

Department of Justice
U.S. Attorney's Office
Southern District of New York

FOR IMMEDIATE RELEASE

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General Contractor And Real Estate Developer Plead Guilty In Connection With Worker Death On Construction Site In Poughkeepsie

Onekey, LLC, and Finbar O'Neill Convicted on Charges of Willfully Violating OSHA Regulations Resulting in Death of Construction Worker

Damian Williams, the United States Attorney for the Southern District of New York, announced today that ONEKEY, LLC, a New Jersey construction company, and its principal, FINBAR O'NEILL, pled guilty to willfully violating Occupational Safety and Health Administration ("OSHA") regulations, resulting in the death of a construction worker ("Victim-1") in Poughkeepsie, New York, on or about August 3, 2017. The defendants pled guilty before U.S. Magistrate Judge Paul E. Davison, to whom the case is assigned. The defendants are scheduled to be sentenced on May 12, 2023.

U.S. Attorney Damian Williams said: "Onekey, a construction company, and its principal, Finbar O'Neill, endangered the safety of their workers by willfully disregarding regulations and taking shortcuts to sidestep their safety obligations. This conduct led to the tragic death of a worker on a construction site. Today's guilty plea should serve as a reminder to all businesses that failure to comply with safety regulations endangers their workers and unfairly disadvantages business that are following the rules, and this Office will hold you accountable."

According to statements and filings in federal court:

In 2017, ONEKEY and O'NEILL implemented a soil compaction plan at a construction site at 1 Dutchess Avenue in Poughkeepsie. The soil compaction plan involved piling large quantities of dirt, called "surcharges," on top of the sites of three future buildings. An engineering firm designed a plan for the use of the surcharges. ONEKEY and O'NEILL did not follow this plan. Instead, they built a wall to hold back one of the surcharges, so workers could get started on the buildings next to it. ONEKEY and O'NEILL did not consult with any qualified person to see if the wall could withstand the weight to be placed on it by the surcharge.

While people were working next to the wall, ONEKEY kept using construction machinery to add dirt to the surcharge pressing up against the wall. The people working near the wall were not warned about the dangers it created. ONEKEY and O'NEILL heard from people working at the site that the wall was not safe. They did not fix the wall.

On August 3, 2017, workers complained that construction machines were driving on top of the surcharge, adding dirt to it. Later that day, the wall collapsed. As it fell, Victim-1 ran away from the wall, but he could not get away in time and was killed.

* * *

ONEKEY, LLC, a New Jersey corporation, pled guilty to one count of willful violation of OSHA regulations resulting in death. The foregoing count carries a maximum fine of \$500,000. FINBAR

O'NEILL, 57, of Paramus, New Jersey, pled guilty to one of count of willful violation of OSHA regulations resulting in death. The foregoing count carries a maximum sentence of six months in prison and a maximum fine of \$250,000.

The maximum potential penalties in this case are prescribed by Congress and are provided here for informational purposes only, as any sentencing of the defendants will be determined by a judge.

Mr. Williams praised the outstanding work of OSHA and the Department of Labor, Office of the Inspector General ("DOL-OIG").

The case is being handled by the Office's White Plains Division. Assistant U.S. Attorneys Steven J. Kochevar and Stephanie Simon are in charge of the prosecution.

Topic(s):
Labor & Employment

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