

More and more civic leaders ask if the time has arrived to “demolish” the Department of Buildings and start all over. They question whether these tragedies and malfeasance occur in other cities, in other countries. NYC DOB needs reform fast. Of particular concern are calls to create a private agency or authority to replace DOB. One thing all these crane crashes and allegations of corruption make clear: Accountability must rule. We know that authorities too often ignore accountability. Logic suggests the hiring of experienced inspectors at adequate pay scales. If NYC can pay its Schools Chancellor more than (the official salary for) its top elected official, it remains more than capable of establishing compensation levels to attract some of the best qualified (and most honest) from the private sector.

<http://www.nytimes.com/2008/06/07/nyregion/07crane.html?ex=1213502400&en=9a6b76a8d056c8fe&ei=5070&emc=eta1>

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## **Top City Crane Inspector Accused of Taking Bribes**

By WILLIAM K. RASHBAUM

The city’s chief crane inspector was arrested on Friday and charged with taking bribes to allow cranes to pass inspection, the authorities said. He was also accused of taking money from a crane company that sought to ensure that its employees would pass the required licensing exam.

The man, James Delayo, 60, the acting chief inspector for the Cranes and Derricks Unit at the city’s Department of Buildings, oversaw the issuing of city licenses for crane operators. The case against him, announced by the Manhattan district attorney’s office and the city’s Department of Investigation, was filed just a week after the city’s second fatal crane collapse in less than three months.

Officials said the accusations against Mr. Delayo bore no direct relation to the accident last week at 91st Street and First Avenue, where two workers died, or the crane accident on East 51st Street that left seven dead in March.

But the case was another blemish on a Buildings Department that has been reeling from construction deaths and inspection lapses this year, and for which deadly crane accidents are part of a lingering series of problems.

The agency's commissioner resigned last month and Mayor Michael R. Bloomberg has been struggling to find a replacement to run a department that has long been plagued by corruption and where critics say an underpaid, shorthanded staff of inspectors has been hard-pressed to deal with the city's building boom.

"This is a case where greed trumps safety," said Daniel J. Castleman, the chief assistant in the district attorney's office, which is also investigating the crane collapse last week. "With all the construction going on in New York City and the fatal accidents of the last few months, this type of conduct cannot and will not be tolerated."

Rose Gill Hearn, the commissioner of the Department of Investigation, said in a statement that her office was working with District Attorney Robert M. Morgenthau as part of a continuing inquiry into corruption at the Buildings Department.

"D.O.I.'s investigation revealed the profoundly disturbing and sobering realization that a senior inspector responsible for ensuring that cranes operating in New York City are in proper condition and are operated by qualified individuals is charged with selling out his own integrity in a way that compromised public safety," Ms. Hearn said.

Mr. Delayo surrendered on Friday morning to investigators and was arraigned in Criminal Court in Manhattan on a complaint that said he had admitted on Thursday to receiving the bribes. He was released on his own recognizance. A Buildings Department spokeswoman said he would be suspended without pay.

The charges against Mr. Delayo include third-degree bribe-receiving and first-degree tampering with public records, both felonies for which he could face up to seven years in prison. Among the charges was the accusation that he had provided a copy of the crane operator's exam to a crane company, for which an official involved in the case said Mr. Delayo was paid about \$3,000. The official, who spoke on the condition of anonymity because the investigation was continuing, said Mr. Delayo also provided the answers.

As the chief inspector, Mr. Delayo had responsibility for overseeing the inspection of all cranes, including tower cranes, the type that collapsed in the two recent fatal accidents. The allegations against Mr. Delayo made it easy on Friday for him to be seen as a symbol for the failures that have plagued the Buildings Department for years. In fact, as he made his way to a cab after court, he was accosted by a street sweeper who dropped his broom and demanded to know if he felt responsible for the crane collapse. He did not answer.

Mr. Delayo, whose Legal Aid lawyer said little that could be heard during the arraignment, entered no plea during the proceeding before Judge Abraham Clott of Criminal Court. Mr. Delayo, appearing slightly hunched and wearing a white shirt with thin blue and brown stripes, held his pants up, apparently because he had no belt on. Later, as he left the building housing Mr. Morgenthau's office, he wore a red bandanna as a makeshift belt.

Mayor Bloomberg, in a statement, said that he has “zero tolerance” for corruption anywhere in his administration, and that such conduct is “is all the more deplorable” in a public safety agency like the Buildings Department.

“The Department of Buildings has made enormous strides in rooting out corruption over the past six years, but this case underscores that there remains more work to do,” he said

Mr. Bloomberg, along with the City Council, on Wednesday announced a legislative package aimed at broadening oversight at building sites. But on Friday, the Manhattan borough president, Scott Stringer, who had said that the measures proposed by the mayor and the Council did not go far enough, called Mr. Delayo’s arrest “stunning and frightening.”

“The man in charge of issuing city licenses to crane operators has been accused of years of taking bribes to license cranes he did not inspect, and to license operators who did not pass a required test,” Mr. Stringer said in a statement. “Under the circumstances, before we begin any new procedures to implement the administration’s construction reforms, we must have a top-to-bottom review of the Buildings Department, its procedures and its personnel.”

The accusations against Mr. Delayo focus on smaller mobile cranes, known as Class C cranes.

A 26-year veteran of the Buildings Department, Mr. Delayo took bribes of “a couple of hundred dollars” in exchange for issuing licenses to about half a dozen Class C crane operators, including once to a man who did not even take the test, according to the criminal complaint and the official involved in the case.

All of the operators worked for the company, Nu-Way Crane Service of Copiague, N.Y., that paid for the test and the answers, said the official. Investigators searched the offices of Nu-Way on Friday, seizing computers and records, the official said. A crane inspector’s test was found there, but investigators were unsure if it was the one Mr. Delayo was accused of providing.

A city official said that the Department of Buildings was suspending approvals for the company’s cranes to operate and was evaluating the licenses issued to its operators.

Nu-Way did not respond to telephone messages left at the company’s offices. An official with the company served last year on the Buildings Department’s Cranes and Derricks Advisory Council.

The complaint said that on Thursday, Mr. Delayo admitted to Sadie Lopez, an investigator with the Department of Investigation, to meeting with and taking money from the owner and or employees of the crane company “on numerous occasions” from 2002 to 2007.

The authorities also learned that Mr. Delayo signed off on the annual inspection of between 20 and 30 Class C cranes without conducting any examination in exchange for “several hundred dollars” apiece, the official said.

Mr. Delayo, who lives in the Bronx, was promoted to acting chief inspector after the fatal crane accident in March. He makes \$74,224 a year.

In addition to the bribe-receiving and tampering with public records counts, the complaint charged him with first-degree falsification of business records and first degree offering a false instrument for filing, both felonies, and receiving an unlawful gratuity, a misdemeanor.

The Buildings Department issues licenses to crane operators who work within the city, while state officials issue such licenses across the rest of New York. Earlier this year, state officials reported similar problems with the integrity of the process under which they were granting licenses and said one longtime employee had approved 210 people for licenses despite their having failed the official exam, although he took no money and was charged with no crime.

*Daryl Khan, Colin Moynihan and Sharon Otterman contributed reporting.*