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REMARKS OF DOI COMMISSIONER MARGARET GARNETT AT PRESS CONFERENCE ON INDICTMENT IN CONNECTION WITH DEATH OF LABORER IN BROOKLYN WALL COLLAPSE

Thank you District Attorney Gonzalez; and thank you to your team of dedicated prosecutors who worked hand-in-hand with DOI to help make this important case. I also want to thank Department of Buildings Commissioner Melanie La Rocca, and her expert staff, whose partnership was invaluable on this investigation and so many others that we have done together.

The details of the indictment that District Attorney Gonzalez just described is a scenario that DOI has seen too many times before:

- individuals posing as construction professionals who care little, if at all, about following this City's building code;
- who refuse to heed safety warnings or report them properly, and are able to co-opt licensed professionals into their dangerous schemes; and
- who continue construction operations despite safety issues putting both their workers and other New Yorkers at risk.

In fact, as this indictment charges, the individuals involved at this site, the owner and operator of the excavation company, the foreperson, the special inspector, and the construction superintendent all failed to do their jobs, to properly act on the immediately hazardous conditions that were brought to their attention by both their own employees and the neighbors. They continued to keep the construction site active, despite reports of a rear wall moving forward and a neighboring property reporting a cave in – both signs that excavation work was not done properly and posed an immediate danger to life and property.

No one called the Department of Buildings or any other City agency to report these dangers. No one acted to protect the workers at the site or guard against the potential threat to occupants of adjoining buildings.

The City's building code is supposed to prevent tragedies such as these. But the scale and scope of construction in the City means that the system must rely on responsible and ethical construction professionals following the rules. In this case, greed and negligence on the part of licensed professionals, who chose to ignore the rules or allow their credentials to be used by corrupt builders, contributed to the tragic death of Luis Almonte Sanchez.

DOI has a skilled team of investigators who respond to every construction fatality in the City. If there is potential criminal conduct, DOI's investigators work with our law enforcement partners and the relevant prosecutors and City and State entities to examine all facets of the incident.

As DOI does on all construction-related matters it investigates, we also conducted an historical analysis, a look back on other construction jobs associated with the defendants in this case. What we found was nearly identical circumstances at another construction project that was undertaken in 2017 and 2018, in Bay Ridge, Brooklyn. In this matter, WSC performed construction work in violation of DOB-approved plans, failing to provide the requisite support of excavation. A worker was injured and neighboring properties' foundations were damaged.

As DA Gonzalez described, this prior misconduct is also charged in the indictment announced today and it aligns with the fact that two of today's defendants, Wilson Garcia and Jimmy Liu, have been arrested, charged and convicted in a previous criminal case DOI investigated in Manhattan, specifically related to corruption at construction sites. Wilson Garcia, a former Supervisory Inspector at DOB, and Liu, who was then serving as a construction contractor, both pleaded

guilty for their roles in a 2015 widespread bribery scheme that involved City employees, property managers, contractors and expeditors.

Jimmy Liu hid that criminal past behind straw ownership, and roped in construction professionals who could obtain the licenses or registrations that he no longer could. Unfortunately, as alleged in the indictment, he and Garcia returned almost immediately to criminal conduct that threatened public safety and undermined the system of construction regulation in this City.

The common thread in many of the construction safety investigations DOI conducts is that these sorts of investigations can and do lead to the uncovering of other alleged wrongdoing. That is demonstrated here not just with the historical misconduct we exposed but with the charges against WSC and several individual defendants for defrauding the New York State Insurance Fund of tens of thousands of dollars by making false statements about their employees.

In other words, where there is corruption or illegal shortcuts in one area of the construction business, we often find it in other areas too. DOI is committed to pursuing every possible angle to hold accountable those who threaten worker safety or public safety.

I want to recognize and thank the New York State Insurance Fund and OSHA whose collaboration was important to the outcome of this investigation. And, I want to commend my team at DOI for their incredible diligence and their commitment to leaving no stone unturned, specifically Investigative Inspector Ross Hoffman, Chief Investigator James McElligott and Special Investigators Janaina Siguencia and Alejandra Gomero, under the supervision of Inspector General Gregory Cho, Deputy Commissioner/Chief of Investigations Dominick Zarrella and First Deputy Commissioner Daniel Cort, with valuable assistance from DOI's squad of NYPD Detectives.

Thank you.

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

DOI is one of the oldest law-enforcement agencies in the country and New York City's corruption watchdog. 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. DOI's strategy attacks corruption comprehensively through systemic investigations that lead to high-impact arrests, preventive internal controls and operational reforms that improve the way the City runs.

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