

# Department of Justice

Acting United States Attorney Kathleen Mehlretter  
Western District of New York

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## **MAN INDICTED ON CHARGES INVOLVING ILLEGAL ASBESTOS REMOVAL, FALSIFYING DOCUMENTS AND LYING TO OSHA**

ROCHESTER, N.Y.--A federal grand jury in Rochester has returned a 15-count indictment charging Keith Gordon-Smith, 51, of Rochester, New York, with violating the Clean Air Act involving asbestos removal, filing false documents with the EPA, and making false statements to OSHA Inspectors, announced Acting U.S. Attorney Kathleen M. Mehlretter of the Western District of New York. The charges carry a maximum penalty of 20 years imprisonment, a fine of \$250,000, or both.

Assistant U.S. Attorney Craig R. Gestring stated that the Indictment charges the defendant with causing employees of Gordon-Smith Contracting, Inc. to disturb asbestos during partial demolition of the West Wing building at the former Genesee Hospital in Rochester, NY. The Indictment also alleges that the defendant violated the Clean Air Act when he improperly removed asbestos from the Old Library at Roberts Wesleyan College, Bloomfield Elementary School, and the former Genesee Hospital. The Indictment further charges that the defendant knowingly filed a false document with the United States Environmental Protection Agency by falsely certifying when the asbestos abatement was to have begun at the Genesee Hospital. It is also alleged that when Inspectors from the Occupational Safety and Health Administration made inquiry, the defendant misled and lied to the OSHA Inspector on several occasions.

The Indictment was the culmination of an investigation on the part of Special Agents of the United States Environmental Protection Agency, Criminal Investigation Division, under the direction of William Lometti; the United States Department of Labor, Office of Inspector General, under the direction of Gordon Heddell; and the New York State Department of Environmental Conservation, under the direction of Capt. Michael VanDurme. In addition, the investigative agencies obtained information and assistance from the Occupational Safety Health Administration, Buffalo Office, under the direction of Art Dube. The evidence

was presented to the Grand Jury by Assistant U.S. Attorney Craig R. Gestring, who will handle the trial of the case.

Any person who was at any of the following locations during the stated period, may have been exposed to asbestos: Bloomfield Elementary School during the time period June 21, 2006 to the present; the Hastings Center for Academics at Roberts Wesleyan College (the former Library), during the time period October 15, 2007 to the present; or the West Wing of the former Genesee Hospital during the time period January 1, 2007 to the present. For information on health effects of asbestos, please access the information provided by the New York State Department of Health at <http://www.health.state.ny.us/environmental/indoors/asbestos> . Or you may contact the New York State Department of Health at 1- (800) 458-1158 or the United States Environmental Protection Agency at (212) 637-4042. Affected persons have the right to attend any public court proceedings. For more information, please refer to the website of the U.S. Attorney's Office at <http://www.usdoj.gov/usao/nyw/> or call 1-800-799-6033.

The fact that a defendant has been charged with a crime is merely an accusation and the defendant is presumed innocent until and unless proven guilty.