



The City of New York
Department of Investigation

ROSE GILL HEARN
COMMISSIONER

80 MAIDEN LANE
NEW YORK, NY 10038
212-825-5900

Release #16-2008
nyc.gov/html/doi

**FOR IMMEDIATE RELEASE
MONDAY, MARCH 3, 2008**

**DOI CONTACT: DIANE STRUZZI
(212) 825-5931**

**DOI INVESTIGATION CULMINATES IN INDICTMENT AND ARREST OF LICENSED ENGINEER
ON CHARGES HE GAVE FALSE STATEMENTS UNDER OATH TO DOI INVESTIGATORS
REGARDING THE INTEGRITY OF A BRONX BUILDING THAT HAD BEEN THE SITE OF A FATAL FIRE
--The investigation was initiated by DOI after two New York City firefighters died battling a fire in the Bronx--**

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation ("DOI"), announced the culmination of a DOI investigation that resulted in the indictment and arrest of JOSE VARGAS, a Licensed Professional Engineer, on charges he perjured himself under oath to DOI investigators looking into the August 2006 fatal fire at Walton Avenue in the Bronx. Lieutenant Howard Carpluk and Firefighter Michael Reilly of the New York City Fire Department ("FDNY") were killed after the floor where they were fighting the fire collapsed and they were trapped by burning debris.

VARGAS, 82, of Yonkers, N.Y., was charged with three counts of Perjury in the First Degree, a class D felony. If convicted, he faces up to 7 years in prison. He was arraigned today in Bronx County Criminal Court where he was released on his own recognizance.

According to the DOI investigation and the indictment, on October 11, 2007, DOI interviewed VARGAS under oath regarding engineering services he rendered at 1575 Walton Ave. in the Bronx. VARGAS told DOI investigators that steel beams had replaced wooden roof joists, which had been damaged in a 2000 fire. DOI reviewed the plan submitted by VARGAS following the 2000 fire and it reflected wood structures as support for the roof, not steel as he stated in his sworn statement. The perjury counts are based on the following misrepresentations by VARGAS to DOI: VARGAS said he observed steel columns at 1575 Walton Ave., when in fact the columns were entirely wood; VARGAS said that he observed metal framing, when in fact wood framing was installed without any steel; VARGAS said he observed metal bolts connected to the metal columns, when in fact the columns were entirely made of wood.

DOI Commissioner Rose Gill Hearn said, "The conduct charged in this indictment is astonishing for a licensed professional who was supposed to assist investigators looking into the fire that killed two firefighters. Instead, this engineer is accused of misrepresenting the facts and exacerbating an already tragic event. This indictment should send a message to anyone who intentionally makes false statements to DOI investigators: You will be held accountable."

Commissioner Gill Hearn thanked the FDNY Commissioner Nicholas Scoppetta and Department of Buildings Commissioner Patricia J. Lancaster, and their staffs, for their assistance in this investigation.

The investigation was conducted by DOI's Office of the Inspector General for the Department of Buildings and the FDNY Bureau of Fire Investigation. The prosecution is being handled by the Office of Bronx District Attorney Robert T. Johnson.

Indictments are merely accusations. 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.

**Get the worms out of the Big Apple.
To report someone ripping off the City, call DOI at (212) 825-5959.**