



The City of New York
Department of Investigation

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Release #83-2008
nyc.gov/html/doi

FOR IMMEDIATE RELEASE
FRIDAY, SEPTEMBER 12, 2008

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**DOI ARRESTS CONTRACTOR AND EMPLOYEE ON IMPERSONATION CHARGES
IN INVESTIGATION OF FATAL CONSTRUCTION ACCIDENT IN MANHATTAN**

-- Company owner instructed unqualified worker to identify himself as a certified rigging foreman --

ROSE GILL HEARN, Commissioner of the Department of Investigation ("DOI"), today announced the arrest of MALIK HUSSAIN, the owner of Classic Painting & Restoration, Inc., on charges of instructing JINAL PATEL, an unqualified employee, to pose as a Department of Buildings (DOB)-certified rigging foreman on a construction job at 226 West 111th Street in Manhattan, where another worker died in a scaffolding accident yesterday. PATEL was also arrested. In addition, DOB suspended HUSSAIN'S Special Rigger's license and is stopping work at 28 other sites he was overseeing.

DOI Commissioner Rose Gill Hearn said, "Pretense is no substitute for safety precautions on a construction job. Rather than hiring a certified foreman, the contractor is charged with telling an unqualified worker to pose as one and even use his identification card. Then, after a co-worker died, the unqualified employee tried to keep up that false appearance. The worst thing to do after a fatal construction accident is lie to investigators. DOI, with our colleagues in the Manhattan District Attorney's Office and DOB, is acting swiftly to ensure that everyone in the industry understands the price of fraud and deception in matters involving public safety."

DOB Commissioner-designate Robert LiMandri said, "This supervisor showed absolutely no regard for the safety of his workers or the public, and as a result, we are suspending his special rigger license immediately. This tragedy could have been prevented if basic safety regulations were followed. Today, members of the Buildings Department's Scaffold Safety Team are inspecting and stopping work at 28 other scaffold sites overseen by Mr. Hussain across the City. Safety harnesses and lifelines are required by law because they save lives, and I urge all construction workers to use them to protect themselves and New Yorkers."

HUSSAIN, 26, of Brooklyn, and PATEL, 23, of Floral Park, Queens, were each charged with Criminal Impersonation in the Second Degree, a class A misdemeanor. If convicted, each faces up to one year in prison.

On Thursday, September 11, 2008, DOI and DOB investigators began investigating the circumstances surrounding the death of a construction worker at the site. Miguel Rodriguez, 38, was killed while operating a suspended scaffold that had been rigged to the building by employees of Classic Painting & Restoration of Brooklyn.

During the investigation, PATEL identified himself to DOI and DOB as the company's designated rigging foreman for the job and presented a DOB-issued rigging foreman's identification card. Under the Building Code, a rigging foreman must carry the identification card at all times while working and must present it upon the request of any authorized enforcement officer.

The investigation found that PATEL was not the rigging foreman identified on the card, did not have the required qualifications, and that no qualified rigging foreman was present on the day of the fatality. In addition, investigators determined that the identification card belonged to another employee of the company and that HUSSAIN had provided the card to PATEL several days earlier with instructions to present it to DOB or other enforcement agents.

Under the Building Code, all rigging work must be performed by or under the supervision of a DOB-licensed rigger. Either the licensed rigger or certified rigging foreman must be on site. Among other qualifications, a certified rigging foreman must be familiar with federal safety standards, industry safety practices and the relevant sections of the Building Code. A certified rigging foreman also must be trained to respond properly to mechanical malfunctions of rigging equipment, must have at least one year's practical experience in the hoisting and rigging business and be able to explain the risks and required precautions associated with rigging operations. A certified rigging foreman must also attend a 32-hour training course regarding rigging safety and operations. PATEL had met none of those requirements.

Commissioner Gill Hearn thanked DOB Commissioner-designate Robert LiMandri and his staff for their assistance and cooperation in the investigation.

The investigation was conducted by DOI's Inspector General for DOB Michael Carroll and members of his staff, including Deputy Inspector General Edward Zinser, Chief Investigator Byron Biggerstaff and Special Investigator Sadie Lopez, acting under the direction of DOI Associate Commissioner John B. Kantor. In addition, investigators from the Buildings Special Investigations Unit participated in the investigation, including Assistant Chief Investigator James McElligott and Investigator Tiffany Dumas.

The office of New York County District Attorney Robert M. Morgenthau is prosecuting the case.

Criminal complaints are merely accusations. 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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