



The City of New York
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Release #24-2011
nyc.gov/html/doi

FOR IMMEDIATE RELEASE
THURSDAY, APRIL 7, 2011

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**DOI STATEMENT ON ARREST OF TWO STATEN ISLAND CONTRACTORS
CHARGED IN CONNECTION WITH A FATALITY IN A 2009 WALL COLLAPSE**

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation ("DOI"), issued the following statement today on the arrest of two Staten Island contractors charged along with their companies for failing to follow City-approved plans to build a wall at 1214-1222 Bay St., brace and shore the wall adequately, and have an appropriate inspection conducted, which resulted in the wall's collapsing and killing a 55-year-old carpenter in February 2009, according to the indictment. DOI investigated with the City Department of Buildings ("DOB") Forensic Enforcement Unit and worked with the office of Richmond County District Attorney Daniel M. Donovan, Jr., which obtained the indictment and is prosecuting the case.

DOI Commissioner Rose Gill Hearn said, "As construction professionals, these defendants are charged with knowing the serious risk if they disregard approved building plans. Sadly, their unlawful choices led to the wall's giving way and killing a construction worker, as charged in the indictment. This investigation underscores the tragic result of ignoring City construction regulations in place to protect the public."

ANTHONY MALFI, 43, of Staten Island, is charged with Reckless Endangerment in the Second Degree, a class A misdemeanor. MALFI's Staten Island-based company, WELL BUILT DEVELOPMENT CORP., has been charged with Criminally Negligent Homicide, a class E felony, and Reckless Endangerment in the Second Degree, a class A misdemeanor. MALFI surrendered to authorities today and was released on his own recognizance.

MICHAEL FAZIO, 50, of Staten Island, and his Staten Island-based company, WOODROW BUILDERS, LLC., are each charged with Criminally Negligent Homicide, a class E felony. FAZIO surrendered to authorities Wednesday, April 6, 2011 and was released on his own recognizance.

Upon conviction, a class E felony is punishable by up to four years in prison and a class A misdemeanor is punishable by up to a year's incarceration.

According to the charges outlined in the indictment, MALFI built the wall contrary to the approved plans and with inadequate support, and FAZIO failed to have an appropriate inspection performed.

Commissioner Gill Hearn thanked Richmond County District Attorney Daniel M. Donovan, Jr., and DOB Commissioner Robert LiMandri, and their staffs, for their assistance in this investigation.

Assistant District Attorney Jeffrey Curiale of the Richmond County District Attorney's Office is assigned to the prosecution of this case.

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

DOI is one of the oldest law-enforcement agencies in the country. The agency investigates and refers for prosecution City employees and contractors engaged in corrupt or fraudulent activities or unethical conduct. 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.

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