



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039099156M et al. (1 Summons) DEPT OF BUILDINGS, -against- GERARDO/MORELL BUILDERS I Hearing Date: 12/09/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$5,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039099156M	Sustained	11/13/2023	274 BAINBRIDGE STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B112	28-207.2.2	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

A telephonic hearing was held on December 9, 2024.

Respondent was charged with a class 1 violation of Administrative Code section 28-207.2.2 in that Respondent unlawfully continued to work while on a notice of a full stop work order (SWO). Upon inspection to rescind SWO issued 08/16/2023, Issuing Officer observed that all work was 100% completed.

Petitioner was represented by Deanna Lamberti, Esq., and Issuing Officer C. Dailey #3273 (IO) who reaffirmed the summons narrative and presented pictures that were taken at the time of observation and by the IO who issued the SWO. IO testified

that Respondent was only authorized to install guardrails, remove debris and cover electrical outlets; however, Respondent finished the tile; ceiling, plumbing, sanding and painting while under stop work order.

Respondent's representative requested that Petitioner amend violation because the actions were not immediately hazardous.

Petitioner's representative stated that the charge is a per se class 1 and can not be amended based on what was observed.

Here, I credit the summons and find that the same is sufficient to establish the violation. I find that credible contrary evidence or a valid legal defense was not presented. Accordingly, the summons is SUSTAINED and \$5,000 penalty is imposed.



12/23/2024

12/23/2024

Simone Archer, Hearing Officer

Date