

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

-----X
CHRISTIAN GRAY,

Tenant-Petitioner,

-against-

AMERICAN PACKAGE COMPANY, INC.,

Owner-Respondent,

-and-

THE DEPARTMENT OF HOUSING PRESERVATION
AND DEVELOPMENT,

Respondent.
-----X

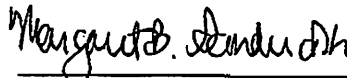
Index No.
006086/20

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed affirmation of Margaret B. Sandercock, Esq. dated June 14, 2022 and the exhibits annexed thereto, and upon all the pleadings and proceedings heretofore had herein, the undersigned will move this Court at Part B, Room 409, 141 Livingston Street, Brooklyn, New York 11201, on the 7th day of July 2022 at 9:30 in the forenoon of that day or as soon thereafter as counsel can be heard for the following relief:

- i. Restoring this matter to the calendar to determine compliance of the landlord with the stipulation of June 29, 2021;
- ii. And for such other and further relief as to the court seems just and proper.

Dated: New York, NY
June 14, 2022



Goodfarb & Sandercock, LLP
Attorneys for Petitioner
110 East 59th Street, 22nd fl.
New York, NY 10022
(212) 509-0440

To: Belkin Burden Goldman, LLP
60 East 42nd Street, 16th floor

New York, NY 10165
(212) 867-4466

Department of Housing Preservation & Development
Housing Litigation Bureau
100 Gold Street
New York, NY 10038

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

-----X
CHRISTIAN GRAY,

Index No.
006086/20

Tenant-Petitioner,

-against-

AMERICAN PACKAGE COMPANY, INC.,

AFFIRMATION

Owner-Respondent,

-and-

THE DEPARTMENT OF HOUSING PRESERVATION
AND DEVELOPMENT,

Respondent.
-----X

Margaret B. Sandercock, an attorney admitted to the practice of law before the courts of the State of New York, does hereby affirm, pursuant to CPLR Section 2016 and under the penalties of perjury, that the following is true;

1. I am a member of Goodfarb & Sandercock, LLP, counsel to petitioner in this proceeding.

I submit this affirmation in support of petitioner's motion to restore the case to the calendar for a hearing to determine respondent landlord's compliance with its prior agreement to eradicate mold from petitioner's unit at 226 Franklin St., Brooklyn, NY.

2. I have represented petitioner since the commencement of this HP case in the summer of 2020. Facts stated herein are based on my personal knowledge.
3. I annex hereto as Exhibit A the order to show cause and supporting documents by which this proceeding was commenced; as Exhibit B, respondent landlord's answer; and as Exhibit C the stipulation by which the proceeding was marked "off calendar" for mold evaluation and eradication by the landlord. Annexed hereto as Exhibit D collectively are a follow up scope of work prepared by Edward Olmsted, petitioner's mold expert, and a

report dating from August 2021 with accompanying laboratory work demonstrating that the mold has not been eliminated from petitioner's unit.

4. Petitioner has been unable to reside in his unit since a flood Columbus Day weekend, 2019. Since August 2021, both Mr. Olmsted, through the owner's mold evaluator, and I, through the landlord's counsel, have been trying to get the landlord to continue with required mold eradication as set forth in Exhibit D. We have not been successful, as apparently the owner's mold evaluator has been unsuccessful in obtaining the consent of the landlord to perform further work.

Factual Background:

5. The building 226 Franklin St., Brooklyn, NY is a large interim multiple dwelling subject to the Loft Law with numerous a/k/a street addresses, including 97 Green Street. Petitioner is the protected occupant of unit G21.
6. During Columbus Day weekend 2019, there was a flood into petitioner's unit. Petitioner was not responsible for causing the flood. The principal of the landlord was abroad at the time and did not authorize his employees to arrange a cleanup until he returned to New York and as a result, no cleanup commenced for about six weeks after the flood. It became evident to petitioner that there was mold in his unit as in some locations it was visible and the unit smelled bad.
7. This proceeding was commenced in the summer of 2020 because the landlord did not make arrangements to professionally evaluate and eradicate the mold. Petitioner employed Edward Olmsted, a well know industrial hygienist, to evaluate the mold and in due course, the stipulation annexed as Exhibit C was entered into.

8. The parties dispute whether the full scope of work called for in Exhibit C was performed.

But regardless of whether the scope of work was fully performed, Mr. Olmsted reevaluated the premises in August 2021 after the mold eradication the landlord was willing to conduct was completed, and determined that even after this mold eradication, the unit still contained mold. In fact, the condition of the unit was worse than previously believed because not all of the mold was visible prior to partial demolition of the unit. He conducted laboratory testing, included in Exhibit D, showing that the mold was not eradicated, and proposed a scope of work, also included in Exhibit D, to eradicate the remaining mold. He has spoken repeatedly to the owner's mold evaluator without success in getting the landlord to authorize continued work.

9. I have made arrangements with petitioner to provide access to his unit in each and every instance the landlord, its evaluators and or remediators requested access. I am aware of no instance in which respondent wanted access to petitioner's unit when such access was not provided.

10. Respondent landlord has bought out, pursuant to MDL Sections 286(6) and (12), the Loft Law rights and fixtures of the vast majority of Loft Law tenants in the building. Petitioner and a few other tenants have rejected the landlord's initiative, which was apparently intended to vacate the building. The undersigned is counsel to the tenant association; it appears that the landlord is using various means, including in the case of this unit, failing to eradicate mold and rebuild the unit, to encourage those tenants who did not accept buyouts to waive their rent regulatory rights and move out of the building. There is a harassment case pending before the Loft Board based on these facts.

I. THE PROCEEDING MUST BE RESTORED TO THE CALENDAR

11. The evident purpose of the stipulation between the parties, Exhibit C hereto, was to eradicate the mold in unit G21, and to restore the unit to a condition in which petitioner can occupy the unit. This is true regardless of whether the work agreed to by respondent landlord was in fact done, and whether or not the mold condition is worse than previously believed, therefore requiring an expansion of the scope of work.
12. As set forth in Exhibit D, the unit still contains mold and petitioner cannot live there. Some of the installations in the unit have been dismantled in order to diagnose and / or treat the mold and would have to be repaired and or replaced, for occupancy of the unit to be possible. Petitioner's expert reevaluated the unit in August 2021, within the time limits provided by the stipulation, and since that time both the expert and the undersigned have requested the landlord to continue its work and expand the scope of the work as needed so that the unit can be occupied. Requests for voluntary cooperation in that regard have produced no results. Petitioner is still out of possession.
13. The case must be restored to the calendar for a hearing to determine the following issues: whether the work called for under the stipulation was completed; whether the unit still contains mold such that petitioner cannot live there; and what steps must be taken by respondent landlord in order that petitioner can live in the unit.

WHEREFORE, petitioner respectfully requests that the Court grant him the relief sought herein, and such other relief as to the Court seems just and proper.

Dated: New York, NY
June ~~14~~ 2022


Margaret B. Sandercock

EXHIBIT A

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

Index No. 006086

-----X
CHRISTIAN GRAY,

ORDER TO SHOW CAUSE

Tenant-Petitioner,

-against-

AMERICAN PACKAGE COMPANY, INC.,

Address: 97 Green Street
Brooklyn, NY 11222

Owner-Respondent,

-and-

THE DEPARTMENT OF HOUSING PRESERVATION
AND DEVELOPMENT,

Respondent.
-----X

Upon the Verified Petition of the above named Petitioner, verified on June 29, 2020,

LET the Respondent-Owner or its counsel show cause at the

Civil Court of the City of New York, Housing Part B, Room 409,

Located at: 141 Livingston Street, Brooklyn, New York 11201,

On: 7/20/20, 2020 at 9:30 a.m., or as soon as the parties may be heard,

why an order should not be made:

- a. for an order directing Owner-Respondent to eradicate mold using experienced, licensed and insured contractors and perform all repairs to Unit G21 at 97 Green Street, Brooklyn, New York as required subsequent to a flood on or about October 13, 2019;
- b. upon failure to do so within the time prescribed by law (or otherwise directed by the court), an order finding violations of established housing standards and directing Respondent DHPD to enter judgment against the Owner-Respondent for the penalties stated at Section 27-2115(a) of the Administrative Code of the City of New York;
- c. finding that the respondent landlord harassed petitioner pursuant to Section 27-2005[d] of

the Administrative Code of the City of New York;

- d. determining that a class C violation existed at the time the harassment occurred;
- e. restraining the respondent-landlord from violating Section 27-2005[d] and directing it to ensure that no further violations occur;
- f. imposing civil penalties upon the respondent-landlord in an amount not less than one thousand dollars and not more than five thousand dollars for each dwelling unit in which petitioner has been the subject of a violation of 27-2005[d]; and
- g. awarding such other and further relief as this court deems just and proper.

SERVICE of a copy of this Order, together with the annexed Verified Petition, on the Respondent(s) by Certified Mail, Return Receipt Requested on or before 7/3/20 ^{and first class mail with certificate of mailing} ^{to the addresses listed below} as permitted by Section 27-2115(j) of the Administrative Code, will be considered good and sufficient. Proof of the service can be filed in the Clerk's Office of the Housing Part before the return date of this Order to Show Cause, or on the date of trial with the Clerk in the Part indicated above.

Mailing to the DHPD must be made to this address:

Department of Housing Preservation and Development
Housing Litigation Bureau
100 Gold Street
New York, NY 10038

June 30, 2020
Date

/s/ Kenneth T. Barany
Judge, Housing/Civil Court

To: American Package Company, Inc.
226 Franklin Street
Brooklyn, NY 11222

Department of Housing Preservation & Development
Housing Litigation Bureau
100 Gold Street
New York, NY 10038

Counsel to Petitioner:

Goodfarb & Sandercock, LLP
110 East 59th Street, 22nd floor
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CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

Index No.: _____

-----X
CHRISTIAN GRAY,

Tenant-Petitioner,

VERIFIED PETITION
IN SUPPORT OF ORDER
TO SHOW CAUSE

-against-

AMERICAN PACKAGE COMPANY, INC.,

Address: 97 Green Street
Brooklyn, NY 11222

Owner-Respondent,

-and-

THE DEPARTMENT OF HOUSING PRESERVATION
AND DEVELOPMENT,

Respondent.

-----X
Margaret B. Sandercock, an attorney admitted to practice before the courts of the state of
NY, does hereby affirm, pursuant to CPLR Section 2016 and under the penalties of perjury, that
the following Petition is true:

1. The petitioner, Christian Gray, is the residential occupant of unit G 21 (the "Unit") at 97 Green Street, Brooklyn, NY 11222 (the "Building"). There are many aka addresses for the building occupied by petitioner, including 226 Franklin Street; 90-94 Freeman Street; 100-118 Freeman Street and 91-115 Green Street.
2. The Building is an interim multiple dwelling subject to the Loft Law, Article 7C of the Multiple Dwelling Law. The Unit is covered under the 2010 Loft Law amendments and petitioner is the protected occupant of the Unit.
3. As permitted under the Loft Law, petitioner built out the Unit from raw space to be his home and also the location of a recording studio principally used for personal purposes. The fixtures and amenities in the unit including the interior walls, kitchen, bathroom and

a fully equipped recording studio area, were installed by petitioner at petitioner's sole cost and expense.

4. On October 13, 2019 at about 11:00 p.m., there was a serious flood of water into the Unit. The cause of the flood was that a branch of the sprinkler system broke off in the apartment above G21 and G21 was flooded through the ceiling. For example, and without limitation, water flowed into G21 until 5:30 a.m. on October 14, 2019; the Fire Department was called in to turn off the water; there were inches of water on the floor of the Unit. Petitioner lost almost all of his personal property.
5. Petitioner reported the flood to building management, specifically to a person named Violet Lautan who he knows to be a building manager. In due course, Violet advised petitioner that the principal of respondent landlord, Martin Kofman, was abroad in Israel for an extended period, and that management was not going to plan for nor undertake a cleanup of the flood during Mr. Kofman's absence.
6. Petitioner could not occupy the Unit as his residence nor as his place of business after the flood, and since that time has been constructively evicted. Though petitioner did what he could to clean up after the flood, and rented a large dehumidifier from Home Depot at his sole cost and expense, his efforts were more or less futile as professional evaluation and clean up were called for. Among other things, the Unit developed a bad smell and there were complaints from neighbors. Going to the Unit required petitioner to don personal protective gear including the type of mask used for spray painting.
7. Kofman returned from Israel about four weeks after the flood. He did not take immediate steps to remediate the conditions. On November 20, 2019, a company called Total Renovation came to the Unit and made a remediation proposal. They designated certain

rooms as having to be torn down and rebuilt from scratch and in other rooms, called for the removal and replacement of sheetrock up to 2.5 feet high. Only phase 1 of the work proposed by Total Renovation was ever accomplished. Beginning December 16, 2019, they ran dryers and heaters in G21 and a neighboring unit, and they removed the aforementioned sheetrock. The rooms requiring demolition and rebuilding were not addressed and the sheetrock that was removed was not replaced. Most important, no mold remediation was conducted.

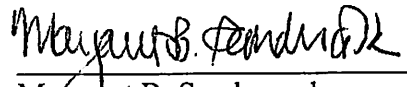
8. After their third visit to the Unit, Total Renovation never returned. Petitioner requested professional mold remediation and completion of the construction from the landlord, but this never took place. The landlord did, however, remediate the damage in the public hall adjacent to G21. Petitioner is still constructively evicted.
9. There was another flood into G21 on December 8, 2019. The cause of this flood was a clogged roof drain. Additional damage to G21 and personal property resulted from this second flood.
10. The landlord first brought an environmental inspector to G21 on February 14, 2020.
11. Petitioner retained his own mold expert, Edward Olmsted, a qualified, credentialed professional, to inspect the unit and to test for mold. This inspection took place on June 15, 2020. A copy of the inspection report is annexed hereto as Exhibit A, and incorporated by reference in the petition.
12. Last week, landlord served petitioner with an access notice, Exhibit B hereto, to perform Loft Law legalization in G21 as well as (apparently) some mold remediation. This was the first offer of any corrective work since December 2019. In the interim, petitioner was left homeless and was forced to find, retain and pay his own mold expert.

13. Having done so, there develops a dispute of fact as to what remediation is required. The expert's mold remediation plan calls for considerably more remedial work than the landlord's plan. If a lesser amount of remediation is performed and then an area still containing mold is covered over with wall board, soundproofing materials and so forth, petitioner has been advised that correcting the remaining mold later will require demolition of the newly rebuilt space.
14. The landlord has harassed petitioner, without limitation, by its delay in remediating the damage, leaving petitioner homeless, and its failures of maintenance which caused two floods into G21. Further, landlord remediated damage in the public halls but not in petitioner's unit. Petitioner learned that the steps landlord did take were geared to receiving a high insurance payment to landlord, and not to correct the conditions in petitioner's apartment so he could move back in. On information and belief, landlord allowed its insurance carrier to believe that landlord, not petitioner, owned the walls, kitchen, bathroom and appliances in the unit. On information and belief, landlord has been paid by its insurance carrier but has not used the funds for their intended purpose, mold remediation and repairs in petitioner's unit.
15. Thus, petitioner brings this proceeding: (i) to obtain an order requiring the landlord to conduct an adequate scope of mold remediation as determined by his expert, to be performed by a trained, experienced, licensed contractor; to demolish and rebuild those rooms requiring demolition, to complete the reconstruction of those rooms not totally demolished, and to restore the Unit to a habitable condition; and (ii) for a finding of harassment based on the facts set forth in paragraph 14 hereof.

16. The aforementioned circumstances constitute an emergency because petitioner has not been able to live in his home since October 2019; the landlord plans imminently – July 13, 2020 – to commence an inadequate scope of mold remediation; and a Loft Law tenant subjects himself to possible eviction, see generally, Exhibit B, if he denies access to his unit.

17. There has been no prior application for the relief sought herein.

Dated: June 24, 2020


Margaret B. Sandercock

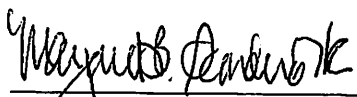
VERIFICATION

STATE OF NEW YORK }
Ss:
COUNTY OF NEW YORK }

Christian Gray, being duly sworn, deposes and say: I am the petitioner in the within proceeding. I have read the annexed Petition and know the contents thereof; the facts set forth by my counsel are true and accurate and I confirm them as if fully set forth in this verification.


Christian Gray

Sworn to before me this 29th
day of June 2020


Notary Public
MARGARET B. SANDERCOCK
Notary Public, State of New York
No. 2SA4993516
Qualified in New York County
Commission Expires 5/29/2022

OLMSTED ENVIRONMENTAL SERVICES, INC

1992 Route 9 Garrison NY 10524

phone 845 424 4077 • fax 845 424 3482 • email Olmsted.mac@me.com

Date: June 28, 2020

Report for: Christian Gray
97 Green St.
Apartment. G21
Brooklyn, NY 11222

Prepared by: Edward Olmsted, CIH, CSP

Subject: Mold Inspection
97 Green St. Apartment #G21 Brooklyn, NY 11222

Inspection Date: June 15, 2020

INTRODUCTION

Edward Olmsted, CIH, CSP conducted a mold inspection in unit # G21 at 97 Green Street in Brooklyn, NY. The survey was done on June 15th to evaluate the apartment for the presence of mold growth due to a catastrophic flood caused by a sprinkler head bursting on the floor above. The flood occurred on October 23rd, 2019 and the space sat for many days with standing water on the floor and soaked walls and ceilings. The survey included the following:

1. Visual inspection of G21;
2. Testing walls and floors for the presence of moisture;
3. Collecting surface samples for mold using tape lift methods;
4. Collecting wipe samples for mold culture analysis;
5. Collecting bulk samples for mold culture analysis; and
6. Collecting air samples for mold spores using spore traps.

BACKGROUND

Christian Gray reports that over the Columbus day weekend a sprinkler head failed on the floor above causing a catastrophic flood of unit G21. The water was standing on most floors and the floors, walls and ceilings were soaked for many days. A water restoration company was brought in but drying of surfaces had been delayed and moisture remained in materials for an extended period. It was reported that dehumidifiers and fans were installed to provide structural drying. The presence of moisture in wallboard, wood and insulation for an extended time is a significant risk factor for the growth of mold. The American Industrial Hygiene Association has indicated that most fungal spores can germinate when exposed to water for more than 24 to 48 hours or when exposed to prolonged periods of elevated relative humidity at normal room temperature. Vegetative growth and ultimately sporulating growth occurs anywhere from 1 week to a month of dampness, depending on

the material affected. Growth of molds in plaster, paint, sheetrock and insulation can lead to the amplification of airborne fungi and bacteria including higher levels of airborne spores and microbial fragments. Exposure to elevated levels of molds can cause health complaints of allergy, upper respiratory irritation, sinusitis, and eye irritation. Christian Gray has experienced allergy symptoms.

Unit G21 is a residential apartment with contains a personal sound studio, which has special construction designed for sound attenuation. The tenant advised me he leases space elsewhere to operate sound studios as a business. The construction of G21 includes multiple layers of wallboard and insulation on walls and ceilings as well as insulation inside walls, under some floors and above the ceiling. This type of construction attenuates sound but can trap water inside the layers of walls, ceilings and floors, including in the insulation, and can be nearly impossible to dry out with water mitigation and restoration efforts. There have been prior mold inspections of G21 resulting in differing opinions for the abatement of mold growth. ALC inspected the building for the landlord and identified visible mold growth on the lower portions of the sheetrock walls in the studio. ALC recommended removal of the lower portion of the sheetrock walls in the studio and living room area. They also recommended removal of the finish flooring in the studios. Christian Gray was concerned that the mold growth was hidden and far more extensive. He requested this survey to assess the presence of mold colonization and to provide an independent scope of work.

Unit G21 has a living room area, bedroom area, kitchen, sound studio area and bathroom. A diagram is attached that provides a layout of G21. The building is a two-story factory building that has masonry exterior walls and a concrete slab floor. There are raised wood floors in one studio and in the bathroom. The raised floor in the sound studio room is lined with plastic sheeting and bags of sand intended for sound attenuation. The kitchen and one room in the studio area have an engineered wood finish floors and another room in the studio area has a carpeted floor. There is a loft area accessible by a ladder above the studios and hallway. The 2nd floor above G21 has wood framing and decking with fiberglass mat insulation. This insulation has craft paper vapor retarder that would have limited drying of the wood deck above. A diagram of unit G21 is attached, which is not to scale and is meant for a general layout of the space.

SURVEY METHODS

Unit G21 was visually inspected for the presence of water damage and mold growth. Moisture readings were taken at suspect water leak areas. Tape lift samples were collected from suspect water-damaged materials for mold and analyzed by Ed Olmsted. The criteria used for evaluating the presence of mold colonization in buildings have been published by the American Conference of Governmental Industrial Hygienists and are summarized below.¹

- (1) the presence of visible fungal growth confirmed by source sampling;

¹ American Conference of Governmental Industrial Hygienists (ACGIH); Bioaerosols: Assessment and Control; p 19-12; © 1999

- (2) the presence of moldy odors in occupied spaces;
- (3) the persistent presence of water in indoor areas;
- (4) the presence of accumulations of organic debris;
- (5) interpretation of source or air sampling data in the absence of the above conditions.

The reliance on the presence of visible mold may fail to notice hidden mold growth or invisible levels of mold growth that are capable of producing airborne spores and other dust associated with allergy. Molds are microscopic organisms and mold growth is often invisible. The reliance on air sampling alone can also fail to detect mold growth in light of the potential for false negative results and the statistical error associated with air sampling. This survey relied on a combination of methods including source sampling (tape and bulk samples), air sampling, moisture measurements, and careful inspection of water-damaged materials. It should be noted that despite all best attempts to detect the presence of mold growth, it is often impossible to detect hidden mold growth without extensive and destructive methods such as removing sheetrock walls, ceilings and finish flooring, cabinets, wallpaper, and other building finishes. It also possible that there is mold growth in portions of this building that was not within the scope of this survey. The following summarizes the interpretation of sample methods:

Moisture Levels

Moisture levels were measured using a Protimeter Surveymaster moisture meter, which was field tested using the 18 % field check device provided by the manufacturer. The presence of dampness was screened using the meter in scanning mode and where dampness was detected the area was further probed using the pin measurement, which measures in percent moisture. A level of moisture exceeding 20 % in wood is above normal and suggests active water intrusion. The Institute for Inspection Cleaning and Restoration Certification (IICRC) indicates that a moisture level above 17 % in wood or sheetrock is sufficient to support mold growth. Levels above 20 % are sufficient to germinate spores in some species of mold resulting in fungal growth. Water intrusion is the principal risk factor for mold and bacterial growth as well as infestation by mites and insects.

Bulk and Tape Sample Analysis for Molds

Prestige analyzed the bulk samples by culture methods and two tape lift samples by direct microscopic exam. Ed Olmsted analyzed the tape lift samples by microscopic methods. Microscopic analysis of a bulk or tape lift sample detects the presence of spores, hyphae and fruiting bodies (conidiophores, sporangium, ascomata). This method confirms the presence of mold growth by identifying the reproductive, hyphael structures as well as spores. This method also identifies the molds to the genus level. The microscopic evaluation of a bulk and tape lift sample provides the best measure of the presence of mold growth and the culture analysis provides additional information on the species and genera present. There are no governmental regulatory requirements for evaluation of mold growth in materials, however the American Industrial Hygiene Association (AIHA) indicates that a finding of elevated levels of spores in combination with the microscopic identification of hyphae or other sporulating fungal structures is evidence of mold growth. Bulk samples when cultured in growth media are reported in colony forming units per gram of material

(CFU/g). The analysis includes identification of mold species for *Aspergillus* and other molds and identification to the genus level for *Penicillium* and *Cladosporium*. There are no governmental regulatory requirements for evaluation of mold growth in materials, however the American Industrial Hygiene Association (AIHA) indicates that a finding of elevated levels of spores in combination with the microscopic identification of hyphae or other sporulating fungal structures is evidence of mold growth.¹ Most building surfaces have mold spores settled on them. As such levels of spores below 10,000 CFU/g in a bulk sample cannot provide conclusive evidence of mold growth because it is possible for levels below 10,000 CFU per gram to be a result of settled spores on a surface that has not been cleaned for a significant period of time. Levels between 10,000 and 100,000 CFU/gram can be the result of heavy levels of settled spores but may also signify elevated spore levels caused by the growth of mold and production of spores on fruiting bodies. Levels over 100,000 are indicative of mold colonization and consistently reflect the presence of fruiting bodies and the growth of mold and production of spores and could not be the result of settling of spores. In addition to the numbers of spores on a surface, the species can be an indicator of mold colonization. A monoculture of spores is also an indicator of mold growth and certain species not normally present in settled dust are also an indicator of colonization. This includes the dominance of species of *Aspergillus*, *Ulocladium*, *Chaetomium*, *Paecilomyces* and *Stachybotrys*.

Wipe Sample Analysis for Molds

Prestige analyzed the wipe samples by culture methods and by direct microscopic exam. Microscopic analysis of a sample detects the presence of spores, hyphae and fruiting bodies (conidiophores, sporangium, ascomata). This method confirms the presence of mold growth by identifying the reproductive, hyphael structures as well as spores. This method also identifies the molds to the genus level. The microscopic evaluation of a bulk and tape lift sample provides the best measure of the presence of mold growth and the culture analysis provides additional information on the species and genera present. Wipe samples when cultured in growth media are reported in colony forming units per square inch of surface tested (CFU/in²). The analysis includes identification of mold species for *Aspergillus* and other molds and identification to the genus level for *Penicillium* and *Cladosporium*. Most building surfaces have mold spores settled on them. As such levels of spores below 1,000 CFU/in² in a wipe sample cannot provide conclusive evidence of mold growth because it is possible for levels below 1,000 CFU per inch² to be a result of settled spores on a surface that has not been cleaned for a significant period of time. Levels between 1,000 and 10,000 CFU/in² can be the result of heavy levels of settled spores but may also signify elevated spore levels caused by the growth of mold and production of spores on fruiting bodies. Levels over 10,000 are indicative of mold colonization and consistently reflect the presence of fruiting bodies and the growth of mold and production of spores and could not be the result of settling of spores. A monoculture of spores is also an indicator of mold growth and certain species not normally present in settled dust are an indicator of colonization. This includes the dominance of species of *Aspergillus*, *Ulocladium*, *Chaetomium*, *Paecilomyces* and *Stachybotrys*.

RESULTS

This report is based on a visual inspection by Olmsted, analysis of tape lift samples by Olmsted and lab reports from Prestige Enviromicrobiology. The following summarizes the survey results:

1. According to Christian Gray the water poured into the kitchen area, living room area, studio and bathroom soaking the walls and floors. The flood occurred in October and most areas are not dry. Moisture readings did reveal most walls were dry, however moisture was found in two areas as follows:
 - a. The lower four feet of the masonry wall against the exterior in the living room area. This is due to water intrusion through the masonry and is a chronic moisture problem.
 - b. The underside of the raised floor in one room of the studio area is slightly damp. The joists are damp measuring 30 to 40%. The sand also measured damp at 40%. This was due to the flood. The sand absorbed the water and the plastic lining the flooring and bags of sand trapped the water. This area has been wet for over 8 months. It should be assumed water was trapped under all of the floors including the finish floors in the other two rooms of the studio area, the raised floor in the bathroom, and the layers of wood flooring in the kitchen.
2. Table 1 summarizes the results of tape lift samples analyzed by Ed Olmsted. Mold growth was found on the following surfaces and materials:
 - a. Inside the wall cavity in the living room
 - b. On the raised wood floor in the bathroom
 - c. On the base of the wall where there is visible mold in the studio area room 1
 - d. On the base of the wall where there is visible mold in the hall outside the studio area room 1.
 - e. On the wood framing along the base of the wall in the wall cavity in the hallway.
 - f. On the sheetrock behind the wood wainscoting. This is an indication that large amounts of mold growth is hidden behind walls.
 - g. The underside of the wood floor deck and the joists above the ceiling.
3. Kitchen - The kitchen wood floor is a layer of plywood subfloor with engineered wood finish floor. This area was reported by Christian Gray to have been under water and had warped. A swab was collected under the finish floor from the bottom side of the finish floor and the top side of the plywood. The sample had 190,000 colony forming units per square inch (CFU/in²) and was dominated by *Penicillium* and *Trichoderma*. Toxin producing species include *Trichoderma harzianum* and *Trichoderma longibrachiatum*. These results indicate there is mold growth present in the kitchen wood flooring.
4. Bathroom - The raised wood floor in the bathroom has evidence of water damage to the wood in the hot water tank area adjacent to the bathtub. There is also mold growth on the wall between the bathroom and the kitchen. A tape lift from the raised

wood floor in the bathroom, number 97G-6, was analyzed by Ed Olmsted and Prestige. The sample had growth of *Scopulariopsis*. There is surely greater amounts of mold growth under the raised wood floor where water was trapped. The wall cavity between the bathtub and the kitchen has visible mold growth. A bulk sample from the bathroom wall in the area by the hot water tank, number 97G-4, was analyzed by culture methods and found to have 780,000 colony forming units per gram (CFU/g). The sample was dominated by *Aspergillus calidoustus* at 690,000 CFU/g. This is indicative of mold growth. The raised floor and bathtub should be demolished in the bathroom. The wall shared with the kitchen should be opened and the back of the kitchen cabinets and wall cavity should be cleaned with HEPA vacuuming and damp wiping with a strong biocide.

5. Studio Area Room 3 – This room has a raised wood floor with sand under the floor. The sand and wood is covered with plastic sheeting. Both the wood and sand tested wet with a moisture meter. The wood floor should be removed in this room and the sand removed as well as all plastic sheeting. The joists should be cleaned and dried.
6. Living Room – A tape lift sample from inside the open wall cavity was analyzed by Ed Olmsted and tested positive for growth of mold. All of the sheetrock and insulation should be removed from this wall and the remaining sheetrock in the wall cavity should be cleaned and encapsulated. There is no visible mold growth in the living room. A wipe sample was collected from above the sheetrock around the columns to test the area above the sheetrock ceiling. The wood deck and insulation area above and were impacted by the flood. The wipe sample, number 97G-13, had massive levels of spores at over 5 million CFU per square inch. The sample was had *Aspergillus sydowii*, *Aspergillus versicolor*, *Penicillium*, and *Trichoderma longibrachiatum*. This is indicative of mold growth above the ceiling. Another wipe was collected from the top of the wall between the living room and adjacent studio. There was water damage but no visible mold. The sample had 740,000 CFU/in² dominated by *Penicillium*. This is indicative of mold growth. These results indicate there is mold growth in the wall and ceiling cavities and at the upper parts of the walls and not just the base of the walls. The walls should be demolished in the living room and studios.
7. Hall - A sample was collected from the base of the wall in the hallway outside the bathroom. The sample, number 97G-3, had a total of 17,000 CFU/g and was dominated by *Aspergillus calidoustus*, *Penicillium*, and *Aspergillus versicolor*. *Paecilomyces variotii* was also detected, which is an indicator species. This sample result suggests mold growth in the wall.
8. Studio Area Room 1 – The top of the wall and the ceiling is water stained in the this room. A bulk sample from the top of the wall, number 97G-16, had 1.6 million colony forming units per gram when cultured and was dominated by *Penicillium*. This is indicative of mold growth in the top of the wall. This again indicates that the walls are mold colonized from top to bottom. A bulk sample was also collected from the press-wood ceiling in this room. The bulk sample, number 97G-18, had 61,000 CFU/g dominated by *Paecilomyces variotii*. This species frequently colonizes wood. This is indicative of mold growth. The ceilings should also be demolished.

9. Studio Area Room 2. – There is visible mold growth on the base of the walls inside this room and outside in the hall adjacent to this room. The wood wainscoting was removed from the shared wall in the hallway outside this studio. There is heavy visible mold growth on the sheetrock behind wainscoting extending up the wall. This is an indication that most of the mold growth is hidden inside walls and between layers of walls and insulation.
10. Wood Deck above loft – There is visible mold on the wood deck and joists above the insulation in the loft area above the hallway. The underside of the wood floor deck and the joists above the ceiling were tested. The sample, number 97G-18, was analyzed by Olmsted and Prestige and found to have mold growth.

DISCUSSION AND RECOMMENDATIONS

This survey indicated that there is mold growth in water damaged materials including the sheetrock, wood deck, press wood ceilings, upper areas of the sheetrock walls, wood deck above the ceilings and insulation, upper side of the sheetrock ceilings under the floors. The results indicate that there is colonization and much of it is not visible but hidden behind multiple layers of walls, under flooring and above ceilings and behind insulation. The studio area rooms are sound-proofed and have many layers of sheetrock, press wood, insulation and other materials. This type of construction caused water to become trapped in multiple layers causing hidden mold growth. The World Health Organization (WHO) has concluded “sufficient epidemiological evidence is available from studies conducted in different countries and under different climatic conditions to show that the occupants of damp or moldy buildings, both houses and public buildings, are at increased risk of respiratory symptoms, respiratory infections and exacerbation of asthma”.² The WHO also reports that respiratory inflammation and allergy symptoms happen in people in damp and moldy buildings without immune system sensitization taking place, indicating health effects unrelated to allergy. There is also a relationship between home dampness and respiratory symptoms in adults³. A study published by the National Institute of Occupational Safety and Health (NIOSH) concluded that water-damaged buildings are associated with work-related respiratory disease including adult onset of asthma⁴. The condition of the apartment constitutes a health risk to anyone, but is of a particular hazard to persons with asthma or allergic sensitization to molds.

According to the most accepted criteria for assessing mold in buildings, the ACGIH (American Conference of Governmental Industrial Hygienists) Bioaerosols manual, microbial growth in occupied interiors, in HVAC systems, and on building materials and furnishings should not be allowed and such contamination should be removed and further

² World Health Organization; “WHO guidelines for indoor air quality: dampness and mold”; Page 93 © WHO 2009

³ Brunekreef B.; Damp housing and adult respiratory symptoms. Department of Epidemiology and Public Health, University of Wageningen, The Netherlands. Allergy. 1992 Oct;47(5):498-502.

⁴ Jean M. Cox-Ganser,1 Sandra K. White,1 Rebecca Jones,1 Ken Hilsbos,1 Eileen Storey,2 Paul L. Enright,1 Carol Y. Rao,1 and Kathleen Kreiss1; Respiratory Morbidity in Office Workers in a Water-Damaged Buildings; Environmental Health Perspectives Volume 113, Number 4, April 2005 Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health

contamination should be prevented”.⁵ The New York City Department of Health (NYCDOH) has developed guidelines for the abatement of mold contamination in buildings. These guidelines are available from the NYCDOH web site. The US Environmental Protection Agency (EPA) and the U.S. Department of Labor Occupational Safety and Health Administration (OSHA) also publish mold guidelines. The Institute publishes the most comprehensive guidelines for Inspection, Cleaning, and Restoration Certification (IICRC) in the standard S520. These guidelines all recommend that water damaged porous building materials be removed under controlled conditions.

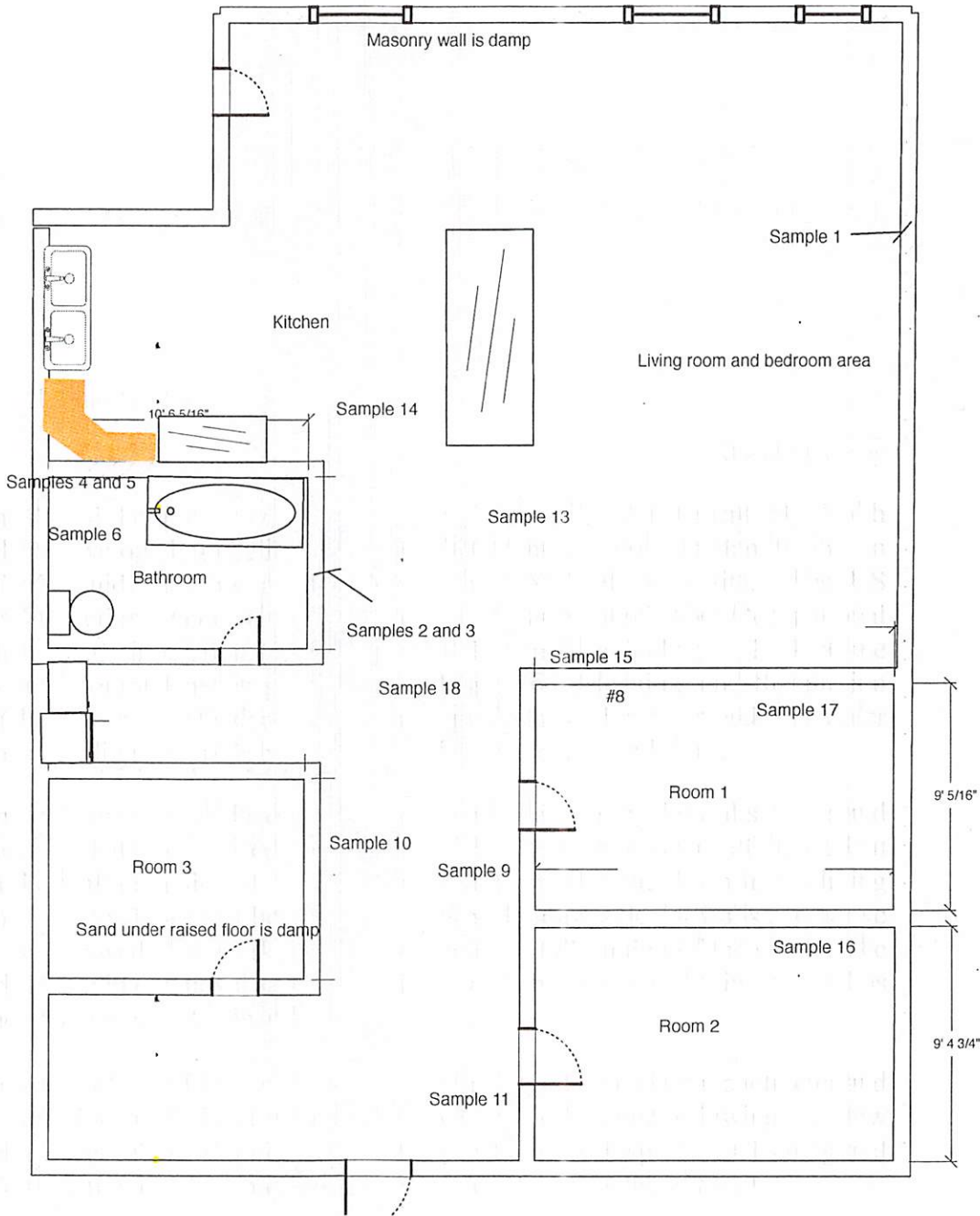
The studios and bathroom should be completely demolished including the walls, floors and ceilings. Remove the bathroom raised floor and bath tub. Clean the back side of the kitchen cabinets from the bathroom side of the wall. The ceilings must come down in the living room area. The kitchen floor must be removed. The insulation inside the walls and above ceilings must be removed. The work essentially requires a full gutting of the studio. The scope of work involving removal of floor finishes and the lower walls in the studios outlined by the owner's expert is insufficient.

The mold removal work should be done by a professional mold remediation contractor and workers with hazardous materials training. The work should be done following the New York City Department of Health guidelines and the Institute for Inspection Cleaning and Restoration Certification (IICRC) mold abatement guidelines in standard S520.

⁵ ACGIH American Conference of Industrial Hygienists Bioaerosols Assessment and Control; page 14-6 ©1999)

Table 1
Tape Lift Sample Results

LOCATION	RESULT
97G-1 in the living room area inside the wall cavity	Spores, hyphae and conidiophores of <i>Alternaria</i> indicating mold growth
97G-2 inside the wall cavity in the living room area along the wall shared with the bathroom.	No fungal structures
97G-5 base of the wall between the bathroom and kitchen	No fungal structures
97G-6 raised wood floor in the bathroom at the hot water tank area.	Spores, hyphae and conidiophores of <i>Aspergillus</i> and
97G-8 studio area visible mold at the base of the wall	Ascospores, asci and ascomata of <i>Chaetomium</i>
97G-9 hallway outside the studio base of the wall	Spores, hyphae and conidiophores of <i>Ulocladium</i> indicating mold growth
97G-10 framing – sill plate and stud inside the wall cavity in the hallway outside the studio	Spores, hyphae and conidiophores of <i>Penicillium</i> indicating mold growth
97G-11 sheetrock behind the wood wainscoting in the hallway outside the studio	Spores, hyphae and conidiophores of <i>Aspergillus</i> indicating mold growth
97G-12 base of the wall inside the studio where there is visible mold	Spores, hyphae and conidiophores of <i>Penicillium</i> indicating mold growth
97G-17 water stained ceiling in the studio	No fungal structures
97G-19 wood deck above the insulation in the loft above the studio	Spores, hyphae and conidiophores of <i>Penicillium</i> indicating mold growth



Prestige EnviroMicrobiology, Inc.Analytical Test Report

Client: Olmsted Environmental Services Inc., 1992 Route 9, Garrison, NY 10524

Client Project/Name: 97 Green

Sample date: 6-15-2020

Submittal date: 6-16-2020

Samples submitted by: Edward Olmsted, CIH

Date analysis completed: June 22, 2020

Prestige report number: 200618-06

Microscopic Method (P003): Analysis of Tape-Lift Samples for Fungi by Optical Microscopy

Prestige # Client sample ID Location	Sample dimension	Fungal ID	Fungal structures observed	Fungal density	Notes
200618-06-059 97G-19 Wood deck above insulation in loft area	3/4" x 1 1/4"	<i>Aspergillus</i> <i>Penicillium</i>	spores, conidiophores, hyphae spores, conidiophores, hyphae	<1 5	Fungal growth; insects and their fecal matter observed.
200618-06-060 97G-6 Raised wood floor HW heater room	3/4" x 1"	<i>Scopulariopsis</i>	spores, conidiophores, hyphae	5	Fungal growth; mites, insects and their fecal matter observed.

Report approved: _____

Theresa Lehman, MPH, Lab Director

Technical Manager: _____

Chin S Yang, Ph.D.

Analyst: Ching-Yi Tsai, Ph.D.

1. The samples in this report were received in good, acceptable conditions. Prestige EnviroMicrobiology has not performed sample collection for the sample items listed in this report. Results relate only to the items tested.
2. Fungal density rating 1-5 (1 being the lowest and 5 the highest) indicates density of fungal growth structures observed. No fungal density is provided for loose spores, hyphal fragments and other structures. (<1) is used to indicate a light fungal density. NA=not applicable. ND=not detected.
3. Growth coverage, if provided, is based on estimation of the entire bulk sample surface on all sides.
4. Fungal contamination is noted when an analyst, at times during sample analysis, can differentiate the unusual compositions (types or numbers) of fungal spores or structures from background fungal compositions.
5. For more information on the results and their interpretation, please visit our website www.prestige-em.com.

Prestige EnviroMicrobiology, Inc. Tel: 856-767-8300 Fax: 856-767-8305
 242 Terrace Boulevard, Suite B-1, Voorhees, New Jersey 08043

Prestige Proj. #: 200618-06

Chain-of-Custody and Analysis Request Form

Client name: OLMSTED ENVIRONMENTAL SERVICES Tel: 845-424-4077 Client proj. #: 97 Green

Address 1992 ROUTE 9 GARRISON NY 10524 Fax: 845-424-3482 P.O. #:

E-mail: OLMSTED.MAC@MAC.COM Date sampled: June 15, 2020

Sample ID	Location or source	Sample type	Air vol (L) Area (inch ²)	Water: potable or non-potable	Analysis requests code or description	Turnaround time	Notes or special instructions
97G-13	Above sheetrock ceiling leak area	wipe	1		P009	Standard	
97G-14	Under Kitchen floor	Wipe	1		P009	Standard	
97G-15	Top of wall at the ceiling by beam	Wipe	1		P009	Standard	
97G-4	Wall between HW tank and kitchen	Bulk			P009	Standard	
97G-3	Base of wall outside bathroom	Bulk			P009	Standard	
97G-16	Ceiling and top of wall - studio	Bulk			P009	Standard	
97G-18	Wood ceiling studio	Bulk			P009	Standard	
97G-19	Wood deck above insulation in loft area	Tape			P003	Standard	
97G-6	Raised wood floor HW heater room	Tape			P003	Standard	

Contact name: Edward Olmsted Submitted by: (sign & print) [Signature] Date submitted: June 16, 2020

Received by: (sign & print) [Signature] Julie Yang Date & time received: 6/16/20 10:10 AM Delivered by: [Signature] UPS, USPS, in person

(For lab use only) Processed by: _____ Sample type: _____ Date: _____

Prestige EnviroMicrobiology, Inc.**Analytical Test Report**

Client: Olmsted Environmental Services Inc., 1992 Route 9, Garrison, NY 10524

Client Project/Name: 97 Green

Sample date: 6-15-2020

Submittal date: 6-16-2020

Date samples received: 6-18-2020

Inoculation date: 6-18-2020 (Bulk & Wipe)

Samples submitted by: Edward Olmsted, CIH

Date analysis completed: June 25, 2020

Prestige Report number: 200618-06

Culture Method (P009): Culture Analysis of Wipe Samples for Fungi

Prestige # Client sample ID Location	Area (inch ²)	Medium used	Dilution factor	Fungal Identification	Colony counts	Conc. (CFU/ inch ²)	Percentage
200618-06-052 97G-13 Above sheetrock ceiling leak area	1	MEA	10,000x	Fungi overloaded <i>Aspergillus sydowii</i> <i>Aspergillus versicolor</i> <i>Penicillium</i> spp. <i>Trichoderma longibrachiatum</i> yeasts	>500	>5,000,000	NA
						Total >5,000,000	
200618-06-053 97G-14 Under Kitchen floor	1	MEA	10,000x	<i>Penicillium</i> spp. <i>Trichoderma harzianum</i> <i>Trichoderma longibrachiatum</i> yeasts	6 2 3 8	60,000 20,000 30,000 80,000	32% 11% 16% 42%
						Total 190,000	
200618-06-054 97G-15 Top of wall at the ceiling by beam	1	MEA	10,000x	<i>Aspergillus calidoustus</i> <i>Aspergillus versicolor</i> <i>Cephalophora tropica</i> <i>Chaetomium globosum</i> <i>Mucor racemosus</i> <i>Paecilomyces variotii</i> <i>Penicillium</i> spp. <i>Phoma</i> sp. <i>Rhodotorula mucilaginosa</i>	7 3 1 1 1 2 36 1 22	70,000 30,000 10,000 10,000 10,000 20,000 360,000 10,000 220,000	9% 4% 1% 1% 1% 3% 49% 1% 30%
						Total 740,000	

Prestige EnviroMicrobiology, Inc.

Culture Method (P009): Culture Analysis of Bulk Samples for Fungi

Prestige # Client sample ID Location	Wt. (g)	Medium used	Dilution factor	Fungal Identification	Colony counts	Conc. (CFU/g)	Percentage
200618-06-055 97G-4 Wall between HW tank and kitchen	0.0653	MEA	1,000x	<i>Aspergillus calidoustus</i> <i>Aureobasidium pullulans</i> <i>Trichoderma longibrachiatum</i>	45 3 3	690,000 46,000 46,000 Total 780,000	88% 6% 6%
200618-06-056 97G-3 Base of wall outside bathroom	0.2054	MEA	100x	<i>Aspergillus calidoustus</i> <i>Aspergillus niger</i> <i>Aspergillus versicolor</i> <i>Paecilomyces variotii</i> <i>Penicillium</i> spp. <i>Trichoderma longibrachiatum</i>	12 1 6 3 10 2	5,800 490 2,900 1,500 4,900 970 Total 17,000	35% 3% 18% 9% 29% 6%
200618-06-057 97G-16 Ceiling and top of wall – studio	0.1966	MEA	10,000x	<i>Penicillium</i> spp.	31	1,600,000 Total 1,600,000	100%
200618-06-058 97G-18 Wood ceiling studio	0.1711	MEA	100x	<i>Paecilomyces variotii</i> <i>Penicillium</i> spp.	86 19	50,000 11,000 Total 61,000	82% 18%

Report approved: _____

Theresa Lehman, MPH, Lab Director

Technical Manager: _____

Chin S Yang, Ph.D.

Analyst: Ching-Yi Tsai, Ph.D.

1. The samples in this report were received in good, acceptable conditions. Prestige EnviroMicrobiology has not performed sample collection for the sample items listed in this report. Results relate only to the items tested.
2. Percentage is for each group in total population.
3. Concentrations and percentages are rounded. Total percentage may not add up to 100% due to rounding.
4. Abbreviations where applicable: CMA = cornmeal agar, DG18 = Dichloran 18% glycerol agar, MEA = 2% malt extract agar, PCA = plate count agar, TSA = tryptic soy agar, ND = not detected, NA = not applicable.
5. All culture samples are incubated at 25± 1°C unless otherwise indicated.
6. Field blank, if submitted with the project, has not been used to adjust data.
7. The detection limit of this analysis is one fungal colony, one bacterial colony or one fungal structure. The analytical sensitivities vary from analysis to analysis or by air volume. For calculation of your analytical sensitivities, please visit our webpage <http://prestige-em.com/index-tech.htm> or contact us by calling 856-767-8300 or by email info@Prestige-em.com.



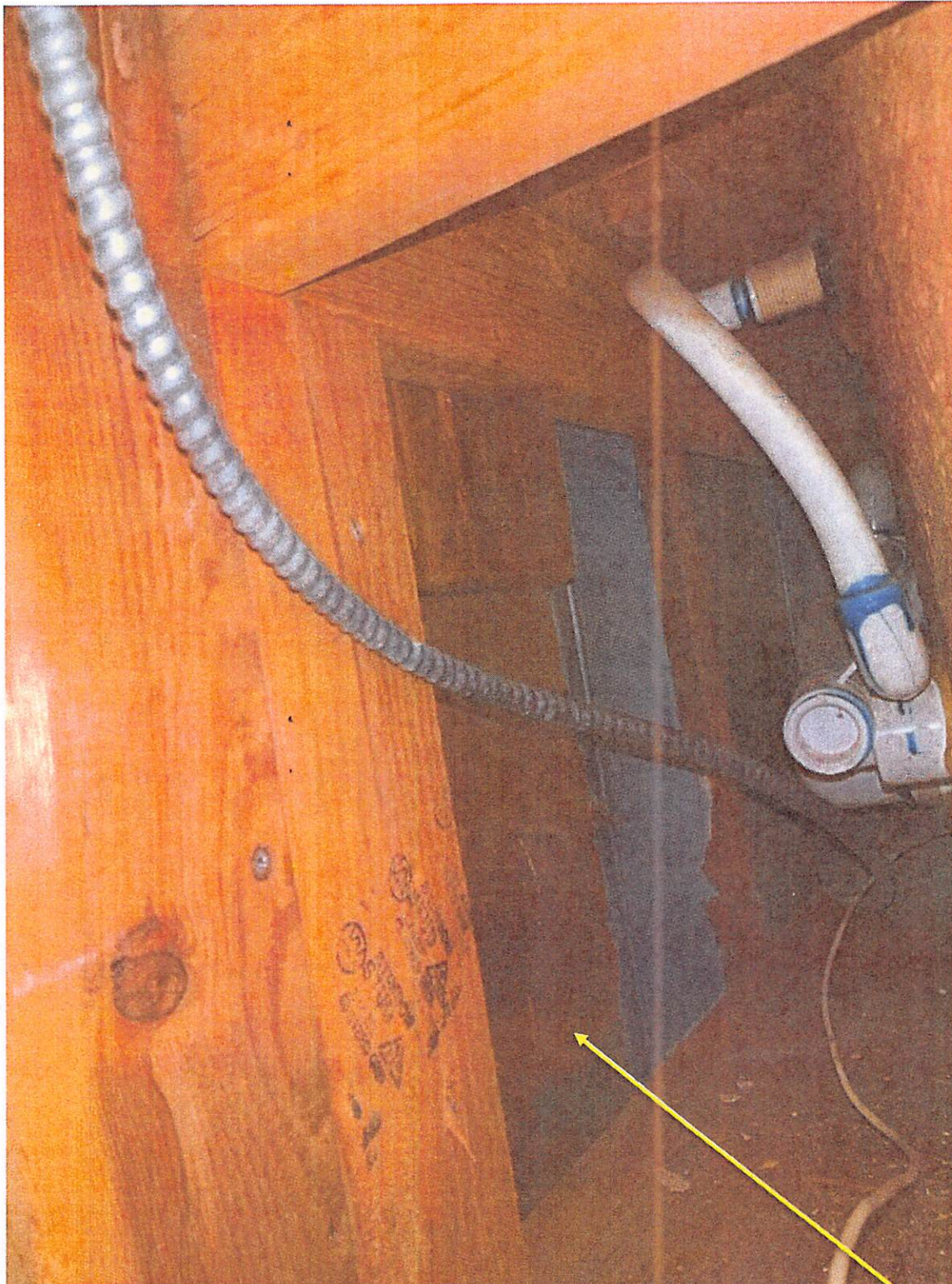
Inside the living room area wall cavity – tape lifts revealed light mold growth is present



Kitchen area – there is mold growth under the wood flooring



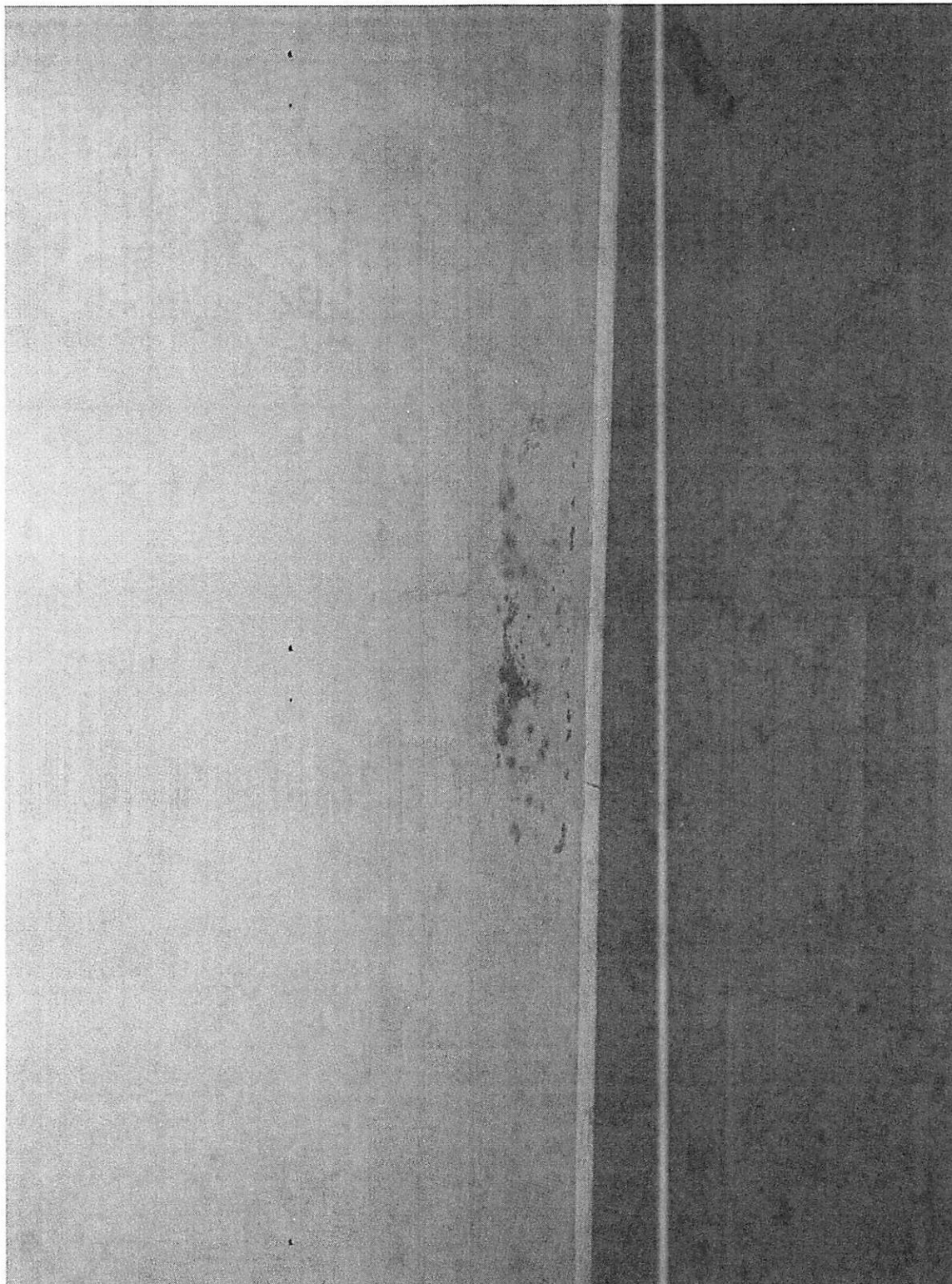
The hot water tank next to the bathtub – there is mold growth on the raised wood floor and on the wall shared with the kitchen



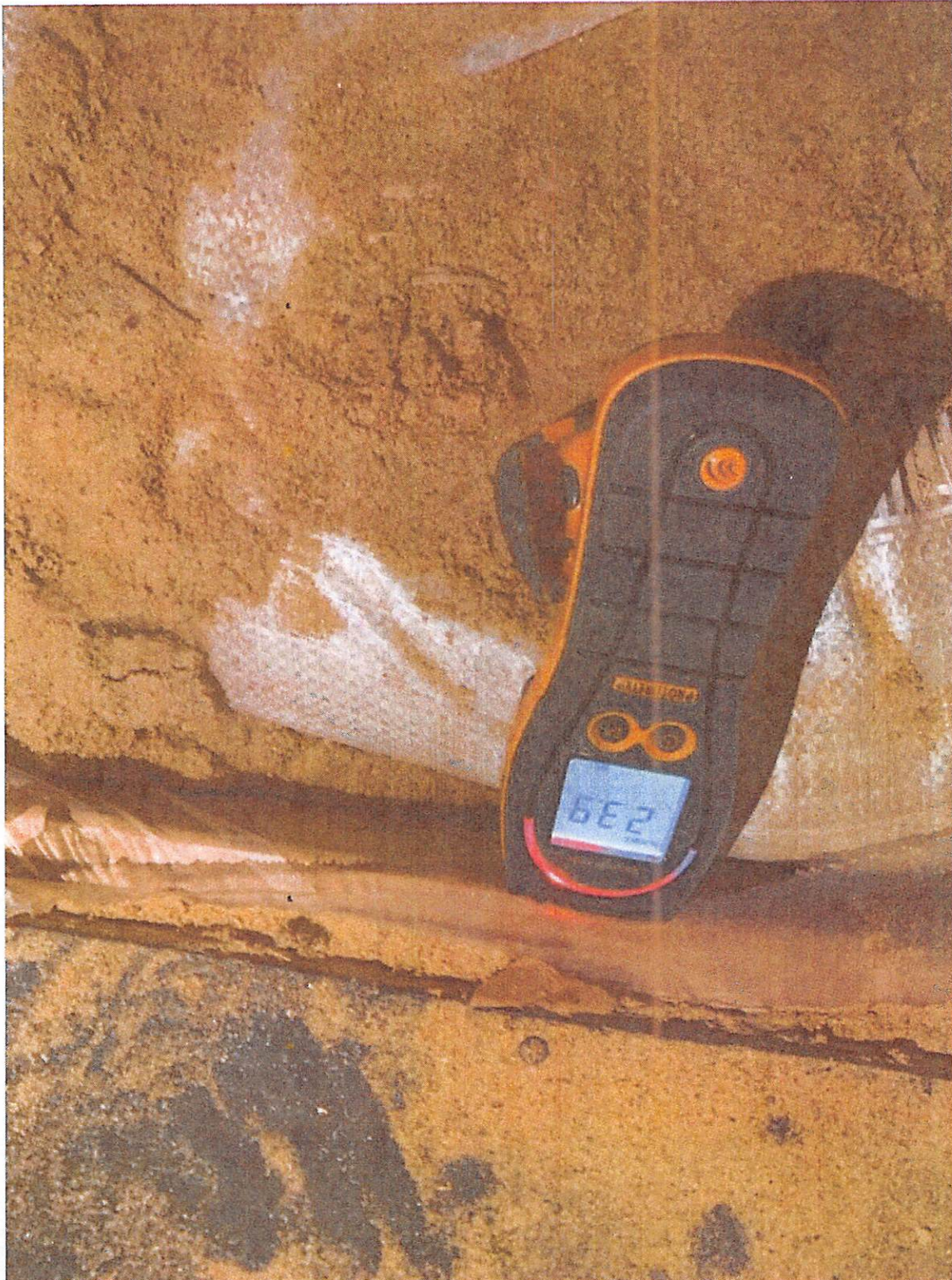
There is water staining and mold growth on the bathroom wall shared with the kitchen.



The sand is wet under the raised floor



Visible mold on the base of the wall in studio area



The wood joists adjacent to the sand is wet



Visible mold behind the removed wood wainscot



Mold growth on insulation and wood joists on the underside of the floor above

EXHIBIT B



AMERICAN PACKAGE COMPANY INC

226 FRANKLIN STREET, BROOKLYN, NY 11222-1382 • (718) 389-4444 • EMAIL: AMPACO@GMAIL.COM

June 25th, 2020

VIA FIRST CLASS MAIL AND CERTIFIED MAIL RRR

Christian Gray
97 Green Street, G21
Brooklyn NY 11222

RE: 226 Franklin/aka 97 Green Street, Unit G21
Request for Access for Legalization Work

Dear Mr. Gray,

As you know, American Package Company Inc. (the "Owner"), is the owner of the above referenced building (the "Building"). Your unit, G21 (the "Unit") is an Interim Multiple Dwelling ("IMD") subject to Article 7-C of the Multiple Dwelling Law (the "Loft Law"). As you know, pursuant to the Loft Law, the Unit must be legalized for residential use.

Please take notice that pursuant to the Loft Board's regulations, Title 29 of the Rules of the City of New York § 2-01(g), access to the Unit is required for the Owner to complete the remediation work as listed in the report from ALC Environmental dated March 18th, 2020 REVISED and to complete the legalization work listed for the Unit in the approved Narrative Statement dated August 2, 2018.

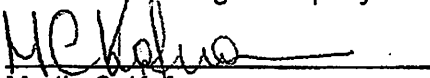
The work is expected to require more than five (5) consecutive business days to complete. The work is expected to take three to four months to complete. Access is requested for the work to begin on **July 14, 15, 16, 17 or 20 2020**. You are requested to provide access between 8:00 a.m. and 5:00 p.m. for the work to begin on one of these dates. If you do not confirm access for the work to begin on one of these dates by notifying the undersigned, we will confirm the exact date by **July 13, 2020** by written notice, which will list the name of the tradesperson and the time access needs to be given.

JDP Design Construction Inc. and Total Restoration, Inc. will be performing the work.

Please be advised that pursuant to the Loft Board's regulations, upon appropriate notice, building occupants are required to provide the owner of the building with reasonable access to their units so that all requisite legalization or repair work, inspections and surveys as may be required for the purpose of legalization may be performed. If access is not timely provided, the Owner will file an application with the New York City Loft Board seeking an order of access, which if disobeyed, may be a ground for your eviction from the Unit.

If you have any questions regarding this notice, please contact me. Thank you for your anticipated cooperation in this matter.

Sincerely,
American Package Company Inc.


Martin C. Kofman
President

STATE OF NEW YORK, COUNTY OF

ss:

I, the undersigned, am an attorney admitted to practice in the courts of New York, and



Attorney's
Certification

certify that the annexed

has been compared by me with the original and found to be a true and complete copy thereof.

say that: I am the attorney of record, or of counsel with the attorney(s) of record, for

. I have read the annexed



Attorney's
Verification
by
Affirmation

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following.

The reason I make this affirmation instead of

is

I affirm that the foregoing statements are true under penalties of perjury.

Dated:

.....
(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am



Individual
Verification

in the action herein; I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

the of



Corporate
Verification

a corporation, one of the parties to the action; I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on

, 20

.....
(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am not a party to the action, am over 18 years of

age and reside at

On

, 20 , I served a true copy of the annexed
in the following manner:



Service
by Mail

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service, addressed to the address of the addressee(s) indicated below, which has been designated for service by the addressee(s) or, if no such address has been designated, is the last-known address of the addressee(s):



Personal
Service

by delivering the same personally to the persons at the address indicated below:



Service by
Facsimile

by transmitting the same to the attorney by facsimile transmission to the facsimile telephone number designated by the attorney for that purpose. In doing so, I received a signal from the equipment of the attorney served indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service, addressed to the address of the addressee(s) as indicated below, which has been designated for service by the addressee(s) or, if no such address has been designated, is the last-known address of the addressee(s):



Service by
Electronic
Means

by transmitting the same to the attorney by electronic means upon the party's written consent. In doing so, I indicated in the subject matter heading that the matter being transmitted electronically is related to a court proceeding:



Overnight
Delivery
Service

by depositing the same with an overnight delivery service in a wrapper properly addressed, the address having been designated by the addressee(s) for that purpose or, if none is designated, to the last-known address of addressee(s). Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

EXHIBIT B

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: HOUSING PART B

CHRISTIAN GRAY,

Tenant-Petitioner,

– against –

AMERICAN PACKAGE COMPANY, INC.,

Owner-Respondents,

– and –

THE DEPARTMENT OF HOUSING PRESERVATION
AND DEVELOPMENT,

Co-Respondent.

HP Index No.: 006086 / 2020

**VERIFIED ANSWER WITH
AFFIRMATIVE DEFENSES
AND COUNTERCLAIM**

PLEASE TAKE NOTICE that Respondent, American Package Company, Inc. (the “Respondent”), appears in this proceeding by its attorneys, Belkin Burden Goldman, LLP and demand that you serve all papers in this proceeding upon the undersigned at the address stated below.

PLEASE TAKE FURTHER NOTICE that Respondent interposes the following Verified Answer dated July 17, 2020 (the “Answer”) to the Verified Petition dated June 29, 2020 (the “Petition”):

1. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 3, 4, 5, 10, 11, and 17 of the Petition.
2. Respondent admits the allegations contained in Paragraphs 1, and 2 of the Petition, solely to the extent that Petitioner is a residential occupant of the

premises, that the building is an interim multiple dwelling subject to the Loft Law, and that access notices were served upon the Petitioner, and otherwise denies the truth of the remaining allegations of the Petition.

3. Respondent denies the allegations contained in Paragraphs 6, 7, 8, 9, 12, 13, 14, 15, and 16 of the Petition and respectfully refer all questions of law and fact to the Court for a determination of the same.

FIRST AFFIRMATIVE DEFENSE

4. Respondent repeats and re-alleges the allegations and/or statements set forth in Paragraphs "1" through "3" of the Answer as if fully set forth herein.
5. The Petition fails to state a claim upon which relief may be granted.
6. The Petition fails to state a claim for Petitioner's request for an Order to correct the alleged conditions and for harassment based upon the existence of uninhabitable conditions at the premises.
7. Upon information and belief, Respondent inspected the Unit to assess the damage on December 11, 2019. On December 12, 2019, Respondent hired the certified mold remediation company Total Restoration, who performed remediation work over the course of five (5) days.
8. Upon information and belief, on February 14, 2020, Candice Kowalewski of ALC Environmental ("ACL") inspected the unit to determine if all the mold had been removed.
9. On February 14, 2020, ALC issued a report that additional mold needed to be remediated.

10. ALC revised their report on or about March 18, 2020 (the "ACL Report", a copy of which is annexed as **Exhibit A**.
11. On June 3, 2020, the Owner contacted Petitioner to obtain access for the second remediation.
12. Upon information and belief, Petitioner has failed to provide access to the Unit because he does not agree with the ACL Report.
13. Petitioner is ready, willing and able to perform the additional mold remediation work pursuant to the ACL report and have it re-tested.
14. With respect to Petitioner's claims of harassment, none of the allegations set forth in the Petition constitute harassment under the Administrative Code of the City of New York § 27-2004, 27-2005(d), 27-2115, 27-2139(c), and 27-2139(b).
15. Petitioner's claims of harassment based upon uninhabitable conditions in his dwelling unit are barred, either in whole or in part pursuant to the Administrative Code of the City of New York § 27-2115(2)(i), which provides that where any allegation of harassment is based on more than one physical condition, the existence of at least one violation of record with respect to any such physical condition shall be deemed sufficient to meet the requirements of this paragraph.
16. Petitioner's claims for harassment for certain alleged conditions cannot be maintained pursuant to the Administrative Code of the City of New York § 27-2115(2)(i), insofar as his claims are not predicated upon violations of record specific to said alleged conditions.
17. Additionally, Petitioner's claims of harassment based upon uninhabitable conditions in his dwelling unit are barred, either in whole or in part, as premature.

Petitioner's various causes of action have not yet accrued, given that the Petitioner filed the instant proceeding prior to the expiration of Respondent's statutory time to certify any and all violations of record as corrected.

18. Finally, Petitioner's claims of harassment are without merit as Respondent has and continues to address the complaint set forth in Petitioner's petition.

19. Based upon the foregoing, Petitioner has failed to state a claim for the relief sought herein and therefore his claims must be dismissed in their entirety.

SECOND AFFIRMATIVE DEFENSE

20. Respondent repeats and re-alleges the allegations and/or statements set forth in Paragraphs "1" through "19" of the Answer as if fully set forth herein.

21. Upon information and belief, Respondent's ability to fully and timely correct and/or remediate the alleged conditions in the Petition as required by law have been frustrated and/or rendered impossible because of the COVID-19 pandemic.

22. Specifically, Respondent's ability to timely and expeditiously correct the alleged violations have been impeded and/or rendered impossible because of government imposed lockdowns and restrictions, difficulty in obtaining necessary materials, funds, or labor, and/or Petitioner's failure to provide access due to preventative isolation and quarantine.

23. Based upon the foregoing, pursuant to Administrative Code of the City of New York § 27-2116, Respondent should not be found liable for any civil penalties.

THIRD AFFIRMATIVE DEFENSE

24. Respondent repeats and re-alleges the allegations and/or statements set forth in Paragraphs "1" through "23" of the Answer as if fully set forth herein.
25. This Court possesses the inherent authority to enforce the maintenance of housing standards, including but not limited to the multiple dwelling law and housing maintenance code, building code, and health code, and to grant the injunctive relief pursuant to New York City Civil Court Act § 110(c).
26. Respondent alleges that the Petitioner has, on numerous occasions, failed to provide meaningful, unfettered access to the premises upon demand.
27. As a result of the Petitioner's ongoing failure to provide said access, Petitioner has rendered it impossible for the Respondent to fully, timely, and properly remediate the alleged conditions and violations of record at the premises, in order to comply with the relevant provisions of the multiple dwelling law and housing maintenance code, building code, and health code.
28. Without the Court's intervention, Respondent will be exposed to unnecessary liability and civil penalties, which come only as a result of the Petitioner's contumacious conduct and ongoing failure to provide unfettered access to the premises.
29. Based upon the foregoing, Respondent is entitled to an Order compelling the Petitioner to provide immediate, unfettered access to the premises for the removal of all outstanding alleged conditions and violations of record.

**FOURTH AFFIRMATIVE DEFENSE AND
FIRST COUNTERCLAIM**

30. Respondent repeats and re-alleges the allegations and/or statements set forth in Paragraphs "1" through "29" of the Answer as if fully set forth herein.
31. Respondent requests that this Court award attorney's fees, costs and disbursements incurred upon prevailing in this proceeding pursuant to either Section 130-1.1 and Section 130-1.2 of the Uniform Rules of the Trial Courts, Real Property Law § 234, and / or the Administrative Code of the City of New York Section 27-2115.
32. Based upon the foregoing, Respondent shall be entitled to reasonable attorney's fees in an amount to be determined by the Court, but in an amount believed to be no less than \$5,000.00.

RESERVATION OF RIGHTS

33. Nothing contained herein shall be deemed as an admission of fault, liability or wrongdoing on the part of Respondents, and this Answer is interposed without prejudice to the Respondent's rights and remedies, all of which are hereby expressly reserved. Respondent further reserves the right to amend this answer.

WHEREFORE, Respondent respectfully requests that the Petition be dismissed in its entirety, with prejudice, together with granting Respondent such other and further relief as this Court deems just, proper, and equitable.

Dated: New York, New York
July 22, 2020

BELKIN BURDEN GOLDMAN, LLP
Attorneys for Respondent
270 Madison Avenue
New York, New York 10016
(212) 867-4466



Lisa Gallaudet, Esq.

TO: Goodfarb & Sandercock, LLP
110 East 59th Street, 22nd Floor
New York, New York 10022

Department of Housing Preservation and Development
Housing Litigation Bureau
100 Gold Street, 6th Floor
New York, New York 10038

ATTORNEY VERIFICATION

LISA GALLAUDET, being an attorney duly admitted to practice law in the Courts of the State of New York, affirms under the penalties of perjury:

1. I am a member of Belkin Burden Goldman, LLP, attorneys for American Package Company, Inc., a respondent in the within proceeding.

2. I have read the foregoing Verified Answer and know the contents thereof; and the same is true to my own knowledge except as to those matters therein stated to be alleged upon information and belief, and as to those matters, deponent believes them to be true.

3. I make this verification pursuant to CPLR 3020(d)(3), because it is based upon my personal knowledge and records and documents in my possession.

Dated: New York, New York
July 23, 2020


LISA GALLAUDET, ESQ.

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EXHIBIT A

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Assess | Design | Solve

March 18, 2020 Revised

Martin C. Kofman
American Package Company
226 Franklin Street
Brooklyn, NY 11222
718 389-4444
martyck@gmail.com

Subject: Limited Water Intrusion Inspection

Location: 226 Franklin Street, Apartment G21, Brooklyn, NY 11222

Dear Mr. Kofman;

In accordance with your authorization, ALC Environmental has completed the Limited Water Intrusion Inspection for 226 Franklin Street, Apartment G21, Brooklyn, NY 11222. The objective of this assessment was to determine if there is residual microbial contamination following the remediation of previously identified impacted materials. ALC inspector, Candice Kowalewski, MPH, conducted the inspection on February 07, 2020. The investigation entailed visual and olfactory observations, and moisture testing of surfaces. Mr. Christian Gray, resident of the above named address, provided access and background information.

ALC Environmental and Candice Kowalewski, MPH are licensed by the NYS Department of Labor. Please see attached certifications.

ALC identified visual microbial growth and water damaged materials. Since the impacted materials are greater than 10 square feet, NYS regulations require the work to be completed by a licensed mold remediator and then cleared by a licensed mold assessor. These rules also require that minimum protection and cleaning procedures be completed. See **Results and Recommendations**.

If you have any questions and/or comments, please contact us directly at 212-675-5544. We appreciate the opportunity to be of service.

Sincerely,

ALC Environmental

Candice A. Kowalewski, MPH
Asst. Director of EHS Division

Jack Glass, MS, CIH
Vice President, EHS

Inspection Performed At:

226 Franklin Street
Apartment G21
Brooklyn, NY 11222

Inspection Date:

February 07, 2020

Purpose

ALC Environmental has been retained by American Package Company to determine if there is residual microbial contamination following the remediation of previously identified impacted materials. ALC inspector, Candice Kowalewski, MPH, conducted the assessment in this apartment on February 07, 2020.

Mold Information

Mold is a microscopic organism, whose primary role in the ecosystem is to break down organic materials. Mold may begin growing indoors when mold spores land on wet surfaces. Mold will not grow without moisture.

Indoor exposures to mold have been associated with immunologic reactions (allergies). The most common health complications linked to mold exposure include sneezing, itching eyes, nasal discharge and aggravation of asthma. The presence of mold in a building, however, does not necessarily lead to the described symptoms. Mold spores, fragments, or metabolites must become airborne for humans to be exposed indoors.

The dose-response information relating mold exposure to health effects is very limited and not well-defined at this time. Health complications have been observed from short-term and long-term exposures as well as from high and low exposure levels. Furthermore, the susceptibility among individuals varies with age, state of health, genetic predisposition and continuous exposures. **Since biological markers of exposure to mold are largely unknown, experts have been unable to recommend exposure level thresholds.**

General Information

Individuals react differently to the varying degrees of exposure to irritants, allergens, toxins, etc. Some individuals are more prone to allergic reactions to particular mold species than others. The dose-response information relating mold exposure to health effects is very limited and not well-defined. Therefore, it is prudent to take a conservative approach and remove all growth from the environment. Prompt remediation of contaminated materials and infrastructure repair is the primary response to mold contamination in buildings. The emphasis should be placed on preventing contamination through proper building maintenance and the prompt repair of water damage.

Methods

Building materials were tested for temperature, relative humidity and the presence of moisture with an Amphenol Protimeter Moisture Measurement System2 Model (MMS2). When held against the surface, the moisture meter transmits a signal into the material. The Measure Mode, pin or pinless, uses a sensor which penetrates down to ¾" inch (19mm). The relative moisture level is shown on the digital display indicating the moisture condition of the material. Moisture readings will vary depending on type of material, i.e., wood, drywall, concrete.

Pin (% WME) 8 to 99; below 15 (dry), 15-17 (damp), and 17+ (wet).

Pinless up to .75 in. (19 mm) deep: 60 to 1000 (relative)

When describing the conditions in each room the walls are referred to as North, South, East, and West corresponding to the cardinal direction respectively.

Background Information

The Client has requested a moisture intrusion investigation at the above specified apartment. The request was related to a flood event that took place October 2019, caused by a faulty sprinkler from the fire suppression system. ALC has been asked to identify the presence or absence of active or visible microbial growth and to prepare a report detailing our findings. The project information was provided by Martin Kofman of American Package Company via a telephone conversation with Candice Kowalewski on February 04, 2020.

Results

Inspection Findings:

The assessor detected musty or mildew odors throughout the apartment, however they were strongest in the foyer, studio 1 and studio 2. **See Appendix B: Photos for more information.**

Layout of: 226 Franklin Street, Apartment G21, Brooklyn, NY 11222

Living Room/Bedroom	Studio Acoustic Room 2		Studio Acoustic Room 1	
	Hallway			Foyer
Kitchen	Bathroom	Hallway	Studio Acoustic Room 3	

Results

A) Visual Inspection:

Foyer/Hallway: The wooden saddle and entry doors to the hallway were buckled and water damaged. Wooden beams have suspect visible microbial growth (approximately 5 square feet). On the ceiling, paint was deteriorating, and there is evidence of water damage. Visible microbial growth was observed on the drywall north wall (approximately 4 square feet).

Acoustic Studio 1: Visible microbial growth was observed on the drywall east wall (approximately 15 square feet). Visible microbial growth was observed on the drywall south wall (approximately 15 square feet). Water damaged carpet and padding was observed. It is likely the subfloor is also impacted. (approximately 192 square feet).

Acoustic Studio 2: Visible microbial growth was observed on the drywall west wall (approximately 3 square feet). Water damaged drywall ceiling was observed (approximately 140 square feet). Water damage and cracking on the west wall was observed (approximately 140 square feet). Water damaged bamboo floor was observed. The resident advised the inspector that underlayment, MDF, OSB, and dipped underlayment exists above subfloor. The bamboo floor is uneven, with gaps and expansion noted. The entry door did not close.

Bathroom: Visible microbial growth in the bathroom and lack of grout between tiles and caulking was observed (approximately 7 square feet). This may not be associated with the primary loss, and may be associated with occupancy conditions. Water damaged drywall on west wall behind water heater was observed.

Living Room and Bedroom: Visible microbial growth on the drywall north wall was observed (approximately 13 square feet). Ceiling joists were sagging. The main support beam shows signs of cracking and splitting. Above the ceiling joists is drywall, inaccessible to measure for moisture.

B) Measured Findings:

Bathroom: The tile floor measured at risk or damp with the moisture meter pinless.

Living room and Bedroom: The west brick wall measured wet with the moisture meter (see Appendix B: Pictures for further details). The concrete floor in the living room measured wet with the moisture meter (pinless 287-999).

Probable or Possible Source of Moisture Intrusion

According to the Client, a flood event took place on October 13, 2019 caused by a faulty sprinkler from the fire suppression system. According to the resident, the water “gushed” from the ceiling from approximately 11:30pm until 5:30am.

Recommended Remediation Work Plan for Affected Areas

Contract a licensed mold remediation company and follow level II guidelines to remove the visible microbial growth (drywall) from Acoustic Studio 1, 2, hallway, and living room as described in the Results Section (approximately 62 square feet). As obstructive materials are removed, water impacted areas should be inspected for visible microbial growth such as behind the drywall walls, insulation, subfloors etc. in the living room, hallway, acoustic studio 1, 2, 3, and foyer. If discovery is made, it is permitted to remove water damaged materials.

Contract a licensed mold remediation company and follow level II guidelines to remove the water damaged impacted materials (includes drywall, carpet, and subfloors) from the Acoustic Studio 1, 2, hallway, bathroom, and living room as described in the Results Section (approximately 750 square feet).

Contract a licensed mold remediation company and follow level II guidelines to dehumidify the brick south wall in the foyer, and the west wall in the living room.

Inspect integrity of the sagging ceiling joists in the living room by a building engineer or qualified professional. The main support beam showed signs of cracks and splitting.

The concrete floor in the living room, and tile floor in the bathroom should be monitored during the remediation process. The floor measured wet and is painted. If the foundation beneath the concrete floor is soil, this may contribute to this finding. Use professional discretion; however no corrective action is required.

If odors or other indications of mold amplification appear, contact ALC immediately to re-evaluate the area.

We anticipate this as a level II remediation.

Conduct Post Remediation Verification prior to repairs and repainting as per NYC Guidelines for level II remediation.

NOTE: In accordance with Local Law 61 of 2018, responses to more than 10 square feet of visible microbial growth requires a 2-day initial notification to the NYC DEP, and a final notification to the NYC DEP upon completion of the project.

Cost and Time Estimates:

Level I: \$5,000 or Less (1-3 Days)

Level II: \$5,000-\$10,000 (4-6 Days)

Level III: \$10,000 or More (6 Days or More)

Remediation services should be conducted in accordance with New York City Department of Health & Mental Hygiene (NYSDOHMH) "Guidelines on Assessment and Remediation of Fungi in Indoor Environments" and the NYC Dept. of Labor Recommendations. Following remediation, a Post Remediation Verification (PRV) must be conducted by a NYS Licensed Mold Assessor.

Appendix A

Fungal and Microbial Remediation

In all situations, the underlying cause of water accumulation must be rectified or fungal growth will recur.

There are four different levels of remediation:

Level I: Areas less than 10 Square Feet (SF);

Level II: Areas 10 SF to 100 SF;

Level III: Areas greater than 100 SF;

Level IV: Remediation of HVAC systems.

The size of the area impacted by fungal contamination is the primary determinant of the type of remediation. The goal of remediation is to remove or clean contaminated materials in a way that prevents cross contamination from the work area to a non-abatement area while protecting the health of workers performing the remediation. The listed remediation methods were designed to achieve this goal, however, due to the general nature of these methods it is the responsibility of the people conducting remediation to ensure the methods enacted are adequate. A worksite survey for other recognized hazards should also be accomplished. Occupants of the building should be notified against entry into the work area. Further vacating of people from spaces near the work area is recommended in the presence of infants less than 12 months old and people with chronic inflammatory lung diseases such as asthma, hypersensitivity pneumonitis and severe allergies.

Level I: Areas less than 10 SF:

Remediation can be conducted by regular building maintenance staff. They should receive training on proper cleanup methods, personal protection and potential health hazards. Respiratory protection in accordance with the OSHA respiratory protection standard, 29 CFR 1910.134 is recommended. At a minimum this would include an N-95 disposable filtering face-piece. Also gloves, disposable suit and eye protection should be worn. The work area should be unoccupied. Containment is not necessary. Contaminated materials that cannot be cleaned should be removed from the building by double-bagging the materials in two 6 mil sealed plastic bags. There are no special requirements for the disposal of moldy materials. The plastic drop cloth, and plastic critical barriers used for sealing the HVAC system and disposable PPE used by the remediation workers should be double bagged in 6 mil sealed plastic bags and disposed of. All areas should be cleaned with a damp cloth and/or mop and a detergent solution and should be left dry and visibly free from contamination and debris.

Level II: Areas greater than 10 SF to 100 SF:

A health and safety professional or an industrial hygienist with experience performing microbial investigations and remediation should be consulted prior to remediation activities should be consulted prior to remediation activities to provide oversight for the project. Personnel trained in the handling of hazardous materials and equipped with respiratory protection in accordance with the OSHA preparatory protection standard (29 CFR 1910.134) is recommended. Disposable suits, gloves, and eye protection should be worn. The work area and areas directly adjacent should be covered with 2 layers of plastic sheeting and taped before remediation to contain dust,

debris and fungal contamination. Lockout and tag out the HVAC system if possible and seal ventilation ducts and grills. The work area and areas directly adjacent should be unoccupied. Dust suppression methods such as misting surfaces prior to remediation are recommended to keep air borne spore levels to a minimum. All areas should be left dry and visibly free from contamination and debris. Contaminated materials that cannot be cleaned should be removed from the building sealed in plastic bags. There are no special requirements for the disposal of moldy materials. The work area and surrounding areas should be HEPA vacuumed and cleaned with a damp cloth and/or mop and a detergent solution. All areas should be left dry and visibly free from contamination and debris. Air sampling should be considered prior to occupancy to determine if the area is fit to reoccupy.

Level III: Areas greater than 100 SF:

A health and safety professional or industrial hygienist with experience performing microbial investigations and/or remediation should be consulted prior to remediation activities to provide oversight for the project. The work area should be assessed for recognized safety and health hazards. Appropriately trained personnel with proper PPE should be utilized. A regulated area should be established to keep out unauthorized individuals. The ventilation and electrical systems should be secured. All items in the work area should be pre-cleaned and removed. All stationary items should be sealed in place. Containment should be constructed with a decontamination area. Negative pressure should be established in the work area utilizing HEPA equipped air movers. Wet, remove and remediate all visible molds. Dust suppression methods such as misting surfaces prior to remediation are recommended to keep air borne spore levels to a minimum. Dry all areas. Thoroughly clean all work areas. Apply antimicrobial encapsulants and/or biocides where necessary in accordance with applicable regulations. All areas should be left dry and visibly free from contamination and debris. Contaminated materials that cannot be cleaned should be removed from the building sealed in plastic bags. There are no special requirements for the disposal of moldy materials.

Level IV: Remediation of HVAC Systems:

Small isolated area of Contamination (<10 SF) in the HVAC

Remediation can be conducted by regular building maintenance staff. Such persons should receive training on proper cleanup methods, personal protection, and potential health hazards. Respiratory protection is recommended in accordance with the OSHA preparatory protection standard (29 CFR 1910.134). Disposable suits, gloves, and eye protection should be worn. The work area should be unoccupied. Containment of the work area is not necessary however shutting down and isolation the HVAC should be done using lockout/tagout procedures. Dust suppression methods such as misting should be used. Porous materials such as insulation and paper on the interior of lined ducts and filters should be removed and discarded. The work area and the areas immediately surrounding the work area should be HEPA vacuumed and cleaned with a damp cloth and/or mop and a detergent solution. All areas should be left dry and free from visible dust and debris. Biocides are often recommended by HVAC manufacturers for use with HVAC components such as cooling coils and condensation pans. HVAC manufacturers should be consulted for the products they recommend for use in their systems.

Large Areas of Contamination (> 10 SF) in the HVAC System

A health and safety professional or industrial hygienist with experience performing microbial investigations and/or remediation should be consulted prior to remediation activities to provide oversight for the project. Appropriately trained personnel with proper PPE should be utilized. Disposable suits, gloves, and eye protection should be worn. A regulated area should be established to keep out unauthorized individuals. The ventilation and electrical systems should be secured. Seal ventilation ducts and grills in the work area and areas directly adjacent with a minimum of 1 layer of 4 mil plastic sheeting. The work area and areas directly adjacent should be unoccupied. Dust suppression methods such as misting are recommended to keep spore levels to a minimum. Contaminated HVAC ductwork and components that cannot be cleaned should be removed from the building is sealed plastic bags. Many commercial products and tools are available for duct cleaning activities. An evaluation of options and costs should be considered in making the appropriate remediation decisions. The work area and the areas immediately surrounding the work area should be HEPA vacuumed and cleaned with a damp cloth and/or mop and a detergent solution. All areas should be left dry and free from visible dust and debris. Biocides are often recommended by HVAC manufacturers for use with HVAC components such as cooling coils and condensation pans. HVAC manufacturers should be consulted for the products they recommend for use in their systems.

Hazard Communication

The building owner, management, or the employer should notify occupants in the affected areas of a remediation project. Notification should include a description of the remedial measures to be taken and a timetable for completion.

Post Remediation Verification

A post remediation verification is recommended prior to restoration of the work area. Air sampling (spore trap air samples or equivalent) is the recommended method for clearance sampling. The outside air should contain higher mold spore concentrations than the indoor air. The types (genera) of the indoor and outdoor air should be comparatively similar. The work area should be free of dust, dirt, debris, rot, active sources of moisture and any other indicator of unusual moisture conditions. Significant damage to the building that may result in water intrusion must be repaired prior to the post remediation assessment. A visual assessment and moisture survey shall be performed prior to collecting air samples. Work area containment, if used, shall remain in place until successful written confirmation of a successful post remediation assessment is provided.

When there is No Visible Mold

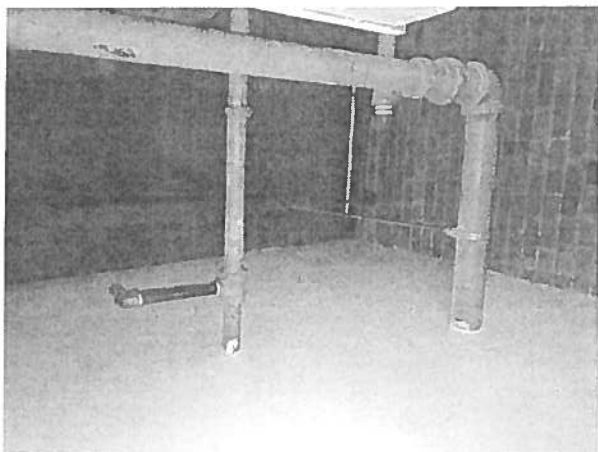
Water-damaged materials can be addressed without special controls or establishment of containment. In general, water-damaged materials that are delaminating, deformed or have otherwise lost their integrity should be removed and discarded. Where materials are stained but have not lost their integrity, the materials can generally be repaired by repainting or refinishing. General dust control measures should be implemented during removal of water-damaged material that does not contain visible microbial growth. Dust control measures may include, but not be limited to, removal of personal effects and furnishings from the work area, covering floors and non-movable items with polyethylene sheeting, and the use of local exhaust ventilation equipment.

If removing water-damaged materials, care should be taken to initially remove small amounts of the material while evaluating the back sides of the material or exposed cavities for the presence of visible microbial growth. If microbial growth is observed during removal of water-damaged material, work should stop and the microbial growth evaluated in terms of degree of growth, quantity and remediation methods required prior to proceeding. Often, if the amount of microbial growth is small (i.e. less than 10 square feet) a HEPA vacuum or damp wiping with a detergent solution can be used to remove the microbial growth prior to the removal of the material as water-damaged material. However, where any amount of microbial growth is removed, it is recommended that access to the work area be restricted to those performing the work using limited containment methods and that personal effects be removed or protected as necessary during the work. Previously unidentified areas of microbial growth larger than 30 square feet in area should be evaluated prior to removal.

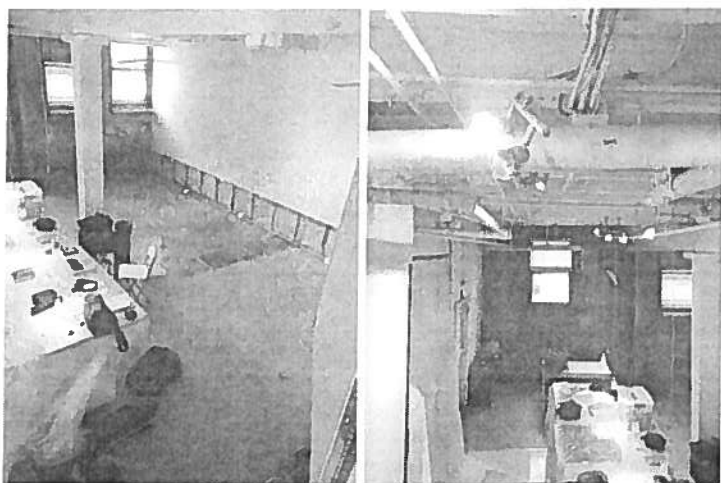
The EPA recommends that the Relative Humidity (RH) levels in the living spaces are maintained between 30% - 50%. Relative Humidity levels that exceed 50% can influence dormant mold to grow or may promote favorable conditions for new mold growth. It is further recommended that RH levels do not go below 30% as that may cause an uncomfortable living environment.

It is important to note that the cause of any mold growth need to be identified, corrected and the mold/mold contaminated materials be appropriately cleaned or removed. IICRC S520 Standard and Reference Guide for Professional Mold Remediation states the use of detergents, antimicrobials, Ozone, heat treatment or other biological controls used in killing mold as a stand-alone method, has not been shown to eliminate the contaminants nor their potential allergenic or toxigenic properties.

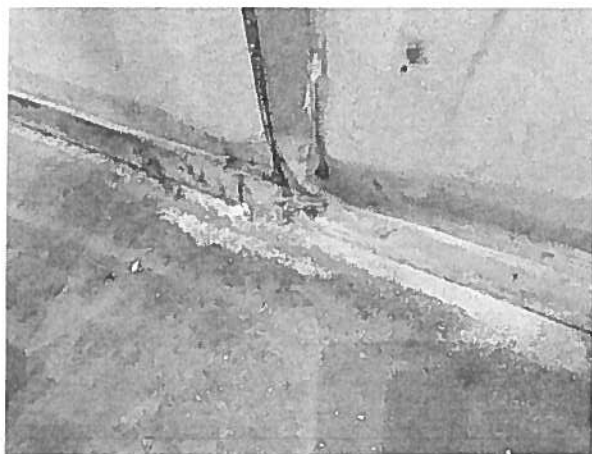
Appendix B Pictures: 226 Franklin Street, Apartment G21, Brooklyn, NY 11222



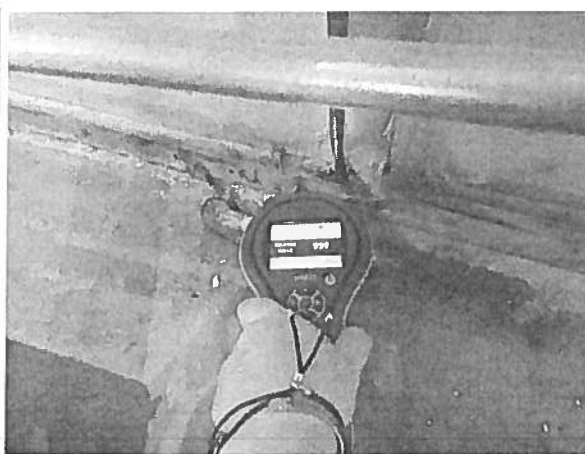
Above: Sprinkler head that caused the pipe burst in October 2020 in the apartment above.



Above: Over view of living room and bedroom

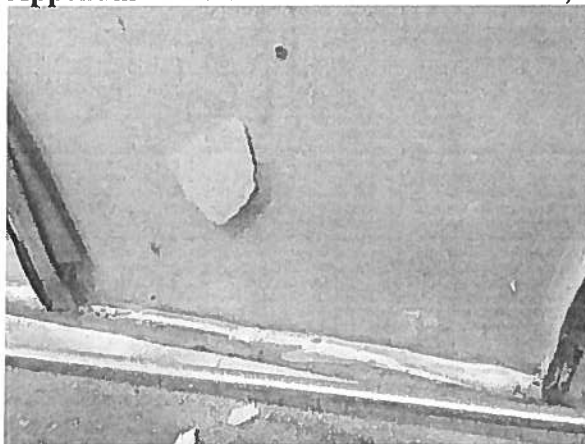


Above Left: visible microbial growth in living room north wall

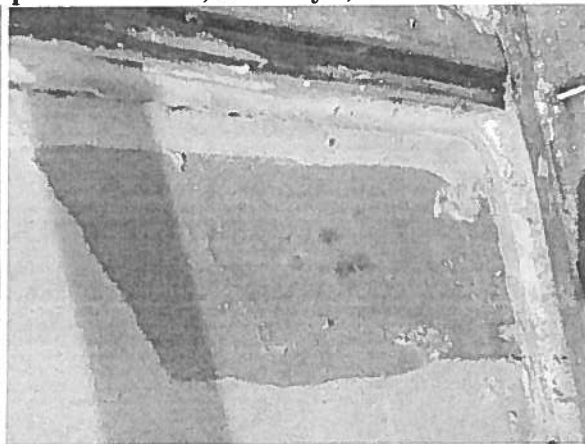


Above Right: Moisture meter measured the concrete floor as wet near north wall in living room

Appendix B Pictures: 226 Franklin Street, Apartment G21, Brooklyn, NY 11222



Above left: Water damage drywall on north wall in living room



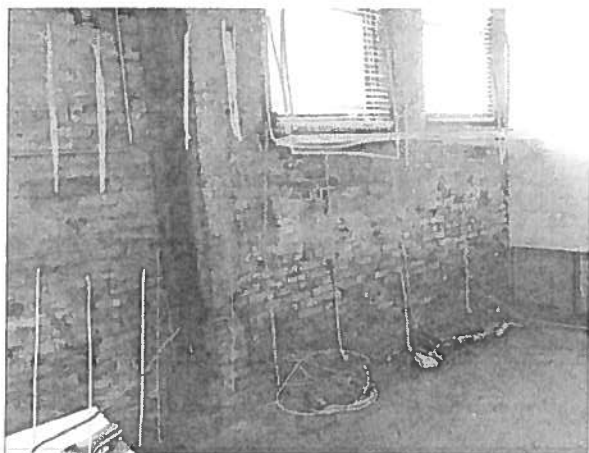
Above right: Visible microbial growth on drywall north wall in living room



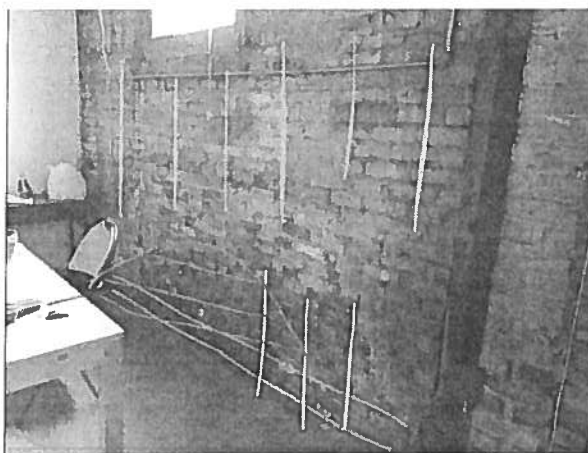
Above left: Brick west wall in living room was wet to touch



Above right: Brick west wall in living room measured wet by pin measurement

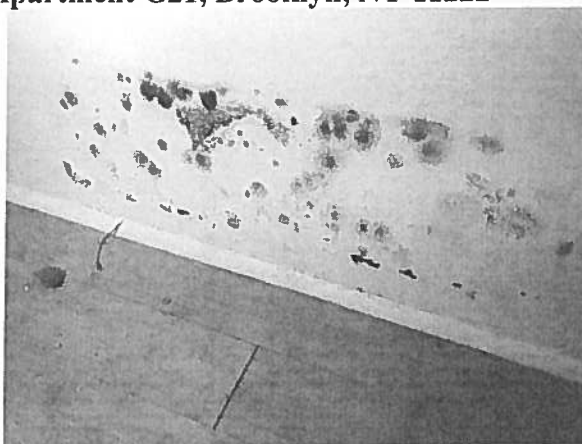


Above left: Red (measured wet), Yellow (measured damp), Green (measured dry)

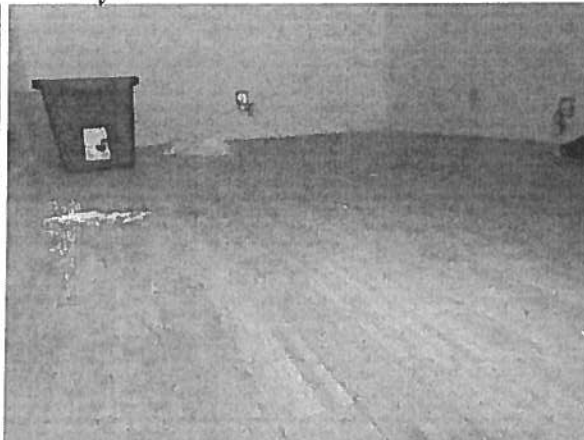
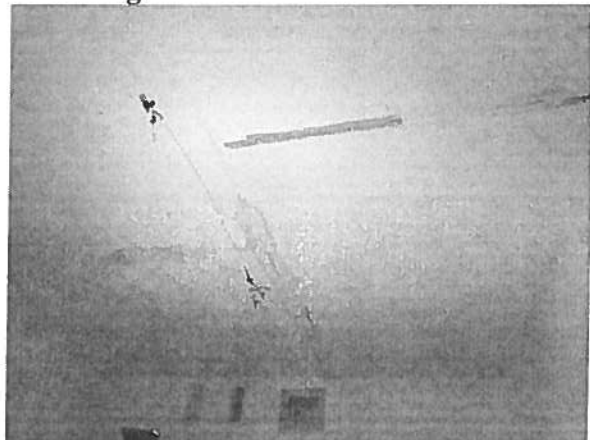


Above left: Red (measured wet), Yellow (measured damp), Green (measured dry)

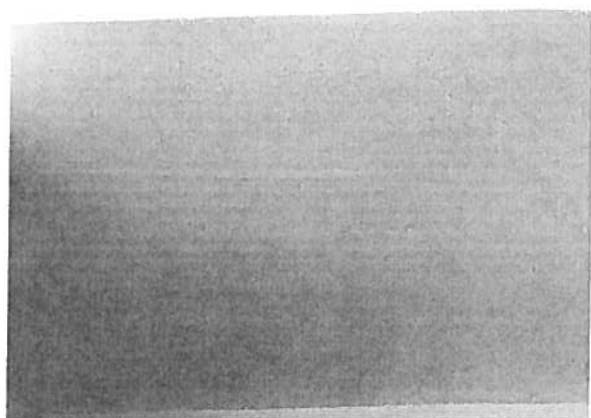
Appendix B Pictures: 226 Franklin Street, Apartment G21, Brooklyn, NY 11222



Above left: Living room ceiling with sagging ceiling joists and support beam cracking
Above right: Visible mold in studio room 2 west drywall wall

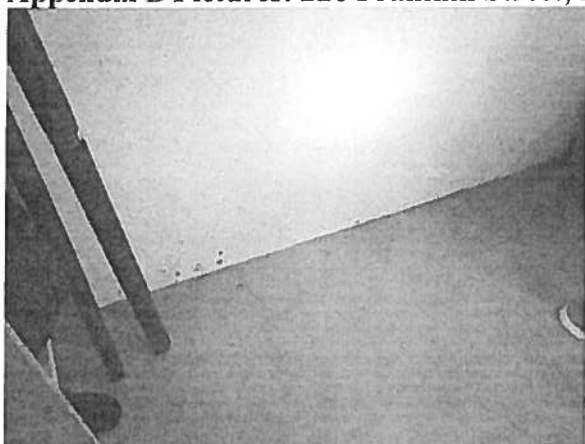


Above left: Water damaged ceiling in studio room 2
Above right: Water damaged bamboo floor in studio room 2

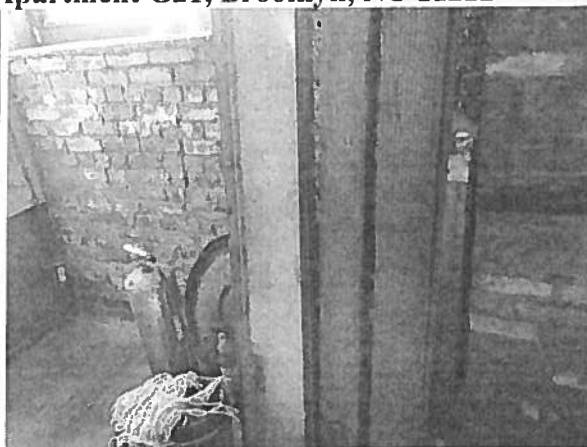


Above left: Water damaged ceiling in hallway
Above right: Water damage, paint cracking on hallway ceiling

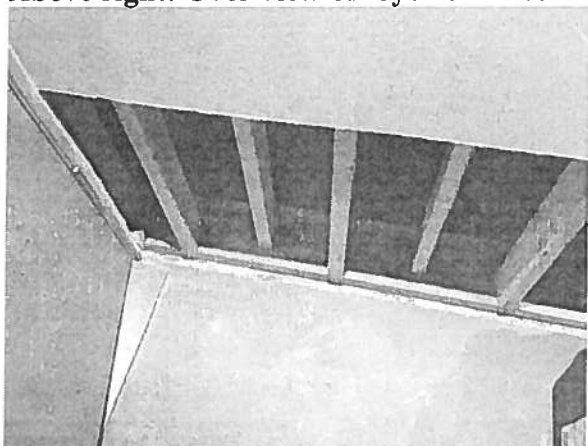
Appendix B Pictures: 226 Franklin Street, Apartment G21, Brooklyn, NY 11222



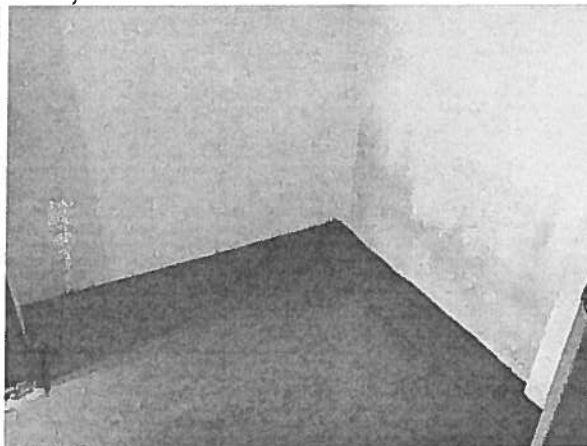
Above left: Visible microbial growth on hallway drywall north wall



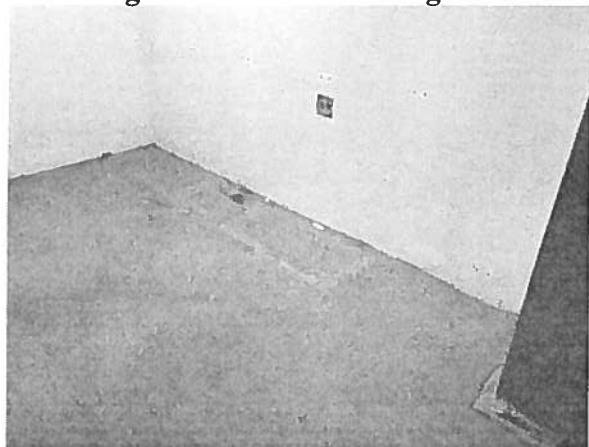
Above right: Over view of foyer brick south wall, measured wet



Above left: Water damage and visible microbial growth in hallway south wall



Above right: Visible microbial growth on east and south wall in studio room 3



Above left: Water damage and visible microbial growth on drywall north and east wall, and water damaged carpet in studio room 3

Limitations and Exclusions

All the professional opinions presented in this report are based solely on the scope of work conducted and sources referred to in our report. The data presented by ALC in this report was collected and analyzed using generally accepted industry methods and practices at the time the report was generated. This report represents the conditions, locations, and materials that were observed at the time the fieldwork was conducted. The scope of work for this project did not include an assessment of other environmental conditions which might exist on the premises. No inferences regarding other conditions, locations, or materials, at a later or earlier time may be made based on the contents of the report. No other warranty, express or limited is made. ALC's liability and that of its contractors and subcontractors, arising from any services rendered hereunder, shall not exceed the total fee paid by the client to ALC for this project. This report was prepared for the sole use of our client. The use of this report by anyone other than our client or ALC is strictly prohibited without the expressed written consent of ALC. Portions of this report may not be used independent of the entire report.

STATE OF NEW YORK DEPARTMENT OF LABOR
MOLD ASSESSOR



CANDICE ANN KOWALEWSKI

EXPIRES: 08-20

CERT# MA01387

01213 004733463 67



EYES BLU
HAIR BLN
HGT 5' 5"

IF FOUND, RETURN TO:
NYS DOL - L&C UNIT
ROOM 161A BUILDING 12
STATE OFFICE CAMPUS
ALBANY NY 12240

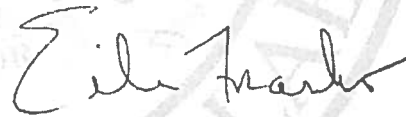
NEW YORK STATE - DEPARTMENT OF LABOR
DIVISION OF SAFETY AND HEALTH
LICENSE AND CERTIFICATE UNIT
STATE CAMPUS BUILDING 12

Mold Assessor Company License

The ALC Group, LLC
d/b/a: ALC Environmental
121 West 27th St Ste 402
NEW YORK, NY 10001

LICENSE NUMBER 00034
DATE OF ISSUE: 12/27/2019
EXPIRATION DATE 1/31/2022

This license is valid only for the contractor named above.



Eileen Franko, Director
FOR THE COMMISSIONER OF LABOR

EXHIBIT C

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: HOUSING PART B

CHRISTIAN GRAY,

Tenant-Petitioner,

-against-

AMERICAN PACKAGE COMPANY, INC.,

Owner-Respondent,

-and-

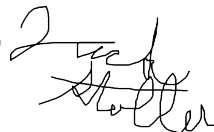
THE DEPARTMENT OF HOUSING
PRESERVATION AND DEVELOPMENT,

Respondent.

Index No. HP 6086/2020

**STIPULATION OF
SETTLEMENT**

SO-ORDERED



J.H.C.

APPROVED

KI-HOUSING-502, 6/29/2021, 9:38:04 AM

IT IS HEREBY STIPULATED AND AGREED, by the Petitioner, Christian Gray ("Petitioner") and Owner-Respondent, American Package Company, Inc. ("Respondent") (collectively, the "Parties") and their undersigned counsel, that this proceeding is settled upon the following representations, promises, terms and conditions:

Without admitting any wrongdoing, fault, or any of the allegations set forth in Petitioner's Verified Petition, dated June 29, 2020 ("Petition"), Respondent has retained a licensed and insured mold remediation named Serve Pro (emergency contact is Lisa Mulcahy whose email address is lmulcahy@servprohoboken.com and cell phone # 551-226-1997) company ("Mold Remediation Company") to perform the scope of work annexed hereto as **Exhibit 1** ("Remediation Work") in apartment G21 ("Apartment") in the building located and known as 97 Green Street, Brooklyn, New York 11222 ("Building").

1. The Remediation Work shall commence on July 20, 2021 with regard to the preparation work with the remediation work to commence on July 21, 2021 ("Renovation Work Commencement Date"). The remediation company will file the Post Remediation Assessment form and Mold Remediation Certification as required by NYC EPA.

2. Respondent shall have unfettered access to the Apartment until all the Remediation Work is completed.

3. Respondent's mold inspection company, ALC Environmental ("ALC") and Petitioner's mold inspection company, Olmstead Environmental Services ("Olmstead") shall be permitted to be present during the Remediation Work. Petitioner and Olmstead shall not interfere with the Remediation Work. Petitioner and Respondent landlord shall not be present during the Remediation Work.

4. Upon completion of the Remediation Work ("Completion Date"), ALC shall inspect and test the Apartment to ensure that the Remediation Work has been completed and prepare a written report ("ALC Post Remediation Report"). Respondent's counsel shall provide Petitioner's counsel with a copy of the ALC Post Remediation Report by e-mail at mbs@goodfarblaw.com.

5. Within 5 days ("Olmstead Inspection Deadline") of Respondent's counsel delivering a copy of the ALC Post Remediation Report to Petitioner's counsel, Olmstead shall inspect and test the Apartment to ensure that the Remediation Work has been completed and prepare a written report ("Olmstead Post Remediation Report"). Petitioner's counsel shall provide Respondent's counsel with a copy of the Olmstead Post Remediation Report by email at DSkaller@bbgllp.com within 14 days of the Olmstead Inspection Deadline. In the event Olmstead fails to inspect and test the

Apartment by the Olmstead Inspection Deadline, Petitioner shall forfeit and waive its right to inspect and test the Apartment and shall not be permitted to restore this proceeding or commence a proceeding or action to challenge ALC's report or that the Remediation Work has not been completed.

6. In the event that ALC and Olmstead agree that the Remediation Work is completed after the Completion Date ("Completion Confirmation Date"), this proceeding shall be discontinued and the Parties shall forthwith execute and file a stipulation of discontinuance, with prejudice.

7. In the event ALC and Olmstead cannot agree that the Remediation Work has been completed or additional remediation work is necessary, either party may restore this proceeding, by notice of motion, for a hearing on the sole issue of whether the Respondent did not comply with the agreed upon Remediation Work or any additional work that either or both ALC and Olmstead believes should have been performed as being necessary and in such case the court will hold a hearing to determine if the additional disputed work is necessary. In the event Petitioner establishes that the Remediation Work or additional disputed work was not completed, the Court shall issue an order or Respondent will agree to perform the outstanding Remediation Work to be completed. In the event Respondent establishes that the Remediation Work was completed, this proceeding shall be dismissed, with prejudice. The prevailing party shall be entitled to an award of attorneys fees with regard to fees incurred after the Completion Date.

8. In the event ALC and Olmstead agree that the Remediation Work was not completed after the Completion Date, the Mold Remediation Company shall

complete the agreed upon outstanding Renovation Work and the Parties shall repeat the process as stated in paragraphs five (5) through nine (9) herein.

9. The Parties represent and acknowledge that this proceeding may only be restored for purposes of enforcing compliance with either Parties' obligations stated in this Stipulation regarding the Remediation Work or for additional disputed work.

10. For the valuable consideration set forth above and with the exception of the rights and obligations arising pursuant to this Stipulation, this Stipulation shall constitute the parties' accord and satisfaction and mutual release of any and all demands, rights, claims, remedies, actions, causes of actions or liabilities (collectively referred to herein as "claims") that any party hereto may have against any other party hereto or against representatives, heirs, successors, assigns, officers, directors, partners, agents, or employees of the other contained in Petition from the beginning of the world through the date of this Stipulation.

11. Both parties reserve their claims and defenses with respect to attorneys fees and cost incurred by the respective parties.

12. It is specifically understood and agreed by and between the parties that the within Stipulation is the result of extensive negotiations between the parties and that both parties shall be deemed to have drawn these documents in order to avoid any negative inference by any court as against the preparer of the document.

13. This Stipulation supersedes and revokes all previous negotiations, arrangements, letters of intent, representations, and information conveyed, whether oral or in writing, between Petitioner and Respondent or their respective representatives or any other person purporting to represent Petitioner and Respondent pertaining to this

proceeding. All prior statements, understandings or memoranda shall be merged into the terms of this Stipulation and shall not survive. Except as otherwise provided in this Stipulation, no subsequent alteration, amendment, change or addition to this Stipulation shall be binding upon Petitioner and Respondent, unless in writing and signed by the party against whom enforcement of the alteration, amendment, change or addition is sought.

14. This Stipulation is entered into after full investigation. Neither party has relied upon any statement or representation not specifically embodied in this Stipulation. Each party has had the opportunity to retain counsel and review this document with a counsel of their choosing.

15. This Stipulation shall be binding upon the respective parties, their heirs, assigns, executors, administrators and successors-in-interest to their property.

16. Facsimile, electronic or PDF signatures shall be deemed originals.

17. This Stipulation may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

BELKIN BURDEN GOLDMAN, LLP
Attorneys for Owner-Respondent
270 Madison Avenue
New York, New York 10016
(212) 867-4466

By: David M. Skaller
David M. Skaller, Esq.

DEPARTMENT OF HOUSING
PRESERVATION AND DEVELOPMENT
100 Gold Street, 6th Floor
New York, New York 10038

By: _____

Goodfarb & Sandercock, LLP
Attorneys for Petitioner
110 E 59th Street, 22nd Floor
New York, New York 10022
(212) 509-0440

By: Margaret B. Sandercock
Margaret Sandercock, Esq.

Petitioner

Anne M. Broomfield, Esq.

A handwritten signature in black ink, appearing to read "Christian Gray", written in a cursive style.

By: _

Christian Gray

EXHIBIT 1

Mold Abatement Scope of Work – 97 Green St. Apartment #G21 Brooklyn, NY

SCOPE OF WORK

Mold **abatement** at 97 Green St. Apartment #G21 Brooklyn, NY – See **attached** diagram in this document.

1. Gut demolish rooms 1, 2 and 3 as indicated. This includes walls and flooring to the concrete slab and remove ceilings. Remove ceiling tiles and discard any insulation above the ceiling where present. Clean any visible staining or visible mold growth on the wood deck above the ceiling. Wood framing should be cleaned.
2. Remove the bathroom raised floor under the tub and how water heater. This will require removal of the hot water heater and tub. Clean and save the tub and HW heater.
3. Remove the bathroom sheetrock wall shared with the kitchen. Inspect the wall cavity and the back of the cabinets.
4. Move and save the washer and dryer outside the bathroom. **Remove** the sheetrock wall behind the washer and dryer.
5. In rooms 1 and 2 remove the sheetrock to the wall cavity and do not **damage** the neighbors side of the wall.
6. In room 2 remove the lower 4 feet of the wall shared with the common hallway.
7. In the hallway between rooms 3 and rooms 1 and 2 **remove** the ceiling. Clean the loft above the ceiling and remove insulation and clean visible staining or visible mold growth on the wood deck
8. Cut four 2 by 2 ft. probes along the length of the wall into the living room wall shared with the **neighbor** into the wall cavity. Inspect for mold growth.
9. In the living room cut probes into the ceiling to the wood deck and inspect for mold.
10. At **completion** of the work service and clean the air handling unit.

Commented [JG1]: Except as noted in 6, below.

Commented [JG2]: I would require only 2 feet to expose and examine.

GENERAL CONDITIONS

1. The contractor will be licensed by the New York State Department of Labor as a mold abatement **contractor**.
2. All workers will be certified mold abatement workers by the New York State Department of Labor.
3. The contractor shall inform employees of the potential health risk for Contractor's supervisors and workers during microbial remediation is exposure to or contact with massive **concentrations** of fungi. Risks include allergic respiratory disease (for example, asthma and hypersensitivity pneumonitis).

WORK AREA PROCEDURES

1. **Remove** all movable objects from each work area prior to **beginning** the work. Move and protect the washer and dryer, tub and HW heater.
2. The **contractor** shall construct containment barriers around each work area work area and over each door inside the work area. Plastic sheeting should be used to isolate and enclose the demolition areas. 6-mil flame retardant **polyethylene** sheeting should be secured to existing structures using duct or other suitable specialty tape), spray adhesives,

Mold Abatement Scope of Work – 97 Green St. Apartment #G21 Brooklyn, NY

staples or any other combination thereof to ensure the integrity of the barrier for the duration of the work.

3. The **contractor** shall be responsible to provide **employee** fall protection to comply with OSHA construction standards when necessary when working in loft areas. Fall arrest equipment if used must comply with the most current ANSI standard.
4. Floors, walls, and stationary non-colonized objects in the enclosed containment work area should be covered by polyethylene **sheeting** according to the professional judgment of the Remediation Contractor and **Environmental** Consultant.
5. The HVAC systems serving the work areas shall be shut down and the duct outlets sealed with six mil plastic. The filters should be removed and disposed of.
6. The contractor shall install and activate negative air filtration (AFDs) systems that provide four air changes per hour in each work area. The devices and work area set up will establish at a minimum, a **negative** air pressure **differential** of 0.02 inches of water inside the work area relative to areas outside the containment before remedial operations begin. This air pressure differential shall be maintained until the Environmental Consultant has **determined** that the work area has passed clearance inspections and testing. The **Contractor** shall **provide** sufficient filters for replacement as necessary or as required by applicable regulations.
7. Use of **detergent** solution for damp wiping and for cleaning of dust is permitted. Surfaces to be cleaned should be damp wiped but not soaked.
8. A HEPA filter vacuum cleaner should be used to collect any dust and debris. All floors and adjacent surfaces should be cleaned with a biocide solution as a final step.
9. The **Contractor** shall utilize ground fault circuit **interrupters** for all electrical equipment including vacuum cleaners, lights, power tools, and negative air machines.
10. As waste is **removed**, it must be placed into a disposal **container promptly**. Contaminated materials shall be disposed of in sealed 6 mil bags. All waste bags will be double bagged. Bags will be taped to form an air-tight seal and labeled **appropriately**. Two layers of wrapping or double **bagging** shall be used.
11. Labels and all necessary signs are to be in accordance with OSHA regulations.
12. The contractor will dispose of all waste as construction debris.
13. During the actual remediation, the **Contractor** shall not leave debris in the yard or property, incinerate debris, dump waste by the road or in an unauthorized dumpster, or introduce microbial- **containing** water into storm or sanitary systems.
14. The Contractor shall clean the work area to be free of all dust and debris, as specified, after removal work is complete and the **Environmental** Consultant has conducted and **approved** the visual inspections.
15. After cleaning, the Contractor shall use detergent solution on non-porous **interior** surfaces by damp wiping and HEPA vacuum porous/water sensitive materials.
16. The Contractor shall remove the final containment barriers, as specified, after the Environmental Consultant approves the area, based on the inspection and clearance sampling of the containment area.

Commented [JG3]: Since the entire apartment will be cleaned at the end...one containment (limited) will be needed. No need to protect a surface that will be removed or cleaned.

Commented [JG4]: Not a fan of biocide. We are paying the contractor to remove the visible growth, and to remove wet materials. If conditions for growth are eliminated, then biocide is an unneeded chemical exposure.

Commented [JG5]: No need to seal up the waste. It is construction debris. Should be maintained moist and covered if transported through occupied areas.

Commented [JG6]: Not a thing. ALL water is microbial containing. IT is a good thing!

Commented [JG7]: I prefer simple household detergent

WORKER PROTECTION

1. All workers and supervisors shall have received medical approval to wear a respirator as per OSHA 29 CFR 1910.134. The Contractor shall provide workers with personally

Mold Abatement Scope of Work – 97 Green St. Apartment #G21 Brooklyn, NY

issued and marked full-face respiratory protection equipment **approved** by NIOSH/MSHA. As a **minimum**, respiratory **protection** shall consist of full-face air purifying respirators with high efficiency cartridges, and if required, acid gas (chlorine) cartridges, organic vapor(s) cartridges, or other respiratory protective equipment necessary **to-prevent** inhalation or aerosolized disinfectant. Disposable respirators are not permitted.

2. The Contractor shall ensure that workers do not remove respirators to eat, drink, **smoke**, chew gum or tobacco, or apply cosmetics in the enclosed work areas. Facial hair interfering with the seal of the mask will not be permitted on any personnel working or **entering** the contaminated area.
3. The Contractor shall provide workers with sufficient sets of protective disposable **clothing**, consisting of full-body coveralls, head covers, gloves, and 18-inch high boot type covers in sizes to properly fit individual workers. All workers shall wear Tyvek suits with attached boots, or the **equivalent**. Gloves will include latex exam gloves or work gloves. Integral boot/head cover/coveralls are acceptable. All persons entering the enclosed work area shall don disposable **clothing** over street clothes before **entering** the enclosed work area.
4. The Contractor shall provide eye **protection** (for example, full-face respirator) and hard hats, as required by job **conditions** or by applicable safety **regulations**. Reusable **equipment** (for example, footwear, hard hats) shall be left in the **contaminated** enclosed work area until the end of the remedial work. At that time such items shall be decontaminated for reuse.
5. The Contractor shall provide authorized visitors with respiratory protection **equipment**, a set of suitable protective gloves, and footwear, sizes for proper fit, suitable **protective** disposable **clothing**, headgear, gloves, and footwear, sizes for proper fit, whenever they are required to enter the enclosed work area. The **Contractor** shall not under any circumstances permit any person to enter the work areas without the **appropriate** protective clothing and equipment.

CONTAINMENT EXITING PROCEDURES

1. Every time a worker leaves the work area, before leaving the air lock at the **entrance** to the work area, each worker shall HEPA vacuum all gross contamination and debris from outer layer of protective clothing.
2. Remove protective clothing (disposable coveralls, head cover, gloves, and footwear) in the work area and deposit the clothing in an impermeable bag or **container**.

INSPECTIONS

1. The **Environmental** Consultant shall conduct an initial inspection of the work area containment before remediation work commences.
2. The Environmental Consultant shall conduct inspections after cleanup is **complete** to **determine** if removal of visually **contaminated** and other scheduled materials is **complete**.
3. The contractor shall re-clean the work area, if it fails the Environmental Consultant's clearance inspection and testing. The Environmental Consultant shall then perform

Mold Abatement Scope of Work – 97 Green St. Apartment #G21 Brooklyn, NY

additional clearance inspections, and the Contractor shall re-clean if necessary until the work area passes **inspections** and testing.

4. The Client or Environmental Consultant shall have **authority** to stop work when any provision of these specifications are not followed or an unsafe condition exists. The stoppage of work shall continue until all **deficiencies** have been corrected. All work stoppages must be initiated in writing. Additional time and labor due to the work stoppage shall be at the Contractor's own expense. **Recommencement** of work shall not be initiated without written authorization from the Environmental Consultant or Client.

CLEARANCE TESTING

Each work area must pass a visual inspection by the building **environmental** consultant. Evidence of **dampness**, visible debris, or dust will require **additional** cleaning and drying. The **environmental** consultant will use settled dust **sampling** methods and direct microscopic exam of samples taken from work area surfaces.

At **completion** of all work and with the work area ready for reconstruction air **sampling** will be used to confirm that mold abatement is complete. All air testing will be done with the negative pressure systems shut down for at least 24 hours. If the work area airborne spore levels significantly exceed the outdoor levels or if the rank order of mold species inside does not reflect the outdoors the work area will be further cleaned. The presence of significant numbers of *Stachybotrys*, *Aspergillus/Penicillium* or *Chaetomium* spores will be considered unacceptable. Air sampling for mold spore levels will be conducted using spore trap methods using treated microscope slides or an equivalent method such as air-o-cell cassettes. Sample volumes shall be taken in accordance with the published analytical method and in consultation with the microscopist. The samples will be analyzed by an **experienced** mycologist.

Commented [JG8]: What is significant?

Mold Abatement Scope of Work – 97 Green St. Apartment #G21 Brooklyn, NY

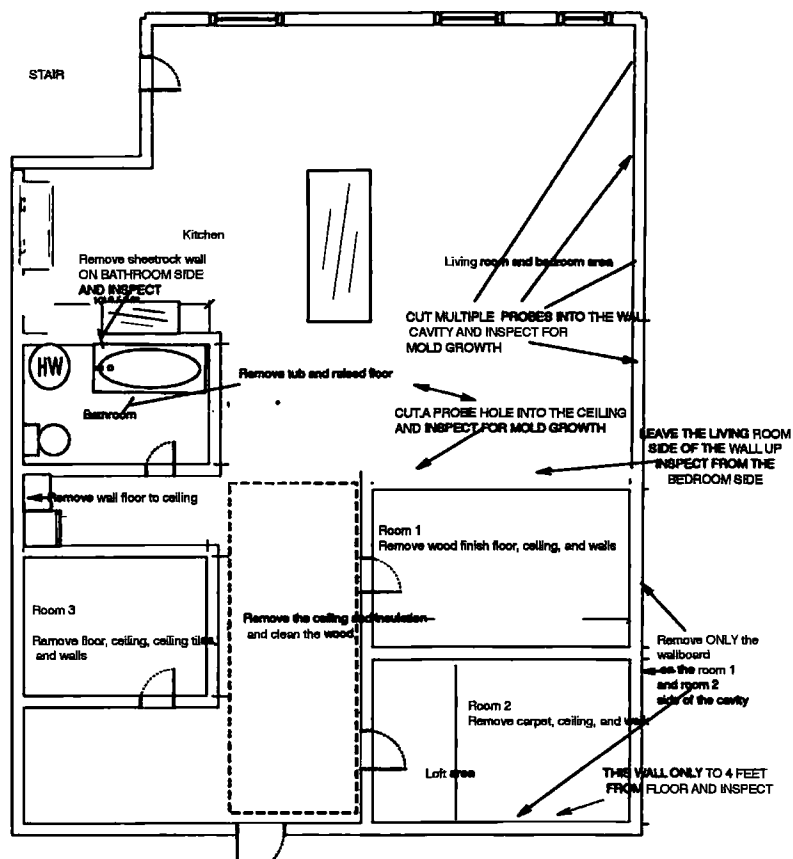


EXHIBIT D

OLMSTED ENVIRONMENTAL SERVICES, INC

1992 Route 9 Garrison NY 10524

phone 845 424 4077 • fax 845 424 3482 • email Olmsted.mac@me.com

Scope of work

Follow-up abatement

97 Green Street Apt #G21 Brooklyn, NY 11222

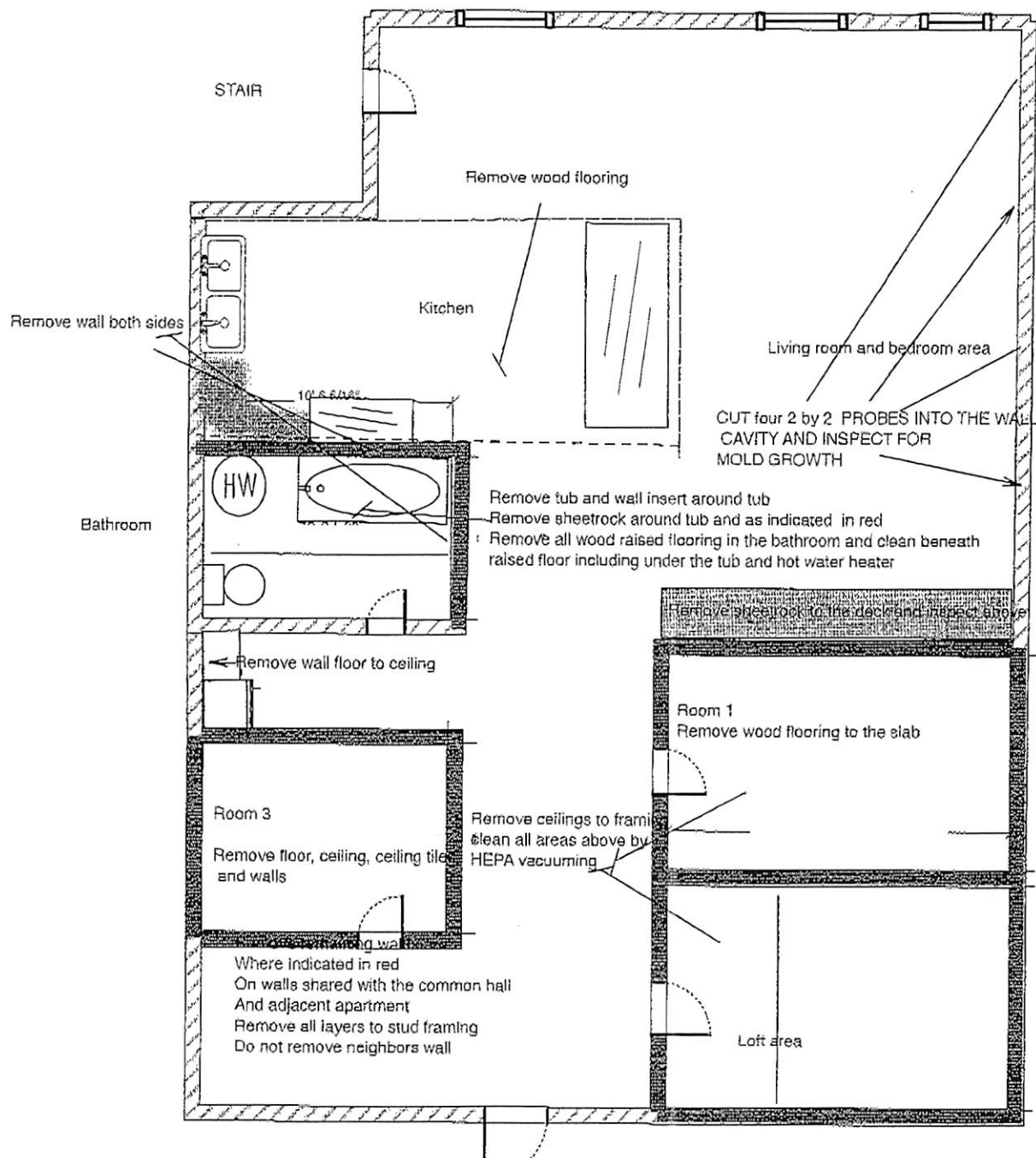
INTRODUCTION

A mold abatement was done in August 2021 in apartment G21, Inspection after removal of some flooring and wallboard in the rooms 1,2 and 3 and bathroom and laundry area revealed areas with hidden mold under wood flooring, behind and in between layers of sheetrock walls and ceilings. Inspection after the abatement revealed elevated levels of mold spores in air throughout the apartment, indicating hidden mold growth. Opening up floors, walls and ceilings revealed visible mold within the layers of material and on the insulation. The areas where mold growth has occurred is hidden in this apartment because water has been trapped behind foam, foil and insulation as well as behind and under plastic. It is impossible to predict where the moisture was trapped and where mold growth occurred. This apartment is currently not acceptable and mold abatement is not complete.

The amount of mold colonized materials is far more extensive than originally expected. This scope of work has been developed to address the hidden mold behind layers of ceiling, wallboard, and wood flooring.

The scope of work for completing this project is indicated in the attached diagram. The work includes:

1. Removing the bathroom floor, tub, hot water heater, insert around tub and walls shared with the hall and kitchen.
2. Remove all wood flooring including the room 1 and kitchen down to the concrete slab.
3. Remove all sheetrock and insulation as indicated in the diagram from floor to ceiling
4. Remove the ceilings in all three rooms.
5. Where walls are shared with the adjacent common hall and apartment only the G21 side of the wall cavity should be removed. Remove all layers to the studs.
6. Remove the ceiling in the living room a distance of 4 feet from room 1 the length of the wall. Inspect the deck above.
7. Cut for probe holes as indicated in the living room wall along the base.



OLMSTED ENVIRONMENTAL SERVICES, INC

1992 Route 9 Garrison NY 10524

phone 845 424 4077 • fax 845 424 3482 • email Olmsted.mac@me.com

Report Date: August 18, 2021

Report for: Margaret Sandercock
Law Offices
Goodfarb & Sandercock, LLP

Email: mbs@goodfarblaw.com

Prepared by: Edward Olmsted, CIH, CSP
New York State Mold Assessor 00026

Subject: **Mold Inspection and Testing After Abatement**
97 Green Street Apt #G21 Brooklyn, NY 11222

Inspection Dates: August 16 and 17, 2021

INTRODUCTION

Edward Olmsted, CIH, CSP conducted a mold inspection and testing in apartment G21 at 97 Green Street in Brooklyn, NY. The survey was done after removal of some flooring and wallboard in the rooms 1,2 and 3 and bathroom and laundry area. The attached diagram indicates the locations of the rooms. The inspections were done on August 16 and 17th 2021 after the abatement work was declared complete by the abatement contractor and ALC the monitoring firm. The demolition work did not include all of the materials agreed to in the scope of work. The survey included the following:

1. Visual and invasive inspection of the work area. This included removal of insulation panels left in place to inspect layers of wallboard beneath and removal of floor sheathing to inspect layers beneath;
2. Testing moisture levels;
3. Collecting surface samples using tape lift methods;
4. Collecting bulk samples for microscopic exam;
5. Collecting air samples for mold spores.

BACKGROUND

In October of 2019 a sprinkler head failed on the floor above apt G21, causing a catastrophic flood of unit G21. The water was standing on most floors and the floors, walls and ceilings were soaked for many days. A water restoration company was brought in but drying of surfaces had been delayed and moisture remained in materials for an extended period. Inspection and testing by Ed Olmsted, and ALC Environmental revealed mold growth present on wall surfaces and ceilings. The walls and ceilings include many layers of sheetrock, press wood, insulation matting, and foam board. The tenant reported that the water ran into the walls and was trapped in the ceilings and floors and the construction of

was multiple layers that would trap water. The mold abatement work was done by Servpro, a water mitigation and mold abatement contractor inside a containment area with HEPA air filtration devices to provide negative pressure. The work was monitored by ALC they performed inspection and testing. The work did not include all materials outlined and agreed to in the work scope. The wallboard between rooms 1 and 2 and the living room. And the ceilings in 1 and 2 were left in place. The wood raised floor was left in place in the bathroom and some of the sheetrock in the bathroom was left. Probes were not cut into the ceiling and walls in the living room. Discussions with ALC indicated that they reduced the scope of work because visible mold was not present. They also indicated that tests in the work area revealed low levels of mold spores in air. This survey was done after the demolition was done and ALC cleared the work.

SURVEY METHODS

The apartment was visually inspected and tape lifts were collected from remaining concrete slab and air samples were collected. The following summarizes the survey methods:

Mold Spores in Air

The air samples were collected using spore trap cassettes using a Buck air sampler manufactured by Zefon. The sampler was calibrated at 15 liters per minute using a flow meter calibrated by the manufacturer. The samples were collected over a period of 5 minutes. Levels of airborne mold spores measured with the Allergenco D cassettes represent total mold spores and are reported in fungal structures per cubic meter of air (FS/M3). This method using microscopic analysis of the air samples and it is not possible to differentiate between *Penicillium* and *Aspergillus* species. There are no regulatory standards or recommended standards for numerical levels of bioaerosols in air. Fungi are ubiquitous and can be measured in the air both indoors and outdoors. Mold spore levels can often change over time in any given location even under similar environmental conditions. As such, interpreting air-sampling results can be difficult. The rank order of mold genus and /or species of airborne mold indoors should generally reflect levels measured in the control outdoor air.

Moisture Levels

Moisture levels were measured using a Protimeter Surveymaster moisture meter, which was field tested using the 18 % field check device provided by the manufacturer. The presence of dampness was screened using the meter in scanning mode and where dampness was detected the area was further probed using the pin measurement, which measures in percent moisture. The Institute for Inspection Cleaning and Restoration Certification (IICRC) indicates that a moisture level above 17 % in wood or sheetrock is sufficient to support mold growth¹. Levels above 20 % are sufficient to germinate spores in some species of mold resulting in fungal growth. Water intrusion is the principal risk factor for mold and bacterial growth as well as infestation by mites and insects.

¹ ANSI/IICRC S520; Standard and Reference Manual for Professional Mold Remediation; page 69; © 2008 Institute for Inspection Cleaning and Restoration

Tape Sample Analysis for Molds

Prestige Enviromicrobiology (Prestige) analyzed bulk and the tape lift samples by microscopic methods. Ed Olmsted analyzed all tape lift samples microscopically. Microscopic analysis of a bulk or tape lift sample detects the presence of spores, hyphae and fruiting bodies (conidiophores, sporangium, ascomata). This method confirms the presence of mold growth by identifying the reproductive, hyphael structures as well as spores. This method also identifies the molds to the genus level. The microscopic evaluation of a bulk and tape lift sample provides the best measure of the presence of mold growth.

RESULTS

The lab reports from Prestige Enviromicrobiology (Prestige) are attached. The following summarizes the survey results:

1. Table 1 provides a summary of results of tape lifts analyzed by Ed Olmsted.
2. Mold Spores in Air Four air samples were collected inside the apartment and one outside control air sample was also collected, which serves as a reference level for comparison to the bedroom and hallway samples.
 - a. Outside – The outside air sample was collected on the sidewalk in front of the building. The sample had a total of 7,600 fungal spores per cubic meter of air (fs/m³) and was dominated by basidiospores, ascospores and *Cladosporium*. One spore of *Chaetomium* and one pen-asp spore were detected. The outside air serves as a reference level for the indoor sample.
 - b. Room 1 - This sample had a total of 4,100 fs/m³ and was dominated by pen-asp spores at 1,800 fs/m³ which is well above the outdoor level. There were also elevated levels of *Chaetomium* at 780 fs/m³. This is indicative of mold growth or contamination present in the work area.
 - c. Room 2 - This sample had a total of 6,300 fs/m³ and was dominated by pen-asp spores at 4,600 fs/m³ which is well above the outdoor level. This is indicative of mold growth or contamination present in the work area.
 - d. Room 3 - This sample had a total of 8,700 fs/m³ and was dominated by pen-asp spores at 6,900 fs/m³ which is well above the outdoor level. There were also *Chaetomium* and *Stachybotrys* spores on the sample. This is indicative of mold growth or contamination present in the work area.
 - e. Bathroom - This sample had a total of 21,000 fs/m³ and was dominated by pen-asp spores at 19,000 fs/m³ which is well above the outdoor level. There were also elevated levels of *Stachybotrys* at 440 fs/m³. This is indicative of mold growth or contamination present in the work area.
 - f. Kitchen - This sample had a total of 3,000 fs/m³ and was dominated by pen-asp spores at 1,600 fs/m³ which is well above the outdoor level. This is indicative of mold growth or contamination present in the work area.
3. Room 1 – The outer layer of wallboard was removed from the walls and ceiling exposing the foam panels, which were left in place. Removal of the foam panels revealed visible mold on wallboard and especially the ceiling. A sample from the moldy sheetrock, number 97G-1, sampled on August 17th, 2021, was analyzed by Prestige and found to have heavy growth of *Chaetomium*. There is insulation

behind the foam board on the walls in some areas which also has mold growth along the top and bottom. A sample of the insulation, number 97G-9, was found to have growth of *Chaetomium* and *Trichoderma*. Another sample from the insulation, number 97G-12, had light growth of *Chaetomium*. Two layers of wood flooring were left in place. Removal of the upper layer of OSB revealed heavy mold growth on the underside of the OSB and on the fiberboard underlayment. Both layers of the wood test wet with a moisture meter and there is standing water under the wood. A sample from the underside of the floor oriented strand board (OSB), number 97G-7, had heavy growth of *Chaetomium* and *Acremonium*. A sample from the insulation confirmed *Chaetomium* growth.

4. Bathroom – There is visible mold on the base of the sheetrock wall between the bathroom and living room. A tape lift sample, number 97G-1, had heavy growth of *Aspergillus*. The raised wood floor was left in place. A bulk sample from the wood, number 97G-6, had mycelium and hyphae indicating trace growth.
5. Room 2 – The wall between room 2 and the hall had visible mold between the sheetrock layer and wood finish layer. A sample, number 97G-4, had heavy growth of *Chaetomium*, *Acremonium*, *Aspergillus*, *Penicillium* and *Trichoderma*.

CONCLUSIONS AND RECOMMENDATIONS

This survey revealed elevated levels of mold spores in air throughout the apartment, which is indicative of mold colonization. Opening up floors, walls and ceilings revealed visible mold within the layers of material and on the insulation. The areas where mold growth has occurred is hidden in this apartment because water has been trapped behind foam, foil and insulation as well as behind plastic. It is impossible to predict where the moisture was trapped and where mold growth occurred. This apartment is currently not acceptable and mold abatement is not complete. In light of the findings of this survey original scope of work should be done as agreed. This scope of work was developed because of the likelihood of hidden mold. This includes removing the walls and completely in the rooms as indicated in the scope and removal of the flooring in room 1 and the raised floor in the bathroom. Inspection revealed some of the wood framing had visible mold and this must be exposed and cleaned. If additional mold is discovered during the demolition this too should be addressed. It is possible that after completing the scope of work air testing may not pass and the flooring in the kitchen or ceiling in the living room may require removal.

Table 1
Tape lifts

LOCATION	RESULT
97G-1 base of the wall between the bathroom and dining room	Spores, hyphae and conidiophores of <i>Aspergillus</i> indicating growth
97G-2 wood deck above joists over hallway	No fungal structures
97G-3 ceiling wood deck over room	No fungal structures
97G-4 wall outside room 2	Ascospores, ascomata and hyphae of <i>Chaetomium</i> indicating mold growth
97G-5 wood floor underside of the OSB in room 1	Ascospores, ascomata and hyphae of <i>Chaetomium</i> indicating mold growth
97G-12 insulation in room 1 wall	Chains of <i>Acremonium</i> and hyphae indicating growth
97G817-1 sheetrock ceiling above the blue foam panels	Ascospores, ascomata and hyphae of <i>Chaetomium</i> indicating growth
97G817-2 insulation room 1	Ascospores, ascomata and hyphae of <i>Chaetomium</i> indicating growth
97G817-3 wood framing studs in room 1	Ascospores, ascomata and hyphae of <i>Chaetomium</i> indicating growth

Prestige EnviroMicrobiology, Inc.Analytical Test Report

Client: Olmsted Environmental Services Inc., 1992 Route 9, Garrison, NY 10524

Client Project/Name: 97 Green

Sample date: 8-16-2021

Submittal date: 8-16-2021

Samples submitted by: Edward Olmsted, CIH

Date analysis completed: August 17, 2021

Prestige report number: 210817-04

Microscopic Method (P001): Analysis of Allergenco Samples for Total Fungal Structures by Optical Microscopy

Prestige # Client sample ID Location	Air vol. (m ³)	% read	Presumptive fungal ID	Counts of fungal structures	Fungal structures/m ³	Percentage	Background rating
210817-04-022 4257153 Rm 1	0.075	25.5	ascospores <i>Chaetomium</i> hyphal fragments myxomycetes <i>Nigrospora</i> Pen/Asp-like rusts	17 15 7 3 1 34 1	890 780 370 160 52 1,800 52	22% 19% 9% 4% 1% 44% 1%	3
					Total 4,100		
210817-04-023 4257151 Rm 2	0.075	25.5	ascospores basidiospores <i>Chaetomium</i> <i>Cladosporium</i> <i>Ganoderma</i> hyphal fragments myxomycetes <i>Nigrospora</i> Pen/Asp-like <i>Periconia</i> <i>Stachybotrys</i>	7 4 1 2 1 8 1 1 91 2 1	370 210 52 100 52 420 52 52 4,800 100 52	6% 3% 1% 2% 1% 7% 1% 1% 76% 2% 1%	4
					Total 6,300		
210817-04-024 4257148 bathroom	0.075	15.3	ascospores basidiospores <i>Chaetomium</i> hyphal fragments Pen/Asp-like <i>Stachybotrys</i>	3 1 1 13 217 5	260 87 87 1,100 19,000 440	1% <1% <1% 5% 90% 2%	5
					Total 21,000		

Prestige EnviroMicrobiology, Inc.



210817-04-025 4260534 Outside	0.075	25.5	ascospores	38	2,000	27%	1
			basidiospores	66	3,500	46%	
			Chaetomium	1	52	1%	
			Cladosporium	24	1,300	17%	
			Ganoderma	2	100	1%	
			hyphal fragments	5	260	3%	
			myxomycetes	1	52	1%	
			Pen/Asp-like	1	52	1%	
			Periconia	1	52	1%	
			Pithomyces	1	52	1%	
			rusts	1	52	1%	
			Tarula	1	52	1%	
			unknowns	1	52	1%	
			Total 7,600				
210817-04-026 4257152 Rm 3	0.075	25.5	ascospores	6	310	4%	4
			basidiospores	9	470	5%	
			Chaetomium	2	100	1%	
			Cladosporium	4	210	2%	
			Ganoderma	1	52	1%	
			hyphal fragments	7	370	4%	
			myxomycetes	1	52	1%	
			Pen/Asp-like	132	6,900	80%	
			Pithomyces	1	52	1%	
			rusts	2	100	1%	
			Stachybotrys	1	52	1%	
			Total 8,700				
210817-04-027 4260544 Kitchen	0.075	25.5	ascospores	11	580	19%	4
			basidiospores	8	420	14%	
			Chaetomium	1	52	2%	
			Cladosporium	2	100	3%	
			Ganoderma	1	52	2%	
			hyphal fragments	1	52	2%	
			Pen/Asp-like	31	1,600	53%	
			Periconia	1	52	2%	
			Pithomyces	1	52	2%	
			Tarula	1	52	2%	
			Total 3,000				

Report approved:

Theresa Lehman
Theresa Lehman, MPH, Lab Director

Technical Manager:

Chin S Yang
Chin S Yang, Ph.D.

Analyst: Theresa Lehman

1. The samples in this report were received in good, acceptable conditions. Prestige EnviroMicrobiology has not performed sample collection for the sample items listed in this report. Results relate only to the items tested.

Prestige EnviroMicrobiology, Inc.



2. Spore trap samples are first scanned at 200x and then analyzed at 600x magnification.
3. Concentrations and percentages are rounded. Total percentage may not add up to 100% due to rounding. Percentage is for each group in total population. ND=not detected. NA=not applicable.
4. Background rating 1-5 (1 being the lowest and 5 the highest) indicates density of sample deposit. The higher the sample deposit is, the more likely some fungal structures are obscured. A "0" background indicates no trace was observed.
5. The detection limit of this analysis is one fungal colony, one bacterial colony or one fungal structure. The analytical sensitivities vary from analysis to analysis or by air volume. For calculation of your analytical sensitivities, please visit our webpage <http://prestige-em.com/index-tech.htm> or contact us by calling 856-767-8300 or by email info@Prestige-em.com.
6. For technical information on result interpretation, please visit www.Prestige-EM.com.

Post Abatement Microbial Survey

Freddie Environmental, Inc. Tel: 212-767-4308 Fax: 212-767-4305
242 Terrace Boulevard, Suite B-1, Voorhees, New Jersey 08041

Chain-of-Custody and Analysis Request Form

Client name: OLAMSTED ENVIRONMENTAL SERVICES Tel: 845 424 4077 Client project: 97 Green

Address: 1992 ROUTE 9 GARRISON NY 10524

Fax: 845 424 1482

P.O.#:

E-mail: OLAMSTED.MAC@MAC.COM Date sampled: August 16, 2021

Project No.: 21087-04

Sample ID	Location or source	Sample type	Alt (ft) (L.V. Area)	Water points or no-potable	Analysis request	Time	Notes or special instructions
97G-9	Insulation on base of wall behind room 1	Bulk			P003	Standard	
97G-6	Bedroom floor under RV heater	Bulk			P003	Standard	
97G-7	Room 1 wood floor	Bulk			P003	Standard	
4257153	Room 1	air	75		P001	Standard	
4257151	Room 2	air	75		P001	Standard	
4257148	bedroom	air	75		P001	Standard	
4260534	Outside	air	75		P001	Standard	
4257152	Room 3	air	75		P001	Standard	
4260544	Outside	air	75		P001	Standard	

Contract Name: Edward Olamsted Submitted by: (Name & print) Date submitted: August 16, 2021

Inspected by: (Name & print) Date & time inspected: 8/16/2021

Tested by: (Name & print) Date & time tested: 8/16/2021

Pratt & Whitney 2128/7-2-4

Chair of Custody and Analytics Research Forum

Client name: OLMSTED ENVIRONMENTAL SERVICES Tel: 845 624 4077 Client project: 97 Green
Address: 1992 ROUTE 9 GARRISON NY 10524 Fax: 845 324 3483 P.O. #.:
E-mail: OLMSTED.MAC@MAC.COM Date sampled: August 16, 2003

Sample ID	Location or source	Sample type	Air vol (L) / Area (sqm)	Water possible or non-potable	Analysis required code or description	Remarks found from site	Notes or special instructions
97G-3	Cutting wood stock	Tape			PW03	Shoreland	
97G-1	Bathrooms wall	Tape			PW03		
97G-4	Room 2 wall	Tape			PW03		
98G-12	baselinen room 1	Tape			PW03		

12/24/03
 E. J. O'Neil
 SE 8-12-2004

Contact name: Edward O'Connell
Submitted by: (info & price) *Ed O'Connell*
Date submitted: August 16, 2013

Received by: John R. ... Date: 10/10/77 From: ... Delivered by: FedEx 10/10/77 In person

Printed by _____
Sample type _____
Date _____

Prestige EnviroMicrobiology, Inc.Analytical Test Report

Client: Olmsted Environmental Services Inc., 1992 Route 9, Garrison, NY 10524

Client Project/Name: 97 Green

Sample date: 8-16-2021

Submittal date: 8-16-2021

Samples submitted by: Edward Olmsted, CIH

Date analysis completed: August 17, 2021

Prestige report number: 210817-04

Microscopic Method (P003): Analysis of Bulk Samples for Fungi by Optical Microscopy

Prestige # Client sample ID Location	Sample dimension	Fungal ID	Fungal structures observed	Fungal density	Notes
210817-04-019 97G-9 Insulation on base of wall behind foam - room 1	Irregular	<i>Aspergillus</i> <i>Chaetomium</i> <i>Trichoderma</i>	spores, conidiophores, hyphae ascospores, ascomata, hyphae spores, conidiophores, hyphae	<1 5 1	Fungal growth, growth coverage approximately 95%, some fungal structures in fragments; mites, insects and their fecal matter observed.
210817-04-020 97G-6 Bathroom floor under HW heater	Irregular	unknown fungi	hyphae/mycelia	<1	Light fungal growth, growth coverage approximately 1%.
210817-04-021 97G-7 Room 1 wood floor	Irregular	<i>Acremonium/Gliomastix</i> <i>Chaetomium</i>	spores, conidiophores, hyphae ascospores, ascomata, hyphae	2 5	Fungal growth, growth coverage approximately 95%, some fungal structures in fragments.

Microscopic Method (P003): Analysis of Tape-Lift Samples for Fungi by Optical Microscopy

Prestige # Client sample ID Location	Sample dimension	Fungal ID	Fungal structures observed	Fungal density	Notes
210817-04-028 97G-3 Ceiling wood deck	3/4" x 1 3/4"	ND	No fungal growth structures observed	NA	Mostly dust and debris, no signs of fungal growth or contamination.
210817-04-029 97G-1 Bathroom wall	3/4" x 1 3/4"	<i>Aspergillus</i> <i>Stachybotrys</i> unknown fungi	spores, conidiophores, hyphae loose spores hyphae/mycelia	5 NA 3	Fungal growth, some fungal structures in fragments; mites, insects and their fecal matter observed.
210817-04-030 97G-4 Room 2 wall	3/4" x 1 3/4"	<i>Acremonium/Gliomastix</i> <i>Aspergillus</i> <i>Chaetomium</i> <i>Penicillium</i> <i>Trichoderma</i>	spores, conidiophores, hyphae spores, conidiophores, hyphae ascospores, ascomata, hyphae spores, conidiophores, hyphae spores, conidiophores, hyphae	3 1 5 <1 1	Fungal growth, some fungal structures in fragments; mites, insects and their fecal matter observed.
210817-04-031 97G-12 Insulation room 1	1/2" x 2"	<i>Asp/Pen-like</i> <i>Chaetomium</i>	spores in clusters ascospores, ascomata, hyphae	NA <1	Light fungal growth, some fungal structures in fragments.

Prestige EnviroMicrobiology, Inc.



Report approved: Theresa Lehman
Theresa Lehman, MPH, Lab Director

Technical Manager: Chin S Yang
Chin S Yang, Ph.D.

Analyst: Ching-Yi Tsai, Ph.D.

1. The samples in this report were received in good, acceptable conditions. Prestige EnviroMicrobiology has not performed sample collection for the sample items listed in this report. Results relate only to the items tested.
2. Fungal density rating 1-5 (1 being the lowest and 5 the highest) indicates density of fungal growth structures observed. No fungal density is provided for loose spores, hyphal fragments and other structures. (<1) is used to indicate a light fungal density. NA=not applicable. ND=not detected.
3. Growth coverage, if provided, is based on estimation of the entire bulk sample surface on all sides.
4. Fungal contamination is noted when an analyst, at times during sample analysis, can differentiate the unusual compositions (types or numbers) of fungal spores or structures from background fungal compositions.
5. For more information on the results and their interpretation, please visit our website www.prestige-em.com.

Prestige EnviroMicrobiology, Inc.Analytical Test Report

Client: Olmsted Environmental Services Inc., 1992 Route 9, Garrison, NY 10524

Client Project/Name: 97 Green

Sample date: 8-17-2021

Submittal date: 8-18-2021

Samples submitted by: Edward Olmsted, CIH

Date analysis completed: August 19, 2021

Prestige report number: 210819-06

Microscopic Method (P003): Analysis of Tape-Lift Samples for Fungi by Optical Microscopy

Prestige # Client sample ID Location	Sample dimension	Fungal ID	Fungal structures observed	Fungal density	Notes
210819-06-088 97G-1 Ceiling Room 1	3/4" x 1 1/4"	<i>Chaetomium</i>	ascospores, ascomata, hyphae	5	Fungal growth, some fungal structures in fragments, insects and their fecal matter observed.

Report approved: _____


 Theresa Lehman, MPH, Lab Director

Technical Manager: _____


 Chin S Yang, Ph.D.
Analyst: Ching-Yi Tsai, Ph.D.

1. The samples in this report were received in good, acceptable conditions. Prestige EnviroMicrobiology has not performed sample collection for the sample items listed in this report. Results relate only to the items tested.
2. Fungal density rating 1-5 (1 being the lowest and 5 the highest) indicates density of fungal growth structures observed. No fungal density is provided for loose spores, hyphal fragments and other structures. (<1) is used to indicate a light fungal density. NA=not applicable. ND=not detected.
3. Growth coverage, if provided, is based on estimation of the entire bulk sample surface on all sides.
4. Fungal contamination is noted when an analyst, at times during sample analysis, can differentiate the unusual compositions (types or numbers) of fungal spores or structures from background fungal compositions.
5. For more information on the results and their interpretation, please visit our website www.prestige-em.com.

Prestige Proj #: 210819-06

Chain-of-Custody and Analysis Request Form

Client name: OLMSTED ENVIRONMENTAL SERVICES Tel: 845 424 4077 Client project: 97 Green
S.O.#:

Address: 1992 ROUTE 9 GARRISON NY 10524 Fax: 845 424 3482 P.O.#:

E-mail: OLIMSTED.MAC@MAC.COM Date sampled: Friday August 17, 2021

[illegible]

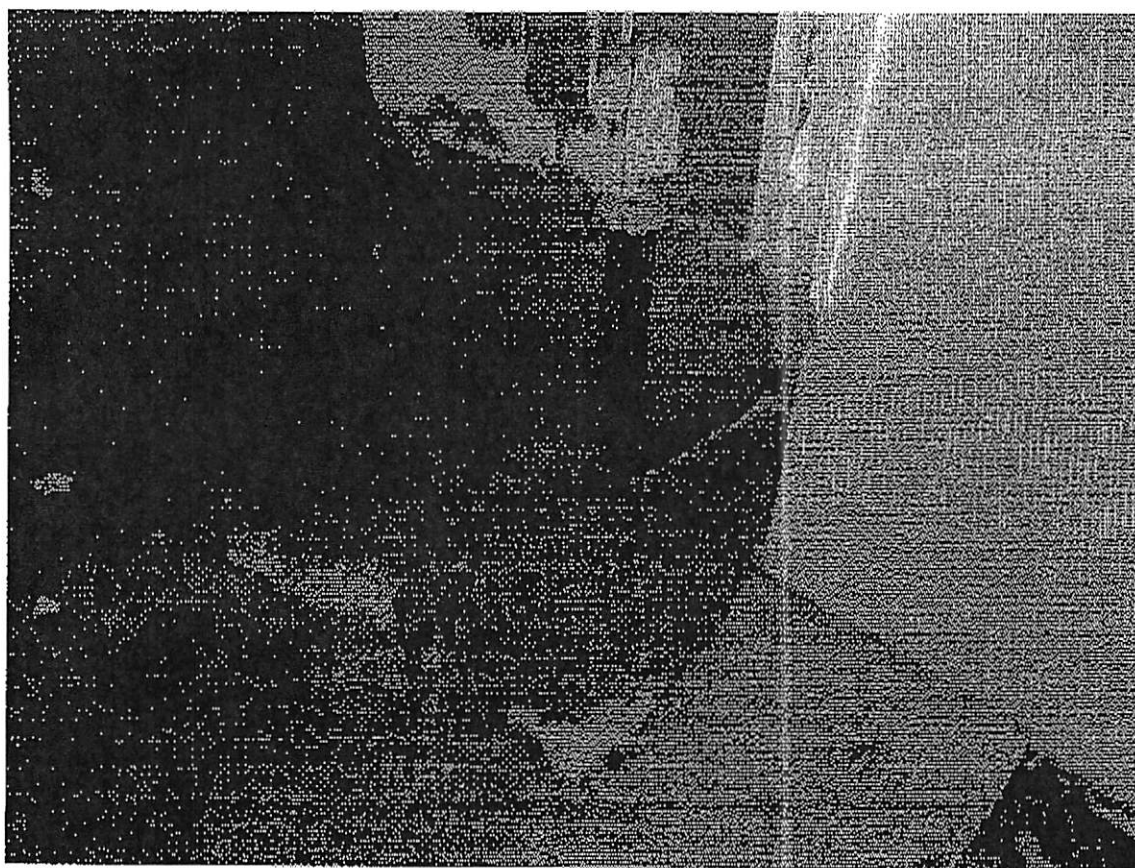
Contact name: Edward Olmsted Submitted by: (sign & print) [Signature] Date submitted: august 18, 2021

Received by (sign & print) Edward T. Brown Date & time received 8/19/2007 9:25 am
Delivered by Stacy MRS. USPO, in person

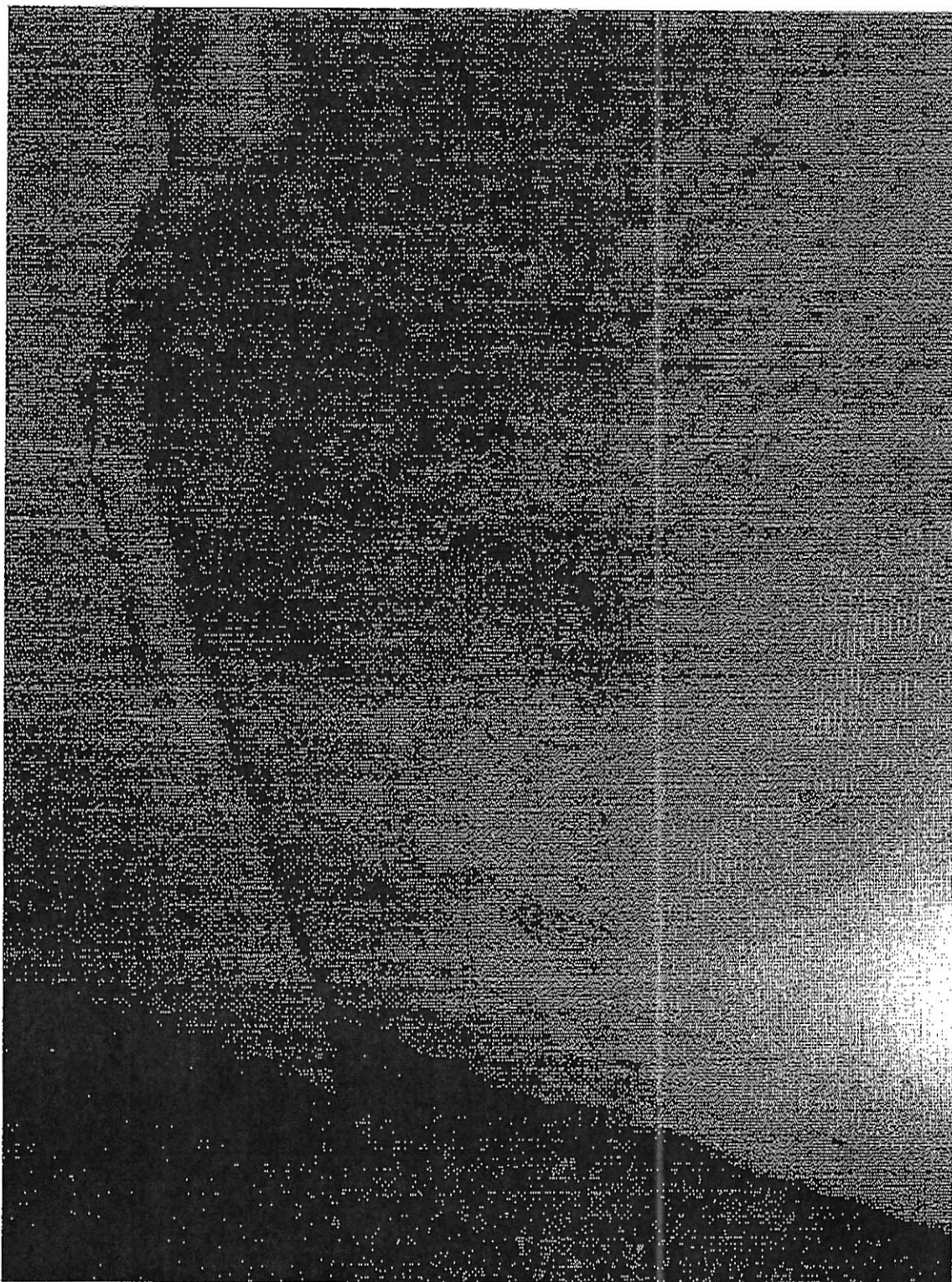
(For lab use only) Processed by: _____ Sample type: _____ Date: _____



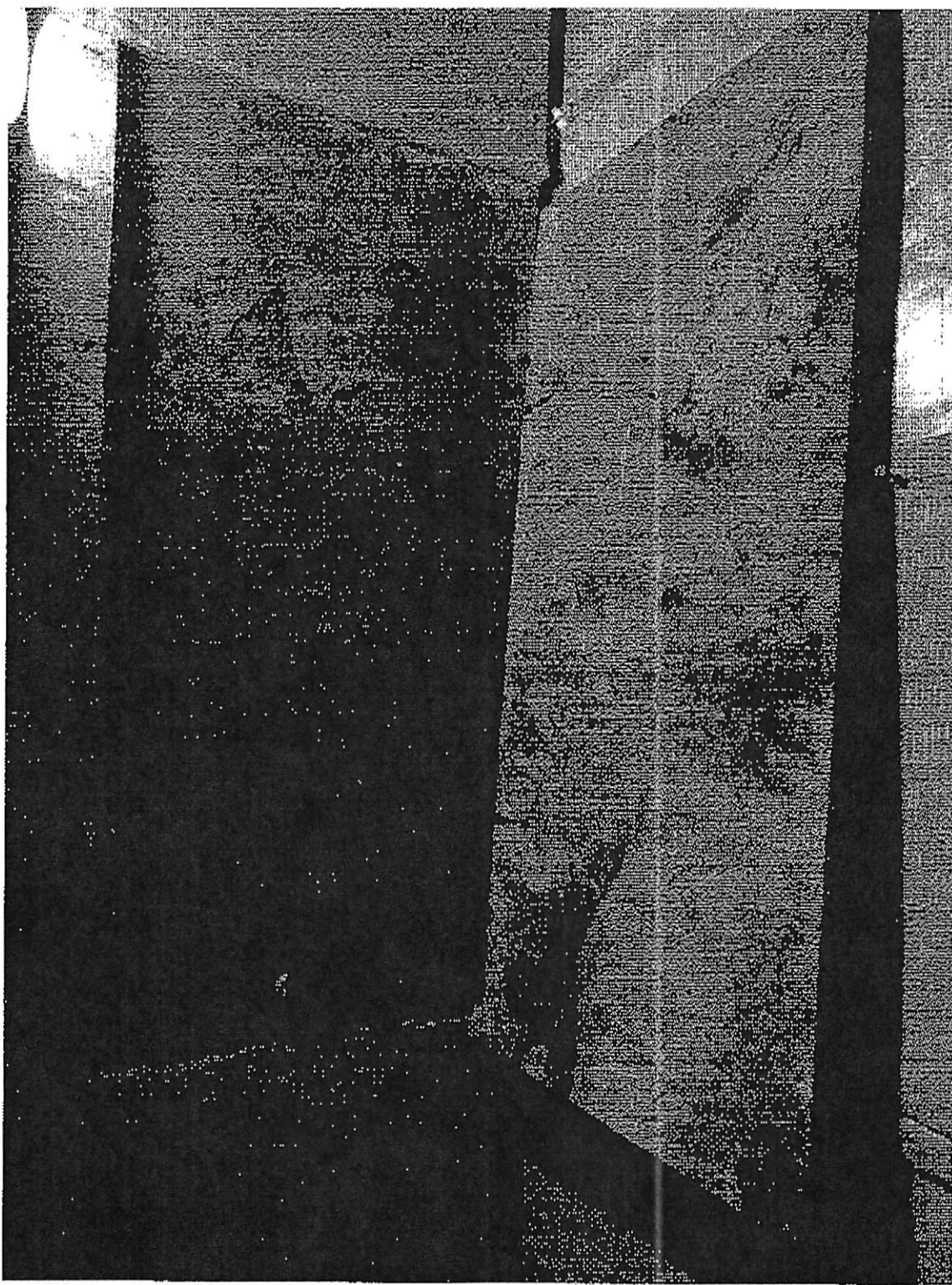
ROOM 1 CEILING behind foam panels that were removed during this survey



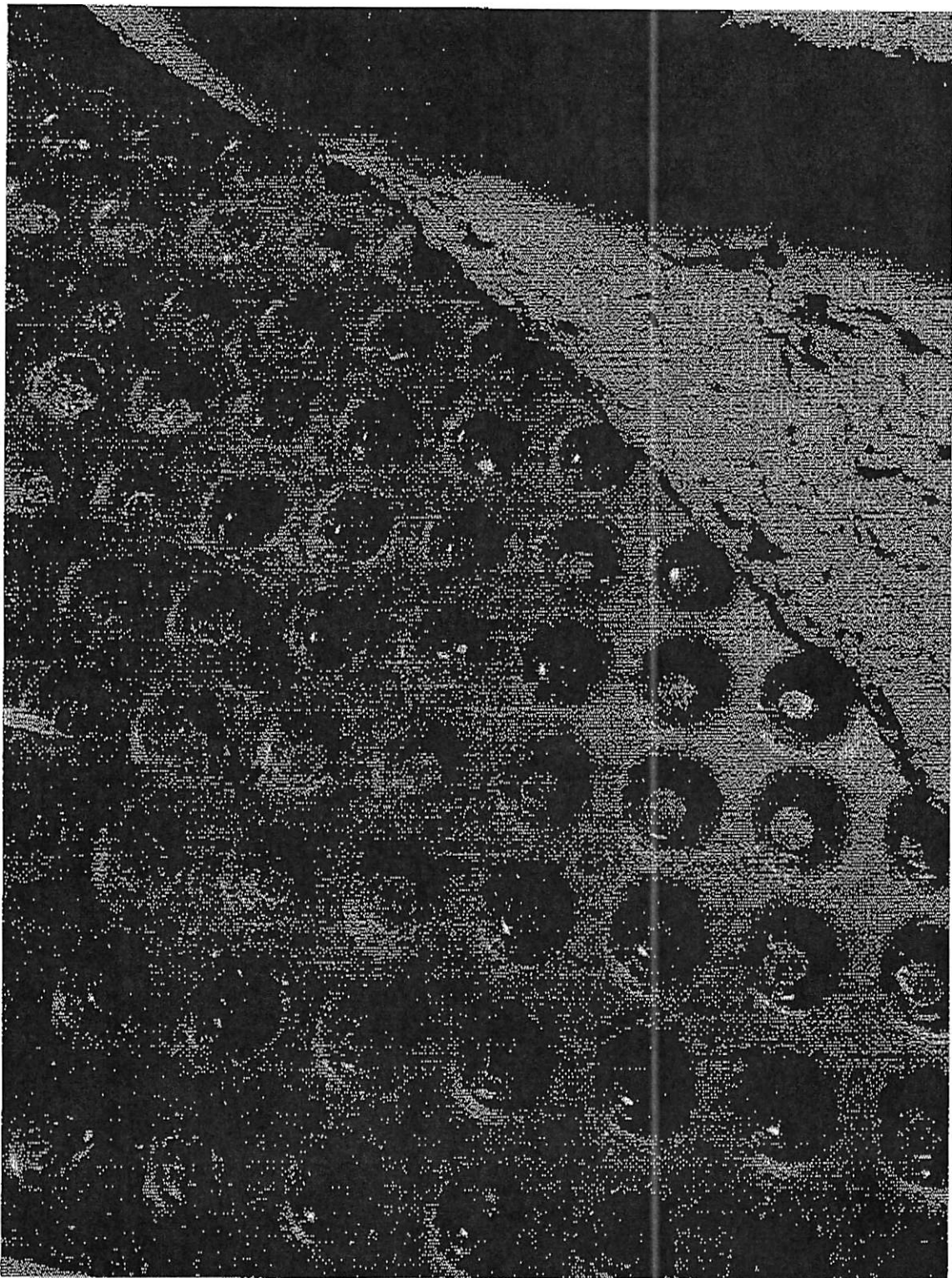
Bathroom wallboard has mold in the wall cavity



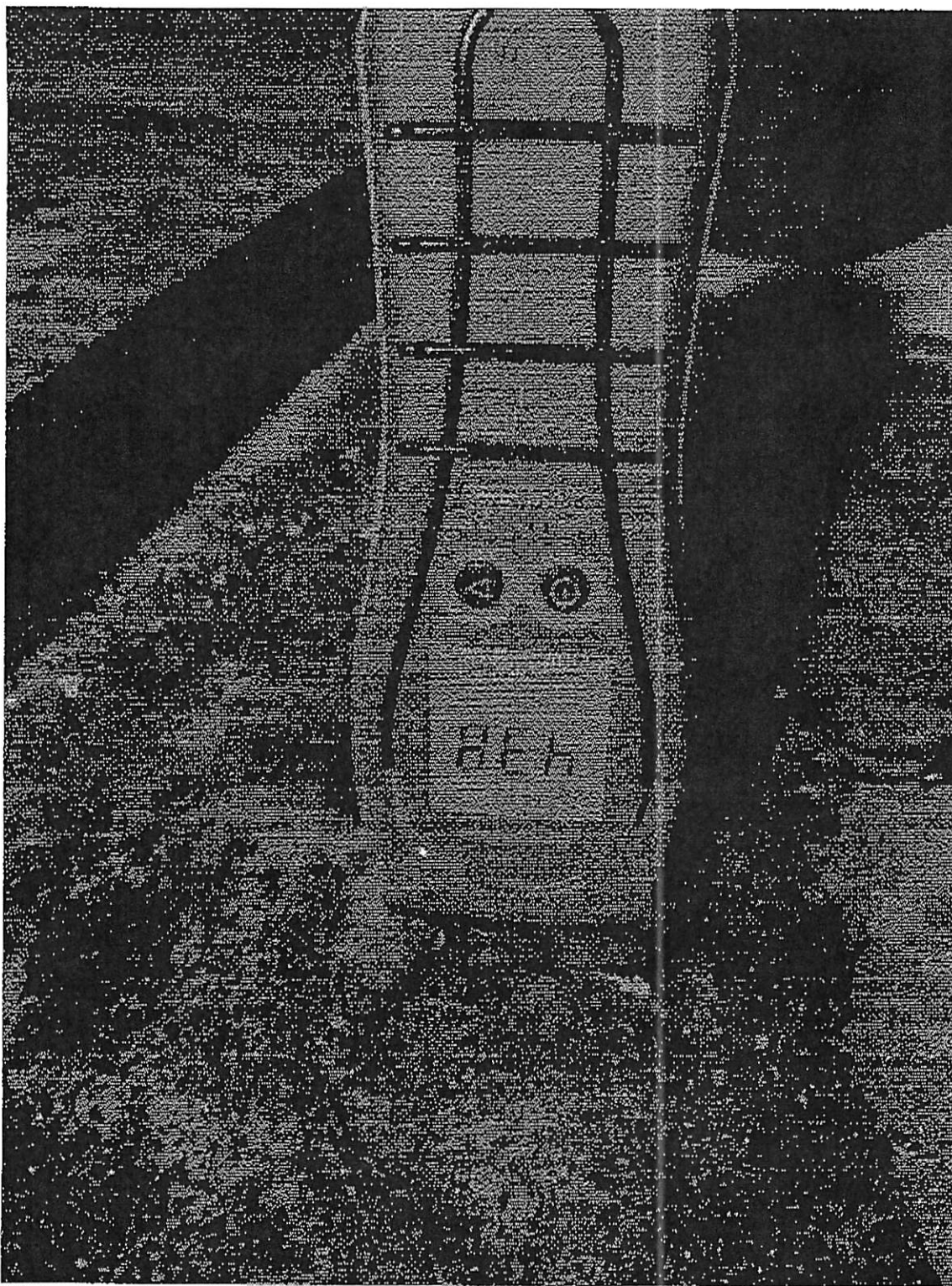
Wall outside room 2 has visible mold



Underside of the OSB floor and the press wood subfloor are wet and moldy



There is water under the press wood subfloor



Wet and moldy subfloor

