

PRESS RELEASE

Roofing Company Principal Pleads Guilty For Failing To Protect An Employee Who Fell To His Death

Monday, February 26, 2024

For Immediate Release

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

Damian Williams, the United States Attorney for the Southern District of New York, announced today that JOSE LEMA, a/k/a "Jose Lema Mizhirumbay," the founder and principal of ALJ Home Improvement, Inc., a New York roofing company, pled guilty to willfully violating Occupational Safety and Health Administration ("OSHA") regulations, resulting in the death of an employee in New Square, New York, on or about February 8, 2022. LEMA pled guilty before U.S. Magistrate Judge Judith C. McCarthy, to whom the case is assigned. The defendant is scheduled to be sentenced on May 22, 2024.

U.S. Attorney Damian Williams said: "Jose Lema endangered the safety of his workers by disregarding regulations and failing to ensure his employees used fall protection systems. This conduct led to the tragically avoidable death of a roof worker at a construction site. Failure of small businesses to comply with safety regulations endangers workers and can lead to unnecessary and preventable tragedy, and this Office will hold them accountable."

According to statements and filings made in court:

On the morning of February 8, 2022, LEMA sent an ALJ employee ("Victim-1") and three other employees to install a roof on a three-story multi-family apartment building under

construction in New Square, New York. LEMA failed to protect his employees from fall hazards by having them work on the roof at the worksite without fall protection. After ascending a ladder to the roof, Victim-1 fell to the ground and died from his injuries.

Victim-1's deadly fall was not the first time an employee of LEMA and ALJ fell to their death at one of ALJ's worksites or were exposed to fall hazards. The first death, on or about February 27, 2019, involved an ALJ employee who slipped off the roof of a newly constructed three-story home in Kiamesha Lake, New York. OSHA investigated and issued citations to ALJ numerous times for failing to ensure employees were using fall protection systems following the 2019 death and once after Victim-1's death.

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LEMA, 41, of Nanuet, New York, is charged with one count of willful violation of OSHA regulations resulting in death, which 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 defendant will be determined by a judge.

Mr. Williams praised the outstanding work of OSHA, the Department of Labor, Office of the Inspector General, and the Special Agents of the U.S. Attorney's Office for the Southern District of New York for their assistance.

The prosecution is being handled by the Office's White Plains Division. Assistant U.S. Attorney Margery Feinzig is in charge of the prosecution.

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