

JAMES C. COURI

575 MADISON AVENUE • 10th FLOOR • NEW YORK, NEW YORK 10022 • TEL: (212) 605-0277/(800) 798-6881 • FAX: (212) 605-0222 • EMAIL: COURI@WWBCNY.COM

MEMORANDUM

Via FedEx

To: Michael Scotto, Esq.
New York County District Attorney Office
1 Hogan Place
New York, NY 10013

From: James C. Couri

Date: May 2, 2002

Re: Ted Kohl -- George Pavia, et al.
18 East 73rd Street, New York, NY 10021

Ref: Fraud on a State Agency

Thank you for your interest in these matters. Accordingly, please find three "sworn to" affidavits, executed by Ted Kohl, ("Kohl"), and numerous other related documents, DHCR filings, etc. Kohl executed his "affidavits", (April 2001, February 2002, and April 2002), and at the behest of George and Antonia Pavia, ("Pavia"), in connection with claims I brought at the DHCR, *inter alia*, seeking a Order, that Landmark premises, 18 East 73rd Street, NYC, ("premises"), be declared rent stabilized. (This building is a 5th Floor brownstone without elevator). Pavia and his wife Antonia claim to be the owners of this premises, although Pavia's financial resources appear suspect, and in this regard, I have retained Safir-Rosetti, (formerly of Kroll Associates), to investigate these and other related issues for me.

I respectfully call your attention to the fact that although Kohl swears he, (and Herbert Construction), conducted a "substantial renovation" of premises, (such renovations, if in fact done, would exempt premises from Rent Stabilization), not a single permit, certificate of inspection, or any other required filings from any NYC Agency, (including the Landmark Commission), has been produced. Not a single cancelled check evidencing any payments by Pavia to anyone, for any such renovations has been produced. In fact, the only "plans" for premises renovation that have been produced, (enclosed here),

May 2, 2002

Page 2

specifically states on its face that, renovation was confined to, "basement, cellar, and 1st floor", (Pavia's own apartment).

Moreover, Kohl's affidavits are belied by the actual dilapidated conditions of premises, and its systems. I also respectfully call your attention to "John Chernow Affidavit", revealing serious inconsistencies within Kohl's affidavits, regarding windows, electrical, etc., and other alleged premises renovations. Also, please see photographs of the actual current condition of premises, windows, walls, floors, halls, etc. Also, the electrical contractor I retained to renovate my apartment's electrical, filed plans for my electrical work done, and obtained "certificate of inspection", from the Building Department, (a renovation that would have been unnecessary if Kohl actually performed what he swears to).

Although Kohl swears to extensive electrical renovations conducted by him, he does not produce any evidence of such work being performed, by virtue of permits, inspections, payments, etc. Nor does Kohl reveal the names of any of his alleged "subcontractors". Further, the electrical conditions at premises, and at my apartment was and is, antiquated, (please see Chernow affidavit). In a nutshell, Kohl's alleged renovations are non-existent, and blatantly false.

Factually, none of the renovations Kohl swears that he performed, has been; and no evidence of any kind has been produced by Kohl or Pavia in support of the representations contained in the Kohl affidavits. In fact, Kohl's affidavits are inconsistent, untrue, and blatant perjury, and without basis in fact, as are Pavia's filings, as well.

It seems clear that Kohl and Pavia, in concert, have concocted a phantom "substantial renovation", in order to defraud the DHCR, me, and other tenants, and disenfranchise us out of applicable rent stabilized rights, and allow the Pavia's to unjustly enrich themselves through these illegal acts. On information and belief, Pavia and his Law Office, Pavia & Harcourt, in the past, have represented Kohl and Herbert Construction Co., and whatever "renovations" Kohl and Herbert performed for Pavia, (if any), was done solely for Pavia's own apartment, and done based on some form of "barter" arrangement, among Pavia, Kohl, and Herbert.

May 2, 2002

Page 3

Under Docket # 892003, the Landmark Commission Records Department confirms that the only "renovation" made at premises was, a) Pavia apartment, (see the plan enclosed), and, b) Pavia's garden. I have requested the actual file from Landmark archives, (please see enclosed), and please see: Landmark Permit Mandates, exhibited here as well.

Finally, what makes this matter especially outrageous is the Pavia-Kohl rampant misuse of a State Agency, (DHCR), for personal unjust gain, and that, in the process, Pavia, (a lawyer), and Kohl, have, repeatedly submitted intentionally false, filings, documents, and affidavits to DHCR, with an intent to manipulate the DHCR, and thereby try to obtain a favorable ruling, by perpetuating this pattern of intentional and extensive fraud, deceit, and perjury upon a State Agency. Also, Pavia's reckless conduct, and willingness to harass me, lie, and deceive in this matter is alarming and a disgrace, in particular since he is a lawyer.

Interestingly, numerous plumbing, heating, roofing, and other service companies, that have been at premises frequently for repairs, confirm to me that the relevant building systems, including, pipes, plumbing, heat plant, radiators, electrical, flooring, stairway, etc. are dilapidated, antiquated, and in disrepair. All of these vendors names are available, if you require them, including, OSH Plumbing, Geiger Roofing, Don Benjamin, former handy-man, and others, (also please see: Chernow Affidavit). In sum, Pavia, Kohl, and others, are through fraud, deception, and perjury, defrauding the DHCR, a State Agency, that is already overworked and understaffed.

If you require any further information, please do not hesitate to call me. Thank you for your courtesies.

Respectfully,

James C. Couri