

# Department of Justice

United States Attorney William J. Hochul, Jr.  
Western District of New York

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## **BUFFALO MAN PLEADS GUILTY TO CRIMINAL CHARGES** **RELATED TO THE KENSINGTON TOWERS PROJECT**

BUFFALO, N.Y.— U.S. Attorney William J. Hochul announced today that Henry Hawkins, 43, of Buffalo, N.Y., pleaded guilty before U.S. Magistrate Judge Jeremiah J. McCarthy, to four charges of being an accessory after the fact to a false statement under the Clean Air Act. Each charge carries a maximum penalty of one year in prison, a fine of \$125,000 or both.

Assistant U. S. Attorney Aaron J. Mango, who is handling the case, stated that the defendant was employed by JMD Environmental, Inc. (JMD) as an air sampling technician and a project monitor, and was certified by the New York State Department of Health to conduct asbestos project monitor and air sampling duties. From June 9, 2009 to January 11, 2010, co-defendants Johnson Contracting of WNY, Inc. (Johnson Contracting), Ernest Johnson, and Rai Johnson, conducted asbestos abatement activities at the Kensington Towers Apartment Complex in Buffalo. During the abatement process, co-defendant Rai Johnson created daily project logs to document the progress at Kensington Towers. The logs are documents required to be maintained under the Clean Air Act.

At the conclusion of the abatement of each building by Johnson Contracting, Rai Johnson wrote in his daily project log that all material containing asbestos had been removed from the building, when in truth, all asbestos had not been removed. Thereafter, on October 6, 2009, October 13, 2009, November 11, 2009, and January 8, 2010, defendant Hawkins conducted visual inspections at various Kensington Tower buildings. The defendant issued a satisfactory visual inspection for all four buildings, when in truth, Hawkins was aware that all asbestos had not been removed. In doing so, defendant

Hawkins acted as an accessory after the fact to the false statements made by the Johnson defendants.

In addition to Ernest and Rai Johnson, other charged defendants include JMD project monitors Evan Harnden, Brian Scott, and Chris Coseglia; and current and former public officials responsible for certifying the project's compliance with applicable laws and regulations, including Donald Grzebielucha, William Manuszewski, and Theodore Lehmann. The defendants are expected to go on trial May 21, 2013 before U.S. District Court Judge Richard J. Arcara. 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.

“Today’s plea is an important first step in bringing to justice those who are accused of willfully ignoring the Clean Air Act, which is designed to protect the public from harm,” said U.S. Attorney Hochul. “The Kensington Towers is in close proximity to a city neighborhood, hospital, school and park and our Office takes very seriously the health and safety of all our citizens.”

The plea is the culmination of an investigation on the part of Special Agents of the U.S. Environmental Protection Agency - Criminal Investigation Division, under the direction of Special Agent-In-Charge, William V. Lometti; Special Agents of the Federal Bureau of Investigation, under the direction of Special Agent-In-Charge Christopher M. Piehota; Special Agents of the U.S. Department of Housing and Urban Development - Office of Inspector General, under the direction of Special Agent-In-Charge Cary Rubenstein; and Investigators of the New York State Department of Environmental Conservation Police, BECI, under the direction of Captain David Bennett. Additional assistance was provided by the New York State Department of Labor, Asbestos Control Bureau.

Sentencing is scheduled for June 25, 2013 at 10:00 a.m. before Magistrate Judge McCarthy.

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