

Department of Justice

U.S. Attorney's Office

Southern District of New York

FOR IMMEDIATE RELEASE

Wednesday, August 3, 2022

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

OneKey, LLC, and Finbar O'Neill Arraigned 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, and Jonathan Mellone, the Special Agent-in-Charge of the New York Region of the Office of the Inspector General, Department of Labor ("DOL-OIG") announced today that ONEKEY, LLC, a New Jersey construction company, and its principal, FINBAR O'NEILL, were charged by Information with 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 Information charges that ONEKEY and O'NEILL built and placed construction loads on a concrete wall without consulting with a qualified person to determine whether the wall could withstand the weight. The Information also charges that ONEKEY and O'NEILL failed to warn workers about the dangers of the wall. The wall collapsed, killing Victim-1. ONEKEY and O'NEILL were arraigned on the charges this afternoon before United States Magistrate Judge Judith C. McCarthy.

U.S. Attorney Damian Williams said: "As alleged, OneKey, a construction company, and its principal, Finbar O'Neill, endangered the safety of their workers by disregarding regulations and taking shortcuts to sidestep their safety obligations. This conduct led to the death of a worker on a construction site. Today's charges should serve as a reminder to small business that failure to comply with safety regulations can lead to unnecessary and preventable tragedy."

DOL-OIG Special Agent-in-Charge Jonathan Mellone said: "An important part of the mission of the Office of Inspector General is to investigate allegations of criminal misconduct related to U.S. Department of Labor (DOL) programs. We will continue to work with our law enforcement partners and DOL's Occupational Safety and Health Administration to hold accountable those who jeopardize workers' safety."

As alleged in the Information^[1]:

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, is charged with 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, is charged with 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 sentences 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 and DOL-OIG.

The case is being prosecuted by the Office's White Plains Division. Assistant U.S. Attorney Steven J. Kochevar is in charge of the prosecution.

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

[1] As the introductory phrase signifies, the entirety of the text of the Information, and the description of the Information set forth herein, constitutes only allegations, and every fact described therein should be treated as an allegation.

Attachment(s):

[Download us v onekey information.pdf](#)

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Contact:

Nicholas Biase Victoria Bosah (212) 637-2600

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