

PRESS RELEASE

Roofing Company Principal Sentenced To Four Months In Prison For Failing To Protect An Employee Who Fell To His Death

Wednesday, June 12, 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 that JOSE LEMA, a/k/a "Jose Lema Mizhirumbay," the founder and principal of ALJ Home Improvement, Inc., a New York roofing company, was sentenced today to four months in prison by U.S. Magistrate Judge Judith C. McCarthy for willfully violating Occupational Safety and Health Administration ("OSHA") regulations, resulting in the death of an employee ("Victim-1") in New Square, New York, on February 8, 2022. LEMA previously pled guilty to one count of willfully violating OSHA regulations, resulting in the death of an employee on February 26, 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 death of a roof worker on a construction site. Today's sentence should send a message to small businesses that failure to comply with safety regulations endangers workers and can lead to unnecessary and preventable tragedy, and this Office will hold you accountable."

According to the allegations contained in the Information, court filings, and statements made during court proceedings:

On the morning of February 8, 2022, LEMA sent Victim-1 and three other ALJ 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 of the building 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 his death at one of ALJ's worksites or that ALJ employees were exposed to fall hazards. The first fatal fall, on February 27, 2019, involved an ALJ employee who slipped off the roof of a newly constructed three-story home in Kiamesha Lake, New York. During the time between the two employees' deaths, OSHA investigated and issued numerous citations to ALJ relating to six other ALJ worksites for failure to ensure employees were using fall protection systems. Even after Victim-1's death, OSHA investigated yet another ALJ worksite and issued citations to ALJ for failing to ensure employees were using fall protection.

In imposing LEMA's sentence, Judge McCarthy observed that Victim-1's death was "avoidable" and noted LEMA's repeated failures to comply with fall protection regulations after the first ALJ employee's death from falling from a roof.

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In addition to the prison term, LEMA, 41, of Nanuet, New York, was sentenced to one year of supervised release.

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.

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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