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**FOR IMMEDIATE RELEASE**

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**Unlicensed Contractor and Grocery Store Owner  
Indicted in Connection to Vendor's Elevator Death;**

*Victim Died While Attempting to Use Illegally Installed Makeshift Elevator*

Brooklyn District Attorney Eric Gonzalez, together with New York City Department of Investigation Commissioner Margaret Garnett, Department of Buildings Commissioner Melanie E. La Rocca and Occupational Safety and Health Administration Regional Administrator Richard Mendelson, today announced that the owner of an East Flatbush grocery store and an unlicensed contractor hired to install an elevator at the store have been indicted in connection to the death of a grocery bag vendor.

District Attorney Gonzalez said, "An innocent man going about his daily life died tragically and unnecessarily because of an illegally and improperly installed elevator. This indictment is part of my steadfast commitment to ensuring safe workplaces and holding accountable those who would endanger workers."

Commissioner Garnett said, "The City requires permits for lifts installed to transport groceries between floors so safety can be checked and confirmed. As this indictment shows, ignoring the City's construction regulations can have profoundly tragic results and individuals who choose to disregard them will be held accountable. DOI was pleased to join the Brooklyn District Attorney's Office, the City Department of Buildings and the Occupational Safety and Health Administration in this important investigation."

Commissioner La Rocca said, "The continued use of illegally installed equipment demonstrated a brazen disregard for public safety and led to a preventable tragedy. This case serves as a stark reminder that hiring licensed professionals and strictly adhering to NYC's building codes are decisions that can save lives."

OSHA Regional Administrator Mendelson said, "This worker's death was preventable. Employers are responsible for providing workplaces free from recognized hazards that can injure, sicken or kill employees. When they fail in that responsibility and disregard safety rules the results, as in this case, can be lethal and irreversible."

The District Attorney identified the defendants as Kwan Yoon, 72, of Flushing, Queens, Jin Sung Cho, 76, of Staten Island, New York, and KP Farm Market Corp. Yoon is charged with

one count of second-degree manslaughter and all three defendants are charged with one count of criminally negligent homicide. They were arraigned today before Brooklyn Supreme Court Justice Danny Chun and released without bail. They were ordered to return to court on August 17, 2021

The District Attorney said that, according to the investigation, on April 2, 2018, Young-Kil Sim, 62, a bag vendor, was crushed to death while delivering an order of grocery bags to KP Farm, a fruit and vegetable store located at 1887 Nostrand Avenue, while using an illegally installed electrically-operated elevator in the basement.

It is alleged that Cho, who owns the store, hired Yoon in 2016 to install a makeshift elevator at the site. The work was allegedly done without a permit, as required by the New York City Department of Buildings. It is also alleged that Cho did not use a licensed engineer or registered architect, nor a master electrician, to apply for a permit to install the elevator, as required. Yoon did not have a license to do any type of construction work, according to the investigation, and the device he created did not have certain critical safeguards, specifically doors and brakes, in violation of city laws and national safety standards. These laws are meant to protect persons from one of the obvious dangers presented by these devices; that when the platform descends, it can crush someone who is in the shaft or threshold of the elevator.

On the day of the incident, it is alleged, the victim went to the basement to make the delivery. A store worker pressed the call button to bring the platform to the basement level. The victim entered the shaft with a hand truck as there were no doors or gates to prevent him from doing so. Unbeknownst to the victim, the platform was above him. It descended and crushed his head, killing him.

The case was jointly investigated by KCDA, the New York City Department of Investigation, the New York City Department of Buildings, and the Manhattan Area Office of the Department of Labor's Occupational Safety and Health Administration.

Also assisting in the investigation were KCDA Investigative Analyst Arleen Castillo and New York City Police Department Detective Hee-Jin Park-Dance of the Queens District Attorney's Office NYPD Squad.

The case is being prosecuted by Senior Assistant District Attorney Deidre Moskowitz and Senior Assistant District Attorney David Vargas, of the District Attorney's Frauds Bureau, under the supervision of Assistant District Attorney Samantha Magnani, Chief of the Construction Crimes and Labor Fraud Unit of the Frauds Bureau, and Assistant District Attorney Michel Spanakos, Deputy Chief of the Investigations Division, and the overall supervision of Assistant District Attorney Patricia McNeill, Chief of Investigations.

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**An indictment is merely an accusation and not proof of a defendant's guilt**