

DISTRICT ATTORNEY – NEW YORK COUNTY

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**DISTRICT ATTORNEY VANCE ANNOUNCES INDICTMENT IN 91<sup>ST</sup>  
STREET CRANE COLLAPSE**

*Two Defendants, Two Corporations Charged in 2008 Crane Collapse*

Manhattan District Attorney Cyrus R. Vance, Jr., today announced the indictment of two individuals and two corporations on criminally negligent homicide, manslaughter and other charges related to the May 30, 2008 crane collapse that killed two people and seriously injured a third<sup>1</sup>.

JAMES LOMMA, TIBOR VARGANYI, NEW YORK CRANE AND EQUIPMENT CORP. and J.F. LOMMA, INC. each face multiple counts of manslaughter and criminally negligent homicide, as well as charges of assault, and reckless endangerment. LOMMA is the owner of both NEW YORK CRANE and J.F. LOMMA, INC. VARGANYI is a former mechanic for NEW YORK CRANE. These charges stem from the defendants' roles in recklessly and with criminal negligence causing the crane collapse at a high-rise construction site at 333 East 91<sup>st</sup> Street.

“This tragedy is particularly devastating because it could have been prevented,” District Attorney Vance said. “The construction industry depends on strict adherence to the rules to ensure the safety of the citizens in a city as densely inhabited as Manhattan. When safety is sacrificed for profit, the public bears the risk of harm. We cannot allow individuals and firms to conduct themselves in gross violation of applicable regulations and industry standards. Today’s indictment is an important step not only in holding these defendants accountable for their conduct, but should send a message to the construction industry that profit cannot be put ahead of safety.”

As charged in the indictment and described in court documents, the crane involved in the collapse was a Kodiak tower crane owned by defendant NEW YORK CRANE and rented to another construction company for use at East 91<sup>st</sup> Street. Forensic engineers concluded that the failure of a structural weld in the crane’s turntable, a mechanism that enables the upper portions of the crane to swivel, caused the crane collapse. In the collapse, the weld failure caused the crane’s cab, boom, and other upper sections to break off and fall to the sidewalk and street from an elevation of approximately 200 feet. Donald C. Leo of Monmouth Beach, New Jersey, who was operating the crane at the time of the collapse, and Ramadan Kurtaj of Bronx County, who was working at ground level, were both killed.

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[1] The charges contained in the indictments are allegations, and the defendants are presumed innocent unless and until proven guilty.

Simeon Alexis, who was working inside the building at the time of the collapse, sustained serious injuries from debris.

New York City Department of Investigation Commissioner Rose Gill Hearn said: “These crane professionals are charged with cutting corners at 91<sup>st</sup> Street to save themselves time and money, and their short-sighted decisions had a tragic, irrevocable cost. This manslaughter indictment - the second involving a fatal crane collapse in the City - underscores that those who carelessly risk their workers’ and the public’s safety will face justice. The vital partnership among DOI, the Manhattan District Attorney, and our fellow law enforcement agencies unearthed the facts that led to these significant charges.”

This crack in the crane’s turntable was discovered in May of 2007, by workers at an unrelated high-rise construction project. NEW YORK CRANE replaced the part with a similar turntable from another Kodiak crane, and the project was successfully completed. The company, however, lost approximately \$50,000 a month in rental fees due to its one unusable crane, according to court documents.

That summer JAMES LOMMA directed TIBOR VARGANYI, to find a replacement turntable. NEW YORK CRANE and J.F. LOMMA, INC. received estimates from two reputable turntable manufacturers, with replacements costing between \$34,000 and \$120,000, and taking a period of seven months to two years, respectively, to deliver. A Chinese bearing manufacturer, RTR Bearing, offered to fabricate a replacement bearing in China for approximately \$20,000, with an estimated delivery time of three months. Without conducting due diligence on this unknown company, the defendants relied on RTR’s unverified representations on their website and hired them to do the job, as charged in the indictment and described in court filings.

The defendants violated City regulations and industry standards when they failed to employ an engineer to oversee the repairs, failed to hire a certified welding company to perform the work, and provided RTR with grossly inadequate welding specifications that were contrary to the specifications of the original bearing manufacturer. Additionally, contrary to a previous directive from DOB, the defendants did not seek prior approval from DOB before ordering the replacement part from RTR, thus preventing DOB from reviewing the means and methodology of repair. The defendants also violated provisions of the New York City Building Code requiring that the repaired and replaced turntable be as safe as the original and be made in accordance with the specifications of the original manufacturer.

The defendants installed the replacement turntable on the East 91<sup>st</sup> Street tower crane in April 2008. The defendants also received a second turntable from RTR, with an obviously-deficient weld. Despite learning of the defect in the identical part, the defendants took no further action to ensure the integrity of the welding on the turntable that had already been installed on the crane at East 91<sup>st</sup> Street.

On the morning of May 30, 2008, the weld made by RTR in the turntable on the Kodiak tower crane at 333 East 91<sup>st</sup> Street failed, causing the upper portions of the crane to break off and fall to the ground, killing two people and seriously injuring a third.

Defendant Information:

JAMES LOMMA, 11/24/45  
157 Collyer Avenue  
Staten Island, New York

TIBOR VARGANYI, 9/13/46  
345 East 77<sup>th</sup> Street  
New York, New York

NEW YORK CRANE & EQUIPMENT CORP.  
58-38 47<sup>th</sup> Street  
Maspeth, New York

J.F. LOMMA, INC.  
48 Third Avenue  
South Kearny, New Jersey

CHARGES:

- Manslaughter in the Second Degree, two counts, class C felony
- Assault in the Second Degree, two counts, class D violent felony
- Criminally Negligent Homicide, two counts, class E felony
- Reckless Endangerment in the Second Degree, class A misdemeanor

A class C felony is punishable by up to 15 years in prison; a class D violent felony is punishable by up to 7 years in prison; a class E felony is punishable by up to 4 years in prison; and a class A misdemeanor is punishable by up to one year in jail.

District Attorney Vance thanked the New York City Department of Investigation and its Commissioner, and the United States Department of Labor, including the Office of Labor Racketeering and Fraud Investigation and the Occupational Safety and Health Administration.

Assistant District Attorney Deborah Hickey, Deputy Chief of the Rackets Bureau, and Assistant District Attorneys Sean Sullivan and Carey Ng of the Rackets Bureau are handling the prosecution under the supervision of Eric Seidel, Chief of the Rackets Bureau. Investigator John Patterson participated in the investigation under the supervision of Joseph Pennisi, Chief of the Investigations Bureau, and Terrence Mulderrig, Deputy Chief of the Investigations Bureau. Trial Preparation Assistant Aaron Teitelbaum also contributed to the investigation.

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