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Construction Company Operator and Foreperson Convicted in Connection With Laborer's Death in Brooklyn Wall Collapse

Ignored Workers' Safety Concerns, Industry Protocols, and Concerns Expressed by Adjacent Property Owners; Victim Was Buried Under Debris

Brooklyn District Attorney Eric Gonzalez, together with New York City Department of Investigation Commissioner Jocelyn E. Strauber, and New York City Department of Buildings Acting Commissioner Kazimir Vilenchik, today announced that the operator of a Sunset Park construction company has been convicted at trial of criminally negligent homicide, tax fraud and other charges, and a foreperson at the site was convicted of criminal mischief in connection with an excavation wall collapse that killed a construction worker, Luis Almonte Sanchez, who was buried under thousands of pounds of debris.

District Attorney Gonzalez said, "Today's verdict should send a strong message that when contractors cut corners and put their workers' safety at risk – they will face serious and criminal repercussions. The death of Luis Almonte Sanchez was a preventable tragedy that would have been avoided if the operators of the construction site heeded all safety protocols or heeded warnings about unsafe conditions. They chose not to, and today they have been held responsible for their dangerous and criminal conduct."

Commissioner Strauber said, "A worker was needlessly crushed to death by tons of debris because a construction company operator responsible for the construction site chose to ignore basic safety protocols and repeated warnings about the dangers at the site. Today's conviction, along with the convictions of other defendants in this case, delivers the strong message that failure to follow construction safety laws has serious consequences. DOI thanks the Brooklyn District Attorney's Office, the City Buildings Department and the Occupational Safety and Health Administration for their partnership on this important investigation and successful prosecution."

Acting Commissioner Vilenchik said, "The death of Luis Almonte was tragic and preventable. This incident is a painful reminder that cutting corners on a construction site and ignoring safety regulations can have dire consequences. Pursuing criminal charges in response to construction-related fatalities sends an important message to the entire industry - endangering the lives of workers and the public will not be tolerated. I commend the Brooklyn DA's Office for their efforts in this important case."

The District Attorney identified the defendants as Jiayi "Jimmy" Liu, 49, and Wilson Garcia Jr., 48, both of Staten Island. Following a non-jury trial, Liu was convicted today by Brooklyn Supreme Court Justice Danny Chun of criminally negligent homicide, first-degree offering a false instrument for filing, fraudulent practices in violation of worker's compensation laws, fourth-degree city criminal tax fraud, and related counts; and Garcia was convicted of fourth-degree criminal mischief. Liu is facing a maximum sentence of eight to 16 years in prison and Garcia is facing up to one year in jail when they are sentenced on April 26, 2023. Two codefendants previously entered guilty pleas: Jia Rong "Tommy" Liu, 52, of Brooklyn, to petit larceny, and Cindy Chai, 45, of Staten Island, to tax fraud.

The District Attorney said that, according to the evidence, between April and September 2018, construction workers employed by WSC Group Inc., owned by Liu, performed demolition, excavation and foundation work at a construction site at 714 39th Street in Sunset Park. The construction involved removing a one-story industrial building and replacing it with a four-story

manufacturing and community facility, including a new cellar level that would serve as an underground garage approximately nine feet below the first-floor level.

Despite warnings of dangerous conditions at the site from workers and adjacent property owners, Liu refused to stop work at the site. On September 12, 2018, at approximately 2 p.m., a portion of a support of excavation system (SOE) and an existing masonry wall – adjacent to residential apartment buildings – collapsed, trapping one of the construction workers who was performing foundation work in the immediate vicinity. That worker, Luis Almonte Sanchez, 47, an employee of WSC Group, was struck by one of the underpinning pin sections, which weighed well more than 15,000 pounds and was buried under the collapsing debris. First responders couldn't recover Sanchez's body until the following day due to unstable conditions at the site, which were worsened by significant rain.

The District Attorney said that the evidence showed that Liu ran WSC Group, the company hired to perform the excavation work and it was his responsibility to give instructions to the foreperson and workers. Garcia served as the foreperson and "competent person," designated to identify hazards and take immediate action to correct the hazards on site.

According to the evidence, the defendants were obligated by law to ensure that the construction site was in compliance with regulations promulgated by the DOB and Occupational Safety and Health Administration to ensure the safety of the work site, but, in fact, the site was not in compliance and, furthermore, the defendants failed to follow the design plans submitted and approved by the DOB. They solicited new plans, which were not submitted to DOB, but ultimately didn't follow any plans, leading to hazardous conditions at the site. Among the issues: the underpinning system wasn't installed properly; and safe bracing procedures were not followed.

Furthermore, in the days prior to September 12, 2018, Liu was informed of a number of potentially dangerous conditions, including that the rear wall was moving forward and that some support was needed in order to stop the wall's movement. He was also notified by a resident who lived immediately adjacent to the rear wall that her patio and garage had caved in. But, despite those warnings, Liu refused to direct the workers to install additional bracing and never halted work at the site in order to assess or remedy the conditions. Nor did he notify DOB about the conditions.

Instead, he ordered workers to continue working on the underpinning at the rear of the site and in the days immediately preceding the collapse allowed a trucking company to continue to remove truckloads of dirt during a heavy rainstorm, further destabilizing the site and contributing to the fatal collapse.

In addition, WSC defrauded the New York State Insurance Fund by making false statements about who it was employing, and also committed tax fraud by failing to file taxes between 2015 and 2018.

The case was investigated by DOI, specifically the late Investigative Inspector Ross Hoffman, Chief Investigator James McElligott and Special Investigator Alejandra Gomero, under the supervision of Inspector General Gregory Cho, Deputy Commissioner/Chief of Investigations Dominick Zarrella and First Deputy Commissioner Daniel Cort, with assistance from DOI's squad of NYPD Detectives.

DOB Executive Engineer for Engineering Services Geoff Eisele and Assistant Chief Inspector Greg Gonzalez assisted in the investigation. New York State Insurance Fund Investigator Maliaka Williams, Division of Confidential Investigations and OSHA Safety Engineer Mitchel Konca and Safety Engineer James Ng, also assisted in the investigation.

The New York City Sheriff's Bureau of Criminal Investigation's Tax Auditor Giselle Decamps-Guthrie and Bureau Chief Gary Wong assisted in the investigation.

The case is being prosecuted by Assistant District Attorney Francis Longobardi, Special Counsel at the Brooklyn District Attorney's Fraud Bureau, and Senior Assistant District Attorney Yuri Zanow, of the District Attorney's Investigations Division, under the supervision of Assistant District Attorney Gregory Pavlides, Chief of the District Attorney's Fraud Bureau, and

Assistant District Attorney Michel Spanakos, Deputy Chief of the District Attorney's Investigations Division, and the overall supervision of Assistant District Attorney Patricia McNeill, Chief.

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