

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Mag No. 19- 3515 Hon.  
v. : Mark Falk  
ROBERT RILEY : CRIMINAL COMPLAINT

I, Kevin Moyer, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the United States Department of Labor, Office of Inspector General, and that this Complaint is based on the following facts:

**SEE ATTACHMENT B**

continued on the attached page and made a part hereof.

Kevin Moyer, Special Agent  
United States Department of Labor

Sworn to before me and subscribed in my presence,

February 13, 2019 at Newark, New Jersey  
Date City and State

Honorable Mark Falk  
United States Magistrate Judge  
Name and Title of Judicial Officer

Signature of Judicial Officer

**ATTACHMENT A**

**COUNT ONE**

(Perjury)

On or about October 16, 2018, in the District of New Jersey, and elsewhere, defendant

ROBERT RILEY

having taken a validly administered oath in an investigation conducted by the United States Department of Labor, Occupational Safety and Health Administration, that he would testify truthfully, did willfully testify falsely to a material matter which he did not believe to be true,

In violation of Title 18, United States Code, Section 1621.

**ATTACHMENT B**

I, Kevin Moyer, am a Special Agent with the United States Department of Labor, Office of Inspector General. I have knowledge of the following facts based upon both my investigation and discussions with other law enforcement personnel and others. Because this Affidavit is being submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known to the government concerning this matter. Where statements of others are set forth herein, these statements are related in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. Beginning on or about May 3, 2018, the United States Department of Labor, Occupational Safety and Health Administration ("OSHA"), initiated an investigation of two safety incidents occurring during the course of roof repairs to a horse stable located in Long Valley, New Jersey (the "horse stable").

2. The first of the two safety incidents occurred on or about May 3, 2018, when a construction worker fell through a skylight located on the roof of the horse stable. The next day, OSHA performed a safety inspection and subsequently issued a number of safety citations with respect to the incident to RSR Construction c/o defendant Robert Riley ("RILEY"), the apparent owner and operator of RSR Construction, for failure to adhere to OSHA's fall protection standards.

3. Two months later, on July 12, 2018, a second construction worker fell through the skylight of the horse stable. That same day, OSHA performed a safety inspection and subsequently issued safety citations to RSR Construction c/o RILEY, citing a willful violation of OSHA's fall protection standards.

4. As part of its investigation into both safety incidents, OSHA took the sworn deposition of RILEY on October 16, 2018, in his capacity as the ostensible general contractor of the horse stable repair work and/or as a person with apparent authority to direct repairs to the horse stable. Prior to the commencement of the October 16 deposition, RILEY was duly sworn by a Certified Court Reporter and Notary Public of State of New Jersey to testify truthfully.

5. At his deposition, OSHA questioned RILEY about, among other things, whether he had directed INDIVIDUAL-1, a construction worker, at any

time, to perform repairs on the roof of the horse stable, or to direct others to perform repairs to the roof of the horse stable. RILEY testified, unequivocally, that he had not.

6. Contrary to RILEY's sworn testimony, however, on the morning of May 2, 2018, RILEY sent several text messages to INDIVIDUAL-1, directing INDIVIDUAL-1 to direct others to perform repairs on the roof of the horse stable.

7. Specifically, on the morning of May 2, after inquiring about who had presented for work that day at the horse barn, RILEY instructed INDIVIDUAL-1 by text message: "Ok. ...They can get on the roof now." The next day, a construction worker fell through the skylight of the horse stable and sustained serious injuries.

8. OSHA also asked RILEY at the deposition if he had known that construction workers would be on the roof of the horse stable on July 12, 2018. RILEY testified, unequivocally, that he did not.

9. Contrary to RILEY's sworn testimony, however, on the morning of July 12, 2018, RILEY sent several text messages to INDIVIDUAL-1, directing INDIVIDUAL-1 and/or others to perform repairs on the roof of the horse stable.

10. Specifically, on the morning of July 12, 2018, RILEY assigned INDIVIDUAL-1 to work at the horse barn and wrote in a text message to INDIVIDUAL-1: "I would like to start removing the broken skylight. We have to replace it. Let's see how to remove it." That afternoon, INDIVIDUAL-1 fell through the skylight of the horse stable and sustained serious injuries.