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License Revoked for Fatal Injury

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License revoked for fatal injury

December 28, 2023



880 St. Nicholas Avenue. Image Credit: Google Maps.

General contractor with riggers license violated multiple Building Code provisions on construction job where worker fell from unpermitted scaffolding. Wayne Bellet contracted to perform brick façade work on a six-story building located at 880 St. Nicholas Avenue in Manhattan. Bellet commenced the brick façade work after his subcontractor constructed a 50-foot-tall supported scaffold and Bellet. On June 22, 2019, a worker fell off the supported scaffold at the location and died.

The accident prompted a Department of Buildings investigation, which led to charges that Bellet and the subcontractor endangered the public safety and welfare by their negligence, incompetence, and lack of knowledge and disregard of relevant laws and the Building Code. Buildings charged that Bellet performed the façade work at 880 St. Nicholas Avenue without a permit, allowed workers to work without the required training,

used a scaffold that did not have guardrails and toe boards, and failed to inspect the scaffold prior to use. As a remedy Buildings sought to revoke Bellet's special rigger's license.

OATH Administrative Law Judge Noel R. Garcia, following a hearing, sustained the charges and recommended that Bellet's special rigger's licenses be revoked.

Bellet filed an article 78 petition challenging the revocation of his special rigger's license. Bellet argued that Buildings had exceeded its authority in revoking his special rigger's license because all of the charges were related to his work as a general contractor at 880 St. Nicolas Avenue, not as a rigger.

The Appellate Division, First Department, rejected Bellet's argument and affirmed the revocation of his rigger's license. The Appellate Division noted that the City's Administrative Code authorizes revocation of such licenses on findings of negligence, incompetence and lack of knowledge, disregard of the Building Code or other acts that endanger public safety and welfare.

The court ruled that revocation of Bellet's rigger's license was a reasonable exercise of discretion. OATH found that the total square footage of brick replacement on the façade at 880 St. Nicolas Avenue required a permit; the support scaffolding was too tall to erect without a permit or design approval; the scaffold did not have toe boards or guardrails; the workers on the site did not have proper training; and the scaffold had not been inspected daily prior to use.

Bellet Construction Co. v. Larocca, 184 N.Y.S.3d 42 (1st Dep't 2023); Dep't of Buildings v. Bellet & Bhutta, OATH Index Nos. 0438/20 & 0439/20 (Nov. 9, 2020).

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