

Contractor in tower collapse did not have required license

[By Gary T. Kubota](#)

POSTED: 01:30 a.m. HST, Jun 06, 2010

A California contractor was not licensed in Hawaii to perform a 2009 demolition job that resulted in the death of a worker at Campbell Industrial Park, a Star-Bulletin investigation has found.

AG Transport needed a contractor's license to perform the demolition of Hawaiian Cement's preheating tower in Hawaii, but didn't have one - as required by state law, Verna Oda, executive officer of the state Contractors License Board, told the Star-Bulletin.

State Labor Director Darwin Ching has not responded to the newspaper's query about the level of demolition competence of AG Transport, including its lack of a Hawaii contractor's license and why the information was not included in the Labor Department's investigation of the accident.

AG Transport owner Arthur Gersjes has told department investigators that his Los Angeles County-based business has done scores of demolition jobs.

But California Contractors License Board spokeswoman Venus Stromberg said AG Transport also has no contractor's license in its state. AG Transport was in charge of the demolition of the 168-foot tower that collapsed prematurely on May 16, 2009, killing employee Juan Navarro.

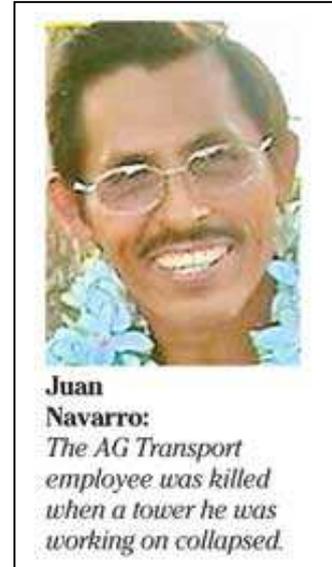
State labor documents, obtained by the Star-Bulletin through the Hawaii's Uniform Information Practices Act, quoted general contractor San Construction LLC, saying while it provided equipment, AG Transport was in charge of the demolition of about 15 silos as well as other structures at the Hawaiian Cement site, including the preheating tower.

According to a Dun & Bradstreet risk report last revised on Nov. 11, 2009, Gersjes' AG Transport is in the freight transportation business.

Gersjes and San Construction official Sanford Ota were unavailable for comment.

The preheating tower was scheduled to be demolished at about 9 a.m.

With a plan to pull down the tower, last used in 1996, by cables connected to large vehicles, Navarro and another employee used torches to weaken the legs.



Navarro was cutting into the No. 2 leg with a torch a little after 8 a.m. when a popping sound was heard from the area near the No. 4 leg, according to the Labor Department's report.

The workers ran out but, according to one person, Navarro went back briefly; then the tower collapsed, the report said.

Documents from the state investigation quote a worker saying all six legs supporting the tower had rust problems, including two that had rust almost the entire width of the legs and some rust holes that went through the metal.

The Hawaii Occupational Safety and Health Division fined AG Transport \$750 for failing to submit a written engineering survey evaluating the potential risks involved in the demolition.

The division also fined San Construction \$750 for failing to properly oversee the project.

The division said AG Transport's survey of the project was not effective, because it did not fully consider the rust conditions on the preheating tower.

It said AG Transport workers expressed worries about the rust during the preparation for the demolition but work continued on pre-cut activities.

In his statement during the investigation, Gersjes said he had discussions with workers about the demolition and the emergency evacuation, but he did not have a written engineering survey.

Gersjes told investigators last year that he had 25 years in demolition work, and that he and an assistant have taken down scores of tall structures.

Panel to probe worker's death

A joint legislative committee is scheduled to review a state labor investigation into the death of demolition worker Juan Navarro and the resulting fines of \$750 each to two contractors for safety violations.

The hearing starts at 10 a.m. tomorrow in room 329 at the state Capitol.

Navarro's daughter Sandra has called the fines "ridiculous."

State Sen. Dwight Takamine and Rep. Karl Rhoads sent a letter on May 11 asking state Labor Director Darwin Ching to respond to questions about the investigation, including the fines.

Ching's department imposed the \$750 fines in November after determining that AG Transport proceeded with the work without a written engineering survey, including an emergency evacuation plan.

Takamine and Rhoads have asked Ching to also describe the justification for the amount of the \$750 fines. The Senate-House committee staff said they also want to find out more about the extent of AG Transport's experience in demolition and its professional licenses.

Star-Bulletin staff