



*United States Attorney
Southern District of New York*

FOR IMMEDIATE RELEASE
JUNE 24, 2010

CONTACT: U.S. ATTORNEY'S OFFICE
YUSILL SCRIBNER,
JANICE OH
PUBLIC INFORMATION OFFICE
(212) 637-2600

DOI
DIANE STRUZZI
PUBLIC INFORMATION OFFICE
(212) 825-5931

DOL-OIG
JEFFREY LAGDA
PUBLIC INFORMATION OFFICE
(202) 693-5230

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

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"), and MARJORIE FRANZMAN, the Special Agent-in-Charge for the United States Department of Labor, Office of Inspector General's New York Office of Labor Racketeering and Fraud Investigations ("DOL-OIG"), announced today that JUNIOR MARION LEWIS was arrested on a criminal Complaint charging him with engaging in mail fraud and conspiring to defraud the United States Department of Labor, Occupational Safety and Health Administration ("OSHA"), by obtaining and fraudulently issuing OSHA-regulated occupational safety training certifications to construction companies and workers. LEWIS surrendered this morning and was presented today before United States Magistrate Judge JAMES L. COTT in Manhattan federal court.

According to the Complaint unsealed today:

OSHA regulates and supervises an 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 local law require construction workers to complete the outreach training before working on public construction projects and other major building projects.

The outreach training is outsourced to private trainers who must possess qualifications determined by OSHA and train on topics required by OSHA. OSHA also issues official training certification cards as proof of successful completion of the training programs. New York City and New York State government regulations require construction workers on various types of construction projects to have completed OSHA outreach training in order to ensure the safety of project sites.

LEWIS was authorized by OSHA to administer outreach training. In late March, 2009, LEWIS approached a confidential informant ("CI") who worked with the Office of the Inspector General, New York City School Construction Authority ("SCA-OIG"), and offered to sell the CI multiple 30-hour OSHA outreach training certification cards ("certification cards") without requiring anyone to complete the outreach training for \$200 per card. Pursuant to instructions from SCA-OIG investigators, the CI bought multiple OSHA 30-hour certification cards from LEWIS on two different occasions. Some of the certification cards were mailed by LEWIS to a mailing address in New York. LEWIS instructed the CI to tell recipients of the certification cards to lie if asked whether they had completed the outreach training. LEWIS also submitted fraudulent paperwork falsely stating that he had taught training classes in order to obtain the certification cards that he later sold.

On June 15, 2010, after LEWIS attempted to sell multiple certification cards to an SCA-OIG undercover agent for \$300 per card, agents -- who were surveilling the transaction -- identified themselves and took LEWIS into custody. LEWIS admitted that he had sold multiple certification cards to others in the construction industry over the past several months without requiring the workers to complete any outreach training, and that he had prepared fraudulent paperwork to obtain the certification cards that he sold. Agents estimate that LEWIS sold close to 70 certification cards over the past several months.

LEWIS, 53, of Queens, New York, is charged with one count of mail fraud and one count of conspiring to defraud OSHA. If convicted, LEWIS faces a maximum sentence of 20 years in prison on the mail fraud charge and five years in prison on the conspiracy charge. The crime also carries a maximum fine of \$250,000 or twice the gross gain or loss from the offense.

U.S. Attorney PREET BHARARA stated: "Junior Marion Lewis allegedly sold fraudulent certification cards that allowed construction workers to skip important safety training required

for their jobs. By purportedly providing the certification cards, Lewis potentially placed the well-being of construction workers in jeopardy. We will continue to work along with our law enforcement partners at DOI and DOL-OIG to pursue those who would take criminal shortcuts that compromise others' safety."

DOI Commissioner ROSE GILL HEARN stated: "This defendant dealt out phony training credentials as if they were playing cards and raked in pots of money, with no concern for the safety of construction workers and the public, according to the criminal complaint. Thankfully, City investigators were tipped off to his game and, working with federal officers and prosecutors, shut it down with a felony prosecution for fraud. DOI will continue to work with our City and federal partners to expose and stop criminal conduct that jeopardizes safety in the construction industry."

DOL-OIG Special Agent-in-Charge MARJORIE FRANZMAN stated: "The defendant was charged with defrauding OSHA through the sale of outreach training certifications. The defendant's alleged actions put the public at risk by certifying that workers had completed courses in construction or general industry safety, and health hazard recognition and prevention when they had not. The Office of Inspector General is committed to working with OSHA and our investigative partners to safeguard Department of Labor programs against fraud."

Mr. BHARARA praised the work of DOI, DOL-OIG, OSHA, and SCA-OIG for their assistance 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 Attorney HOWARD S. MASTER is in charge of the prosecution.

The charges contained in the Complaint are merely accusations, and the defendant is presumed innocent unless and until proven guilty.

10-204

###