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January 28, 2020

Hon. Danny Chun
New York State Supreme Court
Kings County – Criminal Term
320 Jay Street
Brooklyn, NY 11201

Your Honor:

Attached to this letter you will find an index of various individuals related to the construction related fatality that occurred on September 12, 2018 at 714 39th Street, Brooklyn, New York.

This index is intended to be an aid to chambers in reviewing the grand jury minutes underlying indictment 7019-2018. The case caption is “People of the State of New York v. Jiayi (Jimmy) Liu, Jia Rong (Tommy) Liu, WSC Group LLC, WS Construction Inc., Wilson Garcia, Paul Bailey, Bailey’s Engineering, P.C., Siu Wah Maria Cheung-Mui, and Cindy Chai”.

This letter and the accompanying index will be turned over to the Defendants along with the Grand Jury Minutes and Exhibits.

Sincerely,


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Hua Chang Zhu- The owner of the property where the construction was taking place is Hua Chang Zhu. Zhu is also the owner of 348 37th St LLC. Zhu hired Jason Mai (“Mai”) to be Zhu’s representative for the construction job and further delegated to Mai the task of hiring the additional contractors needed for the construction project.

Jason Mai- Jason Mai is the owner of Ming Mai Construction. Mai is considered to be the owner’s representative for this project. Mai also holds a superintendent of construction registration and a general contractor registration through the NYC DOB.

Ying H. Li- The applicant of record and architect, Ying H. Li, is the owner of City Building NY Architect P.C. City Building NY Architect did the design drawings including the architectural, zoning, and demolition drawings. Sing Ng is the manager at City Building NY Architect and Nick Chen is one of the drafters.

Richard Wu- Richard Wu is the owner of CNP Engineering and the engineer of record for this project. Wu did the structural drawings and support of excavation drawings that were approved by the NYC DOB.

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 and was on construction site every day to give instructions to his foreperson and workers.

Paul Bailey- Jiaxi Liu hired Paul Bailey of Bailey’s Engineering P.C. 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 site and to ensure that all building and administrative codes were complied with and that the construction site was safe for workers.

Edgar Espejo- Edgar Espejo was an employee at Bailey's Engineering, who photographed the site on certain dates and reported his observations to Paul Bailey. Edgar Espejo is not a professional engineer.

Jorge Espejo- Jorge Espejo of Ground to Sky City Building was the job site permit holder, who was paid by Jiaxi Liu to obtain the permit for the construction site at 714 39th Street and 1759 Bay Ridge Parkway.

Siu Wah Maria Cheung-Mui- Cheung Mui held a construction superintendent license with the NYC DOB. Jiaxi Liu hired Cheung Mui as the construction superintendent for the project at 714 39th Street and the project at 1759 Bay Ridge Parkway. 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 there were unsafe conditions that were not corrected.

Wilson Garcia- Garcia was a supervising inspector in the Emergency Response Team Unit that responded to construction accidents at the NYC DOB until 2016. In 2017, Garcia was hired by Jiaxi Liu as an employee of WSC Group. Garcia served as the foreman on several construction sites including the project at 39th Street. WSC and NYSIF records and witness interviews, show that Wilson Garcia acted as the **"competent person"**¹ and a supervisor at the construction site. Garcia was the boss when Jiaxi Liu was not present at the construction site at 39th Street.

¹ The New York City Building Code defines a "Competent Person" as one who is capable of identifying existing predictable hazards in the surroundings or conditions that are unsanitary, hazardous or dangerous, and who has authorization to take prompt corrective measures to eliminate such hazards.

Cindy Chai- Cindy Chai was the bookkeeper at WSC Group LLC and the wife of Jiaxi Liu. Chai made statements and submitted documents to NYSIF in connection with insurance for WSC Group LLC.