

**INDICTMENT
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

THE PEOPLE OF THE STATE OF NEW YORK

-against-

X. JIAXI "JIMMY" LIU
X. JIA RONG "TOMMY" LIU
X. WSC GROUP LLC
X. WS CONSTRUCTION INC.
X. WILSON GARCIA
X. PAUL BAILEY
X. BAILEY'S ENGINEERING, P.C.
X. SIU WAH MARIA CHEUNG-MUI
X. CINDY CHAI

Defendants.

INDICTMENT NO. 7019/2018

Non-Aligned
Investigations Division
Frauds Bureau

Counts:

Manslaughter in the Second Degree, PL § 125.15

(Jiaxi "Jimmy" Liu, WSC Group LLC, Wilson Garcia, Paul Bailey, Bailey's Engineering PC.) (1 Count)

Criminally Negligent Homicide, PL § 125.10

(Jiaxi "Jimmy" Liu, WSC Group LLC, Wilson Garcia, Paul Bailey, Bailey's Engineering PC, Siu Wah Maria Cheung) (1 Count)

Reckless Endangerment in the Second Degree, PL § 120.20

(Jiaxi "Jimmy" Liu, Jia "Tommy" Rong Liu, WSC Group LLC, Wilson Garcia, Paul Bailey, Bailey's Engineering, Siu Wah Maria Cheung-Mui) (2 Counts)

Criminal Mischief in the Fourth Degree, Penal Law PL § 145.00(3)

(Jiaxi "Jimmy" Liu, Wilson Garcia, WSC Group LLC) (2 counts)

Offering a False Instrument for Filing in the First Degree, PL § 175.35(1)

(Jiaxi "Jimmy" Liu, Jia "Tommy" Rong Liu, Siu Wah Maria Cheung-Mui) (8 Counts)

Insurance Fraud in the Third Degree, PL § 176.25

(Cindy Chai, Jiayi "Jimmy" Liu, Jia Rong "Tommy" Liu, WSC Group LLC, WS Construction Inc.) (2 Counts)

Fraudulent Practices, Workers' Compensation Law § 114(3)

(Jiayi "Jimmy" Liu, Jia Rong "Tommy" Liu, WSC Group LLC) (1 Count)

Fraudulent Practices, Workers' Compensation Law § 96

(Jiayi "Jimmy" Liu, Jia Rong "Tommy" Liu, WSC Group LLC) (1 Count)

Grand Larceny in the Third Degree, PL § 155.35

(Jiayi "Jimmy" Liu, Jia Rong "Tommy" Liu, WSC Group LLC) (2 Counts)

NYC AC § 11-4003 City Criminal Tax Fraud in the 5th Degree

(Jiayi "Jimmy" Liu, Jia Rong "Tommy" Liu, WSC Group LLC, WS Construction Inc.) (4 Counts)

NYC AC § 11-4004 City Criminal Tax Fraud in the 4th Degree

(Jiayi "Jimmy" Liu, WS Construction Inc.) (1 Count)

NYC AC § 11-4005 City Criminal Tax Fraud in the 3rd Degree

(Jiayi "Jimmy" Liu, WS Construction Inc.) (1 Count)

Criminal Possession of a Forged Instrument in the 2nd Degree PL § 170.25

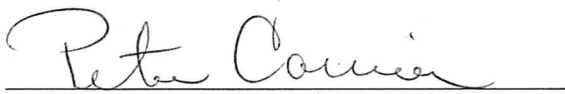
(Jiayi "Jimmy" Liu, Jia Rong "Tommy" Liu, WSC Group LLC) (1 Count)

Criminal Possession of a Forged Instrument in the 3rd Degree P § 170.20

(Jiayi "Jimmy" Liu, Jia Rong "Tommy" Liu, WSC Group LLC) (1 Count)

A TRUE BILL

ERIC GONZALEZ
DISTRICT ATTORNEY


FOREPERSON

INTRODUCTION

At all times relevant to this indictment unless otherwise indicated:

September 12, 2018 Construction Death

From April to September 2018, construction workers employed by WSC Group, Inc., performed demolition, excavation, and foundation work at a construction site at 714 39th Street in Kings County (the “39th Street Construction Site”). The workers installed an excavation support system, which was supposed to support the ground and the existing wall at exposure 3 surrounding the excavation, but the support system was inadequate.

On September 12, 2018, Jiayi “Jimmy” Liu, who ran the WSC Group, and his foreperson, Wilson Garcia, ordered the workers to perform work on the underpinning by a wall at exposure 3 at the rear of the site. At approximately 2:00 p.m., a portion of the support system and an existing masonry wall at exposure 3 collapsed. One of the construction workers, 47-year-old Luis Almonte Sanchez, was struck by one of the underpinning pin sections, which weighed between 15,000 to 45,000 lbs., and was buried under the collapsing debris.

Due to the hazardous construction site conditions, rescue operations had to be suspended on September 12, 2018. The next day, after removal of the concrete underpinning pins and portions of the existing building masonry wall, the body of Luis Almonte Sanchez was recovered from below one of the underpinning sections located near the corner of exposure 3 and 4 by the rear wall.

Relevant Entities

New York City Department of Buildings

The New York City Department of Buildings (the “NYC DOB”) regulated the lawful use of over one million buildings and construction sites across five boroughs. The NYC DOB enforces the City’s Building Code and Administrative Codes.

Occupational Health and Safety Administration

The Occupational Safety and Health Administration (“OSHA”) was part of the United States Department of Labor. OSHA’s mission is to assure safe and healthful working conditions for workers by setting and enforcing standards and by providing training, outreach, education, and assistance.

New York State Insurance Fund

The New York State Insurance Fund was a not-for-profit agency of the State of New York that offers Workers’ Compensation and Disability Benefits Insurance coverage to employers with workers in New York State.

WSC Group LLC

WSC Group LLC was a construction company owned by Jia Rong “Tommy” Liu and operated by his brother, Jiayi “Jimmy” Liu, created on April 16, 2012, with a business address of 134 12th Street, Brooklyn New York 11215. WSC Group LLC was the sub-contractor for the demolition, excavation, and foundation work at the 39th Street Construction Site.

WS Construction Inc.

WS Construction Inc. was a construction company owned by Jiayi “Jimmy” Liu until 2016 with a business address of 134 12th Street, Brooklyn New York 11215. Jiayi “Jimmy” Liu changed the company’s name to WSC Group LLC in 2016 following his conviction for a construction-related crime.

Ground to Sky City Builders Corporation

Ground to Sky City Builders Corporation (“Ground to Sky”) was a construction company owned and operated by Jorge Espejo with a business address of 51 Garfield Street, Yonkers, New York. Ground to Sky had a safety registration license with the NYC DOB which enabled Ground to Sky to obtain permits from the NYC DOB to perform construction work in New York City.

Bailey’s Engineering PC

Bailey’s Engineering PC was owned by Paul Bailey, who was a licensed engineer with the State of New York with a registration with the NYC DOB. Bailey’s Engineering acted as the special inspector at the 39th Street Construction Site and another construction site located at 1759 Bay Ridge Parkway, the “Bay Ridge Construction Site”.

Targets Involved With 714 39th Street:

Jiaxi “Jimmy” Liu and Jia Rong “Tommy” Liu- Jia Rong “Tommy” Liu is the owner of WSC Group.

His brother, Jiaxi “Jimmy” Liu, is the operator of WSC Group. Jiaxi “Jimmy” Lui was on the 39th Street Construction Site every day to give instructions to his foreperson and workers.

Paul Bailey- Paul Bailey and his company, Bailey’s Engineering, P.C., were hired by Jiaxi “Jimmy” Liu as the Special Inspection Agency for this project. Bailey is a professional engineer licensed in the State of New York. Bailey’s responsibility was to oversee the construction work at the 39th Street Construction Site and to ensure that all building and administrative codes were complied with and that the construction site was safe for workers.

Jorge Espejo- Jorge Espejo was the owner and sole principal of “Ground to Sky”. Espejo, through his company, pulled the permits for construction at 39th street at the behest of Jiaxi “Jimmy” Liu. Liu

paid Espejo to pull permits for the 39th Street Construction Site and the Bay Ridge Construction Site, despite the fact that “Ground to Sky” had no role in either construction project. Espejo was paid by Jiayi “Jimmy” Liu to obtain the permit for the 39th Street Construction Site and for the Bay Ridge Construction Site, even though Ground to Sky had no role in either construction project.

Siu Wah Maria Cheung-Mui Siu Wah Maria Cheung-Mui held a construction superintendent license with the NYC DOB. Jiayi “Jimmy” Liu along with the owner of the property hired Cheung-Mui as the construction superintendent for the 39th Street Construction Site and the Bay Ridge Construction Site. As per the NYC DOB code regulations, a construction superintendent was required to be on site to maintain a safe job site, maintain compliance with the approved construction documents at the job site, and perform daily site visits. The construction superintendent was required to maintain a site log and was required to notify the NYC DOB if unsafe conditions were not corrected.

Wilson Garcia Wilson Garcia was a supervising inspector at the NYC DOB assigned to the Emergency Response Team Unit until 2016. This unit was responsible for responding to construction accidents. In 2017, Garcia was hired by Jiayi “Jimmy” Liu as an employee of WSC Group. Garcia served as the foreman on several construction sites including the 39th Street Construction Site. Wilson Garcia acted as the “competent person” and a supervisor at the 39th Street Construction Site. the. A “competent person” is defined by the NYC DOB Building Code as a person designated by a construction superintendent to identify hazards and to take immediate action to correct the hazards on site. A competent person is a representative of a construction superintendent at a site and is required to be on site when the construction superintendent is not present while work is occurring. The competent person oversees the construction superintendent’s duties at the work site when the construction superintendent is not present. The construction superintendent is still ultimately

responsible and must go to the site a minimum of once per day. Wilson Garcia acted as the person in charge when Jiayi “Jimmy” Liu was not present the 39th Street Construction Site.

Cindy Chai- Cindy Chai was the bookkeeper at WSC Group LLC and the girlfriend of Jiayi “Jimmy” Liu. Chai made statements and submitted documents to NYSIF in connection with insurance for WSC Group LLC.

Employers’ Duty to Provide a Safe Workplace and New York City’s Building Code

Under the Occupational Safety and Health Act of 1970, all employers were required to provide a workplace free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, and to comply with the regulations promulgated by the Occupational Safety and Health Administration (“OSHA”).

The OSHA regulations governing the construction industry stated that where excavation operations undermine the stability of adjoining buildings, walls, or other structures, employers have to provide support systems such as shoring, bracing or underpinning to ensure the stability of such structures for the protection of employees. The OSHA regulations stated that employers could not allow workers to perform any work in excavations without such support systems. OSHA regulations also stated that if the competent person finds evidence of a situation that could result in a possible cave-in, indications of a failure of protective systems, or other hazardous conditions, exposed must be removed from the hazardous area until the necessary precautions have been taken to ensure their safety. OSHA regulations further state that designs of support systems for excavation must be constructed based on appropriate design plans and those design plans must be followed.

The New York City Building Code required all construction contractors and subcontractors to follow the Occupational Act of 1970 and the OSHA rules on construction sites.

The New York City Building Code required all construction contractors to submit detailed plans of proposed excavations to the NYC DOB in order to obtain permits to perform such work, including the exact location and depth of the excavation, information about adjacent structures that could be affected by such excavation, and underpinning details. Once the NYC DOB approves the excavation plans, the contractor must follow them precisely, including the sequence of the work, and must have competent professionals conduct special inspections of the site regarding the structural stability of the adjoining buildings on a daily basis. Further, the contractor overseeing the excavation must notify the NYC DOB between 24 and 48 hours before commencement of the excavation work; provide sheeting, shoring, and bracing or other means, such as underpinning, to avoid a collapse; and monitor the sides of the adjacent properties during the excavation.

The 39th Street Construction Site

As of September 12, 2018, the conditions on the construction site at the 39th Street Construction Site were hazardous. Jiayi “Jimmy” Liu and his foreperson, Wilson Garcia, had not been following neither the NYC DOB approved excavation plans nor the plans recovered on site later on the day of the collapse. The NYC DOB approved plans would have provided the contractor with a precise course of action that had been reviewed by professionals. The plans recovered on site on the day of the collapse, while not approved by the NYC DOB would have at least provided some guidance to the contractor had they been followed. Liu and Garcia followed neither. Acting under the supervision and direction of Liu and Garcia, the workers had not followed the proper sequence of work set forth in the approved excavation plans when underpinning the rear wall, had over-excavated below the bottom of the underpinning, had failed to properly install the underpinning system, and had failed to brace the rear wall sufficiently.

In the days immediately prior to September 12, 2018, Jiaxi “Jimmy” Liu and Garcia were informed by several of their workers of a number of potentially dangerous occurrences, including that the rear wall was moving forward and that it had to be further braced with another beam across the lower portion of the wall in order to stop the wall’s movement.

Also, in the days leading up to September 12, 2018, Jiaxi “Jimmy” Liu and Garcia were notified by a resident who lived immediately adjacent to the rear wall that her patio and garage had caved in. Despite these warnings, Jiaxi “Jimmy” Liu and Garcia refused to direct the workers to install the additional bracing and never halted work at the site in order to assess or remedy the dangerous conditions. Nor did they follow NYC DOB regulations and notify the NYC DOB about the hazardous conditions. Instead, Jiaxi “Jimmy” Liu and Garcia ordered the workers to continue working on the underpinning by the remaining wall at exposure 3 at the rear of the site and allowed a trucking company to continue to remove truckloads of dirt during a heavy rain storm, further destabilizing the site.

The Construction Superintendent, Siu Wah Maria Cheung-Mui, was responsible for ensuring that the contractor Jiaxi Liu and his company WSC Group were following the excavation plans approved by the NYC DOB and that the workers were safe on a daily basis. Contrary to NYC DOB regulations requiring the construction superintendent to be on site every day, Cheung-Mui failed to check in at the site on a daily basis despite the inherently dangerous nature of the excavation work taking place from June until the date of the collapse. Cheung-Mui also failed to notify the owner or the NYC DOB of the contractor’s failure to follow the approved plans or of the dangerous conditions at the construction site. Hours before the collapse on September 12th Cheung-Mui was present at the site, but did not enter to assess the conditions due to heavy rain and mud.

NYC DOB regulations require that the owner of a construction site hire a “special inspector” to check the work of the contractor to make sure that it is compliant with the approved plans and that the construction site is safe for the workers and surrounding buildings. Since the special inspector’s job is to review the work of the contractor, NYC DOB regulations prohibit the contractor from hiring the special inspector because it would be a conflict of interest.

In contravention of the NYC DOB regulations, the contractor Jiaxi “Jimmy” Liu hired Paul Bailey of Bailey’s Engineering PC to serve as the special inspector for the project at 714 39th Street.

Despite being made aware of the failure to follow the plans and the dangerous conditions at the construction site regarding the underpinning and support of excavation bracing, Bailey failed to notify the owner or the NYC DOB about the conditions at the site.

The Bay Ridge Construction Site

Jorge Espejo, Jiaxi Liu, Jia Rong Liu, Paul Bailey, Siu Wah Maria Cheung- Mai, and their respective companies (Ground to Sky City Builder’s Corp. Bailey’s Engineering and WSC Group LLC) were all involved with another construction project together in 2017-2018 at 1759 Bay Ridge Parkway (the “Bay Ridge Construction Site”). WSC Group paid “Ground to Sky” to pull the permits for the work. The permit holder and contractor of record was the owner and operator of “Ground to Sky”, Jorge Espejo. Paul Bailey of Bailey’s Engineering was hired by WSC Group to be the special inspector to oversee the work at the site and make sure the plans were followed and the excavation and underpinning was done correctly. Siu Wah Maria Cheung-Mui was hired by Jiaxi “Jimmy” Liu to be the construction superintendent at the site mid-way through the project.

From the commencement of work at the Bay Ridge Construction Site in late 2017 until August 2018, NYC DOB received numerous complaints from neighboring property owners and residents about unsafe construction and excavation practices at the site, including unsafe construction and excavation practices; neighboring properties being exposed to damage and shaking; and that the construction work was encroaching onto the neighboring properties.

When NYC DOB inspectors responded to the complaints by visiting the site, they found numerous violations of NYC DOB regulations, including failure to provide at least one safe means of egress from the excavation pit which was located more than 12 feet below grade level; failure to safeguard all persons and property affected by construction operations; permitting workers on foundation walls above and over uncapped rebar which could impale them; damage to adjacent buildings from the construction operations; failure to designate and/or have a construction superintendent present at the site when required; and doing excavation work without following the approved excavation plans or amendments to those plans.

Even after NYC DOB placed a full stop work order on the Bay Ridge Construction Site, it received complaints from neighboring residents that the work at the site continued in violation of the stop work order.

Jiayi “Jimmy” Liu, Jia Rong “Tommy” Liu, and Cindy Chai Defrauded the New York State Insurance Fund in that they Made False Statements and Concealed Material Facts that Inaccurately Portrayed Payroll and Classification of Work Performed

Under the New York State Workers’ Compensation Law, all employers must secure workers’ compensation insurance coverage for their employees. The New York State Insurance Fund (NYSIF), calculates an insurance premium on each workers’ compensation policy it issues through a formula that takes into account the amount of the entity’s payroll and the classification of its employees’ work.

In 2015, as part of its initial application for coverage with NYSIF then president of WS Construction Inc., Jiayi “Jimmy” Liu, affirmed that the information provided was accurate and that he had a continuing obligation to notify NYSIF of any changes of the kinds of work which the business was doing, the size of workforce, or the size of payroll. By failing to notify NYSIF of changes to his business, including, but not limited to, the wages and composition of the workforce, the classification of his employees’ work, and the overall size of the payroll, Jiayi “Jimmy” Liu knowingly violated his continuing obligation to NYSIF in order to obtain a lower insurance premium.

In 2017, after Jia Rong “Tommy” Liu became the president of the WSC Group, he submitted an application to NYSIF for WSC Group’s insurance to be added to the aforementioned policy previously held for WS Construction. In this document, Jia Rong “Tommy” Liu affirmed that the information provided was complete and accurate in every detail. Despite this affirmation, Jia Rong “Tommy” Liu knowingly and falsely reported the composition of the workforce and classification of his employees’ work. Jia Rong “Tommy” Liu did so by failing to report any of the individuals that worked at the 39th Street Construction Site, including those that had been employed by WSC Group for years. Furthermore, Jia Rong “Tommy” Liu listed Jiayi “Jimmy” Liu as an office worker, when in reality Jiayi “Jimmy” Liu worked in the field and operated heavy machinery like an excavator.

In October of 2018 and in January and March of 2019, the treasurer of WSC Group, Cindy Chai, knowingly made several false representations to NYSIF about the nature of WSC Group’s workforce. In October of 2018, following the death of Luis Almonte, Cindy Chai submitted a document to NYSIF in which she affirmed that the information is true to the best of her knowledge and belief. In this document she stated that the deceased, Mr. Almonte, was the

only construction worker employed by WSC Group in the last 52 weeks. In actuality there were at least four (4) other construction workers employed by WSC during that time period. In January and March of 2019, NYSIF conducted audits of WSC Group. These audits were preceded by Cindy Chai's submission of various payroll documents to WSC Group, including but not limited to, a cash book and a general ledger. In these submissions, Chai failed to include almost all of the workers from the 39th Street Construction Site. Furthermore, she represented that Jiayi "Jimmy" Liu and Wilson Garcia were office workers. Finally, Chai falsely represented the payroll of WSC Group by – despite indicating an awareness of his employment in October of 2018 – failing to include the wages or existence of the deceased, Luis Almonte, in the submitted books and records.

After the fatality at 39th Street, an investigation into WSC Group revealed that as a result of WSC Group's failure to accurately represent payroll, specifically, the failure to accurately report the existence and wages of workers as well as their classifications, NYSIF sustained a loss of \$46,930.87.

**Jiayi "Jimmy" Liu, WS Construction Inc., Jia Rong "Tommy" Liu and WSC Group LLC
Committed Tax Fraud**

New York City law requires that all businesses that operate in the City file a tax return document reporting, among other things, the business's income, and, if the income exceeds a certain threshold, to pay a city tax. Both WSC Group LLC and WS Construction Inc. failed to file the required tax documents for the years of 2015 through 2018. WS Construction, Inc. owed \$28,744.45 for the years 2015 and 2016.

COUNT ONE

THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, accuses the defendants JIAXI "JIMMY" LIU, WSC GROUP LLC, WILSON GARCIA, PAUL BAILEY AND BAILEY'S ENGINEERING PC of the crime of MANSLAUGHTER IN THE SECOND DEGREE, in violation of Penal Law § 125.15, committed as follows:

The defendants, in the County of Kings, on or about September 12, 2018, while acting in concert with one another recklessly caused the death of another person.

COUNT TWO

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIAXI "JIMMY" LIU, WSC GROUP LLC, WILSON GARCIA, SIU WAH MARIA CHEUNG-MUI, PAUL BAILEY AND BAILEY'S ENGINEERING PC of the crime of CRIMINALLY NEGLIGENT HOMICIDE, in violation of Penal Law § 125.10, committed as follows:

The defendants, in the County of Kings, on or about September 12, 2018 while acting in concert with one another, with criminal negligence, caused the death of another person.

COUNT THREE

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIAXI "JIMMY" LIU, JIA RONG "TOMMY" LIU, WSC GROUP LLC, WILSON GARCIA, PAUL BAILEY, BAILEY'S ENGINEERING, P.C., and SIU WAH MARIA CHEUNG-MUI of the crime of RECKLESS ENDANGERMENT IN THE SECOND DEGREE, in violation of Penal Law § 120.20, committed as follows:

The defendants, acting in concert, in the County of Kings, on or about and between April 15, 2018 until September 12, 2018 as part of an ongoing course of conduct, recklessly engaged

in conduct which created a substantial risk of serious physical injury to another person at the location of 714 39th Street in Kings County.

COUNT FOUR

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIAXI “JIMMY” LIU, JIA RONG “TOMMY” LIU, WSC GROUP LLC, PAUL BAILEY, BAILEY’S ENGINEERING, P.C., and SIU WAH MARIA CHEUNG-MUI of the crime of RECKLESS ENDANGERMENT IN THE SECOND DEGREE, in violation of Penal Law § 120.20, committed as follows:

The defendants, acting in concert, in the County of Kings, from on or about December 1, 2017 to on or about August 30th, 2018, as part of an ongoing course of conduct, recklessly engaged in conduct which created a substantial risk of serious physical injury to another person at the location of 1759 Bay Ridge Parkway in Kings County.

COUNT FIVE

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIAXI “JIMMY” LIU, WSC GROUP LLC, and WILSON GARCIA, of the crime of CRIMINAL MISCHIEF IN THE FOURTH DEGREE, in violation of Penal Law § 145.00(3), committed as follows:

The defendants, acting in concert, in the County of Kings, on or about and between August 1, 2018 until September 12, 2018 as part of an ongoing course of conduct, recklessly damaged property of another person, namely the rear yard and garage of 719 40th Street, Kings County; Rosa Delgado as custodian for such property.

COUNT SIX

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIAXI “JIMMY” LIU, WILSON GARCIA and WSC GROUP LLC, of the crime of CRIMINAL MISCHIEF IN THE FOURTH DEGREE, in violation of Penal Law § 145.00(3), committed as follows:

The defendants, acting in concert, in the County of Kings, on or about and between December 1, 2017 until August 30, 2018 as part of an ongoing course of conduct, recklessly damaged property of another person, namely the rear yard and property of 1758 74th Street, Kings County; Huahui Lin as custodian for such property.

COUNT SEVEN

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendant JIA RONG “TOMMY” LIU of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE in violation of Penal Law § 175.35(1) committed as follows:

The defendant, in the County of Kings and elsewhere, on or about August 1, 2018, knowing that a written instrument contains a false statement or false information and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation, namely the summons certificate of correction affidavit for 1759 Bay Ridge Parkway for failure to provide at least one means of egress filed at the NYC DOB.

COUNT EIGHT

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendant JIA RONG "TOMMY" LIU of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE in violation of Penal Law § 175.35(1), committed as follows:

The defendant, in the County of Kings and elsewhere, on or about August 1, 2018, knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation, namely the summons certificate of correction affidavit for 1759 Bay Ridge Parkway for failure to safeguard all persons and property affected by construction.

COUNT NINE

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendant JIA RONG "TOMMY" LIU of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE in violation of Penal Law § 175.35(1), committed as follows:

The defendant, in the County of Kings and elsewhere, on or about August 1, 2018, knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he offers or presents it to a public office, public servant, public authority or public

benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation, namely the summons certificate of correction affidavit for 1759 Bay Ridge Parkway for the condition of the fences.

COUNT TEN

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendant JIA RONG “TOMMY” LIU of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE in violation of Penal Law § 175.35(1), committed as follows:

The defendant, in the County of Kings and elsewhere, on or about August 1, 2018, knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation, namely the summons certificate of correction affidavit for 1759 Bay Ridge Parkway for failure to safeguard all persons and property affected by construction.

This count pertaining to a different violation summons than in Count 8 detailed above.

COUNT ELEVEN

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendant JIAXI “JIMMY” LIU of the crime of OFFERING A FALSE

INSTRUMENT FOR FILING IN THE FIRST DEGREE in violation of Penal Law § 175.35(1), committed as follows:

The defendant, in the County of Kings and elsewhere, on or about March 1, 2018, knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation, namely the summons certificate of correction affidavit for 1759 Bay Ridge Parkway for failure to designate and have a construction superintendent present at the site when required.

COUNT TWELVE

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendant JIAXI “JIMMY” LIU of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE in violation of Penal Law § 175.35(1), committed as follows:

The defendant, in the County of Kings and elsewhere, on or about March 1, 2018, knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation, namely the summons certificate of correction affidavit

for 1759 Bay Ridge Parkway for failure to comply with the NYC Fire Code, no Fire Watch, Fire Guard at the time of inspection of the foundation/excavation stage of a new building.

COUNT THIRTEEN

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendant SIU WAH "MARIA" CHEUNG-MUI of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE in violation of Penal Law § 175.35(1), committed as follows:

The defendant, in the County of Kings and elsewhere, on or about October 6, 2017 knowing that a written instrument contains a false statement or false information, with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation, namely the sworn jurat statement by Cheung in which she authorized Jia Rong Tommy Liu to represent her as the competent person at 1759 Bay Ridge Parkway.

COUNT FOURTEEN

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendant SIU WAH MARIA CHEUNG-MUI of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE in violation of Penal Law § 175.35(1), committed as follows:

The defendant, in the County of Kings and elsewhere, on or about June 22, 2017, knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of

the state, she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority, namely a false application to obtain a NYC DOB Construction Superintendent License.

COUNT FIFTEEN

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants CINDY CHAI, JIAXI “JIMMY” LIU, JIA RONG “TOMMY” LIU AND WSC GROUP LLC of the crime of INSURANCE FRAUD IN THE THIRD DEGREE in violation of Penal Law § 176.20 committed as follows,

The defendants in the County of Kings and elsewhere, on or about June 29, 2017 and in between June 29, 2018 acting in concert with one another committed a fraudulent insurance act and thereby wrongfully took, obtained or withheld or attempted to wrongfully take, obtain or withhold property with a value in excess of three thousand dollars.

COUNT SIXTEEN

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants CINDY CHAI, JIAXI “JIMMY” LIU, JIA RONG “TOMMY” LIU AND WSC GROUP LLC of the crime of INSURANCE FRAUD IN THE THIRD DEGREE in violation of Penal Law § 176.20 committed as follows,

The defendants in the County of Kings and elsewhere, on or about and in between June 29, 2018 and December 28, 2018 acting in concert with one another committed a fraudulent insurance act and thereby wrongfully took, obtained or withheld or attempted to wrongfully take, obtain or withhold property with a value in excess of three thousand dollars.

COUNT SEVENTEEN

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIAXI “JIMMY” LIU, JIA RONG “TOMMY” LIU, CINDY CHAI AND WSC GROUP LLC of the crime of FRAUDULENT PRACTICES, in violation of Workers’ Compensation Law § 114(3), committed as follows:

The defendants, in the County of Kings and elsewhere, on or about and in between June 1, 2017 and December 28, 2018 while acting in concert with one another knowingly made a false statement or representation as to a material fact for the purpose of obtaining, maintaining or renewing insurance under this chapter, whether for himself or herself or for any other person or entity or for the purpose of evading the requirements of section fifty of this chapter.

COUNT EIGHTEEN

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIAXI “JIMMY” LIU, JIA RONG “TOMMY” LIU, CINDY CHAI AND WSC GROUP LLC of the crime of FRAUDULENT PRACTICES, in violation of Workers’ Compensation Law § 96, committed as follows:

The defendants, in the County of Kings and elsewhere, on or about and between June 1, 2017 and December 28, 2018 while acting in concert with one another, did knowingly make a false statement or representation, conceal a material fact, or engage in any other fraudulent scheme or device for the purpose of obtaining, maintaining or renewing insurance in the state insurance fund at less than the proper rate for such insurance, whether for themselves or any other person or entity, or for the purpose of evading the requirements of section fifty of this chapter.

COUNT NINETEEN

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIAXI “JIMMY” LIU, JIA RONG “TOMMY” LIU, CINDY CHAI AND WSC GROUP LLC of the crime of GRAND LARCENY IN THE THIRD DEGREE in violation of Penal Law § 155.35(1), committed as follows:

The defendants, in the County of Kings and elsewhere, on or about and between June 29, 2017 and December 29, 2018 while acting in concert with one another stole property and when the value of the property exceeded three thousand dollars.

COUNT TWENTY

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIAXI “JIMMY” LIU, JIA RONG “TOMMY” LIU, CINDY CHAI AND WSC GROUP LLC of the crime of GRAND LARCENY IN THE THIRD DEGREE in violation of Penal Law § 155.35(1), committed as follows:

The defendants, in the County of Kings and elsewhere, on or about and between **June 29, 2018 and December 28, 2018** while acting in concert with one another stole property and when the value of the property exceeded three thousand dollars.

COUNT TWENTY ONE

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIAXI “JIMMY” LIU and WS CONSTRUCTION INC. of the crime of NYC AC § 11-4005 CITY CRIMINAL TAX FRAUD IN THE 3rd DEGREE committed as follows:

The defendants, in the County of Kings and elsewhere, on or about and between January 1, 2016 and December 31, 2016 committed a tax fraud act with the intent to evade any tax due

under any designated chapter of Title Eleven of the New York City Administrative Code, or defrauded the City of New York, in that they paid or failed to pay the City of New York (whether by means of underpaying or receipt of refund or both), in a period of not more than one year in excess of ten thousand dollars less than the tax liability that was due.

COUNT TWENTY TWO

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIAXI “JIMMY” LIU and WS CONSTRUCTION INC. of the crime of NYC AC § 11-4004 CITY CRIMINAL TAX FRAUD IN THE 4th DEGREE committed as follows:

The defendants, in the County of Kings and elsewhere, on or about and between January 1, 2015 and December 31, 2015 committed a tax fraud act with the intent to evade any tax due under any designated chapter of Title Eleven of the New York City Administrative Code, or defrauded the City of New York, in that they paid or failed to pay the City of New York (whether by means of underpaying or receipt of refund or both), in a period of not more than one year in excess of three thousand dollars less than the tax liability that was due.

COUNT TWENTY THREE

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIAXI “JIMMY” LIU and WS CONSTRUCTION INC. of the crime of NYC AC § 11-4003 CITY CRIMINAL TAX FRAUD IN THE 5th DEGREE committed as follows:

The defendants, in the County of Kings and elsewhere, on or about and between January 1, 2017 and December 31, 2017 committed a tax fraud act.

COUNT TWENTY FOUR

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIA RONG “TOMMY” LIU and WSC GROUP LLC of the crime of NYC AC § 11-4003 CITY CRIMINAL TAX FRAUD IN THE 5th DEGREE committed as follows:

The defendants, in the County of Kings and elsewhere, on or about and between January 1, 2016 and December 31, 2016 committed a tax fraud act.

COUNT TWENTY FIVE

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIA RONG “TOMMY” LIU and WSC GROUP LLC of the crime of NYC AC § 11-4003 CITY CRIMINAL TAX FRAUD IN THE 5th DEGREE committed as follows:

The defendants, in the County of Kings and elsewhere, on or about and between January 1, 2017 and December 31, 2017 committed a tax fraud act.

COUNT TWENTY SIX

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIA RONG “TOMMY” LIU and WSC GROUP LLC of the crime of NYC AC § 11-4003 CITY CRIMINAL TAX FRAUD IN THE 5th DEGREE committed as follows:

The defendants, in the County of Kings and elsewhere, on or about and between January 1, 2018 and December 31, 2018 committed a tax fraud act.

COUNT TWENTY SEVEN

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIAXI "JIMMY" LIU, JIA RONG "TOMMY LIU" AND WSC GROUP LLC of the crime of CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE SECOND DEGREE PL§ 170.25 committed as follows:

The defendants, in the County of Kings and elsewhere, on or about February 19, 2019 with knowledge that it forged and with intent to defraud, deceive or injure another, he utters or possesses any forged instrument of a kind specified in section 170.10, namely a public record or an instrument filed or required or authorized by law to be filed in or with a public office or public servant or a written instrument officially issued or created by a public office, public servant or governmental instrumentality, namely a NYC DOB AEU2 Certificate of Correction signed and notarized with the forged signature of Jorge Espejo.

COUNT TWENTY EIGHT

AND THE GRAND JURY OF THE COUNTY OF KINGS, BY THIS INDICTMENT, further accuses the defendants JIAXI "JIMMY" LIU, JIA RONG "TOMMY" LIU AND WSC GROUP LLC of the crime of CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE THIRD DEGREE PL § 170.20 committed as follows:

The defendants, in the County of Kings and elsewhere, on or about February 19, 2019, with knowledge that it forged and with intent to defraud, deceive or injure another, he utters or possesses any forged instrument, namely a NYC DOB AEU2 Certificate of Correction signed and notarized with the forged signature of Jorge Espejo.

**ERIC GONZALEZ
DISTRICT ATTORNEY**