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An Overloaded Hoist Is Suspected in Scaffolding Collapse

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Investigators looking into the deadly scaffold collapse at a Gramercy Park office building said yesterday that they were reviewing whether the accident had been caused by a makeshift hoist that was overloaded and acted like a counterweight, pulling the framework away from the building's facade and toppling it.

Officials were considering several other theories about the collapse on Wednesday, which killed 5 construction workers and injured 10 others. In one scenario, officials said, one section of the scaffold was overloaded with the weight of bricks and cement that were being used to repair the southern facade of the building, at 215 Park Avenue South.

Buildings Department officials cautioned, however, that their investigation was still preliminary. "We have not determined the cause of the collapse," said Ilyse Fink, a department spokeswoman.

As part of the inquiry, fire officials and Buildings Department investigators have interviewed some of the contractors and are also receiving cooperation from the building's manager, Stephen L. Green, the brother of the Democratic candidate for mayor, Mark Green.

And as much as investigators sought to determine the precise cause of the accident, they were also trying to determine if the contractors at the site had taken a cavalier attitude about the safety of the workers, all of whom were nonunion workers. Many were recently arrived immigrants, and several acknowledged that they were in the country illegally.

"This was a nonunion job using unskilled labor," said Richard Weiss, a spokesman for the Mason Tenders District Council of New York, which represents masonry workers. "More people were hurt at this work site in one day than have died during the entire anthrax scare."

Several agencies were looking into the matter. The State Labor Department said it had received a complaint that one worker was 17 years old. It is illegal for workers on a construction site to be under 18. And the Manhattan district attorney, Robert M. Morgenthau, was reviewing the possibility

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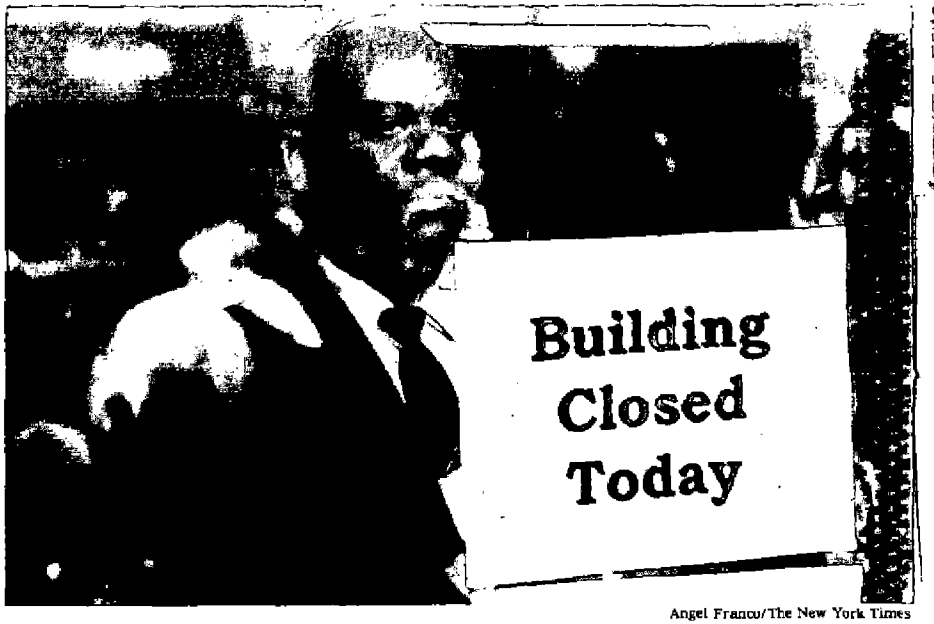

Angel Franco/The New York Times

People who arrived for work yesterday at 215 Park Avenue South found they could not get in. Five workmen were killed on Wednesday when a scaffolding collapsed.

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of a criminal investigation, said his spokeswoman, Barbara Thompson.

The federal Occupational Safety and Health Administration is also investigating whether there had been any violation of federal worker safety standards, said Chester J. Fultz, a spokesman for the agency.

And the police were still identifying the dead yesterday. Last night, officials released the names of four of the five victims: Manuel Balavezo, Ivan Pillacela, Efrain Gonzalez and Donato Conde.

Investigators said they were looking into reports that an engineer working for one of the contractors on the job had inspected the scaffold early in the day and had found no structural problems. It was unclear whether the engineer had conducted the review before or after problems developed with the original hoist, which broke. The city does not inspect scaffolds as part of its regulatory oversight.

While much remained unclear, officials said yesterday that their investigation had brought to light troubling information about the contractors who had done some of the work at the site.

The company that erected the scaffolding, Tri State Scaffold and Equipment Supplies Inc., did so without the required permit. Records show that Tri State officials applied for the permit and received preliminary approval from the Buildings Department. But the company, based in Deer Park, N.Y., never received a final permit before putting up the scaffold.

Such work without a permit is prohibited, even if the plans have been approved, officials said.

Indeed, a police report filed in connection with the collapse stated that the scaffold was built Oct. 15, but officials said the plans that were required to receive a permit were not approved until Oct. 18.

Tri State officials did not return repeated calls for comment. Anthony F. Tagliagambe, a lawyer for Tri State who was at the building, said the workers were not employed by Tri State or Nesa Inc., the primary contractor for the project, but were subcontracted through another company.

Ms. Fink said, "Not having a permit to do the scaffolding, we take that as a serious violation in that we have no idea, absent an investigation, who is responsible for erecting that scaffold." In addition, she said, Nesa's masonry permit expired in July because it had failed to keep up with its workers' compensation insurance. State officials said the company had reinstated its policy since July.

Neither Nesa nor Tri State Scaffold appears to have had any previous problems with worker safety, according to OSHA records.

But one of the principals of Nesa was convicted of disorderly conduct earlier this year after he was accused of having had someone pose as him to take a test to be licensed as a rigger. The principal, Constantine Stamoulis, pleaded guilty in June. He was fined $250 and ordered to perform 10 days of community service, according to the Manhattan district attorney's office.

He was also required to have a licensed rigger employed by the firm. After the conviction, the company was suspended from a list of companies that do work for the School Construction Authority, The New York Post reported in July.

Officials caution that the investigation into the accident is still preliminary.

Yesterday, the Green brothers sought to distance themselves from the contractors — especially Nesa, whose executives donated $13,500 to the candidate during the election cycle, records show. All of that money, as of yesterday, was being returned, campaign officials said.

Gerald McKelvey, a spokesman for Stephen Green, said Mr. Green learned of Mr. Stamoulis's conviction and the issues with the construction permits only after media inquiries yesterday.

Nesa has been terminated from the job at Park Avenue South, said Mr. McKelvey, who also said Stephen Green's leasing and management company, S L Green Leasing, would not conduct future business with the company. He also said Mr. Green was told by contractors that they had secured all the required permits to finish the construction project. "They gave us a permit number," Mr. McKelvey said.

Ms. Fink said her office could find no record that matched the number.

The 160-foot-high scaffold was being used to replace the brick front of the southern facade of the courtyard, which was cracked. As part of the procedure, the workers were to remove the cracked brick, spread a layer of cement against the interior of the wall and then reface the wall with new brick. But the hoist that had been used to carry up the cement broke, officials said, and so workers told investigators that they had made a makeshift one.

The original hoist had been anchored to the roof, officials said. But the replacement, a bucket working off a pulley, was anchored off the scaffold. Investigators are reviewing whether the collapse was a result of the additional weight on the hoist as it pulled up heavy bags of cement, or was perhaps caused by the lateral pull of the pulley.

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