

## N E W S   R E L E A S E

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### **Cal/OSHA Criminal Investigation of Worker's Death Results in Prison Term for Construction Company Owner and Project Manager**

**San Jose**—Cal/OSHA's criminal investigation into the January 2012 cave-in death of a 36-year-old day laborer in Milpitas has resulted in prison for his employer and project manager. Santa Clara County Superior Court Judge William J. Monahan last Friday sentenced Richard Liu, owner of U.S Sino Investment, and project manager Dan Luo to two years in prison for involuntary manslaughter.

On January 28, 2012, Raul Zapata was installing a concrete foundation for a retaining wall at a residential construction site on Calaveras Ridge Drive in Milpitas. The 12-foot high excavation wall collapsed, killing him immediately. The fatal accident occurred three days after a city of Milpitas building inspector issued a stop-work notice to Luo for failure to provide shoring on the excavation.

"California employers must provide workers with the necessary protection and training so they can do their jobs safely," said Christine Baker, Director of the Department of Relations (DIR). "When our investigations uncover negligent behavior by employers, we exercise our full jurisdiction to protect workers – including referrals to district attorneys for prosecution." Cal/OSHA is a division in DIR.

Cal/OSHA's investigation determined that at the time of the incident, neither the victim nor other employees were wearing any head protection. Also, the excavation wall had not been shored up as required by law. Furthermore, the employer did not have a competent person for excavation on the jobsite to ensure that the wall was installed according to Cal/OSHA rules. Finally, Cal/OSHA noted that the employer had no workers' compensation insurance at the time of the incident.

"When preventable deaths occur on the job, employers must be held accountable," said Cal/OSHA Chief Juliann Sum. "Cal/OSHA worked closely with the Santa Clara District Attorney to ensure that criminal behavior in the workplace is addressed."

Cal/OSHA's civil investigation resulted in the issuance of six citations with penalties totaling \$168,175 on June 12, 2012, including five citations for serious violations.

Cal/OSHA's Bureau of Investigations (BOI) is responsible under Labor Code section 6315 for investigating worker fatalities and serious injuries, and for preparing and referring investigation cases to local and state prosecutors for criminal prosecution. [Annual BOI reports](#) are posted on Cal/OSHA's Annual Legislative Reports webpage.

Cal/OSHA helps protect workers from health and safety hazards on the job in almost every workplace in California. [Cal/OSHA's Consultation Services Branch](#) provides free and voluntary assistance to employers and employee organizations to improve their health and safety programs. Employers should call (800) 963-9424 for assistance from Cal/OSHA Consultation Services.

Employees with work-related questions or complaints may contact DIR's Call Center in English or Spanish at 844-LABOR-DIR (844-522-6734). The California Workers' Information line at 866-924-9757 provides recorded information in English and Spanish on a variety of work-related topics. Complaints can also be filed confidentially with [Cal/OSHA district offices](#).

Members of the press may contact Erika Monterroza or Peter Melton at (510) 286-1161, and are encouraged to [subscribe to get email alerts](#) on DIR's press releases or other departmental updates.

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The [California Department of Industrial Relations](#), established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the [Labor & Workforce Development Agency](#). For general inquiries, contact DIR's Communications Call Center at 844-LABOR-DIR (844-522-6734) for help in locating the appropriate [division or program](#) in our department.

