me at
17 joe@tampiconyc.com directly if you require any further information
18 or clarification."

19 Q: Thank you. So after you converted the ground floor from
20 a bar into an office, did -- were there -- was there any other
21 work that you planned on doing in the building?

22 A: Repeat, please.

23 Q: After the ground floor was converted and you received
24 the certificate of occupancy, --

25 A: Yeah.

1 Q: -- did you plan on doing any other work in the building?

2 A: Yeah. So --

3 Q: Any other renovation work?

4 A: Yes. I've mentioned to the tenants that I will legalize
5 the -- a bathroom and the shower that was illegally installed but
6 doing it the -- the way where I will not be getting the violations
7 and the -- following the proper procedures that would require to
8 install the -- the -- shower and what was called a kitchen area.

9 Q: And did you apply to the DOB for a -- a permit to do
10 that work?

11 A: We -- no. We submitted or pre-filed the plans to do
12 that work, but I was told that we will be required -- to do this,
13 we will be required to obtain a certificate of no harassment from
14 HPD to do the work legally.

15 Q: And is that the -- I don't want to sound glib. Did you
16 apply for a certificate of no harassment?

17 A: Yes.

18 Q: Okay. And that's why we're here today?

19 MS. JOSEPH: Objection, Your Honor. Leading.

20 Q: Is that why we're here today?

21 MR. FAVILUKIS: Okay.

22 ALJ STECURA: Are you withdrawing the question?

23 MR. FAVILUKIS: I'm withdrawing the question.

24 We're here today because of certificate of no harassment.

25 Q: After you applied for the certificate of no harassment

1 did you tell any of the tenants to lie or to omit information from
2 HPD?

3 A: No.

4 MS. JOSEPH: Objection. Leading.

5 ALJ STECURA: Sustained.

6 Q: Did you tell any of the tenants anything about the
7 certificate of no harassment?

8 MS. JOSEPH: Objection.

9 ALJ STECURA: Sustained. Your questions are
10 leading, Counsel.

11 Q: Did you have conversations with the tenants?

12 MS. JOSEPH: Still -- still leading.

13 ALJ STECURA: It's still leading.

14 MR. FAVILUKIS: Okay.

15 ALJ STECURA: Open-ended questions.

16 Q: After you applied for the certificate of no harassment,
17 what happened between you and the tenants?

18 MS. JOSEPH: I just have an objection as to
19 timeframe. I mean, he applied in, I believe, it was August,
20 '23, so.

21 MR. FAVILUKIS: I'll rephrase.

22 ALJ STECURA: Thank you.

23 MR. FAVILUKIS: I'll rephrase. We'll rephrase. Af
24 -- and I'm -- I really apologize if I asked it this way
25 already, I -- I honestly don't think this is a leading

1 question.

2 Q: After you applied for the certificate of no harassment,
3 did you have conversations with the tenants about the certifi --
4 about the application?

5 A: I mentioned to the tenants that I applied for the
6 certificate of no harassment and I mentioned that they might be
7 contacted by HPD, to my knowledge. But I was not aware of the
8 process going forward how HPD would proceed with the tenants.

9 Q: Okay. Did any of the tenants ask why you applied?

10 MS. JOSEPH: Objection. Leading.

11 ALJ STECURA: Sustained.

12 Q: Did any of the tenants ask you anything?

13 A: Yes.

14 MS. JOSEPH: That's objectionable.

15 ALJ STECURA: Sustained.

16 Q: Did the certificate of no harassment application include
17 a copy of the plans -- of the DOB plans?

18 A: I -- yes, I believe so.

19 Q: Okay. And is it your understanding that the certificate
20 of no harassment application is public?

21 A: I believe so.

22 Q: Okay. Was it your intention not to build the bathroom
23 and kitchen?

24 MS. JOSEPH: Objection, leading.

25 ALJ STECURA: Counsel, can you ask open-ended

1 questions, not ones that are going to result in a yes or no.

2 MR. FAVILUKIS: Yes, apologies.

3 Q: What was your goal in submitting a copy of the plans
4 with the certificate of no harassment application?

5 A: My goal was to obtain certificate of no harassment and
6 proceed with the Building Department job that was prefilled to
7 complete or to legalize or to properly install the kitchen and the
8 bathroom.

9 Q: Okay.

10 A: Yeah.

11 Q: Okay. When did you learn that HPD granted the
12 certificate of no harassment application?

13 A: I believe I was contacted by Sabrina March 3rd or March
14 4th, and I physically picked up the -- or it was ready for pickup,
15 the certificate of no harassment. It was March 13, 2024.

16 Q: Okay. Did you inform -- did you have an architect
17 involved in the project?

18 A: Yes.

19 Q: Did you inform the architect that you had received?

20 A: Yes.

21 Q: And -- so that was what? You said, I'm sorry, March --
22 1st week of March?

23 A: I believe I got notification or phone call from HPD on
24 March 3rd or March 4th that the certificate of no harassment is
25 approved and I needed to -- to, I think, sign some affidavits or

1 get it notarized.

2 Q: Okay.

3 A: And the certificate was actually ready for pickup March
4 13th.

5 Q: Okay. Do you remember what your architect told you when
6 you told the architect that you had received the certificate of no
7 harassment?

8 A: That now we will be able to proceed with the plans to
9 comply with the Building Department requirements to get the plans
10 approved and proceed with the permit.

11 Q: Okay. Do you know what a -- a seismological event is?

12 A: What -- what kind of event?

13 Q: Do you know -- do -- do you know what an earthquake is?

14 A: Yes.

15 Q: Was there an earthquake in New York City shortly after
16 you received the certificate of harassment?

17 A: Yes.

18 Q: Do you remember when the earthquake occurred?

19 A: April 8th or April 7th.

20 Q: Okay. And so -- and you said you -- you picked up the
21 certificate of no harassment on March 13th or 14th?

22 A: Yes. Yes.

23 Q: Okay. So where were you when the earthquake occurred?

24 A: In the office on the 2nd floor.

25 Q: Okay. There -- there were a couple witnesses that

1 testified previously they did not consider this an earthquake.
2 What did you feel when -- physically, not emotionally, when you
3 were at the building when the earthquake occurred?

4 A: It was shaking.

5 Q: What was shaking?

6 A: The -- the -- the whole con -- I was in the conference
7 room and the glass was shake -- we have glass partitions. The
8 glass was shaking, the desks were shaking, the -- the -- the whole
9 building was shaking.

10 Q: How long -- do you -- do you remember how long it lasted
11 for?

12 A: Maybe seven, 10 seconds? 8, 9, 12 seconds. I don't
13 know.

14 Q: Was that the first earthquake you felt?

15 A: No.

16 Q: When previously have you felt an earthquake?

17 MS. JOSEPH: Objection. Relevance?

18 ALJ STECURA: I'll allow it.

19 MR. FAVILUKIS: Thank you.

20 ALJ STECURA: Limited though.

21 MR. FAVILUKIS: Thank you, Your Honor.

22 ALJ STECURA: Thank you.

23 Q: When -- when -- when, previously?

24 A: When I -- when I was a kid in -- growing up in
25 Uzbekistan.

1 Q: Do you know how big that -- or how -- what's the -- what
2 was the level of that --

3 A: 2, 3 -- 2 -- 2, 3 decimal or.

4 Q: In Uzbekistan?

5 A: Yeah.

6 Q: And how big was this one; do you know?

7 A: Around five.

8 Q: Five?

9 A: Four and a half.

10 Q: Okay. Did you receive any calls from anyone --

11 A: Yes.

12 Q: -- after the -- after the earthquake about the
13 earthquake, did you receive any calls?

14 A: Immediately, I got a text message from Judy Saban.

15 Q: Judy who?

16 A: Judy Saban.

17 Q: And -- and who's Judy Saban?

18 A: She is a resident in the building in unit 3C.

19 Q: Okay. You said you got a text from her?

20 A: Yeah.

21 Q: Do you remember what it said?

22 A: Michael, what's going on in the building? It's --
23 everything is shaking. Something to that nature. May -- maybe
24 she called me, but definitely I remember maybe text message and a
25 call, but --

1 Q: But did you receive a call from Shiras Beckwith?

2 MS. JOSEPH: Ob -- objection.

3 A: No.

4 MS. JOSEPH: It's leading.

5 ALJ STECURA: I'll allow it.

6 MR. FAVILUKIS: Thank you, Your Honor.

7 Q: You said, no? Okay. And did -- were you concerned
8 after the earthquake occurred about the building?

9 A: Yes. So if -- before the earthquake, maybe a week
10 before the earthquake, I got a text message from Judy Saban with
11 pictures of the cracks in the hallway and she said, Michael the --
12 the -- the crack that was smaller in size became much larger and
13 I'm concerned with the building. And it was maybe, one week or
14 eight, nine days before the earthquake.

15 Q: Did you go take a look at the crack?

16 A: Yes.

17 Q: Can you describe the crack?

18 A: I mean, it's a -- the diagonal -- I mean, it's
19 throughout the -- for -- when you go up from the street level to
20 the 2nd floor, on the right-hand side, there is a wall, and the
21 staircase is sloped, so I -- my guess would be that the staircase
22 is pulling down in the wall and the crack became, obviously,
23 bigger.

24 Q: Bigger than it had been before?

25 A: Yeah.

[02:58:54]
[00:34:34-2]

1 Q: Did you notice that crack when you bought the building?

2 A: I do not remember. I -- it was not that probably,
3 obvious or visible.

4 Q: And you said you work in the building, correct?

5 A: On six -- five or six days every week.

6 Q: Okay. Did any of your employees mention the earthquake
7 to you?

8 A: Yes. Everybody started -- like, went out of the
9 cubicles and in the center, some people went through the side
10 doors to see what's going on.

11 Q: Well, did anyone stand in the doorway?

12 A: Yeah, people came to the -- close to the exit to the
13 doorways.

14 Q: I see, because that's -- okay. I got it. It's the
15 safest place to be.

16 ALJ STECURA: Counsel, don't testify.

17 MR. FAVILUKIS: Apologies.

18 Q: So would you say you know all of the building residents
19 by their face?

20 A: Except one.

21 Q: Who's the one?

22 A: James Hicks. I met him only, for the -- for the first
23 time, in November last year.

24 Q: But everyone else you know by face?

25 A: Somewhat. Some people are -- I see daily and one tenant

1 that I see maybe once a month or twice a month.

2 Q: Who do you see daily?

3 A: I see Zach, I see Thomas multiple times a day, Remy and
4 Judy.

5 Q: Okay. Zach, Thomas, Remy, and Judy?

6 A: Yeah.

7 Q: And you said you see one person once a month or a couple
8 times a month, you said, I'm sorry?

9 MS. JOSEPH: Objection as to the timeframe.

10 Q: You said you see one person less frequently than the
11 rest; is that correct?

12 A: Yes.

13 Q: Okay.

14 ALJ STECURA: Hold on. Can you give a -- what time
15 are you speaking about? Is it --

16 Q: During your ownership?

17 ALJ STECURA: -- the current?

18 Q: During your ownership?

19 A: During my ownership; this is correct. My statement was
20 during my ownership.

21 A: I didn't know them before.

22 ALJ STECURA: Hold on. What's your objection,
23 Counsel?

24 MS. JOSEPH: Again, it's the timeframe. We are --
25 the timeframe, excuse me, relevant to this proceeding is

1 March, 2024 to today, not 2021.

2 MR. FAVILUKIS: I will absolutely make the
3 relevance of the timeframe clear, Your Honor.

4 ALJ STECURA: Thank you.

5 Q: During your ownership, you said all, but one, of the
6 tenants you see daily, but one tenant during your ownership, you
7 see less frequently. How frequently?

8 A: I mean, sometimes twice a month, sometimes for two
9 months I don't see them. I mean, once a month.

10 Q: And which -- which tenant is that?

11 A: Shiras Beckwith. Patterson Beckwith.

12 Q: Okay. And do you have a pending litigation against
13 Shiras Patterson Beckwith?

14 A: Yes.

15 Q: Based on what?

16 A: Based on the fact that he does not reside in his unit
17 and my understanding, since SRO units are rent stabilized, the --
18 the people that claim tenancy are supposed to be living in those
19 units.

20 Q: And do you know if Mr. Beckwith is married?

21 A: Yes, he's married.

22 Q: Do you know the name of Mr. Beckwith's wife?

23 A: Yes, her name is Amy Cartrell.

24 Q: May I introduce -- what is the basis -- besides the fact
25 that you don't see Mr. Beckwith daily, do you have other basis

1 upon which you believe he doesn't reside in the building?

2 A: There are multiple basis.

3 Q: Tell me about them.

4 A: So when you Google his name and Amy Cartrell that the
5 website comes up that we got married and we bought a house in
6 Pennsylvania. It states that in our apartment, we already have
7 everything that we need, but we're asking for your help to give us
8 whatever, in the list of items that they asking for. So when I
9 saw that, obviously -- when she states that we have everything we
10 need in the apartment that we live, SRO unit that is 90 square
11 feet cannot be called an apartment and she is not a resident in
12 the building while my understanding that she sends out or
13 registered, somehow, her mail to the building. Plus, he has
14 houses and I am in the office like almost seven days a week, and I
15 work from 7:00, 8:00 AM until 9:00, 10:00 PM, and one of my
16 screens, I have cameras, so I see everybody except Beckwith. And
17 when he comes, sometimes he even doesn't go upstairs. He picks up
18 the mail and he leaves. He doesn't even go upstairs. So
19 obviously he doesn't live in the building.

20 Q: You mentioned a website.

21 A: Yeah.

22 MR. FAVILUKIS: I'd like to introduce Respondent's
23 L8.

24 ALJ STECURA: Thank you.

25 Q: And, Michael, is that the website that you're referring

1 to?

2 A: Yes.

3 Q: And could you just read from the top there, from the --
4 the -- the first -- the -- the text?

5 A: Yeah.

6 MS. JOSEPH: I'm sorry.

7 Q: Right below, "Greetings."

8 A: Okay.

9 MS. JOSEPH: Yeah. I -- I --

10 ALJ STECURA: This isn't in evidence.

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

13 Q: Michael, you recognize this as the website that you told
14 me about?

15 A: Yes.

16 Q: And how did you find this website?

17 A: If you Google Shiras Patterson and Amy Cartrell, it
18 comes up.

19 Q: And is this website part of the exhibits submitted in
20 the litigation that you have with Mr. Beckwith?

21 A: Yes.

22 MR. FAVILUKIS: It's -- it's at the top there. If
23 you look, it should be, unless it's cut off the index number.

24 MS. JOSEPH: Objection, Your Honor. I mean, what
25 is that litigation? I withdraw -- I withdraw the objection.

1 MR. FAVILUKIS: This the litigation that you heard
2 him testify to.

3 MS. JOSEPH: I understand. Okay.

4 MR. FAVILUKIS: So what -- we'd like to submit this
5 into evidence as Respondent's L8.

6 ALJ STECURA: Any objection?

7 MS. JOSEPH: Yes, Your Honor. So, Mr. Beckwith did
8 testify here. He testified to the fact that he's married to
9 Ms. Amy Beth Ca -- Cartrell. I don't see that this printout
10 from April, 2022 is relevant to the other -- I'm sorry.

11 ALJ STECURA: Do you want to voir dire the witness
12 about the document? I mean this --

13 MS. JOSEPH: Not really, Your Honor. I just -- I'm
14 just --

15 ALJ STECURA: So this -- just about the
16 admissibility of the document and you'll have the opportunity
17 to cross examine the witness, but on --

18 MS. JOSEPH: I understand. I just wanted to say
19 that the allegation -- excuse me. The allegation relates to
20 a hold of a court case filed in December 24, 2024, so this
21 website printout from April, 2022 is not relevant to the --
22 to the allegation. It's not relevant to the hold over case
23 that the allegation is based on. This is two years -- no,
24 actually, almost three years prior to that.

25 ALJ STECURA: I'm overruling and the L8 is

1 admitted. I'm noting the objection.

2 **[Respondent's Exhibit L8 admitted into evidence.]**

3 MR. FAVILUKIS: Thank you, Your Honor.

4 Q: Right below where it says, "Greetings", can you read
5 that text?

6 A: "Hello, Friends and family. We're lucky to already have
7 an apartment full of everything we need, so please enjoy browsing
8 the honey fund Wishlist where you can contribute funds to our new
9 home. It is a rural house in Pittsburgh, small but cute. We own
10 the house outright, but need to do work o -- on it to bring it to
11 -- up to code. Fortunately, it is sound and does not need a roof
12 or anything, just some renovation. We're doing a lot of work
13 ourself (and hiring people) we -- where we can't. We will be
14 putting a new kitchen, flooring and some tile. We are also
15 painting and fixing things throughout the house. Feel free to
16 contact us via the link below if you need more information about
17 how it works or have any question. Thanks for looking."

18 MR. FAVILUKIS: Thank you, Michael. I'd also like
19 to introduce Respondent's L10 and L11.

20 MS. JOSEPH: Thank you.

21 ALJ STECURA: Counsel, don't forget to state for
22 the record what those two proposed exhibits are.

23 MR. FAVILUKIS: Oh, L10 and L11 are the deeds. Mr.
24 Beckwith and Ms. Cartrell deeds.

25 ALJ STECURA: Thank you.

1 MR. FAVILUKIS: For the Pittsburgh home. They are
2 adjacent properties as far as I can tell.

3 Q: Michael, do you know what those are?

4 A: Yeah, those are the copies of the recorded deeds for the
5 houses that Beckwith bought.

6 Q: Where -- where did you get these?

7 A: So when I googled his name, it -- it shows that he owns
8 houses. And then I googled the city registry for the town where
9 the -- those company -- those houses are located. And there is a
10 portal provided by this jurisdiction municipality, where you can
11 buy these deeds for \$6.

12 Q: And did you purchase copies of these deeds?

13 A: Yes.

14 Q: And are these deeds part of your litigation against Mr.
15 Beckwith?

16 A: I believe so, yes.

17 MR. FAVILUKIS: Okay. I -- I'd like to introduce
18 both, Your Honor, as Respondent's L10 and L11.

19 ALJ STECURA: Ms. Joseph?

20 MS. JOSEPH: I have the same objection, Your Honor.
21 The allegation relates to a court case on December, 2024, and
22 I believe that the tenant testified that he owns property in
23 Pittsburgh and he's married, but it's not his primary
24 residence. I think this -- the purchase here, I can see, let
25 me just see here. That's -- that's basically the extent of

1 my objection to these. It's not relevant to the timeframe
2 for which the allegation relates to.

3 ALJ STECURA: I'm going to admit -- admit L10 and
4 L11 over objection.

5 **[Respondent's L10 and L11 admitted into evidence.]**

6 MR. FAVILUKIS: Thank you, Your Honor.

7 Q: Michael, were -- were the lack of Mr. Beckwith's
8 presence of the building, the website, the deeds, were those part
9 of your good faith belief for start or good -- good faith belief
10 why your case against him is meritorious?

11 MS. JOSEPH: Objection, Your Honor. It's --
12 Counsel is handling director's course, he's testifying and
13 he's asking for confirmation of his own testimony.

14 ALJ STECURA: Sustained.

15 Q: What -- what's -- what's the reason why you believe Mr.
16 Beckwith doesn't live in the building?

17 A: My personal knowledge, observation and I spoke before
18 Remy so they became somehow against me. He told me many times;
19 you've never seen his neighbor next door while now I think he
20 signed an affidavit stating that he sees him more often.

21 MS. JOSEPH: Objection. I mean, the testimony
22 refers to facts not in evidence about an affidavit.

23 ALJ STECURA: And you can cross examine him on
24 that.

25 MS. JOSEPH: Okay.

1 ALJ STECURA: Please don't interrupt his testimony.

2 You can object to questions. Counsel, can you --

3 A: So my -- my -- my personal knowledge is like, I have six
4 screens in my office, and one of the screens is the cameras, and I
5 am by my desk most of the day. And I know that Beckwith does not
6 live in the building. He is almost never there. Also, it's not
7 in evidence. I looked up his parking tickets, so all of his
8 parking tickets from 2008 or '09 up until now, all in Greenpoint
9 or by CCNY, where he either resides or works. So it's -- like,
10 there is no question about it, that he does not live in there. He
11 only has his mailing address or his letters would come to the
12 building, but he's never there. He doesn't sleep there.
13 Sometimes he sleeps there. Maybe throughout the -- my ownership,
14 it's maybe two or three nights before the litigation he slept in
15 his unit.

16 Q: Did you start the case to harass Mr. Beckwith?

17 A: Never.

18 MS. JOSEPH: Objection, leading.

19 MR. FAVILUKIS: Okay.

20 ALJ STECURA: Sustained.

21 MR. FAVILUKIS: I have one more exhibit, Your
22 Honor, on this subject. It's a proposed petition --
23 Respondent's L5. This is an affidavit by one of Mr. Geylik's
24 employees who sits directly in front of the building's
25 entrance. Actually two -- two -- two exhibits. It's L5 and

1 L6. This is the photo from where Mr. Tan --

2 MR. GEYLIK: Yeah.

3 MR. FAVILUKIS: -- sits.

4 ALJ STECURA: Thank you.

5 Q: Michael, do you recognize the first document that I gave
6 you?

7 A: Yes.

8 Q: You do? And is Min Tan an employee of yours?

9 A: Yes.

10 Q: And are you aware that this document is also part of
11 your case against Mr. Beckwith?

12 A: Yes.

13 Q: Okay. And when was -- when is that document dated?

14 A: 26th of June, 2025.

15 Q: And the second document that I gave, you the photograph?

16 A: Yes.

17 Q: What is that?

18 A: So this is the picture of the Min's workstation.

19 Q: What is -- there -- there -- there are some arrows, if
20 you can describe what we're looking at.

21 A: So in a -- the arrow pointing down, that's where Min's
22 chair, the circle, that's where Min seats and the arrow pointing
23 to the left, that's the entrance to the residential portion of the
24 building.

25 Q: And -- and what are those -- sorry, before I go on, we'd

1 like to introduce both documents as Respondent's L5 and L6.

2 ALJ STECURA: Ms. Joseph, any objection?

3 MS. JOSEPH: Yeah, I do object to L5, Your Honor.

4 It's an affidavit from a person who hasn't provided
5 testimony, cannot be cross-examined. And I wouldn't object
6 to L6, although I don't think it was properly authenticated.
7 But I mean, L6, I don't have objection. L5 I do because I
8 cannot -- I cannot, you know, it states gen -- gen -- general
9 information as far as over the years. I -- it doesn't have
10 any timeframe that relates to the allegation with res -- with
11 regard to the court case brought against Mr. Beckwith.

12 ALJ STECURA: Thank you. I'm going to admit L5
13 over objection.

14 **[Respondent's Exhibit L5 admitted into evidence.]**

15 ALJ STECURA: Hearsay is admissible, but I'm going
16 to accord it very minimal weight because Ms. -- Mr. and Ms.
17 Tan is not available for cross-examination or for further
18 questioning. As to L6, I agree with Counsel. It was not
19 properly authenticated.

20 MR. FAVILUKIS: If -- if I -- can I authenticate
21 it, Your Honor?

22 ALJ STECURA: Yes, you can.

23 Q: What -- what -- when was this picture taken?

24 A: The day before the affidavit was signed.

25 Q: What date was the affidavit signed in?

1 A: June 26.

2 Q: And you recognize this photo as what?

3 A: As the photo of my building and the front of the
4 building.

5 MR. FAVILUKIS: Thank you. Is that --

6 ALJ STECURA: And who took the photo?

7 MR. GEYLIK: I did.

8 ALJ STECURA: Counsel, any further objection?

9 MS. JOSEPH: No, Judge.

10 MR. FAVILUKIS: Thank you, Your Honor.

11 ALJ STECURA: All right. L6 is in evidence.

12 **[Respondent's Exhibit L6 admitted into evidence.]**

13 MR. FAVILUKIS: Thank you.

14 Q: So if we can start with the affidavit first, so Min Tan,
15 it's a Mr. Tan, he is an employee of MGNY; is that correct?

16 A: Correct.

17 Q: And here in paragraph 3, it says that, "I sit at the
18 desk in front of the window next to the entrance door to the
19 building in MGNY's offices on the ground floor. The building is
20 depicted in the photograph and next to it is Exhibit B. That
21 photograph is Respondent's L6." And he goes on, "As such, I am
22 able to observe the occupants of the building's comings and goings
23 on a daily basis throughout the work week." Does Min work at that
24 station from Monday to Friday?

25 A: Yes.

1 Q: Okay. And what time?

2 A: He usually comes between 8:30 and 9:00 and leaves
3 usually between 5:45 to 6:30.

4 Q: And can you just read that paragraph 4 for me?

5 A: "Over the years, I confirmed to Mr. Geylik that I rarely
6 see Respondent at the building, perhaps once or twice a month,
7 seemingly checking mail or dropping off rent in stark contra --
8 contrast to other occupants who I observe coming and going
9 multiple times per day."

10 Q: Thank you, Michael. And Respondent here is referring to
11 who?

12 A: That he doesn't see?

13 Q: No, no, the word respondent.

14 A: Respondent, that's Beckwith

15 Q: Beckwith. So based on your observations, would you say
16 that -- how much credibility would you give to Mr. Beckwith's
17 testimony that he lives at the building?

18 A: I -- he -- I can -- I said, I'm going to say, honestly,
19 he lied completely under the oath that he lives at the building,
20 that he misses the kitchen. After I bought the building, he was
21 never there, so he completely lied under the oath.

22 Q: Did Mr. Beckwith start to appear in the building more
23 frequently recently?

24 A: Yes. After he got served, he started to appear in the
25 building more recently. He connected the internet. He tries to

1 come to the building maybe twice or three times per week now, but
2 most of the time, even after he got the -- served he does not live
3 in the building.

4 Q: Okay. I want to ask you about the photograph.

5 A: Yes.

6 Q: Something less related to Mr. Beckwith. We're going to
7 switch gears.

8 A: Yes.

9 Q: On the right side of the photograph --

10 A: Yes.

11 Q: -- to the right of the arrows; the arrows, am I correct
12 in understanding someone put these arrows there, right?

13 A: I did.

14 Q: You did? There are three columns or poles. They're
15 red.

16 A: Yes.

17 Q: And above them, there is a wooden beam.

18 A: Yes.

19 Q: And we'll pull up the photo here. Can you tell us what
20 those are?

21 A: Yeah, so the -- these three are -- jacks are -- are part
22 of the temporary shoring. There -- there are seven temp -- temp -
23 - jacks installed on the street -- on the first floor, street
24 level.

25 Q: Are there more of these in your office?

1 A: On the first floor, there are four more, three on the
2 other side, on the east side of the building, and one in the
3 middle by the metal I-beam.

4 Q: Why are these there?

5 A: Because we were ordered to temporarily stabilize the
6 building by the building department.

7 Q: So these were not there when you purchased the building?

8 A: No.

9 Q: When did you install these?

10 A: We were -- we were -- installed these after we got
11 emergency work order violations from DOB after August 14, 2024.

12 Q: And at the bottom there, I don't know if you could just
13 scroll. Is that what these -- I assume these are the Lally
14 columns. Are these the Lally columns?

15 A: Yeah. So basically, because the -- the -- was -- we was
16 supposed to spread the weight of the building, and the jacks are
17 at the bottom, they only have small metal plates. In order to
18 spread the weight, we had to install wooden platforms that
19 practically blocked the walkway to the building. So there is
20 virtually no space left for people to walk and it's dangerous
21 because if you see where the third column installed, furthers
22 away, there is a narrow walkthrough and we don't see the platform,
23 but there is a similar platform, but under the -- each column and
24 there -- there's virtually no space for people to walk.

25 Q: And did Mr. Chlapek help install these?

1 A: No.

2 Q: No. Okay, I'll ask you more about Mr. Chlapek later.
3 So you can put that away, I'm done with that exhibit for now. You
4 mentioned that one of the tenants that you do frequently see is
5 Zachary Hall, correct?

6 A: Yes.

7 Q: Is Zachary Hall here today?

8 A: Yes, he's here.

9 Q: Where's that? Where's Zach? Is that Zach?

10 A: Yes.

11 Q: Okay. And has Zachary ever brought up to you the idea
12 of selling the building?

13 A: Yes.

14 Q: Tell me about that.

15 A: On few occasions, Zach mentioned to me that it might be
16 beneficial for everybody that if I sell the building there will be
17 more money for everybody. Something to that degree.

18 Q: What did you think he meant -- who did you think he
19 meant by everybody?

20 A: Me and the -- the tenants.

21 Q: Did you tell Zach that you wanted to sell the building?

22 A: No.

23 Q: Did you ask Zach to help you sell the building?

24 A: No.

25 MS. JOSEPH: Objection, leading.

1 ALJ STECURA: I overrule it. But again, please
2 refrain from asking leading questions.

3 MR. FAVILUKIS: Thank you, Your Honor.

4 Q: How -- how many times do -- do you -- can you remember
5 how many times Zach has brought this up to you?

6 A: At least three times.

7 Q: At least three times?

8 A: Yeah.

9 Q: All in one day?

10 A: No. Throughout a period of time.

11 Q: Starting when?

12 A: Starting when there was -- he -- Zach had an issue with
13 the pipe, with the heat.

14 Q: I'm sorry, with the what?

15 A: With the -- like, Zach lives at the 5th floor, and there
16 is a -- at the end of the heating system, I guess there is a
17 release valve for the gas to be released. And so maybe in 2022 in
18 the winter, it was making noise, so I had the plumber come and fix
19 it, and Zach was complaining to the plumber that the building is
20 bad. And then he said, if Mike gives me a million dollars, I will
21 leave without unsolicited completely.

22 Q: He said this to whom?

23 A: To my plumber.

24 Q: I see. And -- and how did you find out that he said
25 this to your plumber?

1 A: I've heard it, it was in the hallway and the plumber was
2 inside. I was outside.

3 Q: So you heard it yourself?

4 A: Yeah.

5 Q: Got it. Okay. And -- and again, I want to make sure I
6 understand this correctly, did -- did you solicit anything from
7 Zach?

8 A: No.

9 MS. JOSEPH: Objection.

10 MR. FAVILUKIS: I have an exhibit here --

11 ALJ STECURA: So, Mr. Favilukis, no more leading
12 questions.

13 MR. FAVILUKIS: I -- I apologize, Your Honor.

14 ALJ STECURA: Thank you.

15 [OFF MIC CONVERSTION]

16 MR. FAVILUKIS: Is it all right if we pull up our
17 exhibit on -- on the screen, Your Honor? I -- I -- I thought
18 I have --

19 ALJ STECURA: Which exhibit?

20 MR. FAVILUKIS: O1. I believe that part of it may
21 have been introduced by Petitioner, but -- and I'm looking
22 for the full --

23 ALJ STECURA: We need a hard copy.

24 [OFF MIC CONVERSATION]

25 MS. JOSEPH: Do you know which -- which exhibit it

1 is?

2 MR. FAVILUKIS: It's 01.

3 MS. JOSEPH: Oh, 01. That's right.

4 MR. FAVILUKIS: And I think that at least it's
5 partial, it's at least partially in evidence.

6 MS. JOSEPH: Right.

7 MR. FAVILUKIS: We could talk about it.

8 MS. JOSEPH: Right.

9 ALJ STECURA: So you don't have a hard copy?

10 MR. FAVILUKIS: I thought I did, and I can't find
11 it, Your Honor. I'm only going to be referring just to this
12 text, and if it is --

13 ALJ STECURA: And this page is or is not in
14 evidence?

15 MR. FAVILUKIS: I believe it is in evidence, but I
16 don't want --

17 ALJ STECURA: So you need to confirm that.

18 MR. FAVILUKIS: I understand. I mean -- I mean, I
19 can authenticate it now, it's an email.

20 ALJ STECURA: But if it's already in evidence.

21 MR. FAVILUKIS: From the chance that it's not.

22 MS. JOSEPH: Just to save time, Judge, it is -- as
23 my record show me that this one page is in evidence.

24 ALJ STECURA: As 01 or as something else?

25 MS. JOSEPH: As 01. It's partial of 01.

1 MR. FAVILUKIS: Thank you. We'll only be referring

2 --

3 MS. JOSEPH: Just the first page was, excuse me.

4 It was admitted.

5 ALJ STECURA: All right, go ahead. Thank you, Ms.

6 Joseph.

7 MR. FAVILUKIS: Thank you, Ms. Joseph.

8 MS. JOSEPH: You're welcome.

9 Q: And is that -- that -- that's an email from Mr. Hall to
10 you, correct?

11 A: Yes.

12 Q: March 4th, 2025?

13 A: Yes.

14 Q: Okay. And can you just read that? The -- the first
15 three paragraphs there? Can you see that or do you --

16 A: It's under the angle where it's --

17 Q: I can read it. It says, "Hi, Mike, you mentioned last
18 year that you are open to potentially selling the building," and
19 I'll stop there. Is that true, Michael? You -- you have to say
20 it. You can't --

21 A: No.

22 Q: No, that -- that first sentence, you did not mention to
23 Zach Hall that you were interested in potentially selling the
24 building?

25 A: I'm not, no. I'm -- I haven't mentioned, and I'm not

1 interested in selling the building.

2 Q: "Is this still something you are open to, considering
3 both last year and also in 2021, I discussed the situation at 109
4 East 9th Street with a high-profile real estate attorney." Do you
5 know what situation Mr. Hall's referring to?

6 A: Perhaps the reports that are required --

7 MS. JOSEPH: Objection, Your Honor. I don't mean
8 to interrupt, but the word perhaps means that it's a
9 speculative answer.

10 ALJ STECURA: So if you know. If you do not know,
11 then say you do not know.

12 A: It has to do with the repairs of the building.

13 Q: And it says "He," this real estate attorney, "gave me
14 some advice and also expressed interest in helping negotiate a
15 sale of the building between you and a large developer. The
16 attorney is interested in vastly increasing the price of a sale
17 for you, while also negotiating a joint buyout for tenants and
18 coordinating a plan with neighboring buildings." So I'll pause
19 there for a second. Did you ever offer any buyouts to the tenants
20 prior -- prior to this --

21 MS. JOSEPH: Objection. Okay, sorry. Go ahead.

22 Q: -- this is referring to a buyout. It's an email from
23 Mr. Hall.

24 MS. JOSEPH: Object -- just for the --

25 Q: Do you know what Mr. Hall is talking about here?

1 Negotiating a joint buyout?

2 A: I don't know.

3 Q: Okay. Is it your impression from this email that Mr.
4 Hall is negotiating a buyout?

5 MS. JOSEPH: Objection, Your Honor.

6 ALJ STECURA: What's your objection?

7 MS. JOSEPH: To the word impression. The document
8 speaks for itself.

9 ALJ STECURA: Sustained. You can ask what he --

10 Q: How did you figure out -- how did you interpret this
11 sentence that I just read?

12 A: I interpreted that Zach wants money.

13 Q: And was this email before or after you said Zach Hall
14 said to the plumber that he wanted a million dollars --

15 A: That's -- that's --

16 ALJ STECURA: Let him finish the question. Thank
17 you.

18 Q: Go ahead, Michael. Was this emailed before or after
19 that comment?

20 A: After.

21 Q: After?

22 MR. FAVILUKIS: Nice. Thank you. We did find it.

23 ALJ STECURA: Okay. So I would like to introduce
24 the entirety of 01 into the record. Do you have a copy?

25 [OFF MIC CONVERSATION]

1 MR. FAVILUKIS: So this is the entirety of 01 and
2 I'm just going to give it to the witness but I'm trying to
3 look for a copy. We have another copy.

4 [OFF MIC CONVERSATION]

5 ALJ STECURA: Well, before you start, we need to
6 get another copy.

7 MR. FAVILUKIS: Yes.

8 [OFF MIC CONVERSATION]

9 ALJ STECURA: Do you have 01 in its entirety, HPD?

10 MS. JOSEPH: I do, but -- yes, I do have 01, Your
11 Honor. I just --

12 ALJ STECURA: Okay, so Counsel's trying to locate
13 another one.

14 MS. JOSEPH: Yeah, I just -- yeah, I understand. I
15 don't know what Mr. Geylik is reading this. I don't know if
16 that document that is in front of him is -- is the same as my
17 document.

18 MR. FAVILUKIS: Do you want to switch?

19 MS. JOSEPH: I just wanted to make sure.

20 MR. FAVILUKIS: Sure.

21 MS. JOSEPH: Is it all right if I approach?

22 ALJ STECURA: You may.

23 MS. JOSEPH: So this document has all kinds of
24 notes on it, Your Honor. Handwritten notes.

25 MR. FAVILUKIS: I --

1 ALJ STECURA: Take the document back.

2 MR. FAVILUKIS: I didn't even realize; I can take
3 that back. May we rely on the monitor?

4 ALJ STECURA: I don't have a copy. I can't see the
5 monitor.

6 MR. FAVILUKIS: I don't want to hold us up, Your
7 Honor. I'll -- I'll move on.

8 ALJ STECURA: Okay. Perhaps after a break, you can
9 furnish copies of O1.

10 MR. FAVILUKIS: Yes. Thank you, Your Honor.

11 Q: Did -- did Mr. Hall ever complain to you about any other
12 tenants?

13 MS. JOSEPH: Objection, Your Honor. It's leading
14 and --

15 ALJ STECURA: I'll allow it. Limited just for the
16 purposes of making a transition.

17 MS. JOSEPH: Right. I just wanted to also add that
18 parts of this exhibit that were discussed prior to today, and
19 the remaining of it was held not admissible for purposes of
20 the -- of this hearing already. So there was a ruling that
21 only the first page is admissible. Your Honor looked at the
22 rest of the document and because of the subject matter of it,
23 which did not relate to any -- any correspondence between the
24 tenant and Mr. Geylik, but it related to some other -- oh, it
25 related -- I'm sorry, I take it back, it related to 4B, the

1 tenant at 4B, and there was a stipulation by petitioner that
2 any issues with 4B are not part of this proceeding. And so
3 none of it was admissible. We dealt with that before. And
4 now Counsel is attempting to go back to those issues that
5 were already held to be not admissible by way of
6 stipulations.

7 ALJ STECURA: Do you have a transcript site? But
8 it was during Mr. Hall's testimony?

9 MS. JOSEPH: Yes, it was.

10 ALJ STECURA: Okay.

11 MS. JOSEPH: And that -- that's why just the first
12 page was admitted because there was a stipulation that any --
13 any issues relating to -- to tenant or 4B or 4B for that
14 matter, is not part of this -- of this proceeding. And the
15 city is not moving under -- under anything that's related to
16 4B, so.

17 ALJ STECURA: Understood. At this time, Counsel's
18 not moving it in or attempting to move it in. At our next
19 break, I will review the transcript. Thank you.

20 MR. FAVILUKIS: Thank you, Your Honor.

21 MS. JOSEPH: If we have any more details, I will
22 give it to the Court as far as the page numbers or anything
23 like that.

24 ALJ STECURA: I think I should be able to find it.
25 Thank you.

1 MS. JOSEPH: Okay. You're welcome.

2 MR. FAVILUKIS: Did he -- did he --

3 ALJ STECURA: You may ask your question.

4 MR. FAVILUKIS: Thank you, Your Honor.

5 Q: Did -- did Mr. Hall complain to you about any other
6 tenants?

7 A: Yes.

8 MS. JOSEPH: Objection, Your Honor. Again --

9 ALJ STECURA: I already overruled the objection.

10 Q: Can you tell us about that?

11 A: There was most recent complaint that had to do with the
12 fact that James Hicks re-ren -- re-rented or re-sublet his unit to
13 a lady who is a photographer or an artist. And my understanding
14 is that apparently between James Hicks and the final tenant, there
15 is a middleman Bobby Rich who Zach has had a conflict, and he for
16 some reason does not want Bobby Rich to be close to him because
17 they had some parties, or Zach sent me some emails of some kind of
18 rave parties that he was involved with Bobby Rich and Zach didn't
19 want, I guess, Bobby Rich to re-rent this unit to somebody else
20 through James Hicks.

21 MS. JOSEPH: Okay. So, Judge, I -- I move to
22 strike this testimony because again, it stipulated that
23 nothing regarding 4B, which is the unit that's rented by
24 James Hicks, is part of this proceeding for purposes of the -
25 - there's no allegation that the Petitioner is not moving

1 under anything that's related to the tenant at 4B or to the
2 unit 4B. And that's what's being elicited right now.

3 MR. FAVILUKIS: No. What's being elicited is about
4 Mr. Hall and Mr. Hall's relationships with the other tenants.
5 My next question will be whether other tenants have
6 complained about Mr. Hall.

7 MR. GEYLIK: Yes.

8 MS. JOSEPH: Okay. Well --

9 ALJ STECURA: Hold on, hold on, hold on, hold on,
10 hold on, hold on. So nothing about Mr. Hicks unit is
11 relevant. Nothing about Mr. Hall's complaints about other
12 people is relevant to the allegations.

13 MR. FAVILUKIS: Okay.

14 ALJ STECURA: So please stick to the petition.

15 MR. FAVILUKIS: I -- I do believe, Your Honor, that
16 there is a complaint. Again, if we want to have the witness
17 step out, I'll explain.

18 ALJ STECURA: Mr. Geylik, would you step out,
19 please?

20 MR. GEYLIK: Yeah.

21 ALJ STECURA: Thank you. Actually, would now be a
22 good time to take a brief break. Mr. Geylik, do you need a
23 break?

24 MR. GEYLIK: I -- I don't mind.

25 ALJ STECURA: Okay, then just wait short -- we

1 should be done shortly.

2 MR. FAVILUKIS: There have been complaints by other
3 tenants against Mr. Hall. One of those tenant's complaints
4 goes directly to the allegation which Mr. Geylik will testify
5 was untrue that Mr. Geylik insisted that that tenant sign up
6 for the housing lottery. And the complaint against Mr. Hall
7 by that tenant is directly related to that tenant's
8 allegation against Mr. Geylik. The -- in -- in general --

9 ALJ STECURA: So wait, a tenant complained about
10 Mr. Hall, and that relates to the allegation that Mr. Geylik
11 told the -- this tenant to apply for a housing lottery.

12 MR. FAVILUKIS: The substance of the complaint that
13 that tenant lodged against Mr. Hall was the basis for that
14 tenant asking Mr. Geylik if he could assist her in getting on
15 the housing lottery.

16 MS. JOSEPH: That is --

17 MR. FAVILUKIS: And we have evidence to it.

18 MS. JOSEPH: That is not the allegation, Judge.
19 The allegation is that not that that tenant asked Mr. Geylik
20 if he could assist her. The -- the allegation is allegation
21 G, which is telling a lawful occupant that she needs to pay
22 rent and refusing to accept rent payments while inducing her
23 to move out of the building, or Mr. Geylik -- the allegation
24 is that Mr. Geylik offered assistance and assisted her to
25 file documents for building lotteries elsewhere.

1 ALJ STECURA: Right.

2 MR. FAVILUKIS: Right.

3 ALJ STECURA: But Respondent's defense is that the
4 tenant asked for help.

5 MS. JOSEPH: So I understand that his response is
6 the tenant asked for help. I understand that, but I don't
7 see how Mr. Hall is part of this allegation.

8 ALJ STECURA: Well, that's what --

9 MS. JOSEPH: Right. I don't see how that's
10 relevant.

11 ALJ STECURA: Mr. Favilukis has said is going to be
12 revealed, so --

13 MS. JOSEPH: I understand, but the allegations of
14 tenants making complaints about other tenants, again, are not
15 part of the -- are not part of any allegations here.

16 ALJ STECURA: I understand. But for the limited
17 purpose that you outlined, you may inquire. Any other
18 complaints are not relevant. All right, you may bring the
19 witness back in, please.

20 MR. FAVILUKIS: Thank you, Your Honor.

21 Q: Michael, and -- and -- and I can be more specific with
22 respect to the tenant who alleged the complaint -- made the
23 complaint. Michael, did Ms. Saban ever complain to you about Mr.
24 Hall?

25 MS. JOSEPH: Objection, Your Honor. This is not

1 specific enough with regard to the particular allegations of
2 inducing her to file for lottery. This is just a generic
3 question.

4 ALJ STECURA: Overruled. And I believe Counsel is
5 going to get there through his questioning.

6 A: Yes. On multiple occasions, Judy complained about Zach
7 harassing her.

8 Q: Could you tell us a little bit more about that? You
9 said multiple times?

10 A: Yeah. So Judy Saban told me that there was a
11 relationship between Zach and her, and something happened. Then
12 Zach started to harass her, and she had to call the police and
13 file police reports against Zach.

14 Q: Did Judy provide you with a copy of the police report?

15 A: Yes. So Judy came to me and she said that she would
16 need -- she would like to have an assistance applying either to a
17 lottery or to a voucher. And she said that the police reports
18 that proved that Zach harassed her would, based on her
19 understanding, potentially help her get either housing voucher or
20 to speed up a lottery process to get an apartment far from Zach.

21 MR. FAVILUKIS: I'd like to introduce the police
22 report. It's Petitioner's K5.

23 ALJ STECURA: And it's appropriately redacted where
24 it should be.

25 MR. FAVILUKIS: It's -- I don't believe that

1 there's any personal information here other than the names.

2 ALJ STECURA: Okay. And you have a copy for me?

3 MR. FAVILUKIS: Yes. It's a little hard to read.

4 Q: Michael, is this what Judy -- what Ms. Saban gave you?

5 A: Yes.

6 Q: And when did she give this to you?

7 A: A few years ago.

8 MR. FAVILUKIS: Okay. I'd like to introduce this
9 as Respondent's K5, K as in kite 5.

10 ALJ STECURA: Well, Counsel, any objection?

11 MS. JOSEPH: Yes, Your Honor. I believe that this
12 -- it's -- it's pre -- prejudicial and I don't see how is it
13 probative? It's a report from January 20, which I assume
14 it's 2020. How is that probative? It's even before the --
15 you know, how is it probative -- probative to allegation G, I
16 mean, if Mr. -- if the witness wants to testify that Ms.
17 Saban had requested his assistance, but I don't see that this
18 report is relevant to -- committed to evidence to -- to be
19 probate to -- to -- that's probative of the fact that she had
20 asked him to assist her with finding a housing lottery is, if
21 that's what it says in the testimony.

22 MR. FAVILUKIS: I believe that Mr. Geylik's
23 testimony will make it very clear.

24 ALJ STECURA: I'm going to admit it for this
25 purpose limited to the fact that Mr. Geylik received a police

1 report from Ms. Saban, or has one in his possession, not for
2 the truth of its contents, not for anything further other
3 than there was a -- a police report corroborating Mr.
4 Geylik's testimony that he was furnished a copy by Ms. Saban.

5 MS. JOSEPH: Thank you.

6 MR. FAVILUKIS: Thank you, Your Honor.

7 Q: In the -- in the middle of the pa -- the first page
8 there, Michael, it's a suspect name. Can you read that?

9 A: Zachary David Hall.

10 Q: And there -- right below that name, there's a cross out,
11 but there's a name written on top. Can you read that name?

12 A: Judy Saban.

13 Q: That's what it says, correct?

14 A: Yeah.

15 Q: And can you read the handwriting --

16 ALJ STECURA: I've already ruled that the contents
17 --

18 MR. FAVILUKIS: Understood, understood.

19 ALJ STECURA: -- are not admitted.

20 MR. FAVILUKIS: Understood, Your Honor.

21 ALJ STECURA: Just for the -- the fact that there
22 was a report furnished.

23 MR. FAVILUKIS: Understood. Understood.

24 Q: What did -- what did Ms. Saban tell you about this
25 report, Michael?

1 A: she said that Zach harasses her, and she would like take
2 -- knowing the nature of our consulting company, she would like to
3 get, if possible, and assistance, in either helping with a housing
4 voucher to pay for her rent or to help her get into a lottery.
5 And specifically, she was interested in a Domino Sugar, Domino --
6 converted Domino Sugar factor building in Williamsburg.

7 Q: Did you schedule an appointment for Ms. Saban with
8 someone at MGNY for this purpose?

9 A: Yeah, so I don't deal directly with applicants, or I
10 have no knowledge in housing vouchers or specific -- I don't have
11 a specific information pertaining to application process that
12 since Judy requested that I help her and she gave me the police
13 reports, I arranged a meeting with at the time director or the
14 person who is more involved and knows the details of the
15 application process in the housing lottery.

16 Q: Is the fact that there's a that -- that an applicant is
17 concerned or has -- has this domestic abuse issue, does that play
18 into their ability to get housing? Is that a consideration in the
19 housing lottery?

20 A: So my understanding is that whenever there is a -- a
21 domestic abuse, applicants could potentially quicker get a voucher
22 that would help them to pay for the housing. But it's unrelated
23 to the application process for a housing lottery. So I don't if I
24 was able to answer the question.

25 Q: Sure. No, that's fine. And was -- was Ms. Saban aware

1 that this report might help her get --

2 A: Yeah, that's what she said.

3 MS. JOSEPH: Objection, Your Honor. Leading,
4 again.

5 ALJ STECURA: Sustained.

6 Q: Did Ms. Saban mention anything to you about --

7 A: Yes, she said she --

8 MS. JOSEPH: The -- leading -- still objection,
9 leading.

10 ALJ STECURA: Sustained.

11 Q: Were you able to assist Ms. Saban in getting her the
12 Domino Sugar Factory housing?

13 MS. JOSEPH: It's leading again.

14 ALJ STECURA: Counsel, you are asking leading
15 questions.

16 Q: How -- how -- how were you able to assist Ms. Saban?

17 A: We could not assist her because we don't -- she wanted a
18 specific project, the Domino Sugar Factory, and we do not
19 represent I believe it's a two trees, so they're not our clients.
20 And even if they were our clients, if she's not on the lottery or
21 if her log number is -- or somebody's log number is high enough,
22 there is no way for us to assist somebody who wants to be in a
23 specific building because it's -- it's a -- it's a process.

24 Q: Did you ever have any conversations with -- with Mr.
25 Hall about this report?

1 MS. JOSEPH: Objection, leading.

2 ALJ STECURA: Sustained.

3 Q: What, if any, conversations did you have with Mr. Hall
4 related to this report?

5 A: I believe I didn't.

6 Q: Do you know what the relationship is now between Mr.
7 Hall and Ms. Saban?

8 MS. JOSEPH: Objection, leading.

9 ALJ STECURA: Overruled.

10 FAVILUKIS: Thank you.

11 ALJ STECURA: Overruled. You may answer.

12 A: Oh, they just avoid each other. They try not to
13 intersect or talk or --

14 Q: Did -- were there ever any complaints by Mr. Hall to you
15 about conditions in the building? If there were any, what were
16 those complaints?

17 MS. JOSEPH: Objection, Your Honor. There's no --
18 okay, I withdraw the -- I withdraw it at this time.

19 ALJ STECURA: Could you repeat the question?

20 Q: Did Mr. Hall ever complain to you about conditions in
21 the building? And if so, what were those conditions?

22 A: Zach complained about the bedbugs.

23 Q: And what were -- what was Zach's complaint about
24 bedbugs?

25 A: So --

1 MS. JOSEPH: I object, Your Honor. Bedbugs is not
2 part of the allegations. There's no allegation relating to
3 bedbugs. And there's no violation relating to bedbugs in the
4 building.

5 MR. FAVILUKIS: The question is for the purpose to
6 show that the owner or Respondent actually responds to the
7 tenant's complaints, addresses them timely, does what he can
8 to accommodate the tenants.

9 ALJ STECURA: Very limited inquiry. But please
10 keep your questioning to the actual allegations.

11 A: Zach complained lots of times that he has bedbugs and
12 every single complaint was addressed. And we had a one-year
13 contract for the bedbug treatment was, I think around 68 or 6,900.
14 And that was the second exterminator. So only Zach had, for some
15 reason, complaints for the bedbugs and every single complaint was
16 addressed and the building -- the units were treated.

17 Q: With respect to Ms. Saban, how would you describe your
18 relationship with Ms. Saban before and after the Domino Sugar
19 Factory issue?

20 A: I mean, for some reason Judy saw that since we are in a
21 consulting business, that has to do with the affordable housing
22 lotteries that I'm able to put somehow anyone in any buildings.
23 And after she was explained that it's not in our ability to place
24 any particular person who wants to be in a particular housing
25 lottery, she got upset that as if I could have done something and

1 I didn't do it. But nothing we can do to somehow push somebody or
2 provide the housing in any particular property that's applying for
3 or -- or -- or marketed for affordable housing.

4 Q: Ms. Saban has testified that she would -- she -- she had
5 trouble getting into the side courtyard since you purchased the
6 building; that the side courtyard where the garbage bins have been
7 located, were -- were not accessible. Is that something that she
8 had complained to you about?

9 A: No, I don't think so.

10 Q: Did the side courtyard, my understanding is that there
11 is a gate, and then on either side of the gate there are doors.

12 A: Yes.

13 Q: Is that correct?

14 A: Yes.

15 Q: And is there a key to the door to -- is -- is there a
16 key that you possess for either of those doors?

17 A: The door that's closer to our side of the building.

18 MR. FAVILUKIS: The door that's -- and I'd like to
19 -- this is going to be a video, Your Honor. This is
20 Petitioner's K6. I'm sorry, Respondent's K6, and I'd like
21 Mr. Geylik to authenticate it now. It will -- it's just a
22 screenshot. It'll have a -- it's just this, it's not going
23 to move anywhere.

24 Q: So, Michael, is the -- do you recognize this area here?

25 A: Yes.

1 Q: And what is it?

2 A: That's the side of my building.

3 Q: And when -- when was this -- do you see the -- the title
4 of the -- of the video? It says K6 Alley --

5 A: 109 East 9th, 2025, April 30.

6 Q: Okay. How did you obtain this video?

7 A: So it's exported from the software, and the software is
8 on the server.

9 Q: Where's the camera that took this shot?

10 A: It is on the side of the building

11 Q: On the side of -- of 109 East 9th Street?

12 A: 10 -- 109 East 9th Street.

13 Q: And the -- in parentheses there; what is that?

14 A: That's the date and the time.

15 Q: That -- is that how your software exports the --

16 A: Yes.

17 Q: Okay. So that -- so when we look at this video, we know
18 that it is taken from the camera on the side of the building of
19 the courtyard, and that it was taken on April 30, 2025; is that
20 correct?

21 A: This is correct.

22 MR. FAVILUKIS: Okay. So we'd like to introduce
23 this into evidence as Respondent's K6, Your Honor.

24 ALJ STECURA: Any objection?

25 MS. JOSEPH: It's in relation to what, exactly?

1 MR. FAVILUKIS: The ability of the tenants to
2 access the courtyards, which they claimed they weren't able
3 to do.

4 MS. JOSEPH: On that particular date, April 30th?

5 MR. FAVILUKIS: On that particular date.

6 MS. JOSEPH: All right. No, no objection.

7 ALJ STECURA: Okay. Respondent's K6 is now in
8 evidence.

9 **[Respondent's Exhibit K6 admitted into evidence.]**

10 MR. FAVILUKIS: Thank you, Your Honor.

11 Q: And so -- and -- and I just want to be clear, this is a
12 door. And is this a door; is that correct?

13 A: Yes.

14 Q: And this is the gate?

15 A: Yes.

16 Q: And are you saying that you possess a key to this door?

17 A: Yes.

18 Q: To the door that's on the bottom part of the video,
19 closest to your building?

20 A: Yes.

21 Q: And did you give a key of this door to any of the
22 tenants?

23 A: Yes.

24 Q: Which tenants did you give a key to the door?

25 A: The tenant -- all -- four tenants that are in the

1 building.

2 Q: Which tenants are those?

3 A: It's Judy, Zach, Remy, and Thomas.

4 Q: Okay. And has Mr. Beckwith ever asked for a key for
5 this door?

6 A: No.

7 Q: Has Judy ever told you she does not have a key for this
8 door?

9 A: No.

10 MR. FAVILUKIS: Okay. So if we could play the
11 video.

12 [VIDEO LAYED]

13 Q: And you can do it -- as we do it, if you could narrate,
14 because there will be a person that comes in from the left. If
15 you could just tell us who that person is. Who is that person?

16 A: Judy Saban.

17 MR. FAVILUKIS: And if you could just rewind it one
18 more time, I want to make sure we all saw.

19 Q: And you could -- if you could narrate how she opens the
20 gate.

21 A: So there is a small pin, she just pulled the pin and
22 walked in.

23 Q: Does it look to you like she's having trouble opening
24 that gate, Michael?

25 MS. JOSEPH: Objection, Your Honor.

1 MR. FAVILUKIS: Okay.

2 MS. JOSEPH: It speaks to itself.

3 ALJ STECURA: Sustained.

4 MR. FAVILUKIS: And it -- thank you. And if we
5 could play it further.

6 [VIDEO PLAYED]

7 Q: And where is that that she's putting the garbage in?

8 A: It's our garbage bin.

9 MR. FAVILUKIS: Got it. Okay. You can continue
10 playing.

11 [VIDEO PLAYED]

12 Q: Which -- what's Ms. Saban doing there?

13 A: She put her garbage and she closed the bin and put it
14 towards the staircase.

15 Q: And now, what's she doing?

16 A: Closing the gate.

17 Q: Now, do you know why she's not using her key that she
18 has for the door?

19 A: I have no --

20 MS. JOSEPH: Objection, Your Honor.

21 ALJ STECURA: Sustained.

22 MR. FAVILUKIS: Do you -- I'm done with this video,
23 thank you. Thank you, Your Honor.

24 ALJ STECURA: Okay. You can take it down.

25 Q: When you purchased the building, Michael, did -- did you

1 look -- do you know what DHCR registrations are, Michael?

2 A: DHCR is -- is a state agency that -- now that I know
3 oversees rent regulated units or oversees -- the rent charges for
4 the tenants that reside in rent stabilized or rent controlled or -
5 - yeah, rent regulated buildings.

6 Q: Did -- do you -- do you know -- do apartments that are
7 rent stabilized get registered with DHCR?

8 A: Yes.

9 Q: And when you purchased the building, did you have anyone
10 review the DHCR registrations for this building?

11 A: We obtained the copy of the DHCR registration, but in
12 the beginning, I didn't really pay attention to the details of the
13 DHCR registrations.

14 Q: Okay. Did any attorneys advise you at that time about
15 the DHCR registration?

16 MS. JOSEPH: Objection. Leading.

17 ALJ STECURA: Overruled.

18 Q: Did you get any advice from anyone about the DHCR
19 registration?

20 A: Yes, I did.

21 Q: Who did you get that advice from?

22 A: The law firm that did the closing, Kara Rakowski from
23 Belkin Gurden. And then Gary Wachtel from -- I mean, I think he's
24 a sole practitioner.

25 Q: Was -- was Ms. Saban's name on the DHCR registrations

1 when you purchased the building; do you remember?

2 A: No, she was not on the DHR registration.

3 Q: Did you have any conversations with either Kara Rakowski
4 or Gary Wachtel about accepting rent from people who aren't on the
5 DHCR registrations?

6 A: Yes.

7 Q: What were -- what was that conversation?

8 A: So I was told that I'm not supposed to accept rent
9 unless we know exactly what the amount should be because if we
10 take or accept higher amount, there are triple damages that I will
11 have to pay back if I incorrectly charge somebody wrong amount.

12 Q: And did Judy Saban offer to pay you rent when you bought
13 the building?

14 A: Yes, she did.

15 Q: How much -- what was -- what was the rent that she
16 offered to pay?

17 A: She offered to pay -- she said that she paid the prior
18 ownership \$500 per month, and she said that she has \$5,000 that
19 she wants to pay 10 months upfront.

20 Q: 10 months upfront?

21 A: Yes.

22 Q: How much is 10 months of \$500 per month?

23 A: 10 -- \$5,000.

24 Q: And did you accept that?

25 A: No, I did not.

1 Q: Why not?

2 A: Because I was told that if I don't know what the legal
3 rent should be, I shouldn't be accepting the rent.

4 Q: Did -- did Kara or Gary also tell you that prepayment of
5 rent for a stabilized apartment is an overcharge?

6 MS. JOSEPH: Objection. Leading.

7 ALJ STECURA: Sustained.

8 Q: Okay. What was the re -- sorry. I -- I didn't -- so
9 what was the reason you didn't accept? Because --

10 MS. JOSEPH: Objection. Asked and answered.

11 ALJ STECURA: Sustained.

12 Q: Okay. Did you insist that Ms. Saban sign up for the
13 housing lottery?

14 MS. JOSEPH: Objection. Leading.

15 ALJ STECURA: Sustained.

16 Q: Have you ever had a conversation with Ms. Saban after
17 the Domino factory issue about the housing lottery?

18 A: I don't think so.

19 Q: Did -- have you ever been inside of ju -- Judy -- Ms.
20 Saban's apartment?

21 A: Yes.

22 Q: And how big is that apartment? Foot -- feet -- in feet.

23 A: So it's approximately -- it's the same size as Beckwith
24 and the same size as 4C, so it's roughly nine -- 90 square feet.
25 It's maybe 7 by 12.

1 Q: Okay. And --

2 A: 7 feet wide, 12 feet --

3 Q: What's -- what's in the apartment?

4 A: So she has a bed on one side and large ba -- bathtub on
5 the other side.

6 Q: And is every apartment equipped with a bathtub?

7 A: Not every, but few.

8 Q: Which -- what are the others?

9 A: So Zach has a large bathtub on his floor on his -- in
10 his unit. Then Remy has a standing shower in his unit, and Judy
11 has a -- a tub in her unit.

12 Q: Do you know if that tub is usable?

13 A: Yes, it is usable.

14 ALJ STECURA: Which tub are you referring to?

15 MR. FAVILUKIS: The one in Ms. Saban's apartment.

16 A: They are all usable. Zach's usable, Judy's usable, and
17 Remy is usable.

18 Q: And did you have any conversations with plumbers or
19 engineers or architects about --

20 A: Yes, so --

21 Q: -- those tubs and plumbing?

22 A: Yeah. I was told by engineer -- by the zoning
23 consultant that those plumbing -- illegal plumbing connections are
24 not supposed to be in those units, especially the heavy bathtubs,
25 because the building, when it was built, it was not designed to

1 support those heavy bathtubs. And, specifically, on the 5th floor
2 where Zach lives, the floors are sloped like this and one of the
3 reasons why is the heavy load that is pushing the floors down.
4 Also, the building footprint is only around 720 square feet, so
5 it's 30 feet deep by roughly 20 something feet. I'm sorry, 30
6 feet wide by 20 feet deep, or 24 feet deep, so it's around 700
7 square feet, the whole floor plate of the residential portion of
8 the building. So it's -- it's -- and the staircase is in the
9 middle, which is pulling the weight down. So any weight that the
10 building was not designed for, consistently destabilizes the
11 interior of the building.

12 Q: What is the condition of the interior bricks around the
13 building?

14 A: So the conditions are visibly bad, especially on the 5th
15 floor, because that's where you can touch the brick and it moves.
16 There is no -- if you wipe your finger between the bricks, it's
17 not a cement, it's something like a clay or a lime. I don't know
18 what it is. It's very easy, even with the finger to remove it.

19 Q: How safe do you feel in the office, Michael?

20 A: I don't feel safe because, for multiple reasons, even
21 though we have temporary shoring, but the possible collapse will
22 bring the -- everything down, and I don't want people to get
23 injured, both the tenants and my employees.

24 Q: When -- when you first had an engineer look at the -- at
25 the building, at the conditions, these conditions that -- that --

1 that we've been discussing, what -- what did the engineer tell you
2 with respect to the conditions your obligations?

3 A: So when engineer saw the --

4 MS. JOSEPH: Objection. I just -- can we have a
5 timeframe? When was the first time you had an engineer look
6 at the building?

7 Q: When was the first time you had an engineer look at the
8 building?

9 A: It was sometime around the earthquake, I believe. So I
10 was told that the conditions are such that there might be a sudden
11 collapse and that I should report myself to the Building
12 Department, or the engineer will have to do it because as a pro --
13 licensed professional, they would not let it go. If they saw it -
14 - it has to be reported. He said that if you want to do it
15 yourself, do it yourself, or we're going to have to do it.

16 Q: They took -- they gave -- so the engineer gave you an
17 ultimatum, is that what -- what it was?

18 A: He gave me a suggestion and an advice or maybe an
19 ultimatum. I don't know how to --

20 Q: Do you know what an ultimatum is?

21 MR. FAVILUKIS: Well, it's his second language, so
22 I'm trying to help him.

23 Q: An ultima -- I'll explain what my question was. An
24 ultimatum is either you do this or else.

25 A: Yeah.

1 MS. JOSEPH: Objection, Your Honor. It was asked
2 and answered. The witness said he gave me a suggestion.

3 ALJ STECURA: The witness's testimony was very
4 clear about what was told to him.

5 Q: And so what did you do after that?

6 A: I went to the Building Department during the homeowner's
7 night, and I explained the circumstances, what's happening in the
8 building, and I was told that I need to provide a more detailed
9 report or analysis.

10 Q: What was your goal by doing that?

11 A: The goal was to make sure that nobody gets hurt and they
12 -- the engineers told me that I might be criminally liable if I
13 know about certain defects, and if I don't fix it properly and
14 something happens, I will be criminally liable of col -- collapsed
15 building.

16 Q: Did you feel like you were aware of certain defects
17 there?

18 A: When?

19 Q: After the engineer told you that?

20 A: So I -- can you repeat your question?

21 Q: Yeah. Did you -- after the engineer told you that, --

22 A: Yeah.

23 Q: -- did you feel that you were now aware of certain
24 defects?

25 A: Yeah. So --

1 Q: Yeah. So I want to switch gears a little bit.

2 Apartment 3C.

3 A: Yes.

4 Q: What floor is that on?

5 A: It's on the 4th floor.

6 Q: 4th floor.

7 A: I mean, 3rd residential, 4th from the street level.

8 Q: Got it. And when you bought the building, what was in
9 apartment 3C?

10 A: So a lot of units, I don't remember exactly, but because
11 the floors are so sloped, they -- they build platforms because
12 otherwise you cannot put the furniture, it's under the angle. So
13 I believe Judy has the platform, Thomas has a platform, Zach has a
14 platform because the floors are like probably 15 degrees slope.

15 Q: And so is that what's in 3C?

16 A: Yeah, Judy has a platform also. I -- I haven't seen her
17 actual floor, but based on the landing, it's -- I -- I -- I
18 measure it probably it was like 12 degrees angle. And it's the
19 same level as Judy's apartment. That's on this -- level where her
20 bathtub is installed.

21 Q: What about 3B?

22 A: 3B is -- the -- the slopes -- the -- the floors,
23 especially closer to the walls, sloped everywhere on all -- in all
24 the units.

25 Q: Does 3B have the elevated platform?

1 A: It does not have now.

2 Q: Does not, or does?

3 A: I don't think that 3B has a platform.

4 Q: Is 3B the apartment where also there was a shower and a
5 kitchen?

6 A: Yes.

7 Q: Okay. Does anyone else have -- and so there -- was
8 there a refrigerator in 3B?

9 A: Yes.

10 MS. JOSEPH: Objection, Your Honor. Counsel
11 referred to 3B as an apartment. That is not the evidence
12 that we have. That's -- the evidence we have is that --

13 MR. FAVILUKIS: What evidence?

14 MS. JOSEPH: Testimony did not describe the kitchen
15 area as an apartment. Actually, it was asked and answered
16 that it was never an apartment. It was never designated with
17 an apartment name on it.

18 ALJ STECURA: Sustained.

19 MR. FAVILUKIS: I'm not -- I -- I would -- I didn't
20 even have a --

21 ALJ STECURA: Rephrase your question.

22 MR. FAVILUKIS: Rephrase the question referring to
23 as an apartment?

24 ALJ STECURA: Whatever space you're talking about.

25 Q: Is apart -- is 3B on the I-cards, Michael?

1 A: Yeah, it's --

2 Q: What's designated on I cards?

3 ALJ STECURA: Can you put the exhibit away?
4 Nobody's asked you to look at an exhibit, please put it
5 aside.

6 Q: What is 3B designated as on the I-cards?

7 MR. GEYLIK: The reason why I wanted to look at --

8 ALJ STECURA: No, this is not your role.

9 MR. GEYLIK: Okay.

10 ALJ STECURA: You are -- you have an attorney; it
11 is your attorney's role. At this time, you are a witness and
12 it's your attorney's job to elicit testimony from you. You
13 are not supposed to be looking at any exhibits unless an
14 attorney directs you to do so. Thank you.

15 Q: What is 3B designated as on the -- on the I-cards?

16 A: A unit.

17 Q: A -- a -- a -- a unit?

18 A: Yeah.

19 Q: What type of unit?

20 A: Class B.

21 MS. JOSEPH: Objection, Your Honor. I don't -- I'm
22 looking at the I-cards. Maybe Counsel wants to consult the
23 I-cards because I do not see --

24 ALJ STECURA: You can use that for cross
25 examination, Ms. Joseph.

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

2 ALJ STECURA: Thank you.

3 A: Also, the violation 12 -- that ends, I believe, 12M ECB
4 violation states clearly that installing kitchen, bathroom, and
5 shower, lessening to -- to three units. So inspector that wrote
6 that violation clarified as per back of, I believe, 6301975 I-
7 card, it's supposed to be unit, and it was illegally converted to
8 a -- a shower and a kitchen. Was -- it was hazardous gas
9 connection.

10 Q: Are there refrigerators anywhere else in the residential
11 portion of the building?

12 MS. JOSEPH: Objection. Anywhere else as to oppose
13 what? As to anywhere else? As -- as to?

14 ALJ STECURA: Do you mean anywhere else in the
15 building?

16 MR. FAVILUKIS: In the residential portion of the
17 building.

18 MS. JOSEPH: Other than where?

19 MR. FAVILUKIS: Other than in 3B.

20 ALJ STECURA: Okay.

21 A: Yes.

22 ALJ STECURA: Hold on, Mr. Geylik, please. Could
23 you just rephrase to make that clear. Thank you.

24 Q: Other than in 3B, are there refrigerators --

25 A: Yeah, I believe some of the --

1 ALJ STECURA: Yeah, you have to wait until the
2 questions is finished.

3 Q: It's because of the transcript. Other than 3B, are
4 there refrigerators anywhere else in the residential portion of
5 the building?

6 A: I believe some tenants do have refrigerators in their
7 unit.

8 Q: Do you know which ones?

9 A: I think Remy has, for sure. I don't recall if any other
10 tenant, but I believe I've seen somebody -- some other units that
11 have refrigerators.

12 MR. FAVILUKIS: Your Honor, can I take a five-
13 minute break?

14 ALJ STECURA: Yeah. I was going to suggest that
15 this would be a good time to take a break. It's 4:15, let's
16 come back at 4:25. Oh, and I will remind the witness, so
17 you're a witness now. Your wi -- your testimony is in
18 progress. You may no longer speak to your attorneys about
19 the case, about your testimony. Only logistics, like where
20 is the bathroom? Can I get water? Very basic things, but
21 nothing about the case. Okay, sir? Thank you.

22 [OFF THE RECORD]

23 [ON THE RECORD]

24 ALJ STECURA: All right. We are back on the
25 record. You may proceed.

1 MR. FAVILUKIS: Thank you, Your Honor.

2 Q: Previously there was testimony about Mr. Chlapek doing
3 some work with the shoring, do you recall that?

4 A: Yes.

5 ALJ STECURA: Can -- hold on. Can someone go
6 outside and ask whoever is speaking loudly in the hallway.
7 Thank you. All right, go ahead.

8 MR. FAVILUKIS: Thank you.

9 Q: What -- what was the ex -- do you know what -- what was
10 the extent of the work that Mr. Chlapek did?

11 A: Just helping, bringing the material, removing the
12 debris, putting them in the -- assisting to the general -- he was
13 assisting people that worked for the general contractor.

14 Q: Did he ask you to do that?

15 MS. JOSEPH: Objection, Your Honor. Leading.

16 Q: How -- how did he --

17 ALJ STECURA: I'll overrule it at this time.

18 MR. FAVILUKIS: Thank you, Your Honor. Thank you,
19 Your Honor.

20 A: Yeah. So Remy owed rent for many months, and he lost
21 his job, so he said, please let me help you and you remove some
22 money from the rent that I owe you. I said, no problem, you can
23 help. Whatever they tell you to do, you feel free to help. So he
24 was bringing the construction material to the 2nd floor, holding
25 wood while they were screwing the screws or installing, he was

1 assisting to the people that work with the GC.

2 Q: Did he do that for free?

3 A: No, I -- for that one day of work, I removed one month
4 of rent, whatever he owed me.

5 Q: How much was that?

6 A: \$450.

7 Q: Did Remy ask you to do any more work?

8 A: He was --

9 MS. JOSEPH: Objection. Timeframe?

10 Q: At -- at that time.

11 A: Yes. Remy was asking me for work all the time.

12 [OFF MIC CONVERSATION]

13 ALJ STECURA: Okay. Go ahead.

14 MR. FAVILUKIS: I'm okay. Thank you, Your Honor.

15 Q: At that time, did Remy ask you to do any other work?

16 A: Yes.

17 Q: What was that?

18 A: He was asking me to do any work, whatever I could offer.

19 ALJ STECURA: I'm hoping it will pass. It's --
20 it's not going to impede what's picked up on the transcript.

21 MR. FAVILUKIS: Okay.

22 Q: What -- you said he was asking you to do any work. Can
23 you elaborate on that a little bit?

24 A: Anything that I could offer in terms of cleaning the
25 building, installing, screwing unscrewing, painting any kind of

1 work that I could offer him to do.

2 Q: And did -- did you offer him any work, at that time?

3 A: He did some work sporadically for like, minor stuff over
4 the years. I don't remember exactly.

5 Q: No, not over the years, sorry. I want to be clear.
6 After the -- and maybe I was not clear before. After the shoring,
7 did Remy ask you to do any more work? If you needed any more work
8 done?

9 A: I don't remember.

10 Q: Okay. And before the shoring, are you saying that Remy
11 would ask you if you needed any work done; is that it?

12 A: Yes.

13 Q: And are you saying that sometimes you would, and
14 sometimes -- what -- what -- what are you saying there?

15 A: No. So Remy lost his job and he was asking me to give
16 him some work to do. Either painting or anything that needs to be
17 fixed in the building, in -- and for me to remove certain balance
18 from the rent that he owes.

19 Q: And did you accommodate him at times?

20 A: Yeah. Whatever I could, I did for him. Whatever I
21 could come up; with to paint the staircase, to paint the metal
22 gate, some small stuff. Whenever I -- whenever I could
23 accommodate him, I -- I did my best to give him some work.

24 Q: You're -- are you aware that Mr. Chlapek claims that you
25 refused to give him a key after he said he lost his key to the

1 front door?

2 A: Can you repeat your question?

3 Q: Are you aware that Mr. Chlapek claimed that you refused
4 to give him a key after he told you he had lost his front door
5 key?

6 A: I'm aware that he claimed that he lost the key.

7 Q: So, in light of the fact that you previously had this
8 relationship, how did that make you feel when he claimed that?

9 A: I couldn't understand where it was coming from.

10 Q: Did you think that he still had the key?

11 MS. JOSEPH: Objection, Your Honor.

12 A: I knew that he had a key.

13 ALJ STECURA: Hold on. Hold on. There's an
14 objection. What's your objection?

15 MS. JOSEPH: It's leading. He's -- he's -- it's a
16 leading question.

17 ALJ STECURA: Sustained. It's a leading question.

18 Q: Did you believe him?

19 A: No, I didn't.

20 ALJ STECURA: Still leading.

21 MS. JOSEPH: Still leading.

22 Q: How did you feel when you told -- when he told you that
23 he lost a key?

24 A: I knew that he had another key because he lives with his
25 girlfriend, Rio, so -- and I -- when he told me that they don't

1 have a key, I saw them walking into the building, either Remy or
2 Rio, using the key. So I knew that he had the -- a key.

3 Q: During what period did Remy claim he was without a key?

4 A: I mean, in the text message, he claimed that he didn't
5 have a key since summer.

6 Q: Do you remember the date of that text message?

7 A: The text message was this year, maybe January or
8 February, relatively recently.

9 Q: So in -- so in January or February of 2025, --

10 A: Yes.

11 Q: -- Remy told you that he hadn't had a key since the
12 summer?

13 A: Yes.

14 Q: And are you saying that you would -- you saw that he and
15 his girlfriend were entering the building?

16 A: Yes.

17 MS. JOSEPH: Objection. It's leading and it's
18 asked and answered.

19 MR. FAVILUKIS: Sure.

20 ALJ STECURA: Asked and answered.

21 MR. FAVILUKIS: Asked and answered, understood.

22 I'd like to introduce some videos. These are Respondent's
23 J15, J16, J17, J18, J19, and J20.

24 ALJ STECURA: So from J15 --

25 MR. FAVILUKIS: And J21.

1 ALJ STECURA: J15 through J21?

2 MR. FAVILUKIS: Correct.

3 ALJ STECURA: But not J12 through J14?

4 MR. FAVILUKIS: Not yet, Your Honor. Those -- the
5 -- the -- the -- the videos that I'm referring to, J15
6 through J21, are from August -- from June, July, and August
7 of 2024 when Mr. Chlapek claimed he didn't have a key.

8 MS. JOSEPH: So, Your Honor, we received -- after
9 working hours yesterday, we received a list, and Ms. Miller
10 was kind enough to ask Respondent to indicate which of the
11 new -- honestly, I first didn't know that this had any new
12 exhibits proposed, because the exhibits themselves were not
13 sent out separately, which we usually do. So it was just a
14 list. And then Respondent indicated with an asterisk and
15 then this morning he had sent another. I'm at loss now which
16 ones from last night? Which one into this morning? I know I
17 marked them somewhere, if I can have a minute. Basically, I
18 -- I do -- I don't think I have enough -- I didn't have
19 adequate time to review these, and I'm not sure what I was
20 able to review and make notes. I can't even find it now
21 because it was done in a -- in a hurry because, as I said, it
22 was submitted late yesterday, and then some even this
23 morning. So I don't know at this point.

24 ALJ STECURA: Was this part of your initial
25 discovery?

[04:37:29]
[02:13:09-2]

1 MR. FAVILUKIS: The videos?

2 ALJ STECURA: Yes.

3 MR. FAVILUKIS: They -- it was not part of the
4 request for discovery.

5 ALJ STECURA: And so you -- until last night, you
6 did not disclose these videos to Counsel -- to Ms. -- to HPD?

7 MR. FAVILUKIS: Correct. We did not know that the
8 -- that Mr. Chlapek would be claiming he was -- he didn't
9 have a key in the summer -- the entire summer of 2024 until
10 he testified. And it took my client some time to locate and
11 extract these videos from the summer of 2024 showing Mr.
12 Chlapek entering the building with a key.

13 ALJ STECURA: So, Ms. Joseph, are you asking for
14 additional time to review these videos before they are
15 entered or moved into evidence?

16 MS. JOSEPH: Yes, Judge. And I'll just comment
17 that the petition was filed and -- in -- in April, and
18 there's an allegation about Mr. Chlapek not having a key. So
19 if there's any issue about videos for keys, we -- you know,
20 we should have had notice of those. So at this point, yes,
21 Your Honor. I mean, we do have a laptop --

22 ALJ STECURA: I'm going to grant your request for
23 time to review those videos so you can try to move them into
24 evidence at the next trial date.

25 MS. JOSEPH: Thank you, Your Honor.

1 MR. FAVILUKIS: Thank you, Your Honor. To prime
2 the videos, since we don't have much time, may I ask Mr.
3 Geylik a few questions?

4 ALJ STECURA: Yes.

5 MR. FAVILUKIS: They're not going to be specific to
6 the videos since they're not in evidence, it'll be about the
7 key itself.

8 ALJ STECURA: That's fine.

9 Q: Michael, was -- was there anything peculiar or unique or
10 noticeable about the key that Remy claimed he lost?

11 A: Yes.

12 Q: What's that?

13 A: So Remy has a wrench instead of a key chain on along
14 with his key. So it's visible from -- from a distance.

15 Q: What is visible, the key or the wrench?

16 A: The wrench. And the wrench -- the key is on the wrench.

17 Q: I see. And have you seen other people have a key chain
18 like that?

19 MS. JOSEPH: Objection, Your Honor.

20 ALJ STECURA: Sustained.

21 Q: What -- what was -- what did you notice about that
22 wrench?

23 A: So it's a large wrench -- wrench and it has a key on it
24 to the front entrance door.

25 Q: And how often would you see Remy with this wrench -- key

1 wrench -- key -- key wrench?

2 A: All the time he has it in his hands.

3 Q: All the time he has it in his hands?

4 A: Yeah. Very often, because I guess it's hard to put it
5 in the pocket, so he carrying it in his hand.

6 Q: So would you say that when you see Remy around, you can
7 tell if he has a key --

8 A: Yeah.

9 Q: -- by whether or not he has the wrench?

10 A: Yes.

11 Q: Okay. And you mentioned that Remy lives with -- with
12 someone else?

13 A: Yes.

14 Q: And who is that person?

15 A: His girlfriend.

16 Q: How do you know it's his girlfriend?

17 A: He told me many times that Rio is my girlfriend and we
18 live together.

19 Q: And does Rio also have a wrench key?

20 A: No, she doesn't.

21 Q: Chain wrench?

22 A: She does not. I -- I've never seen her with the
23 separate wrench key. If she has it, it's Remy's.

24 Q: Does -- does Rio have a key?

25 A: Yes.

1 Q: But that key does not have a wrench on it?

2 A: It does not.

3 Q: Okay. And does Rio come in and come -- and -- come in
4 and out of the building?

5 A: All the time.

6 Q: Have you ever seen Rio climb up on the roof to get into
7 their apartment?

8 A: No.

9 Q: Have you ever seen anybody climb up onto the roof to get
10 into their apartment?

11 A: Yes.

12 Q: Who's that?

13 A: Remy.

14 Q: Have you ever seen Remy go up to the roof for any other
15 reason?

16 A: Yes.

17 Q: For what reason?

18 A: Smoke cigarette.

19 Q: Are there other people in the building that you know
20 smoke cigarettes?

21 A: I don't think so.

22 Q: How do you know that Remy smokes cigarettes on the roof?

23 A: Because I saw him.

24 Q: You saw Remy smoke cigarettes on the roof?

25 A: Yeah.

1 MS. JOSEPH: I object, Judge, to this line of
2 questioning as it related to Remy not having the key to the
3 front door of the building.

4 MR. FAVILUKIS: It's related --

5 ALJ STECURA: Hold on. Hold on. Could you finish?

6 MS. JOSEPH: Yeah. We're now -- we're now
7 discussing smoking cigarettes on the roof.

8 ALJ STECURA: Yes.

9 MS. JOSEPH: What's the relevance of that?

10 ALJ STECURA: Can you tie this to --

11 MR. FAVILUKIS: Yes.

12 ALJ STECURA: -- how this is relevant to the
13 charges?

14 MR. FAVILUKIS: Yes.

15 ALJ STECURA: Specifically, --

16 MR. FAVILUKIS: It's related to the credibility --
17 to the -- to their witness's credibility, claiming that he
18 didn't have a key for four or five months when my client has
19 seen him go in and out of the building, seen his girlfriend
20 going out of the building and claiming that the only way he
21 could get into the apartment was through -- by climbing up to
22 the roof, when in fact he climbs up to the roof to smoke
23 cigarettes. So the relevance is the -- impugning the
24 credibility of the witness who made these claims, and we do
25 have evidence to directly contradict those claims -- those --

1 that evidence is not in the record.

2 ALJ STECURA: So Mr. Geylik has testified that he
3 has observed Mr. Chlapek go up to the roof to smoke
4 cigarettes. I don't think you need anything further.

5 MR. FAVILUKIS: That's fine, Your Honor.

6 Q: Are there other people -- does Remy -- are there any
7 other people that -- that come to the building regularly with
8 Remy?

9 MS. JOSEPH: Objection, Your Honor. What is,
10 again, the relevance of --

11 MR. FAVILUKIS: The key.

12 MS. JOSEPH: What -- what is the --

13 ALJ STECURA: Hold on. Let her finish before you
14 interrupt, please.

15 MS. JOSEPH: What is the relevance of other people
16 that come into the building with Remy? The issue is does
17 Remy have a key or not?

18 ALJ STECURA: I'm going to allow it, but, please,
19 limit it.

20 Q: Does Remy have other people that come with him in to the
21 building?

22 A: Very often.

23 Q: Have you seen those people with a key?

24 A: No.

25 Q: And the -- what do you -- from what you -- from your

1 observations of the video -- of -- of the videos showing Remy
2 bring other people into the building, what -- what -- what -- and
3 -- and does Rio bring other people into the building all time?

4 A: Yes.

5 Q: And what -- what -- so what are they doing with those
6 other people in the building's hallways?

7 MS. JOSEPH: objection, Your Honor. Now we're
8 talking about the videos, the substance of the video. Your
9 Honor granted me time -- the petitioner time to review the
10 videos. No, he is asking questions about the contents of the
11 video not in evidence.

12 MR. FAVILUKIS: It all relates to the key, Your
13 Honor.

14 ALJ STECURA: So if it's about the content of the
15 video, then reserve the questions for when the video --

16 MR. FAVILUKIS: Understood.

17 ALJ STECURA: -- when the video is in evidence.

18 MS. JOSEPH: Thank you, Your Honor.

19 Q: Do you have concerns about the other people that Remy
20 and Rio bring into the building having a key?

21 A: Yes, very much so.

22 Q: What are those concerns?

23 [CROSSTALK]

24 MS. JOSEPH: Objection. I -- I'm sorry, Your
25 Honor. I don't mean to interrupt, but, again, it's about

1 Remy possession of the key or not. I don't understand the
2 question of other people coming to the building.

3 ALJ STECURA: And it assumes that other people have
4 a key, which hasn't been established, and perhaps he'll do
5 that through the video.

6 MR. FAVILUKIS: No, no, the opposite, Your Honor.
7 He -- he testified that he did not have a key, so the request
8 was, or the claim was, I lost my key, I'd like another key.
9 My client sees the person requesting the additional key has
10 two keys for himself, his girlfriend. And my client -- my
11 client has concerns, which I'm asking him about.

12 ALJ STECURA: Then ask him what are your concerns.
13 That is not what you asked.

14 MR. FAVILUKIS: I apologize.

15 MR. GEYLIK: Yeah.

16 Q: What are your concerns?

17 A: So there are multiple videos that I have where either
18 Remy or Rio buy or sell drugs in the hallway and they bring drug
19 dealers into the building. And drug dealers might leave something
20 in a bathroom that used by other people. Then somebody else comes
21 in, I guess, they hide drugs somewhere in the bathroom, and then
22 they take -- leave the money or exchange. There are few dozens of
23 videos where clearly both Remy and Rio exchange drugs in the
24 hallway. And I don't want to have anybody extra keys to use my
25 building for drug deals because drug dealers are dangerous. I

1 don't want to have criminal activities in my buildings. And when
2 Remy is asking for additional key, when I see on camera that both
3 Rio and him walk out in and out in the building and they sell or
4 buy drugs constantly, I don't want them to give the key for the
5 building to somebody else for drug activities.

6 Q: Have you shared any of those videos with the NYPD?

7 A: Yes, I did.

8 MS. JOSEPH: Objection, Your Honor.

9 ALJ STECURA: Overruled.

10 MR. FAVILUKIS: Thank you, Your Honor.

11 Q: Have you shared any of those videos with NYPD?

12 A: Yes, I did.

13 Q: And what do you believe the NYBD did about it?

14 MS. JOSEPH: Objection, Your Honor. This -- the
15 witness has no knowledge --

16 Q: Sure. Has --

17 MS. JOSEPH: -- as to what NYPD have done with this
18 video.

19 ALJ STECURA: Can you rephrase your question,
20 please.

21 Q: Has anything changed since you shared those videos?

22 A: Remy was arrested and I know that other things are under
23 investigation and there are certain details that I cannot share
24 based on my conversations with detectives of what's going on right
25 now.

1 Q: Thank you, Michael. All -- are you concerned, in any
2 way -- as a result of sharing those videos, what are -- what are
3 your concerns now that you've shared these videos?

4 A: Yeah. So, basically, Remy has a prior incarcerations
5 that have to do with --

6 MS. JOSEPH: I object to the -- I object to the
7 bringing up of prior incarcerations with regard to what are
8 your concerns. Those -- anything that had to do with prior
9 "bad acts" was -- was -- was ruled not admissible, and so we
10 had refrained or I think -- I believe there was a stipulation
11 not to -- not to ask Mr. Chlapek with regard to any prior
12 illegal --

13 ALJ STECURA: I think his attorney had advised him
14 not to testify, there was no stipulation.

15 MS. JOSEPH: There was --

16 ALJ STECURA: But -- but I want to then ask if
17 you're questioning now is related to the inquiry period or --

18 MR. FAVILUKIS: Yes.

19 ALJ STECURA: -- because it's -- you did not
20 specify.

21 MR. FAVILUKIS: Yes. Thank you, Your Honor.

22 ALJ STECURA: But, hold on.

23 MS. JOSEPH: Okay. And, again --

24 ALJ STECURA: Do you have anything further?

25 MS. JOSEPH: Yes, Judge. Again, we are -- we are

[04:48:55]

[02:24:35-2]

1 straying away from the issue of the fact that Remy did not
2 have a key, which also we have obviously, in evidence, a set
3 of texts about -- about that. We are talking to other
4 people, and now we are talking about prior incarceration. I
5 don't -- I see that the -- the connection to Remy not having
6 a key is getting looser and looser. I don't see the
7 relevance.

8 ALJ STECURA: Yes, I -- I'm going to sustain that.

9 MR. FAVILUKIS: Okay. I mean, my testimony is
10 about Mr. Chlapek --

11 ALJ STECURA: Your testimony?

12 MR. FAVILUKIS: Testimony. My questioning is with
13 respect to Mr. Chlapek's encounters, relations with Mr.
14 Geylik and how that could have all played and colored these
15 allegations of harassment. And it is all within the inquiry
16 period.

17 ALJ STECURA: But it's -- it's not the only thing
18 that's relevant is the key.

19 MS. JOSEPH: That's what matters.

20 MR. FAVILUKIS: The -- I -- no, no, no. I
21 understand. Well, that's not -- that's not the only
22 allegations of harassment. My client believes that these
23 allegations are being manufactured because of these events.

24 MS. JOSEPH: Okay. Judge, the only allegation with
25 regard to Mr. Chlapek is with regard to the key. I mean, I

1 know Counsel is talking about gen -- generic harassment
2 allegations, but there are specific. There are specific
3 allegations. It's not a gen -- generic term.

4 ALJ STECURA: I agree.

5 MR. FAVILUKIS: Okay. Thank you, Your Honor.

6 ALJ STECURA: Thank you.

7 MR. FAVILUKIS: May I ask -- may I ask Mr. Geylik
8 if there's a -- an order of protection?

9 MS. JOSEPH: I object to that, Judge. I mean,
10 there was -- again, there was a -- I believe I have the
11 emails here, Your Honor. As I was concerned that this issue
12 may come up. There was a --

13 ALJ STECURA: Can the witness step out for a
14 moment, please.

15 MS. JOSEPH: Thank you, Your Honor. Thank you,
16 Your Honor. So in -- in -- in June 3rd, we have asked, and
17 we expressed concerns with regard to testimony of Mr.
18 Chlapek. And, Your Honor -- Your Honor, did grant to have
19 his attorney present. But in addition to that, Counsel wrote
20 extensively about prior bad acts and prior -- you know, the -
21 - I'm not sure if it's the drug use or anything that's
22 related to prior criminal activity. And -- and, Your Honor,
23 did not allow that -- any of that testimony to come in. And,
24 I believe, it, again, must be on the record, and we -- we
25 could try and find it, that at that point, Petitioner

1 stipulated that none of the criminal activity is going to be
2 -- is part of Petitioner's, and we are not going to question
3 about that. And, I believe, Your Honor, agreed not to
4 include any of those elements. And, again, the -- the --
5 there's nothing in the allegations which relates to any issue
6 with regard to any criminal activity. The only thing that
7 relates specifically to Mr. Chlapek is the key issue. And
8 that is all.

9 ALJ STECURA: Are you finished?

10 MS. JOSEPH: Yes, Judge. Thank you for your
11 patience.

12 ALJ STECURA: So I don't think any prior bad acts
13 are relevant. You can ask about the -- whether or not he has
14 an order of protection, but I don't want you asking why it's
15 not relevant. We can -- it's almost time to conclude. We
16 can revisit the transcript because my understanding was that
17 the stipulation related to that Mr. Chlapek would testify in
18 a different location and have his attorney present. You can
19 recall the witness.

20 MR. FAVILUKIS: Thank you, Your Honor.

21 [OFF MIC CONVERSATION]

22 Q: Michael, do you have an order of protection against Mr.
23 Chlapek?

24 A: Yes, I do.

25 Q: Do you know when that was issued?

1 A: That was issued this year in March or April.

2 Q: And has Remy complied with that order of protection?

3 MS. JOSEPH: Objection, Your Honor. I believe the
4 issue was does he have an order of protection?

5 ALJ STECURA: Sustained.

6 Q: Okay. Do you wish for that order of protection to
7 continue?

8 A: Yes.

9 MR. FAVILUKIS: Okay. May I ask why or no?

10 ALJ STECURA: No. It's not relevant.

11 MR. FAVILUKIS: Understood.

12 Q: Michael, does anybody else in the building have an order
13 of protection against Mr. Chlapek?

14 MS. JOSEPH: Objection, Your Honor. This case is
15 about --

16 ALJ STECURA: Sustained.

17 Q: Do you have an order of protection in your --

18 MR. FAVILUKIS: Oh, you know what? I'm -- I
19 understand it's 4:54, Your Honor. I don't need to go down
20 around that rabbit hole.

21 Q: Does -- does Rio still live in the building?

22 A: Yes.

23 Q: And how often do you see her?

24 A: Multiple times a day.

25 ALJ STECURA: Pardon me.

1 MR. GEYLIK: Multiple times a day.

2 ALJ STECURA: Okay.

3 Q: Okay. And has Rio -- has Rio ever complained to you
4 about anything? And if yes, what has she complained to you about?

5 MS. JOSEPH: Objection, Your Honor. Rio is not
6 part of this case. You know, this case concerns the tenants
7 of the building as they're listed in the application and as
8 they are -- came in to testify. Rio is a visitor, at this
9 point. I'm not sure, you know, what are their relationship.
10 Mr. Chlapek was subject to cross examination. Counsel had
11 the opportunity to ask him about timing of the relationship,
12 type of relationship. That wasn't -- that issue was not
13 brought up at all during Mr. Chlapek's testimony whatsoever.
14 I just don't see that it's has any relevance or any probative
15 value to the issues of this case.

16 ALJ STECURA: How is this relevant?

17 MR. FAVILUKIS: She resides in the building or
18 spends a lot of time in it. She -- if she had complaints, my
19 client -- and my client refused to address them, that would
20 be something that's indicative of harassment. If she didn't
21 have complaints or if she did have complaints and my client
22 addressed them, that would be indicative that my client has
23 not engaged in harassment.

24 ALJ STECURA: I'm going to sustain HPD's objection.

25 MR. FAVILUKIS: Thank you, Your Honor. I think for

1 today, you know, about the videos, we'll --

2 ALJ STECURA: I'm going to pause the record.

3 [OFF THE RECORD]

4 [ON THE RECORD]

5 ALJ STECURA: All right. So we are going to end
6 here for today, it is 5:01 PM. And our next date of trial is
7 August 14, 2025. So, Mr. Geylik, your testimony is still in
8 progress and it will continue on the next day. This means
9 you may not speak to your attorneys at all about the case
10 other than logistical issues like when you're going to arrive
11 here or things like that. You may not discuss exhibits; you
12 may not discuss the substance of the case in any way until
13 your testimony has concluded. Do you understand, sir?

14 MR. GEYLIK: I do.

15 ALJ STECURA: Okay. Thank you. All right. We are
16 done for today. Thank you, everyone.

17 MS. JOSEPH: Thank you, Judge.

18 MR. FAVILUKIS: Thank you, Your Honor.

19 [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 July 10, 2025 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

DN

Date: July 16, 2025

I, Blanca Martinez, conducted a quality control review of the certified foregoing transcript.

Reviewed By

BM

Date: July 17, 2025

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