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**MYERS AND MYR ELECTRICAL CONTRACTORS INDICTED FOR WILFUL
OSHA VIOLATIONS IN ELECTROCUTION DEATHS OF TWO WORKERS**

CHICAGO -- In what is believed to be the first criminal prosecution of its kind, a large electrical contracting firm and its parent corporation based in suburban Rolling Meadows were indicted on federal charges for willfully violating federal workplace safety regulations, allegedly causing the deaths of two employees in separate incidents three months apart in the Chicago area in 1999 and 2000. The defendants, **L.E. Myers Co.** and **MYR Group Inc.**, were charged in a four-count indictment returned late yesterday by a federal grand jury, Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, announced today, together with Michael G. Connors, Regional Administrator of the Occupational Safety and Health Administration and Richard J. Fiore, Regional Solicitor for the U.S. Department of Labor.

The indictment alleges that Myers and MYR willfully violated numerous federal workplace regulations in the deaths of an apprentice lineman and a journeyman lineman who were working on high-voltage transmission towers -- each carrying three phase lines energized at 345,000 volts -- in Mount Prospect in 1999 and in Plainfield in 2000. The regulations are designed to protect employees who maintain and repair high-voltage transmission lines and equipment. Myers worked under contract with Commonwealth Edison Company to repair lines and equipment on electrical

transmission towers located in northern Illinois during those years.

Myers and MYR each face with two counts of violating OSHA safety regulations – one count stemming from each death.

Myers is a electrical contractor employing over 1,000 workers nationwide and is a wholly-owned subsidiary of MYR, a holding company that has approximately 4,000 employees and owns several other electrical contracting companies including Harlan Electric Company, Sturgeon Electric Company, Hawkeye Construction, Inc., and Great Southwestern Construction, Inc.

The Myers' employees, Blake Lane, 20, of Sullivan, Ill., and Wade Cumpston, 43, of Ashland, Ky., were killed while performing maintenance work on Commonwealth Edison high-voltage transmission towers. Lane was electrocuted on Dec. 28, 1999, when he contacted an energized wire that he was sent to inspect on a steel tower located in Mt. Prospect. Cumpston was electrocuted on March 25, 2000 after contacting an energized grounding cable while working from an uninsulated bucket at a tower located in Plainfield.

“It is our intention that today’s charges will remind employers of the extraordinary responsibility our nation places on them to insure the safety of their workers,” Mr. Fitzgerald said. “And while we recognize that no prosecution of a corporation can come close to undoing the immeasurable damage done to the families of the victims in this case, we believe that what we do here today communicates strongly to the corporate community that wilful disregard of federal safety laws will have the most serious possible consequences the law permits.”

U.S. Department of Labor Secretary Elaine L. Chao, issued the following statement: “While we continue our efforts to assist employers in complying with OSHA’s regulations, we will not hesitate to use the full range of enforcement tools, including referral of what we believe to be

criminal conduct to the Department of Justice for criminal prosecution. Compliance with our regulations by this firm would have saved lives. Today's joint effort by the Departments of Labor and Justice clearly indicates the Administration's strong resolve to enforce workplace safety and health regulations with no tolerance for employers who willfully disregard their obligations under the law."

According to the indictment, the defendants willfully violated the following requirements:

- Employees must be trained and briefed on safety issues and potential hazards before beginning a job;
- Only qualified workers are permitted to work in areas containing unguarded, uninsulated energized lines or parts of equipment;
- Employers must determine existing conditions relating to the safety of the work to be performed, such as the nominal voltage of line and the presence of protective grounds, before beginning a job; and
- Employers must insure that their employees maintain a minimum safe distance from energized lines and that temporary grounds be placed to protect employees from exposure to hazardous differences in electrical potential.

Under the OSHA statute, the charges are misdemeanors. If convicted, Myers and MYR each face a maximum fine of \$1 million, or \$500,000 on each of the two counts of the indictment. Through its corporate agent, Myers and MYR will be arraigned later in U.S. District Court.

The government is represented by Assistant United States Attorney Eric H. Sussman and William P. Sellers IV, Senior Litigation Counsel in the Fraud Section of the Justice Department's Criminal Division, and with assistance from Department of Labor attorneys.

The public is reminded that an indictment contains only charges and is not evidence of guilt. The defendants are presumed innocent and are entitled to a fair trial at which the United

States has the burden of proving guilt beyond a reasonable doubt.

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