

June 8, 2015

Julie Menin
Commissioner

42 Broadway
New York, NY 10004

Dial 311
(212-NEW-YORK)

nyc.gov/consumers



Re: Case Number 8896-2015-CMPL

WE NEED MORE INFORMATION TO HELP YOU WITH YOUR COMPLAINT

Respond by June 22, 2015

Thank you for contacting the NYC Department of Consumer Affairs. Please follow the steps below so that we may help you with your complaint:

1. **Send TWO copies of each document checked below. Keep the originals for your own files.**

- ☒ Receipts/Bill of Sale
- ☒ Contract (both sides)
- ☒ Warranty (both sides)
- ☒ Cancelled Checks (both sides) / Credit Card Receipt
- ☐ Judgment
- ☐ Letters to the Business (if any)
- ☐ Letter from Debt Collection Agency
- ☐ Diagnostic Report Showing Vehicle Defects
- ☐ Estimate for Vehicle Repair
- ☒ Completed Complaint Form (enclosed)
- ☐ Other

If you don't have these documents, please explain why.

2. **Send us your response in ONE of the following ways:**
 - Mail to DCA Consumer Services, 42 Broadway, 9th Floor, New York, NY 10004 OR
 - Fax to +1 212 487 4482/646-500-5914 OR
 - Email to consumers@dca.nyc.gov
3. **Call us with any questions. We're available Monday–Friday, 9:00am – 5:00pm, at +1 212 487 4110.**



8896-2015-CMPL



8896-2015-CMPL



Department of
Consumer Affairs

FILE YOUR COMPLAINT

Thank you for contacting the New York City Department of Consumer Affairs (DCA). Please complete this form. Clearly print or type your answers to each question. If a question does not apply to you, please mark N/A or Not Applicable. You must provide information marked with a star (*).

Mail TWO copies of this completed form and related documents (e.g., store receipts, warranties, contracts, etc.) to DCA.
Do not send originals.

NYC Department of Consumer Affairs
Consumer Services Division
42 Broadway, 9th Floor
New York, NY 10004

Did You Contact the Business?

DCA advises you to contact the business directly in an initial attempt to resolve your complaint. When contacting the business, please keep a log of all telephone calls and copies of letters that you send. If your attempts to resolve the issue yourself are unsuccessful, then we advise you to file your complaint with DCA.

Did you attempt to resolve your complaint with the business?

☐ Yes ☐ No

If No, please explain why not.

What Do You Want DCA to Do?

Check ONE box only.

☐ I want help with my complaint. See back for requested action.

If you request help, we will contact you. DCA receives a very high volume of complaints, so please be patient.

If you have not heard from us after 45 days, please call 311 and ask to be transferred to DCA to check the status of your complaint. Have your docket number handy. See the enclosed "What happens to your complaint?" sheet for more information.

☐ I do *not* want help with my complaint. However, I want this business investigated for unfair business practices.

If you do not request help, we will not contact you, but will use the information you provide to investigate the reported business' practices.

Is Your Complaint against a Home Improvement Contractor?

If your complaint is against a home improvement contractor, please answer the questions below. To file a complaint with DCA, the home must be located in New York City. We cannot help with complaints about new home construction.

1. Was work done on a:
 - ☐ Single or two-family house
 - ☐ Residential building owned by you as an individual having four units or less
 - ☐ Co-op or condo owned by you
2. Is the contractor presently working in your home?
 - ☐ Yes ☐ No
3. Have you had to move out of your home due to the work done by the contractor?
 - ☐ Yes ☐ No

4. Did the contractor offer you a loan or arrange a loan for you?
 - ☐ Yes ☐ No
5. Does the contractor have a lien against your home?
 - ☐ Yes ☐ No
6. Do you have a written contract?
 - ☐ Yes ☐ No
7. Is the job location different than your home address?
 - ☐ Yes ☐ No
8. Did the contractor provide a written warranty to you?
 - ☐ Yes ☐ No



8896-2015-CMPL

Tell Us about Your Complaint

Reason for your complaint Quality of Work - Q01

*Product/Service involved _____ *Date of transaction _____

Was this an Internet order or purchase? ☐ Yes ☐ No

*Do you have a written contract? ☐ Yes ☐ No *Cost of product/service _____ *Amount paid to date _____

How did you pay? ☐ Cash ☐ Check ☐ Credit Card

If you paid by credit card, have you contacted your credit card company? ☐ Yes ☐ No

*Is this matter pending in court? ☐ Yes ☐ No

What action are you seeking from DCA to resolve this complaint? **Check ONE box only.**

☐ Repair of product/service ☐ Exchange ☐ Completion of contract terms ☐ Refund ☐ Cancellation of contract

Note: If you checked one of the boxes above, you must check the box "I want help with my complaint" on front.

Briefly describe your complaint. Use additional pages as needed.

THE WORK ON THE SIDEWALK WASN'T PROPERLY. THE INGRIDIENT (CEMENT) THAT WAS USED WERE OF POOR QUALITY.

Provide Your Information

*Name
(First and Last) _____

*Home Address
(Include Apartment #) _____

*City, State, ZIP _____ *Country US

*Contact number _____

Are you currently serving on active duty in the U.S. Armed Forces? ☐ Yes ☐ No

Are you a veteran of the U.S. Armed Forces? ☐ Yes ☐ No

Would you like to receive electronic communications from DCA? ☐ Yes ☐ No

If Yes, provide E-mail N/A

*Print Name _____ *Signature _____ *Date _____

Provide Information about the Business

*Business Name FRANK PAPPALARDI ☐ NAME OF COMPANY: PAPPALARDI CONTRADICTION LLC

*Address 1338 73 STREET *Daytime Phone _____

*City, State, ZIP BROOKLYN, NY 11228 *BusinessFax _____

*Type of Business Home Improvement Contractor - 100 (For home improvement contractor complaints, answer the questions on front.)

*E-mail _____ *License # _____



*8896-2015-CMPL *



**Department of
Consumer Affairs**

Julie Menin
Commissioner

Dial 311
(212-NEW-YORK)

nyc.gov/consumers

June 30, 2015

PAPPALARDI CONSTRUCTION, L.L.C.
1338 73RD ST
BROOKLYN, NY 11228-2104

Re: Case Number: 8896-2015-CMPL
License Number: 0981938-DCA

A CONSUMER COMPLAINT HAS BEEN FILED AGAINST YOUR BUSINESS
PLEASE RESPOND WITHIN 10 DAYS

The Department of Consumer Affairs (DCA) received a consumer complaint against your business. A copy of the complaint is enclosed for your review. Please complete this form and return it within 10 days of receipt to DCA. Attach additional pages if needed. **Send us your response in ONE of the following ways:**

- Mail using the enclosed self-addressed envelope OR
- Fax to +1 212 487 4482/646-500-5914 OR
- Email to businessresponse@dca.nyc.gov

We would like to find a fair resolution to this matter for both you and the consumer. Thank you for your prompt attention to this matter. If you have questions about this form, you can call us at +1 212 487 4110.

*****PLEASE NOTE*****

An unanswered complaint will remain part of your permanent DCA record and may result in further enforcement action.

If you are licensed by DCA:

Failure to respond to this complaint within 20 days is a violation of Title 6 of the Rules of the City of New York ("RCNY") § 1-13. DCA may fine you and/or suspend or revoke your license.

Failure to pay a judgment obtained by a consumer against you related to your work as a licensee within 30 days may put your license in jeopardy and subject you to a fine of up to \$500.

Business Response



Business Contact Information

Name : _____ Date Responding: ____/____/____

Title: _____

(Owner, President, Comptroller, Partner, etc.)

Business Phone: _____ Fax: _____ Email: _____





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Did you attempt to resolve your complaint with the business?
If No, please explain why not.

☒ Yes ☐ No

What Do You Want DCA to Do?

Check ONE box only.

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☐ Yes ☒ No
- Have you had to move out of your home due to the work done by the contractor?
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- Did the contractor offer you a loan or arrange a loan for you?
☐ Yes ☒ No
- Does the contractor have a lien against your home?
☐ Yes ☒ No
- Do you have a written contract?
☐ Yes ☒ No
- Is the job location different than your home address?
☐ Yes ☒ No
- Did the contractor provide a written warranty to you?
☐ Yes ☒ No

(over)



8896-2015-CMPL

Tell Us about Your Complaint

Reason for your complaint Quality of Work - Q01

*Product/Service involved Sidewalk (Cemented) Date of transaction 8-17-13

Was this an Internet order or purchase? ☐ Yes ☒ No

*Do you have a written contract? ☐ Yes ☒ No *Cost of product/service \$1,350 *Amount paid to date ☒

How did you pay? ☐ Cash ☒ Check ☐ Credit Card

If you paid by credit card, have you contacted your credit card company? ☐ Yes ☐ No

*Is this matter pending in court? ☐ Yes ☒ No

What action are you seeking from DCA to resolve this complaint? **Check ONE box only.**

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Briefly describe your complaint. Use additional pages as needed.

THE WORK ON THE SIDEWALK WASN'T PROPERLY. THE INGRIDIENT (CEMENT) THAT WAS USED WERE OF POOR QUALITY. ✓

Provide Your Information

*Name
(First and Last)

*Home Address
(Include Apartment #)

*City, State, ZIP

*Country US

*Contact number

Are you currently serving on active duty in the U.S. Armed Forces?

Are you a veteran of the U.S. Armed Forces?

Would you like to receive electronic communications from DCA? ☐ Yes ☐ No N/A

If Yes, provide E-mail N/A

*Print Name

Signature

Provide Information about the Business

*Business Name FRANK PAPPALARDI NAME OF COMPANY: PAPPALARDI CONTRADICTING LLC

*Address 1338 73 STREET

*Daytime Phone (718) 256-7810

*City, State, ZIP BROOKLYN, NY 11228

*BusinessFax

*Type of Business Home Improvement Contractor - 100

(For home improvement contractor complaints, answer the questions on front.)



8896-2015-CMPL

My son, [REDACTED], called
Mr. Pappalardi about 2 weeks ago and told
him to come and look at the work he did,
which is shoddy. He came and offered
to put a layer of cement on top. My son
said that wouldn't be good because you can't
~~put cement on top of cement~~ to fix the
problem. He did not get in touch to give
his decision as to him giving a refund.
[REDACTED]

[REDACTED]



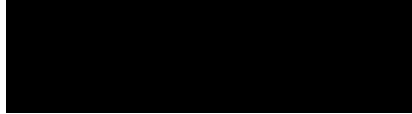
July 1, 2015

Julie Menin
Commissioner

42 Broadway
New York, NY 10004

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(212-NEW-YORK)

nyc.gov/consumers



Re: Case Number: 8896-2015-CMPL
Vendor Name: PAPPALARDI CONSTRUCTION, L.L.C.

NEXT STEPS FOR YOUR COMPLAINT AGAINST A LICENSED HOME IMPROVEMENT CONTRACTOR

Dear Consumer:

Thank you for contacting the Department of Consumer Affairs (DCA) with your complaint against PAPPALARDI CONSTRUCTION, L.L.C.. We will do our best to help you to get a speedy resolution. Included in this letter are Frequently Asked Questions about the complaint process.

What will happen if the complaint is not resolved through mediation?

Because the home improvement contractor is licensed by DCA, if no resolution is reached through our contact with both you and the business, your complaint may be referred for a hearing before DCA's Adjudication Tribunal. *Please note that DCA may not be able to offer you a hearing if you do not allow the home improvement contractor to return to the work location to complete the work, or if the home improvement contractor makes a reasonable offer to resolve your complaint and you decide not to accept that offer.*

Will I need to provide additional documents to DCA for the case to be referred to hearing?

Yes. To proceed to a hearing, you must get at least one written estimate from a licensed contractor OR hire an engineer to perform an independent inspection of the work location and submit a written report. We cannot schedule your complaint for a hearing until we receive these documents.

When will the hearing be held and what will happen at it?

It is likely to take several months for your complaint to be brought to hearing. At the hearing, both you and the home improvement contractor will have a chance to tell a judge what happened. The judge will make a decision based on the evidence you and the home improvement contractor present. You can find more information about administrative hearings at nyc.gov/consumers.

May I sue the home improvement contractor in court instead of having my case referred to a hearing in the Adjudication Tribunal?



8896-2015-CMPL



Yes, you can bring a case against the contractor in court. Go to New York State Unified Court System at **courts.state.ny.us** and search "Small Claims Booklet."

We will contact you as soon as possible, and look forward to assisting you. If you do not hear from DCA within the next month, you can call +1 212 487 4110. Please give your Case Number (located at the top of this letter) to the representative who will promptly connect you to the mediator handling your case.

Sincerely,

Consumer Services Division

Do you want to take control of your finances? We can help. Meet one-on-one with a New York City Financial Empowerment Center counselor who can help you take control of your debt, improve your credit, create a budget, open a bank account, start an emergency fund, save and plan for your future, and much more. Our professional counselors have helped tens of thousands of New Yorkers with their finances. Trust them to help you, too. Call 311 to make an appointment at a free Financial Empowerment Center near you!



8896-2015-CMPL

Dear Consumer:

Thank you for contacting the New York City Department of Consumer Affairs (DCA). We have received your complaint and have mailed a copy of your complaint to the business for a written response.

For your reference, we have assigned you a case number. This number is listed above your address on the mailing label of this postcard. **Please keep your case number in an easy-to-find place.** You may need to refer to it later.

What's next? One of our staff members will contact you to follow up on your complaint. If you do not hear from us within the next month, you can call us at (212) 487-4110. Please have your case number available when you call.

Sincerely,

DCA - Consumer Services Division



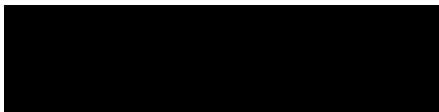
*The NYC Department of Consumer Affairs
ensures that consumers and businesses
benefit from a fair and vibrant marketplace.*



**Department of
Consumer Affairs**

42 Broadway
New York, NY. 10004
nyc.gov/consumers

Case Number: 8896-2015-CMPL



**IMPORTANT INFORMATION
ABOUT YOUR COMPLAINT**



Julie Menin
Commissioner

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June 30, 2015

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Failure to pay a judgment obtained by a consumer against you related to your work as a licensee within 30 days may put your license in jeopardy and subject you to a fine of up to \$500.

Business Response

I am a license contractor. [REDACTED] hired me to install a new cement sidewalk. I secured the necessary permits and completed the job to the customers satisfaction on or about August, 2013. The customer was totally satisfied with my workmanship at the time the job was completed. Now after 2 years, and after two winter of using salt chemicals on the surface of the cement and causing his own damages he would attempt to direct his own inflicted damage to his cement on me. His claim is without merit. There was no written contract or warranty given (no oral agreement was ever made regarding any warranty especially after two years of use and abuse by the owner.)



Millien, Anne Marie (DCA)

From: Millien, Anne Marie (DCA)
Sent: Wednesday, July 29, 2015 11:30 AM
To: 'GERACICPA@YAHOO.COM'
Subject: Case #8896-2015-cmpl [REDACTED]
Attachments: admin_hearing_guide_business.pdf

Dear Sir:

As discussed with your wife yesterday, the consumer has optioned for the case to be referred for hearing. Attached is the related Administrative Hearing Guide which is self-explanatory.

Sincerely,

Anne Marie Millien

Mediator
Consumer Services Division
212 436 0267

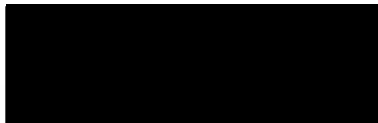


Julie Menin
Commissioner

42 Broadway
9th Floor
New York, NY 10004

Dial 311
(212-NEW-YORK)

nyc.gov/consumers



**Pappalardi Construction, LLC
has responded to your complaint**

July 21, 2015

RE: Case # 8896-CMPL – Pappalardi Construction, LLC

Dear 

Enclosed please find the response from Pappalardi Construction, LLC regarding the complaint you filed with the Department of Consumer Affairs (DCA).

If you have any questions or concerns, I can be reached at 212-436-0267 after 10:00am during weekdays.

Thank you for allowing DCA the opportunity to help you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne Marie Millien".

Anne Marie Millien
Mediator
Consumer Services Division

Encl.