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FOR IMMEDIATE RELEASE

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**Construction Company Operator Sentenced to up to Four Years in Prison
For Causing Laborer's Death in Brooklyn Wall Collapse**

*Ignored Workers' Safety Concerns, Industry Protocols, and Concerns
Expressed by Adjacent Property Owners; Foreperson Also Convicted*

Brooklyn District Attorney Eric Gonzalez, together with New York City Department of Investigation Commissioner Jocelyn E. Strauber, and New York City Department of Buildings Commissioner Jimmy Oddo, today announced that the operator of a Sunset Park construction company has been sentenced to two to four years in prison in connection with an excavation wall collapse that killed a construction worker, Luis Sanchez Almonte, who was buried under thousands of pounds of debris. The site's foreperson was convicted of criminal mischief and is awaiting sentencing.

District Attorney Gonzalez said, "The death of Luis Sanchez Almonte was not an accident but a preventable disaster that was caused by disregard of safety protocols and reported signs of danger. The prison term imposed today is an affirmation of these facts – and also a message that those who put their workers in jeopardy will pay a steep price when their actions result in tragedy. I would like to thank DOI, DOB and OSHA for working in partnership with my office to obtain a measure of justice and accountability in this important case."

Commissioner Strauber said, "Ignoring construction safety laws can have tragic and deadly consequences, as it did in this case. The custodial sentence imposed on Jiayi Liu is a warning to construction company owners that prioritize speed and cost over worker safety. I am grateful to Brooklyn District Attorney Eric Gonzalez, the City Buildings Department and the Occupational Safety and Health Administration for their partnership in this case and their commitment to hold accountable those who maintain hazardous construction sites."

Commissioner Oddo said, "Ignoring safety regulations on construction sites must have consequences. Securing prison time in this case sends an important message to the entire construction industry – endangering the lives of workers and the public is unacceptable. The Brooklyn DA's Office, DOI, and OSHA have been invaluable partners in pushing for greater construction safety in our City, and we thank them for doggedly pursuing this important case."

The District Attorney identified the defendant as Jiayi "Jimmy" Liu, 49, of Staten Island. He was sentenced today by Brooklyn Supreme Court Justice Danny Chun to two to four years in prison following his bench trial conviction in March 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. (The DA's Office recommended a sentence of 5 to 11 years.)

Wilson Garcia, 48, of Staten Island, who served as the foreman at the construction site was convicted of fourth-degree criminal mischief. He is expected to be sentenced on October 18, 2023. Two other 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 Sanchez Almonte, 47, an employee of WSC Group, was struck by one of the underpinning pin sections, which weighed well over 15,000 pounds and was buried under the collapsing debris. First responders couldn't recover Almonte'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. 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 and Chief Investigator James McElligott, under the supervision of Inspector General Gregory Cho and Deputy Commissioner/Chief of Investigations Dominick Zarrella, 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 was prosecuted by Assistant District Attorney Frank Longobardi, Chief of the District Attorney's Construction Crimes and Labor Fraud Unit, 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 of Investigations.

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