

Bi-monthly Enforcement Action Report
(Pursuant to New York City Administrative Code Section 22-824(2)(a))
October 1, 2020

Description of Enforcement Actions and Entities

The enclosed report (beginning on page 2) provides a description of enforcement actions and names of entities against which enforcement actions have been taken.

Number of Ongoing Projects Outstanding

As of September 30, 2020 there were 467 ongoing projects outstanding.

Percentage of Projects Subject to Enforcement Action

The percentage of projects with respect to which enforcement actions are being undertaken (10) as compared to the ongoing projects outstanding (467) is 2%.

Defaulted Projects Not Currently Subject to an Enforcement Action

The number of projects for which events of default under program agreements have taken place and which are not currently subject to an enforcement action is 8.

Amounts Recovered through Enforcement Actions

Since August 1, 2020, there have been no amounts recovered through enforcement actions.

#	Active Project Name	Default Category	Enforcement Action	Current Status
1	Bronx Parking Development Company, LLC	Payment Default	Enforcement Action to be determined	The Company is in negotiations with representatives of the holders of the majority of bonds on the terms of a restructuring agreement.
2	Magen David Yeshivah	Payment Default	Bond Trustee issued Notice of Event of Default on 4/30/2010	Institution and bondholders are discussing a workout.
3	La Scuola D'Italia-Guglielmo Marconi	Project was not completed by Project Completion Date and defaulted by the Bond Trustee	Bond Trustee issued Notice of Event of Default on 2/27/2017	Build NYC is working with the Bond Trustee and Institution to resolve outstanding issues.
4	Cubit Power One, Inc	Project was not completed by Project Completion Date	Enforcement Action to be determined	NYCIDA is working with Company to resolve outstanding issue.
5	Gotham Seafood Corp.	Project was not completed by Project Completion Date	Enforcement Action to be determined	NYCIDA is working with Company to resolve outstanding issue.
6	Java Street Pier	Project missed Commencement Date and was not completed by Project Completion Date	Enforcement Action to be determined	NYCIDA is working with Company to resolve outstanding issue.

7	Carlton House Restoration, Inc	Project was not completed by Project Completion Date	Enforcement Action to be determined	NYCIDA is working with Company to resolve outstanding issue.
8	Seaview Senior Living Housing Development Fund Corporation	Payment Default	Bond Trustee issued Notice of Event of Default on 3/2/2017	Build NYC is working with Bond Trustee and Institution to resolve outstanding issues.
9	Marathon Energy Corp.	Project was not completed by Project Completion Date	Enforcement action to be determined	NYCIDA is working with Company to resolve outstanding issue.
10	St.George Outlet	Project was not completed by Project Completion Deadline; Project has not been making payment on EDC Loan.	Enforcement action to be determined	NYCIDA & NYCEDC are working with Company to resolve outstanding issues.
11	NBC Universal, Inc	Overuse of Sales Tax Benefit	Notice of Default issued 7/2/2020	NYCIDA is working with Company to resolve outstanding issue.
12	Cooke School and Institute	Project was not completed by Project Completion Date	Enforcement action to be determined	Build NYC is working with the Trustee and Institution to resolve outstanding issues.

#	Terminated Project Name	Default Category	Enforcement Action	Current Status
1	Glendale Architectural Wood Products, Inc.	Failed to Make PILOT Payment(s), Sold Project Facility	NYCIDA Issued Notice of Default on 9/10/2014 and terminated project on 6/16/2015. Notice of Demand Issued on 2/2/2018.	NYCIDA terminated PILOT, property placed back on tax rolls. Company owes outstanding payment. Notice of Demand Issued on 2/2/2018.
2	Surprise Plastics, Inc.	Ceased Operations, Failed to Make PILOT Payment(s), Failed to Pay Annual Administrative Fee, Failed to Submit Proof of Insurance	NYCIDA issued Notice of Event of Default on 8/20/2010 and terminated project on 3/31/2014.	NYCIDA terminated PILOT, property placed back on tax rolls. Recapture of \$873,755.70 was collected at termination. As to the collection of the remaining recapture owed, the matter has been referred to the NYC Law Department; litigation commenced on 3/6/2015. A judgment was entered on 7/10/19. NYC Law Department is investigating enforcement.
3	Walsh Electrical Contracting, Inc.	Company failed to pay July 1, 2017 PILOT bill and ceased operations	NYCIDA issued Event of Default on 8/22/2017 and terminated project on 10/26/2017.	NYCIDA terminated PILOT, property placed back on tax rolls. The matter has been referred to NYC Law Department due to outstanding payment.

4	Time, Inc	Project owes recapture due to reductions in employment	Recapture Payment Demand Notice sent to Company on 2/9/2014, 12/15/2015, & 8/9/2019	Project terminated on 3/15/2010. Recapture Payment Demand Notice sent to Company on 2/9/2014. On 12/15/2015 an updated Recapture Payment Demand Notice was sent to Company. Recapture request to initiate litigation was sent to NYC Law Department on 4/28/2016. Currently working with NYC Law Dept. to send updated demand letters with recalculations to the Company. An updated demand letter was sent on 8/9/2019.
5	Smith Electric Vehicles Corp.	Failed to Make PILOT Payment(s), Failed to Complete Project, Failed to Submit Proof of Insurance	NYCIDA Issued a Notice of Event of Default on 2/12/2014 and terminated project on 2/17/2015.	NYCIDA terminated PILOT, property placed back on tax rolls. The matter has been referred to the NYC Law Department. Litigation commenced on 10/31/2016. Default Judgment received on 7/11/2018. NYC Law Department is currently reviewing collection.
6	Fairway Bakery LLC	Bankruptcy Court approved rejection of NYCIDA leases.	NYCIDA filed proofs of claim seeking recapture in the Bankruptcy case.	Fairway and Bankruptcy court rejected IDA Leases, property placed back on tax rolls on 5/7/20, IDA sent a recapture notice and will file proofs of claim seeking recapture in the bankruptcy proceeding. Agreement terminated on 5/6/2020 and Recapture Notice sent out on 7/8/2020.