



CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

DISTRICT ATTORNEY – NEW YORK COUNTY

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**DA VANCE: CONSTRUCTION COMPANY, PRINCIPALS PLEAD GUILTY TO
STEALING WORKERS' WAGES**

Workers to be Repaid \$95,000 in Full Restitution

Manhattan District Attorney Cyrus R. Vance, Jr. today announced the guilty plea of CITY METRO CORP., and the company's principals, NIKITAS NIKOLIS, 61, and ANTHONY CAGGIANO, 54, for a scheme to steal tens of thousands of dollars from workers hired to perform construction work in Manhattan. The defendants pleaded guilty in New York State Supreme Court to Scheme to Defraud in the First Degree, and as part of their guilty plea, the defendants agreed to repay the workers the full \$95,000 estimated to be stolen.

“Whether it’s withholding overtime, misclassifying workers, or not paying them outright, wage theft is a crime that will be prosecuted aggressively in Manhattan,” said District Attorney Vance. “While wage theft is intolerable in any industry, it is particularly egregious in cases like these, where laborers who put their physical safety on the line are not even paid for their work. Undocumented New Yorkers in particular are not always empowered to stand up for themselves against employers who steal. I would like to remind undocumented workers that—as demonstrated in this case—we are here to protect your safety and your rights, and you can work with us to achieve justice without fear of being deported. I commend the victims in this case for reporting this crime, and our [City and State partners](#) for their ongoing collaboration to end wage theft.”

Department of Investigation Commissioner Mark G. Peters said: “Wage theft cheats construction workers of their rightful pay. These defendants are now convicted and must pay back the workers they exploited. DOI will continue to work with the Manhattan District Attorney’s Office and all our partners on this initiative to protect workers’ rights and livelihoods.”

As admitted in the defendants’ guilty pleas, NIKOLIS and CAGGIANO stole approximately \$95,000 from well over two dozen CITY METRO CORP. workers who were hired to perform a concrete installation project at a hotel being constructed in midtown Manhattan. Between June 2015 and April 2017, some workers were only paid a portion of

their wages, while others were not paid at all. Instead, the defendants diverted proceeds from the job, intentionally failing to reserve the funds necessary to pay the employees' wages.

Criminal Justice Investment Initiative

Last year, District Attorney Vance invested [\\$1.6 million in a new program](#) administered by the New York Committee for Occupational Safety and Health (NYCOSH) to end the disproportionate number of immigrant workers who become victims of workplace crimes committed by their employers, including wage theft; provide victims with referrals and access to support services; and increase the reporting of criminal activities by employers. The new “Manhattan Justice for Workers Collaborative” program, which is part of the Manhattan District Attorney’s [Criminal Justice Investment Initiative](#) (CJII), is expected to benefit tens of thousands of low wage-earning individuals in its first three years.

Construction Safety Community Project

In January 2016, following a series of [successful trial convictions](#) related to the death of worker Carlos Moncayo at an unsafe construction site in the Meatpacking District, District Attorney Vance created the Construction Safety Community Project to train workers to recognize workplace safety hazards and report them to law enforcement. To date, prosecutors and community coordinators assigned to a task force, along with DOI investigators, have given more than 60 presentations to approximately 2,095 workers in both English and Spanish, encouraging them to submit anonymous reports, photos, videos, and other materials documenting unsafe work conditions. Through WhatsApp, messages may be sent directly to the Manhattan District Attorney’s Office at 646-712-0298.

These reports may be investigated by members of the [Construction Fraud Task Force](#), which was formed in partnership with multiple city agencies to identify and pursue criminal cases against those who endanger the wellbeing of others, contribute to industry corruption, and create unsafe spaces in New York City and State.

Report Wage Theft

WhatsApp Manhattan DA: (646) 712-0298

NYS Department of Labor: 1 (888) 4-NYSDOL

Assistant D.A. Leah Keith and Assistant D.A. Carey Ng handled the prosecution of the City Metro case, with the assistance of Assistant D.A. Diana Florence, Attorney-in-Charge of the Construction Fraud Task Force and Senior Investigative Counsel, and under the supervision of Assistant D.A. Michael Ohm, Deputy Chief of the Rackets Bureau, Assistant D.A. Judy Salwen, Principal Deputy Chief of the Rackets Bureau, Assistant D.A. Jodie Kane, Chief of the Rackets Bureau, and Executive Assistant D.A. Michael Sachs, Chief of the Investigation Division. Construction Fraud Task Force Coordinator Hildalyn Colon Hernandez, Trial Preparation Assistant Sophia Inkeles, Director of the High Tech Analysis Unit Steve Moran, Chief of the Privilege Review Unit Shannon Goldberg, and Principal Financial Investigator Rob Pomeroy also assisted with the case.

District Attorney Vance thanked the following agencies and individuals for their assistance with the investigation: DOI, and in particular, Special Investigator Janaina Siguencia, Chief Investigator James McElligott, Digital Forensics Investigator Christopher Caputo, and Digital Forensics Investigator Mike D'Angelis; and the New York State Department of Labor, and in particular, Deputy Commissioner James Rogers, Assistant Deputy Commissioner Milan Bhatt, Chief Labor Standards Investigator Frank King, Labor Standards Investigator Carlos Ortiz, and Senior Auditor Mitchell Markowitz.

Defendant Information:

CITY METRO CORP.
Queens, NY

Convicted:

- Scheme to Defraud in the First Degree, a class E felony, 1 count

Sentenced:

- Restitution (*Covered by individual defendants*)
- Conditional discharge

NIKITAS NIKOLIS, D.O.B. 6/1/1956
Queens, NY

Convicted:

- Scheme to Defraud in the First Degree, a class E felony, 1 count

Sentenced:

- \$47,500 restitution
- Conditional discharge

ANTHONY CAGGIANO, D.O.B. 5/8/1963
Long Island, NY

Convicted:

- Scheme to Defraud in the First Degree, a class E felony, 1 count

Sentenced:

- \$47,500 restitution
- Conditional discharge

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