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FOR IMMEDIATE RELEASE

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**Construction Company Owner Indicted for Manslaughter;
Failed to Secure Building Site, Leaving Worker to Fall to His Death**

*Defendant Failed to Adhere to Regulations and Correct Unsafe Conditions;
Neglected to Obtain Workers' Compensation Insurance
Or to Contribute to Unemployment Insurance Fund*

Brooklyn District Attorney Ken Thompson, together with New York City Department of Investigation Commissioner Mark G. Peters, today announced that the owner of a Bensonhurst construction company and his businesses have been indicted on manslaughter and other charges stemming from an incident at a Coney Island construction site in April 2015 that left a 50-year-old construction worker dead.

District Attorney Thompson said, "A hardworking man died tragically and unnecessarily because proper safety measures were not taken to protect his life. As buildings go up all over Brooklyn, we owe it to every construction worker to make sure that they don't lose their lives due to short cuts on safety. This indictment for manslaughter reflects that commitment."

Commissioner Peters said, "As charged, these defendants recklessly cut corners and ignored standard safety procedures resulting in another tragic and preventable death on a construction site. This indictment is the latest result from a series of systemic criminal investigations DOI has conducted into fatalities in the construction industry leading to significant arrests, including the 2015 East Village gas explosion and a trench collapse in 2014 that killed a worker in the Meatpacking District. DOI will continue to aggressively investigate safety practices on construction sites and collaborate with its law enforcement partners, including the Brooklyn District Attorney, in calling to account those individuals who endanger construction safety."

OSHA Regional Administrator Robert Kulick said, "The deaths of Mr. Sanchez and the seven other New York City construction workers in falls in 2015 were all needless and preventable. These were people, not numbers. This indictment sends a strong message to those employers who would neglect their legal responsibility to provide their employees with safe workplaces and working conditions. We thank District Attorney Thompson and Commissioner Peters and their staffs for their efforts."

The District Attorney identified the defendant as Salvatore Schirripa, 66, and his companies, J & M Metro General Contracting Corp., located on 63rd Street, and Metrotech Development Corp., located on 64th Street, both in Bensonhurst, Brooklyn. He was arraigned today before Brooklyn Supreme Court Justice Danny Chun on an eight-count indictment in which he and his companies are variously charged with second-degree manslaughter, criminally negligent homicide, second-degree reckless endangerment, first-degree falsifying business records, offering a false instrument for filing, second-degree criminal possession of a false instrument, violation of the workers' compensation law, and willful failure to pay contributions to the unemployment insurance fund. Schirripa was ordered held on \$35,000 bail and to return to court on September 7, 2016. He faces up to 15 years in prison if convicted.

The District Attorney said that, according to the indictment, on April 1, 2015, Salvatore Schirripa and employees from J & M Metro General Contracting Corp., were pouring and smoothing concrete on the sixth floor of a construction worksite at 360 Neptune Avenue, in Coney Island. At approximately 11 a.m., three of Schirripa's employees were smoothing the

concrete along one edge of the building, outside a wire cable protective fence, without harnesses or any fall protection as required by the New York City Building Code and the Occupational Safety and Health Administration. While walking backwards, using a rake-like instrument to smooth the concrete in front of him, one of the workers, Vidal Sanchez-Ramon, 50, reached the edge and fell six floors to his death.

On four different occasions, in September 2011, December 2011, April 2013 and August 2014, New York City Department of Buildings inspectors served Schirripa and Metrotech Development Corp., at three separate worksites in Brooklyn, with Notices of Violations, ordering them to immediately provide guardrail systems and handrails to protect workers from falls.

In October 2011, January 2012 and June 2013, after hearings on three of the Notices of Violations, the Environmental Control Board issued decisions to Schirripa and Metrotech Development Corp., reaffirming those obligations. Also, in 2011 and 2012, at a worksite in Brooklyn, OSHA safety compliance officers ordered Schirripa and Metrotech Development Corp. to provide fall protection to their employees in compliance with OSHA regulations.

From August 2014 to April 1, 2015, J & M Metro General Contracting Corp. was the concrete subcontractor on the construction of a six-story commercial building, with a steel frame and concrete floors, at 360 Neptune Avenue. As the employer and foreman, the defendant was responsible for ensuring his workers' safety, including providing fall protection when they worked on any unprotected work area at a height of six feet or more above the level below.

It is alleged that beginning in early 2015, Schirripa and his employees poured the concrete floors, from the bottom up, pouring one floor approximately every other week, after the steel subcontractor installed the steel deck and a wire cable fence at the perimeter of the work area, around steel supporting columns, as fall protection. On several locations on the third, fourth and fifth floors, Schirripa saw that the wire cable fence installed by the steel subcontractor was set in several feet from the edge, leaving an unprotected work surface between the fence and the edge. Schirripa knew that his workers would have to step outside the protective fence to install wire mesh prior to the concrete pour and to smooth the concrete once poured. Yet Schirripa did not provide harnesses or other fall protection to his employees.

It is further alleged that several days prior to April 1, 2015, Schirripa visited the worksite and saw that the wire cable fence was positioned several feet in from the edge, along one entire side of the floor. Nevertheless, on April 1, 2015, Schirripa directed that his workers pour and smooth the concrete. This required the workers to step outside the wire cable fence without harnesses.

Furthermore, according to the indictment, Schirripa failed to maintain workers' compensation insurance coverage for his employees, submitting a false certificate of coverage to the NYC DOB when renewing his general contractor's license on March 30, 2015 for Metrotech Development Corp. He never had workers' compensation coverage for J & M Metro General Contracting Corp. employees.

Finally, it is alleged, Schirripa failed to contribute to the Unemployment Insurance Fund, as required by law, for the second quarter of 2015.

The case was investigated by Detective Investigators Jennifer Burgos and Ismael Zayas, under the supervision of Supervising Detective Investigator Robert Addonizio, and the overall supervision of Deputy Chief Edwin Murphy, of the District Attorney's Investigations Bureau. Financial Investigator Deborah Wey assisted in the investigation, under the supervision of Chief Financial Investigator Michael Campi.

Also assisting in the investigation were Deputy Chief Investigator Robert Miller, under the supervision of Gregory Cho, Inspector General and Jay Flaherty, Associate Commissioner, of the New York City Department of Investigation; the Manhattan Area Office of the Occupational Safety and Health Administration (OSHA); and the New York City Police Department's 60th Precinct Detective Squad.

The District Attorney thanked the New York City Department of Buildings, the New York State Workers' Compensation Board, the New York State Department of Labor, the New York State Insurance Fund, and American International Group (AIG) for their assistance.

The case is being prosecuted by Meredith McGowan, Deputy Chief of the Labor Frauds Unit, and Senior Assistant District Attorney Pamela Murray Bilfield, under the supervision of Felice Sontupe, Chief of the District Attorney's Frauds Bureau, and the overall supervision of Executive Assistant District Attorney William E. Schaeffer, Chief of the Investigations Division, and Assistant District Attorney Patricia McNeill, Deputy Chief.

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An indictment is merely an accusation and not proof of a defendant's guilt