



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: 039116131H et al. (1 Summons) DEPT OF BUILDINGS, -against- GERARDO MORELL Hearing Date: 09/16/2025 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
039116131H	Sustained	06/06/2024	148 EAST 31 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

Petitioner appeared by DOB representative, Deanna Bubridge Esq. and Issuing Officer, Insp. Curtis Dailey, Badge # 3273. Respondent, GERARDO MORELL, appeared by attorney, Phoebe Dossett Esq., to answer a charge of unlawfully continuing work while on a notice of a partial stop-work-order. The first hearing date was August 14, 2024.

Ms. Burbridge relied on the allegations in the summons as well as the evidence which included pictures in support of the charge. Insp. Dailey reiterated the allegations as stated in the summons and stated that he had posted a copy of the partial stop-work-order at the premises when he posted prior summons 0391105019Y on February 1, 2024. Insp. Dailey also stated that the partial stop work-order included no work being done in the cellar/basement level, but that there was noticeable work

done in the basement when he revisited the cited premises on June 6, 2024, and issued the instant summons.

Ms. Dossett did not dispute the allegation in the summons but stated that the summons was improperly charged as a class 1 per se charge because there was nothing unsafe or immediately hazardous being performed on-site. Ms. Dossett further stated that the proper charge should have been a class 2 charge for failure to comply with Commissioner's Order.

Ms. Burbridge responded by stating that anytime there is continued work being performed contrary to a stop-work-order, it is a class 1 per se violation of which Petitioner does not have to prove why the violation is charged as a class 1. Ms. Burbridge stated that Petitioner has established that work was being done contrary to a partial stop-work-order, and that therefore the violation is properly charged as a class 1 per se. I agree.

Ms. Dossett presented nothing on the merits.

I credit the allegation in the summons as well as the evidence and testimonies presented by Ms. Burbridge and Insp. Dailey. I find that Petitioner properly charged the violation as a class 1 per se as Respondent continued work after the issuance of a partial stop-work-order. I further find that Respondent has neither rebutted the charge nor established a defense to the violation. Therefore, the summons is SUSTAINED and the standard class 1 penalty is imposed.



09/16/2025

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Akinwale Akinrefon, Hearing Officer

Date