



This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your

colleagues, clients or customers [here](#) or use the "Reprints" tool that appears next to any article. Visit www.nytreprints.com for

samples and additional information. [Order a reprint of this article now.](#)

August 4, 2011

Concrete Tests Faked Again, Officials Charge

By WILLIAM K. RASHBAUM

In 2008, a company hired to test the strength of the concrete used at major public works projects in New York, including the Second Avenue subway and the new Yankee Stadium, falsified results, prosecutors concluded, and construction executives scrambled to find a replacement.

On Thursday, the company they selected, its owner and five employees were arraigned on charges of doing the very same thing on those two projects and hundreds of others.

In fact, none of the nearly 3,000 test reports that investigators seized from the replacement company, American Standard Testing and Consulting Laboratories, contained legitimate test results, according to one person briefed on the inquiry that led to the charges.

“The volume of fabricated tests is egregious,” the Manhattan district attorney, Cyrus R. Vance Jr., said in announcing the charges. “It was systemic; it was pervasive.”

In addition to Yankee Stadium and the Second Avenue subway, the projects for which test results were allegedly falsified represented a remarkable array of familiar places, both old and new: work on the Lincoln Tunnel, the Jacob K. Javits Convention Center, the Port Authority Bus Terminal, the Metropolitan Transportation Authority’s huge new Fulton Transit Center and East Side Access project, the new air-traffic control tower at La Guardia Airport, a building at Memorial Sloan-Kettering Cancer

Center, Weill Medical College, Columbia University and the Intrepid Sea, Air and Space Museum.

Investigators initially found cracks in the concrete at the airport and at the Javits Center, but officials said they did not represent serious structural threats. A spokeswoman for the district attorney said the fissures were fixed.

Prosecutors and city officials have said that they do not believe any falsified tests posed hazards, because most of the concrete poured in New York is of high quality. Nonetheless, the city's Department of Buildings oversaw the retesting at scores of sites related to the 2010 prosecution of the company that American Standard replaced, [Testwell Laboratories](#), and officials said the agency would take similar measures in the projects where American Standard is accused of falsifying tests.

The 29-count indictment filed in the case against American Standard accused the six men of a money-making scheme that included falsifying the results of tests required by law to measure the strength and quality of concrete poured on projects in New York City and Westchester County and on Long Island. The defendants and the company are charged under the state's racketeering law.

The decade-long reputed scheme also included falsifying documents to get city licenses and manipulating government programs to obtain jobs for which they were not entitled, according to the charges.

The owner of the company, Alan Fortich, 44; his brother, Alvaro Fortich Jr., 32, who worked there as an inspector; and the four other defendants surrendered on Thursday at the district attorney's office.

Richard R. Leff, a lawyer for American Standard and Alan Fortich, said Wednesday that the accused "vehemently deny the allegations contained in the indictment."

The indictment, which was unsealed on Wednesday, grew out of an investigation by the district attorney's labor racketeering unit into Testwell, long the largest such company in the New York area. That inquiry began in early 2008, and later that year, after prosecutors concluded that Testwell had falsified results, the Metropolitan Transportation Authority selected American Standard to replace

Testwell on the agency's \$4.3 billion Second Avenue subway project. American Standard also worked on the \$2.1 billion extension of the No. 7 line.

But within months, American Standard had also come under scrutiny by the district attorney's office, which investigated the two companies along with the city's Department of Investigation and the inspectors general of the transportation authority, the Port Authority of New York and New Jersey and the School Construction Authority. Prosecutors won convictions last year against Testwell, its owner and vice president, and seven other officers and employees. The owner, V. Reddy Kancharla, was sentenced to 7 to 21 years in prison.

Concrete testing of the kind American Standard and Testwell do is a basic safety measure at construction sites, and investigators found irregularities in Testwell's work at Yankee Stadium, [One World Trade Center](#) and other sites around the city.

The investigation began after Thacher Associates, a construction monitor hired by the Yankees and the Port Authority, uncovered irregularities in the concrete testing at Yankee Stadium and at ground zero, law enforcement officials and others briefed on the inquiries have said. The monitors gave the information to the Manhattan district attorney's office, setting off the investigation in 2008.

Concrete is tested in a range of construction projects, like office towers, apartment houses, bridges and subways. Testing companies are supposed to conduct a variety of exams to make sure that concrete was properly mixed and met standards for strength and durability.

In addition to the Fortich brothers, the indictment also charged American Standard's lab directors from 1995 to 2010, Bruce Pumo, 58, and Shamin Akond, 43, and two consulting engineers, Michael Rabkin, 53, and Richard Kasparian, 71, who the indictment said worked for the company from 2006 to 2008. At the time he worked for American Standard, Mr. Akond also worked for the transportation authority, earning \$78,199 annually.

The six men pleaded not guilty before Justice Michael R. Sonberg of State Supreme Court, who

released all but Alan Fortich without bail. The judge set bail for Mr. Fortich at \$250,000. Mr. Fortich, who, dressed in a gray T-shirt, blue jeans and sneakers, did not seem overly concerned, saying after he posted bail that he had no comment except, “I say ‘hi’ to my kids.”

His lawyer, Mr. Leff, said, “I think this is an interpretive thing,” referring to the government’s charges, adding, “Everything was done correctly.”

The men face a maximum of 25 years in prison if convicted of the most serious charges.

The indictment said the reputed scheme began within two years of Alan Fortich’s founding of American Standard Testing and Consulting Laboratories, in New Hyde Park, N.Y., in 1995.

“Specifically, for at least the last 10 years, the defendants’ role was to perform tests and inspections mandated by the New York City building code relating to the strength and quality of concrete used in construction projects,” the indictment said. “Instead, defendants regularly skipped vital safety tests and created false reports to create the impression that the tests were performed.”

Alice McGillion, a spokeswoman for the Yankees, said the alleged testing irregularities posed no dangers. “The stadium is safe,” she said, emphasizing that the indictment grew out of the investigations that the Yankees themselves had conducted.

Noah Rosenberg contributed reporting.



More in N.Y. / Region (6 of 31 articles)

OPEN

City Room: Has Someone Taken Your Tomatoes?

[Read More »](#)