

## **ROOFING BOSS GETS A YEAR FOR WORKER'S DEATH PLUNGE, San Francisco**

A roofing contractor was sentenced Monday to a year in San Francisco County Jail on involuntary manslaughter and other charges stemming from the 2008 death of a roofer who was working without protection when he fell from a four-story apartment in Twin Peaks.

Sam Hyung Goo Shim, 68, pleaded guilty last month in the Jan. 16, 2008, death of 39-year-old Antonio Martinez, who plunged 38 feet to the sidewalk while working on a roof at 646 Corbett Ave.

Shim's crew foreman, Jwa Young Kim, 56, will serve at least six months of a one-year jail term for his role in the death. He pleaded guilty to a misdemeanor labor code violation for leaving a worker unprotected.

The prosecutor in the case, Max Peltz, called the one-year sentence for Shim "very significant," given the confines of labor law and Shim's lack of a criminal record.

"It's a year straight time in County Jail," Peltz said. "This defendant is not eligible for home detention; he is not eligible for early release."

State occupational safety officials cited Shim's company, California C&R Inc., in 2002 for not having a safety plan, which would include taking steps to protect workers against falls.

He eventually agreed to take a weeklong safety course and develop a plan to protect his workers, said Chris Kirkham, an associate safety engineer with Cal/OSHA, the occupational safety and the health arm of the Department of Industrial Relations.

Cal/OSHA, however, was unable to monitor Shim's job sites to see if he was complying, said Cora Gherga, the agency's regional manager. Shim had no safety plan in place in 2008 when Martinez fell to his death, prosecutors said.

Gherga said regulators rely on complaints to alert them to safety violations. "You do not know where the job sites are," she said.

She added that the state's citation system is "akin to a traffic violation."

"You get a traffic ticket, you pay, maybe you go to traffic school. But it doesn't mean that CHP will have to follow up to make sure you do not violate in the future," Gherga said.

Besides involuntary manslaughter, Shim pleaded guilty to willful violation of an occupational law causing death, worker compensation fraud and tax evasion. The last two charges stemmed from Shim's failure to pay into the state worker compensation fund or pay his unemployment insurance taxes.

Gherga said she hoped Shim's one-year sentence "will be heard loud and clear" in the roofing industry. "This is the only silver lining I would see at the end of this case," Gherga said.

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