



The City of New York  
Department of Investigation

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Release #104-2008  
[nyc.gov/html/doi](http://nyc.gov/html/doi)

**FOR IMMEDIATE RELEASE**  
**FRIDAY NOVEMBER 14, 2008**

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**DOI INVESTIGATION UNCOVERS IDENTITY FRAUD INVOLVING CONTRACTOR  
LINKED TO FATAL MANHATTAN CONSTRUCTION ACCIDENT**  
***--Rigger's license used in fraud has been surrendered--***

ROSE GILL HEARN, Commissioner of the Department of Investigation ("DOI"), announced today that a contractor at a fatal construction accident at 226 West 111<sup>th</sup> Street in Manhattan, arrested under the name "Malik Hussain," has been identified as ADAL MELEK AFZAL, a Pakistani national who is allegedly in the United States illegally. AFZAL has been detained by federal authorities and a deportation hearing is pending.

On Thursday, November 13, 2008, the real Malik Hussain, a legal resident of the United States, surrendered the Special Rigger license that he obtained from the City Department of Buildings under false pretenses.

DOI's investigation, which indicates the identity fraud dates back to at least 2005, is ongoing.

DOI Commissioner Rose Gill Hearn said, "DOI peeled away layers of deception in a case involving brazen fraud, unsafe construction practices and a worker's tragic death. Thankfully, the fraudulently obtained license at the heart of this outrage has been surrendered and the individual who used it is in custody."

DOB Commissioner Robert LiMandri said, "These new details show a serious disregard for safety. The individuals involved in this scheme put the lives of workers and the public in danger. I would like to thank Commissioner Gill Hearn for her Department's thorough investigation."

DOI is investigating the September 11, 2008 accident in which Miguel Rodriguez, 38, was killed while operating a suspended scaffold that had been rigged to the building by employees of Classic Painting & Restoration of Brooklyn. The same day, DOI arrested the owner of Classic Painting, who has since been identified as AFZAL, on charges of instructing another employee, JINAL PATEL, to pose as a Department of Buildings (DOB)-certified rigging foreman at the job site. During the investigation, and at the time of his arrest, AFZAL identified himself as "Malik Hussain" and produced two photo IDs to investigators, a DOB-issued Special Rigger's license and a New York State driver's license, each bearing AFZAL's photograph and Hussain's name.

DOI investigators reviewed Hussain's Special Rigger's License folder on file at DOB and discovered that the photo of the individual who in January 2007 was originally licensed by DOB as "Malik Hussain" was of a different person than the individual arrested on September 11, 2008. DOI investigators also discovered

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that in March 2008 the individual later identified as AFZAL presented to DOB a police report indicating that the original license had been lost and obtained from DOB a replacement license with his own photo. Subsequent investigation, including a comparison of the fingerprints of the individual arrested with those of Malik Hussain, confirmed that they were two different individuals. Hussain's fingerprint card indicates that he is missing a finger, while the individual arrested had ten fingers.

The Department of Citywide Administrative Services ("DCAS") administers the Special Rigger Exam and conducts a background investigation of license applicants. The investigation revealed that the real Malik Hussain provided his fingerprints to DCAS at the time of the exam and during the background investigation.

DOI worked with agents from the United States Immigration and Customs Enforcement agency ("ICE") and the FBI's Joint Terrorist Task Force to determine that the true identity of the individual arrested was AFZAL.

On September 12, 2008, DOB suspended Malik Hussain's Special Rigger license and filed administrative charges. On Thursday, November 13, 2008, the real Malik Hussain voluntarily surrendered his Special Rigger's license.

Commissioner Gill Hearn thanked DOB Commissioner Robert Limandri and DCAS Commissioner Martha K. Hirst, and their staffs, for their assistance and cooperation in the investigation. Commissioner Gill Hearn also thanked the FBI's Joint Terrorist Task Force, the United States Immigration and Enforcement agency, the office of New York County District Attorney Robert M. Morgenthau and the office of United States Attorney Benton J. Campbell, United States Attorney's Office for the Eastern District of New York, for their assistance and cooperation.

The investigation was conducted by DOI's Inspector General for DOB Michael Carroll and members of his staff, including Deputy Inspector General Edward Zinser, Chief Investigator Byron Biggerstaff, Special Investigator Sadie Lopez and BSIU Director Debra Herlica, acting under the direction of DOI Associate Commissioner John B. Kantor. Attorneys and investigators from the Buildings Special Investigation Unit ("BSIU"), which is managed by DOI, also participated in the investigation, including Supervising Investigative Attorney Christine Abbenda, Chief Investigator James McElligott and Investigator Tiffany Dumas.

*DOI is one of the oldest law-enforcement agencies in the country. The agency investigates and refers for prosecution City employees and contractors engaged in corrupt or fraudulent activities or unethical conduct. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City.*

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