

Co-Op President Accused of Cutting Waitlist Can Keep His Apt., Court Rules



By **Heather Holland** on April 17, 2014 7:05am

[@Heatherhholland](#)

KIPS BAY — The president of East Midtown Plaza will be allowed to keep his four-bedroom apartment, even though he shouldn't have been allowed to move into it in the first place, an appeals court ruled this month.

Mark Andermanis won a court fight to keep his recently renovated home — a sought-after, sprawling unit in the co-op at 333 E. 23rd St. — even though he did not meet the requirements to move into it, according to an April 1 ruling by the New York State Supreme Court's Appellate Division.

One of Andermanis' neighbors, Alicia Echevarria, sued him last year, accusing him of cutting a waitlist of residents looking to transfer to bigger apartments in the affordable Mitchell-Lama complex.

A lower court ruled in 2013 that the matter should be turned over to the Department of Housing Preservation and Development so that the agency could take the apartment back and reassign it to someone else.

Andermanis appealed the decision and the appeals court agreed with him, noting that Echevarria did not have the right to sue because she wouldn't have gotten the four-bedroom apartment even if it had been available, according to the appeals decision.

Echevarria was not next in line for a larger apartment, and, like Andermanis, she did not have enough family members in her household to qualify for a four-bedroom, based on the co-op's rules requiring that the apartments only go to families with at least six people.

"In order for you to commence a lawsuit in New York, you need to have the ability at least to win the case," said **Adam Leitman Bailey**, the attorney representing Andermanis. "In this case, [Echevarria] wouldn't have gotten anything for herself, and [she] can't sue on behalf of someone else."

Andermanis declined to comment, and Echevarria and her lawyer did not immediately respond to requests for comment.

Andermanis, who was elected president of the co-op in 2013, currently lives in the four-bedroom apartment with his wife and kids, and since moving in he has spent nearly \$3,500 on renovations to the bathroom, city records show. He works as a chief operating officer at Lenox Hill Neighborhood House, an Upper East Side nonprofit that offers social services for children and adults.



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Adam Leitman Bailey, P.C. is an AV rated law firm and Adam Leitman Bailey was named a New York Super Lawyer in 2007 and can be reached at info@alblawfirm.com or 212-825-0365.