

PRESS RELEASE

Construction Company Principal Sentenced To Three Months In Prison In Connection With Worker Death On Construction Site In Poughkeepsie

Friday, May 12, 2023

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 ONEKEY, LLC, a New Jersey construction company, was sentenced to three years of probation and ordered to pay a \$218,417 fine and its principal, FINBAR O'NEILL, was sentenced to three months in prison today by U.S. Magistrate Judge Paul E. Davison, following their guilty plea 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.

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.

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In addition to the prison term, O'NEILL, 57, of Paramus, New Jersey, was sentenced to one year of supervised release.

Mr. Williams praised the outstanding work of OSHA and the Department of Labor, Office of the Inspector General.

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.

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Updated May 12, 2023

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Press Release Number: 23-175