

# Banned for life, expeditor accuses DOB of “witch hunt”

Agency says Scott Schnall can't be trusted to file applications

By KATHRYN BRENZEL

In late 2014, expeditor Scott Schnall told the New York Times that the Department of Buildings is “screwed up.”

Shortly after that, the agency began auditing his projects. In February, the DOB banned Schnall from working in the city for the rest of his life.

In a lawsuit filed in New York State Supreme Court last month, Schnall claims these events are directly linked — that the DOB retaliated against him for publicly criticizing the agency. Schnall’s worked as an engineer and expeditor — someone who files permits with the DOB and navigates the agency’s jungle of red tape — for 27 years. His grandfather started working in the engineering business in 1936, and his father followed suit. He’s filed roughly 10,000 applications with the DOB over the course of his career.

In February, the department found that Schnall knowingly or negligently lied on applications filed for six different properties in Brooklyn, including failing to indicate that the proposed work would change the use, occupancy or egress of the property.

Though the administrative judge on the case recommended that his privileges be revoked and that Schnall have the opportunity within a year to have them reinstated, DOB Commissioner

Rick Chandler went a step further. Chandler permanently banned Schnall, saying that the DOB could “no longer rely on [him] to submit honest applications or documents,” according to a letter filed with the city’s Office of Administrative Trials and Hearings.

The agency did not make Chandler available for an interview, but a DOB spokesperson said the violations had nothing to do with the Times article.

“Mr. Schnall regularly used his professional filing privileges to try to circumvent the zoning resolution and construction codes,” the spokesperson said in a statement. “In addition, Mr. Schnall abused the Department’s programs for limited supervision, which rely on the honesty and integrity of engineers and other registered design professionals.”

Self-certification allows certified professionals to skip full DOB review of permit applications. The DOB states that its special enforcement unit conducts random audits of applications filed by self-certified professionals.

Schnall declined to comment for this story, citing his concern for further invoking the wrath of the DOB. In an affidavit filed with the state Supreme Court, Schnall lamented the severity of his punishment.

“Even violent criminals (which I

certainly am not) do not get lifetime bans or sentences for their first offense,” Schnall wrote.

Chandler compared Schnall’s discretions to that of an architect who was also hit with a lifetime ban after lying on applications in order to build bigger buildings than zoning allowed. According to the DOB, the agency has only revoked or suspended all filing privileges 10 times in the past 10 years.

In March 2016, two engineers lost their filing privileges. The misdeeds in these cases are somewhat similar to Schnall’s violations. Yaakov Stern said only minor work would be done in a Brooklyn project, but a DOB audit found that plans actually called for a change in the building’s exit passageways. Stern voluntarily surrendered his privileges in this case. Similarly, on one application for a project at 921 Fulton Street, Schnall indicated that no change in use, occupancy or egress would take place, but another application showed a “major alteration” to an existing exit.

The DOB also revoked privileges from Ashraf Ali, who was accused of similar misdeeds. He also, however, neglected to file a certificate of no harassment for a multifamily project in Harlem, which assures that tenants left willingly.

Schnall’s attorney, Brett Theis, said his client denies any wrongdoing, but that the violations cited by the DOB don’t merit a lifetime ban.

“The agency has been under a lot of scrutiny lately, and they’ve decided to make an example of Scott,” Theis said. “The timing is what it is. It looks and smells like it was retaliation.”

In the lawsuit, Schnall asked that his filing permissions be reinstated.

Schnall has also griped that an expert who testified at his DOB trial,



From left: Rick Chandler, commissioner for NYC’s Department of Buildings and Scott Schnall

Adam Wapniak, a former Queens deputy borough commissioner at the DOB, subsequently contacted his clients to solicit work for his own architecture business. When reached by phone on Friday, Wapniak declined to comment but referenced the city’s conflict of interest laws. (One element of the law bars former public servants from using privileged information from their previous position for public gain. The addresses of Schnall’s clients, however, were public record.)

Following its decision, the DOB also issued stop work orders at some 300 projects involving Schnall. A state Supreme Court Judge threw out these orders on March 31, but not before delaying work for many of Schnall’s clients. One client, who asked not to be named out of fear of retaliation from the DOB, said the stop work order delayed the renovation of his home in Brooklyn by about a month. The man, his wife and their 17-month-old child are living in a rental apartment in Downtown Brooklyn, and the end of their lease was timed with being able to move into their finished home. Now, they aren’t sure where they’ll live while waiting for the work to be completed, he said.

“Everyone else, who works with him, or has worked with him, has dragnet-style been caught up in this thing,” he said. He added, “I’m a lay person. There’s really no way for me to do this without someone like Scott. You need someone like Scott to follow the byzantine rules of the DOB.” TRD