

N E W S R E L E A S E

News Release No.: 2015-87

Date: September 25, 2015

Cal/OSHA criminal investigation into deadly fall of construction worker leads to manslaughter charges against owner and foreman

San Francisco—Cal/OSHA’s criminal investigation into the December 2012 falling death of a 51-year-old carpenter in San Francisco resulted in manslaughter charges by the San Francisco District Attorney against the worker’s employer and foreman. Salvador William Versaggi, owner of Versaggi Construction, along with foreman John Fitt pleaded not guilty on Tuesday to the manslaughter charges and two counts of violation of the labor code.

“When our investigations uncover potentially criminal behavior by employers, we exercise our full jurisdiction not only to protect workers but to also make referrals to the District Attorney for prosecution where appropriate,” said Christine Baker, Director of the Department of Relations’ (DIR). Cal/OSHA is a division in DIR.

On December 26, 2012, Jose Plancarte was assigned to lower a window frame opening in the main stairwell of a residential construction site at 40 Edgehill Way in San Francisco. Plancarte built a nailed-bracket scaffold and used two scaffold planks to access the window located more than 18 feet above ground. Plancarte was not wearing fall protection and the scaffold did not have guardrails. He was found unresponsive at the base of the stairwell, having fallen 18.5 feet to the concrete basement floor. Plancarte was transported to San Francisco General Hospital, where he later died from his injuries.

“When preventable deaths occur, employers must be held accountable,” said Cal/OSHA Chief Juliann Sum. “The indictments today are a testament to the close working relationship between Cal/OSHA and the San Francisco District Attorney and our commitment to ensure that criminal behavior in the workplace is addressed.”

Cal/OSHA’s investigation determined that Versaggi Construction had failed to provide fall protection training to its workers at the site, and that foreman Jim Fitt was aware that Plancarte had cobbled together a prohibited type of scaffolding in direct violation to the employer’s own safety program.

“Employers in California are required to provide the necessary protections for their workers in order to prevent a tragedy such as this”, said San Francisco District Attorney George Gascón. “With the significant amount of construction going on in San Francisco

right now, it is more important than ever for everyone to follow all the rules and regulations around a job site.”

Cal/OSHA’s civil investigation resulted in the issuance of four citations with penalties totaling \$25,870 on March 29, 2013, including two 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 their 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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