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Asbestos Enforcement: U.S. Department of Justice Announces Indictment of Washington, D.C. Individual for Alleged Criminal Violations

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The United States Department of Justice ("DOJ") issued a May 5th news release stating that James Powers, of Washington, D.C. was indicted for allegedly violating the Clean Air Act and for fraud.

The alleged violations are stated to be associated with the removal of asbestos from a historic building in Washington, D.C.

DOJ states that the seven count indictment charges the individual with violations of the Clean Air Act, wire fraud and first-degree fraud. The first-degree fraud is a Washington, D.C. offense. The indictment also seeks the forfeiture of all proceeds that can be traced to the alleged fraud.

The news release notes in part:

The development project at issue involved renovating the historic Friendship House, located at 619 D Street SE in Washington, D.C., into condominiums, a development known as the Maples. The indictment alleges that, in March 2010, Powers formed a partnership with a local real estate development firm to purchase and renovate the property. According to the indictment, an asbestos survey of the property documented asbestos throughout the property, including in floor tiles, wall board, and pipe insulation. After the survey, the partnership received bids from licensed professional asbestos abatement and renovation firms in the area. The indictment alleges that, despite receiving those bids and despite knowing that the building contained asbestos, Powers hired Larry Miller, 58, of Palmetto, Georgia, a general contractor from Atlanta with no training, certification, or experience in asbestos abatement, to conduct interior demolition and renovation of the building. Powers represented to his partners that a qualified entity would conduct appropriate asbestos abatement at the property and emailed them a proposed contract, but the contract was with a corporation that, unbeknownst to his partners, was an alter-ego for Powers. The indictment further alleges that Miller and his crew of workers conducted interior demolition at the Maples during September and October 2011, without any asbestos abatement having occurred. Even after an inspection by local environmental authorities revealed asbestos in the building, Power had workers continue demolition. Over the course of the project, the workers disturbed substantial quantities of asbestos, exposing themselves to a substantial risk of serious illnesses later in life.

[Click here to download a copy of the news release.](#)