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**DARCEL D. CLARK**  
DISTRICT ATTORNEY, BRONX COUNTY

198 EAST 161ST STREET  
BRONX, N.Y. 10451  
(718) 590-2234

**19-2023**  
**For Immediate Release**  
**April 12, 2023**

**THREE CONTRACTORS INDICTED IN FIRST BRONX CASE CHARGING  
MANSLAUGHTER AND CRIMINALLY NEGLIGENT HOMICIDE IN A  
CONSTRUCTION FATALITY**

**Victim Crushed By 1,000 Pounds of Debris in Egregiously Dangerous Building Site;  
Joint Investigation by NYC Department of Investigation and Bronx DA Found  
Builders Falsified Credentials/Permits and Flouted Safety**

Bronx District Attorney Darcel D. Clark and New York City Department of Investigation Commissioner Jocelyn E. Strauber today announced that three contractors have been charged in the death of a construction worker at a Bronx building site in 2019, and a fourth man was charged with fraud in relation to the incident that allegedly resulted from blatant disregard for building safety codes and worker's protections.

District Attorney Clark said, "The horrendous death of Segundo Manuel Huerta Mayancela—buried under cinderblocks and metal sheets--was entirely preventable. The construction site at 94 East 208<sup>th</sup> St. was a deathtrap waiting to happen. An unqualified company allegedly used fraudulent credentials, ignored oversight requirements and building code, and built a dangerously unstable structure. Workers are not expendable. Along with our partners at the Department of Investigation, we will hold anyone accountable for putting workers at risk in an already hazardous profession.

"The death of an Ecuadoran immigrant at a construction site led to the passage of Carlos' Law, which creates greater accountability for tragic and avoidable injury to workers at New York construction sites and increases the penalties for criminal corporate liability for the death or serious physical injury of an employee, a felony or misdemeanor, by a fine of up to \$500,000. The dangerous conditions presented in this case are precisely why Carlos' Law was enacted, but this case predates the statute. In the future any construction-related fatalities in the Bronx will be met with this important tool."

Commissioner Strauber said, "The City's buildings codes are written to support and advance safety on construction sites. As charged, these defendants failed to follow the law and to carry out their most basic responsibilities, including to show up in person to ensure safety



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standards were being met. These failures resulted in dangerous conditions that could have been prevented, and ultimately led to the death of one worker, and injuries to five others. I thank the Bronx District Attorney's Office for bringing this prosecution and the Department of Buildings for assisting in this important investigation. As these charges show, there are grave consequences for those who would treat the City's construction safety regulations as merely optional."

Department of Buildings Acting Commissioner Kazimir Vilenchik P.E. said, "New York City has among the strongest construction safety regulations anywhere in the country. The defendants' stunning disregard of even the most basic of these regulations in this case is reprehensible. The Department of Buildings is committed to bringing accountability to the construction industry, and our work in support of this indictment sends a strong message that negligence on the worksite will not be tolerated. My sincerest thanks to the Bronx District Attorney's Office for bringing charges in this important case, and for their continued partnership helping us build a culture of safety in the industry."

District Attorney Clark identified the defendants as Augustine Adesanmi, 67, owner of Favored Design and Construction, engaged in the actual construction; Akhlak Choudhary, 54, owner of Pioneer General Construction, general contractor for the project; Abazi Okoro, 66, owner of Linzi Construction, construction superintendent at site; and Fatos Mustafaj, 64. Adesanmi is charged with second-degree Manslaughter, and he, Choudhary and Okoro are charged with Criminally Negligent Homicide; Adesanmi and Mustafaj are charged with second-degree Grand Larceny and Choudhary is charged with four counts of Offering a False Instrument for Filing.

Defendants Adesanmi, Okoro and Mustafaj were arraigned on April 11, 2023 before Bronx Supreme Court Justice Guy Mitchell and were put on Supervised Release. They are due back on June 8, 2023. Choudhary has not yet been arrested.

According to the investigation, in early 2019, Atin Batra entered into a formal agreement to pay \$1.2 million to Favored Design to construct a four-story, eight-unit residential building on a vacant lot he had purchased at 94 E.208<sup>th</sup> Street. Adesanmi and Mustafaj allegedly claimed that Favored Design was qualified to engage in new construction and would file necessary permits and proof of insurance. Favored Design did not have qualifications under the New York City Building Code to engage in construction of a new building, so they allegedly enlisted Choudhary, a qualified contractor, to obtain a permit. Four notarized documents containing false statements



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were filed in Choudhary's name to obtain the building permit, including a forged insurance policy for the worksite.

The Building Code requires the General Contractor to appoint a Construction Superintendent, a qualified outside professional who visits the site daily to ensure the work is being done according to the NYC Building Code and sound construction practices. Okoro, a former employee of the NYC Department of Design and Construction, allegedly was paid \$3,000 for the use of his credentials, and allegedly never visited the site.

During the spring and summer of 2019, work continued at the premises without a qualified General Contractor or Construction Superintendent monitoring the work. Adesanmi was the designated "competent person" and was supposed to be present at all times; on the day of the collapse, he was not there.

According to the investigation, on August 27, 2019, workers were bringing cinder blocks and bricks from the second floor onto a work platform at the third floor. It was made of sheets of metal that were placed on top of metal joists. The joists were not properly secured to the structure. Workers had brought nearly a ton of material onto the platform when the unsecured joists fell forward and failed, causing the platform, the workers on the third floor and building materials on the front half of the building to fall onto the workers below.

Several workers received serious injuries and Segundo Manuel Huerta Mayancela, a 46 year-old Ecuadoran immigrant, died as a result of blunt force trauma with crushing injuries.

The case is being prosecuted by Senior Investigative Counsel James Goward and Assistant District Attorney Magnolia Perez Rosario, under the supervision of Denise Kodjo, Deputy Chief of the Investigations Division, and Wanda Perez-Maldonado, Chief of the Investigations Division. District Attorney Clark thanked Trial Preparation Assistant J'Roma Parker and James Antonini, Principal Account Investigator for their assistance.

District Attorney Clark thanked DOI for their investigation by Assistant Inspector General Eliza Kopelman and Chief Investigator James McElligott, under the guidance of Deputy Inspector General Ed Zinser, First Deputy Inspector General Kim Ryan, and Senior Inspector General Gregory Cho, under the overall supervision of Deputy Commissioner/Chief of Investigations Dominick Zarrella and First Deputy Commissioner Daniel G. Cort.



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District Attorney Clark thanked Matthew Millner: NYC DOB Director of Construction Safety Engineering, Richard Rosen, DOB Senior Project Advisor, Perpetual Annan, DOB License Supervisor, Jose Tejada, DOB Construction Safety Enforcement Engineering Group, Principal Engineer, Jose Herrera, Compliance Safety and Health Officer, United States Department of Labor, Occupational Safety and Health Administration, David Regazzi, Offices of the New York State Inspector General, Workers' Compensation Fraud Inspector General, Dominic Raspante, New York State Insurance Fund, Investigative Office, Kyle Waters, former DOI Special Investigator with the Department of Buildings Inspector General's Office, currently an Investigative Attorney for the Quality Assurance Unit at NYCHA.

**An indictment is an accusatory instrument and not proof of a defendant's guilt.**

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