



The City of New York
Department of Investigation

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DOI INVESTIGATION LEADS TO ENGINEER'S ARREST ON CHARGES OF FALSELY STAMPING PLANS
--Engineer's arrest today follows the site owner's arrest last Wednesday on charges of manslaughter and criminally negligent homicide in a fatal cave-in at a Brooklyn excavation --

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation ("DOI"), announced today that a DOI investigation into the fatal collapse of a wall on Glenmore Avenue in Brooklyn has resulted in the indictment and arrest of state-licensed Professional Engineer ABRAHAM HERTZBERG who has been charged with nine counts of Offering a False Instrument for Filing in the First Degree, a class E felony. Conviction of a class E felony can result in a prison sentence of up to four years. The case is being prosecuted by the office of Kings County District Attorney Charles J. Hynes.

The indictment charges that on February 23, 2006, HERTZBERG, 86, of Kings Point, N.Y., fraudulently filed with the New York City Department of Buildings ("DOB") plans and other documents that contained the professional engineer's stamp and purported signature of Louis Sanchez. The plans showed underpinning and shoring that would be done at 791 Glenmore Ave., which was being excavated for a foundation. The indictment charges that the other documents falsely stamped and signed were the plan/work approval application, technical report statement of responsibility, required item checklist for professional certification, asbestos exemption certification letter, plan/work report for PC filing and three professional and owner certifications.

DOI Commissioner Rose Gill Hearn said, "This indictment charges that a licensed professional engineer deliberately deceived the Buildings Department about who was certifying plans to ensure a safe excavation job. DOI will continue to work with our law enforcement partners and the Buildings Department to root out professionals whose word cannot be relied on in matters affecting public safety."

On March 12, 2008, a portion of an adjacent foundation wall collapsed at the work site on Glenmore Avenue, burying and killing worker Lauro Ortega. Investigators determined the wall had not been adequately supported nor had the excavation work been correctly conducted. The charges against HERTZBERG do not allege that HERTZBERG's conduct caused Ortega's death.

DOI's investigators responded immediately to the Glenmore Avenue collapse and initiated an investigation that led to HERTZBERG's indictment and last week's indictment of WILLIAM LATTARULO who was charged with Manslaughter in the Second Degree, Criminally Negligent Homicide and reckless endangerment in connection with the excavation job in which Ortega was killed. LATTARULO's case is also being prosecuted by the office of Kings County District Attorney Charles J. Hynes. Both cases are assigned to Rackets Division Deputy Bureau Chief Joseph DiBenedetto.

On March 10, 2008, HERTZBERG surrendered his right as a professional engineer to file with DOB any applications and plans.

The investigation was conducted by DOI's Inspector General for DOB Michael Carroll and members of his staff, including Investigators Robert Miller, Nicholas Novellino and Sadie Lopez; Assistant Chief Investigator James McElligott, and Deputy Chief Investigator Crissy DeAngelo, under the direction of DOI Associate Commissioner John B. Kantor.

An indictment is merely an accusation. Defendants are presumed innocent until proven guilty.

DOI is one of the oldest law-enforcement agencies in the country. The agency investigates and refers for prosecution City employees and contractors engaged in corrupt or fraudulent activities or unethical conduct. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City.

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