

**ROBERT A. BERGE, P.E.**  
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November 16, 2009

Lucinda B. Latimer  
120-55 Queens Blvd. Room G-150  
Kew Gardens, NY 11424

Re: **32-49 37th Street, Astoria, NY**

Dear Ms. Latimer:

This letter concerns the forcible eviction of Mircea Fersedy from his home at 32-49 37th Street which occurred on February 13, 2009.

**FACTS:** (As alleged by Mr. Fersedy.)

- 1.) He began receiving violation notices in 1989.
- 2.) The series of violation notices started with minor violations and subsequently intensified to more and more serious violations in succeeding years.
- 3.) At some point, probably in 2005, the Department claimed that the front wall of the building either was beginning to collapse or was in danger of collapse. They had a scaffold/sidewalk bridge erected and back charged Mr. Fersedy for its cost.
- 4.) In February 2009, Mr. Fersedy was evicted and the building sealed with concrete block in the doorways and windows.
- 5.) At no point during this period did Mr. Fersedy receive a comprehensive report from DOB giving the complete list of violations and the reason(s) he was to be evicted. Mr. Fersedy did receive a peremptory vacate order dated 2/13/09 and amended on 10/15/09 but this order did not contain a complete list of violations.

**POSSIBILITIES**

Possibility No. 1: DOB is correct in their assessment of the building as unsafe.

Possibility No. 2: Mr. Fersedy antagonized people at DOB by not responding to the initial, fairly minor notices of violations. DOB then reacted by ratcheting up the seriousness of the alleged violations.

**OBSERVATIONS**

I visited the site last July but was unable to observe any unsafe conditions due to the building being sealed to prevent ingress. I observed that the front wall was in fair to good condition, being free of cracks, bulges or other forms of distress. I saw a scaffold/sidewalk bridge in front of the building but I could not see any condition that would require a scaffold to be erected. I checked the condition of the wall's mortar, which I found to be good. (Walls

have been known to collapse even when they are straight, plumb and crack-free due the use of lime-sand mortar in their construction.)

Disturbing to me are the following seemingly apparent facts:

- 1.) The pattern of escalating violations. Mr. Foreside deserves a complete, comprehensive report of violations against the building including dates.
- 2.) The existence of a scaffold/sidewalk bridge that appears to be unnecessary.

The truth deserves to be told. A judge or a jury may be needed to resolve questions regarding this building. **In order for me to testify on behalf of Mr. Fersedy, I need access to the interior of the building.** Please respond to me by giving (a) A complete list of violations including dates of notices and by (b) arranging an opportunity for me to tour the interior of the building with a contractor prepared to cut probe holes as I direct him to do.

Very truly yours

A handwritten signature in cursive script that reads "Robert Berge".

Robert Berge

cc:

Mircea Fersedy

Peter Vallone, Jr., NYC Councilman

Betsy Gotbaum, NYC Public Advocate