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**MANHATTAN U.S. ATTORNEY CHARGES QUEENS MAN WITH PROVIDING
FRAUDULENT SAFETY TRAINING CERTIFICATIONS
TO CONSTRUCTION WORKERS AND COMPANIES**

PREET BHARARA, the United States Attorney for the Southern District of New York, ROSE GILL HEARN, the Commissioner of the New York City Department of Investigation ("DOI"), DANIEL R. PETROLE, the Deputy Inspector General for the United States Department of Labor ("DOL-OIG"), and DR. DAVID MICHAELS, Assistant Secretary of Labor for the Occupational Safety and Health Administration ("OSHA"), announced that MICHAEL DINARDO was arrested today on a criminal Complaint charging him with conspiring to defraud OSHA by obtaining and fraudulently issuing OSHA-regulated occupational safety training certifications to construction companies and workers who did not complete the required training. DINARDO, 52, was arrested this morning at his Queens, New York, residence by DOI and DOL-OIG agents. He is expected to be presented this afternoon before United States Magistrate Judge JAMES C. FRANCIS IV in Manhattan federal court.

According to the Complaint unsealed today:

OSHA regulates and supervises the Outreach Training Program ("Outreach Training"), which provides 10-hour and 30-hour occupational safety outreach training to the construction industry and other industries. New York State and New York City law require construction workers to complete Outreach Training before working on public construction projects and other major building projects. OSHA also regulates and supervises training in Hazardous Waste Operations and Emergency Response ("HAZWOPER"), a training program up to 40 hours in length which is mandated by federal regulation for many workers who work with or are exposed to hazardous substances.

Training is outsourced to private trainers who possess proper qualifications determined and train on topics required by OSHA. OSHA also issues official training certification cards as proof of successful completion of Outreach Program training. OSHA does not directly issue HAZWOPER certifications, but federal regulations prohibit anyone from receiving a HAZWOPER training certification who has not completed the training.

DINARDO was authorized by OSHA to administer Outreach Training but not HAZWOPER training. DOI undercover officers ("UCs"), representing that they were employed in the construction industry, approached DINARDO after learning that he had spoken with a confidential informant about the informant's purchasing an Outreach Training card without having to complete the required training. DINARDO met with the UCs on multiple occasions, during which he sold them 45 Outreach Training cards and two HAZWOPER certificates, even though the UCs did not complete any training. On one occasion, DINARDO provided one of the UCs with a price list for training certifications.

During searches conducted in the course of the investigation, DOI and DOL-OIG investigators uncovered proof of payment and contact information related to multiple construction companies operating in New York City, including payments of over \$7,500 from one company ("Company-1") that had been required by OSHA to pay a fine and provide workers with 30-hour Outreach Training to address prior safety violations. DOI and DOL-OIG determined that DINARDO's construction company clients were working on major buildings and public construction sites in New York State and New York City.

If convicted of the fraud conspiracy, DINARDO faces a maximum sentence of five years in prison and a maximum fine of \$250,000 or twice the gross gain or loss from the offense.

U.S. Attorney BHARARA stated: "DiNardo's alleged peddling of fraudulent certifications meant that certain construction workers missed important training related to hazardous waste, emergency response, and the integrity of scaffolding New Yorkers walk under every day. By purportedly selling certifications to those who did not earn them, DiNardo put a price tag on the wellbeing of workers and of those who depend on them to know how to safely do their jobs. We will continue to work, along with our law-enforcement partners at DOI, DOL-OIG, and OSHA, to root out those who would cut criminal corners to others' potential peril."

Commissioner GILL HEARN said, "I am so pleased that this activity came to DOI's attention from a tip received by the monitor DOI embedded in a major DEP capital project on a proactive basis. While the complaint does not allege that criminal activity was taking place at the DEP site, the tip received by the monitor and passed on to DOI is a validation of the wisdom and effectiveness in building mechanisms through monitorships into capital projects in such a way as to prevent and/or to detect fraud. I would like to thank DEP Commissioner Cas Holloway and former DEP Commissioner Emily Lloyd for partnering with DOI in a way that has paid real dividends. I continue to be so extremely grateful to the U.S. Attorney's Office for the beneficial impact they have on our City."

Deputy Inspector General PETROLE stated: "Individuals who compromise the integrity of Department of Labor programs, including training which impacts the safety of the American workforce, will be subject to criminal investigation. My office will continue to work with the Occupational Safety and Health Administration and our law enforcement partners to identify and investigate abuses of Departmental programs."

"Attempting to by-pass or dilute safety and health training is more than 'gaming the system'; it is a betrayal of trust that puts workers' lives at risk," said Assistant Secretary MICHAELS. "Those who choose to abuse or cheat this program will be investigated and, if appropriate, prosecuted to the full extent of the law."

Mr. BHARARA praised the work of DOI, DOL-OIG and OSHA in this investigation. Mr. BHARARA said that the investigation is continuing.

This case is being handled by the Office's Public Corruption Unit. Assistant United States Attorneys HOWARD S. MASTER and CARRIE H. COHEN are in charge of the prosecution.

The charge contained in the Complaint is merely an accusation, and the defendant is presumed innocent unless and until proven guilty.

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