



**Department of  
Consumer Affairs**

**Julie Menin**  
Commissioner

**Dial 311**  
(212-NEW-YORK)

[nyc.gov/consumers](http://nyc.gov/consumers)

November 6, 2014

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

Re: Case Number: 20170-2014-CMPL  
License Number:

**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](mailto: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**

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**Business Contact Information**

Name : \_\_\_\_\_ Date Responding: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Title: \_\_\_\_\_

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

Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_





Department of Consumer Affairs

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nyc.gov/consumers

# 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.

- 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
- Is the contractor presently working in your home?
  - Yes
  - No
- Have you had to move out of your home due to the work done by the contractor?
  - Yes
  - No

- 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

Continued

Reason for your complaint Spall placement on sidewalk  
 \*Product/Service involved sidewalk cement \*Date of transaction July 7 2013  
 Was this an Internet order or purchase?  Yes  No  
 \*Do you have a written contract?  Yes  No \*Cost of product/service \$12,750<sup>00</sup> \*Amount paid to date \$12,750<sup>00</sup>  
 How did you pay?  Cash  Check  Credit card  
 If you paid by credit card, have you contacted your credit card company?  Yes  No not applicable  
 \*Is this matter pending in court? If yes, what court? 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.

In July 2013 I contacted Frank from Pappalardi Construction LLC, to replace the cement in my backyard and driveway with pavers, and the sidewalk with new cement with lines of bricks. In early Spring 2014 I noticed a problem with the sidewalk cement; the cement showed signs of spalling. I contacted Frank from the construction company with my concerns, and asked him to come by to repair the problem, but he did not show up as he said he would. I spoke to Frank on several occasions after with his assurance that he would come by but no avail. The cement continues to deteriorate over time. I would like the company to replace the sidewalk cement that appears to have been poured improperly.

Provide Your Information

053501 issues of quality.  
 \*Name [Redacted] (Trustee)  
 \*Home Address [Redacted]  
 \*City, State, ZIP [Redacted] Country USA  
 \*Contact number [Redacted]

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

If Yes, provide E-mail [Redacted]

Provide Information about the Business

\*Business Name Pappalardi Construction LLC  
 \*Address 1338-73<sup>rd</sup> street \*Daytime Phone 718 256 7810  
 \*City, State, ZIP Brooklyn NY 11228 \*Fax none available  
 \*Type of Business Construction (For home improvement contractor complaints, answer the questions on front.)  
 E-mail none available \*License # ??

Frank cell phone # 917 478 7038



November 7, 2014

Julie Menin  
Commissioner

42 Broadway  
New York, NY 10004

Dial 311  
(212-NEW-YORK)

[nyc.gov/consumers](http://nyc.gov/consumers)

Re: Case Number: 20170-2014-CMPL  
Vendor Name: PAPPALARDI CONSTRUCTION, L.L.C.

**NEXT STEPS FOR YOUR COMPLAINT AGAINST AN  
UNLICENSED 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 does not hold a DCA license, we are unable to hold a hearing before our Adjudication Tribunal for the purpose of determining whether or not you should be awarded damages.

**May I sue the business in court if the complaint is not resolved through mediation?**

Yes. If the business fails to respond to our contacts, we may recommend that you sue the home improvement contractor in Small Claims Court or Civil Court. At that time, we can send you a letter that says the business is not licensed by DCA. If you decide to go to court, you can give the letter to the judge. For more information, go to New York State Unified Court System at [courts.state.ny.us](http://courts.state.ny.us) and search "Small Claims Booklet."

**May I sue the business now instead of having DCA try to resolve my complaint?**

Yes. Instead of waiting on our attempts to achieve a resolution to your complaint, you may choose to sue the business. See above for link to get more information. Please let us know if you elect to proceed in court. In that case, we will not proceed with our efforts.

**What if the contractor sues me?**

DCA cannot represent you in court. Although we cannot give you legal advice, we recommend that if the contractor attempts to sue you for any balance of money allegedly due, you defend the case in court. Legally, a contractor may





not collect against a homeowner for work performed if the contractor was not licensed at the time that the contract was signed. Courts have held that contracts made by unlicensed home improvement contractors are illegal and unenforceable. The leading case on this issue is B&F Building v. William J. Liebig et. al. 76 N.Y. 2d 689, 563 N.Y.S. 2d 40 (. 1990).

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!



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.*

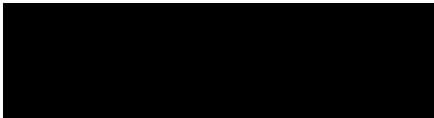




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Consumer Affairs**

42 Broadway  
New York, NY. 10004  
[nyc.gov/consumers](http://nyc.gov/consumers)

Case Number: 20170-2014-CMPL



**IMPORTANT INFORMATION  
ABOUT YOUR COMPLAINT**

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Fax 646 500 5873  
Rorey - sde.

212-4360268

Julie Menin  
Commissioner

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November 6, 2014

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

Re: Case Number: 20170-2014-CMPL  
License Number: 0981938

**A CONSUMER COMPLAINT HAS BEEN FILED AGAINST YOUR BUSINESS**  
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**Business Response**

To whom it may be concern.  
Cement there was never warranty  
Cement work could damage from ice, cold, and soil to melt  
Cement work is Thank you.  
Never Guarantee.



\*20170-2014-CMPL\*