

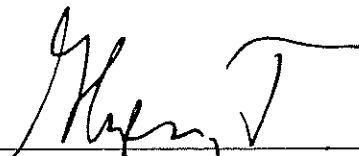
IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
TRIAL DIVISION

IN RE: : MISC. NO. 004150-2013  
: :  
THE TWENTY-SIXTH COUNTY : :  
: :  
INVESTIGATING GRAND JURY : NOTICE C-1

ORDER SEALING PRESENTMENT NO. 1

The Court has accepted Presentment No. 1. This presentment shall be sealed and no person shall disclose a return of the Presentment except when necessary for issuance and execution of process, or as otherwise directed or permitted by order of the supervising judge.

SO ORDERED this 22<sup>nd</sup> day of November, 2013.

  
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GARY S. GLAZER  
Supervising Judge  
The Twenty-Sixth Investigating  
Grand Jury

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
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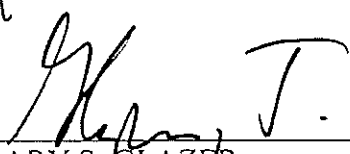
ORDER ACCEPTING PRESENTMENT NO. 1

1. The Court finds Presentment No. 1 of the Twenty-Sixth Investigating Grand Jury is within the authority of said Grand Jury and is in accordance with the provisions of the Investigating Grand Jury Act, 42 Pa.C.S. § 4541, et seq. Accordingly, this Presentment is accepted by the Court.

2. The County for conducting the trial of all charges pursuant to this Presentment shall be Philadelphia County.

3. The District Attorney of Philadelphia, or his designee, is hereby authorized to prosecute as recommended in this Presentment by instituting appropriate criminal proceedings in the aforesaid County.

SO ORDERED this 22<sup>nd</sup> day of November, 2013.

  
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GARY S. GLAZER  
Supervising Judge  
The Twenty-Sixth Investigating  
Grand Jury

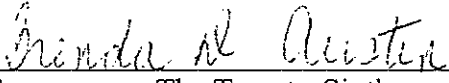
IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
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IN RE: : MISC. NO. 004150-2013  
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INVESTIGATING GRAND JURY : NOTICE C-1

TO THE HONORABLE GARY S. GLAZER, Supervising Judge:

PRESENTMENT NO. 1

We, the Twenty-Sixth Investigating Grand Jury, duly charged to inquire into offenses against the criminal laws of the Commonwealth, have obtained knowledge of such matters from witnesses sworn by the Court and testifying before us. We find reasonable grounds to believe that various violations of the criminal laws have occurred. So finding with not fewer than twelve concurring, we do hereby make this Presentment to the Court.

  
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Foreperson - The Twenty-Sixth  
Investigating Grand Jury

DATED: 11/22/13, 2013

## INTRODUCTION

We, the members of the 26th Investigating Grand Jury, having received and reviewed evidence regarding allegations of violations of the Pennsylvania Crimes Code and related laws, occurring in Philadelphia County, Pennsylvania, pursuant to notice of submission of Investigation No. 1, do hereby make the following findings of fact, conclusions, and recommendation of charges.

## FINDINGS OF FACT

This investigation was commenced in July of 2013 to explore whether criminal misconduct played a role in the collapse of a building, which had been located at 2136-2138 Market Street, onto an occupied structure at 2140 Market Street. This Grand Jury Investigation will, to the extent that it uncovers alleged criminality in this matter, continue to recommend pertinent charges. The 26<sup>th</sup> Investigating Grand Jury issues this Presentment in furtherance of its ongoing investigation of the building collapse at 2136-2140 Market Street.

The property located at 2136-38 Market Street was owned, at the time of the collapse and all other pertinent times described herein, by STB Investments Corp. The ostensible owner of STB Investments is an individual named Richard Basciano. STB Investments Corp. has owned the property in question since 1994. A four story brick structure, constructed circa 1900, of approximately 34' wide and 127' deep existed on the 2136-38 Market Street property. Immediately adjacent to this building, at 2140 Market Street, was a single story masonry building of approximately 18' in width and 127' in length. This property has been owned by the Salvation Army since 1948. The Salvation Army property at 2140 Market Street adjoined the STB property to the East and 22<sup>nd</sup> Street to the West. Ludlow Street ran behind both of these structures. The properties did not share an adjoining wall but were independent masonry (brick) structures that each had a wall that was constructed flush and adjoining with each other for one story. These adjoining walls ran from Market to Ludlow Streets.

### The Contract, Permits and Initial Demolition

Under a contract dated December 20, 2012, STB Investments Corp. contracted with Campbell Construction to have the building located at 2136-38 Market Street demolished. Campbell Construction is a business entity owned and operated by Griffin Campbell. The agreement required Campbell Construction to demolish and remove a number of structures owned by STB Investments Corporation and two other business entities owned by Richard Basciano. The property at 2136-38 Market Street contained, by far, the largest structure to be demolished. The other properties contained one or two story buildings for demolition. Campbell Construction agreed to conduct the demolitions for \$112,000.00 plus any salvage value of the buildings. The contract called for completion of the demolition within 90 days of commencement of the work, but did not have a specific penalty provision for failure to comply with this period. However, payments under the contract were contingent upon the completion of work and the submission of “applications” (invoices) for completed work. At the time of the collapse, all of the buildings except the largest, at 2136-38 Market Street, had been demolished and approximately \$71,000.00 had been paid to Campbell Construction for completed work.

On December 21, 2012, the property owners applied for demolition permits for the properties to be demolished, which included three buildings in the 2100 block of Market Street. These buildings were located at 2132, 2134 and 2136-38 Market Street. The permits approving the buildings for demolition located in the 2100 block of Market Street were issued by the Philadelphia Department of Licenses and Inspections on February 1, 2013. Demolition permits for properties in the 2200 block of Market Street had been issued in January of 2013. Nonetheless, documents and testimony reveal that internal demolition on a number of the buildings had been ongoing since late December. By May 2013, three of the buildings scheduled and approved for demolition remained standing – 2132, 2134 Market Street and 2136-38 Market Street. The demolition of 2132 and 2134 Market Street was largely completed by May 9<sup>th</sup>.

## The Demolition of 2136-38 Market Street

The approximately 34' front wide exterior wall of the 2136-38 Market Street property faced North onto Market Street. It had directly adjoined the building at 2140 Market Street to the west and the building at 2134 Market Street to the east. The building at 2134 Market Street was demolished and the lot largely leveled by the time work substantially began on the exterior walls of the 2136-38 Market Street building. Hence, the eastern exterior wall of 2136-38 Market Street ran along a vacant lot and the western wall ran along the building at 2140 Market Street.

Griffin Campbell maintained control of virtually all decision making responsibility on the job site. Every witness who had contact with Campbell at the demolition site, testified that he was clearly "in charge" and gave the orders. Workers testified that Campbell never displayed, explained or discussed a plan for the demolition of any of the buildings. At the start of each day on the job, he would give them their instructions and there was no question that Campbell "wanted it done his way." Griffin Campbell "made the final decisions."

This Grand Jury has heard testimony from numerous witnesses, whether demolition laborers, demolition contractors, salvage experts, architects or construction inspectors, all of whom expressed a single, sound method for the demolition of a four story building adjoining an occupied structure. All agreed that such a structure should be demolished by hand from the top down, story by story, to the ground. A worker with significant demolition experience detailed how a taller building with neighboring structures should be safely demolished. He stated that the structure is taken apart "piece by piece" "from the roof to the bottom" and that the walls are taken down to each floor before the removal of any floors or beams. The building at 2136-38 Market Street was the only structure that Campbell had to demolish that adjoined and overshadowed, by three stories, an occupied structure.

This Grand Jury heard extensive testimony about the focus, during demolition, Campbell had on attempting to maximize salvage value. Indeed, such a focus led Campbell to delay demolition of the building so as to attempt removal of as many salvageable items as possible. The Grand Jury heard testimony from multiple witnesses about Campbell's efforts to sell as many parts of the building as possible. Much of these salvage efforts also altered the manner in which the demolition was conducted. For example, Campbell, as part of his effort to maximize profit by salvage, removed the wood floors throughout the building and the internal joists

throughout the front half of the 2136-38 Market Street building (the approximately 60' of the building closest to Market Street), *before* lowering the external brick walls. This was fundamentally inconsistent with demolishing the building floor by floor, from the top down. One of the employees on the demolition site testified that it seemed the "main purpose" of their efforts was to try and "get as much value in everything out of the building before we brought it down." Removing the salvageable pieces, like the hardwood floors and wooden joists, in advance of the demolition of the exterior walls assured less damage to, and more rapid cash return on, these saleable items. Campbell's workers detailed for the Grand Jury how hundreds of internal 12' to 16' joists, which ran between and were embedded in the exterior brick walls at the roof line and at each floor level, were systematically removed intact for salvage and placed in specified containers. A worker with demolition experience testified that the "joists basically held the building up" but because they were old large wood joists they were valuable. Workers described how they were instructed by Campbell to chip the joists out of the brick walls and remove them intact for sale. The Grand Jury heard testimony from a salvage business that purchased wooden joists from Campbell for \$6.00 a piece. Text messages from Campbell's phone also confirm that he was also able to sell intact joists for \$8.00 a piece.

One of the workers at the 2136-38 Market Street demolition told the Grand Jury that Campbell directed him and others to remove many of the joists from the interior of the front half of the building. He stated: "When he asked me to remove the joists I let him know if I did remove the joists, once I did, so it would leave an open space in the wall. And once I did that I wanted to know what did he plan on doing to take the wall down safely. And he said, 'Well, he's going to take care of that.' So I started taking out the joists. And when I went down to the next floor and I seen how tall the freestanding wall was going to be I let him know that I wasn't taking out any more joists because I need to know how he's going to take down a freestanding wall because the building wasn't coming down right." Campbell told him to "just go ahead and do it." The worker testified that "it was a lot of risk doing it the way he was doing it." Eventually, when the third and fourth floor joists were substantially removed, the worker again raised his concerns with Campbell about the integrity of the walls without the joists. Campbell "let me know that, leave it up to him, he's going to take care of it, . . . , he said if I can't do what he asked me to do then I can [sic] go home and he can find someone else to do it or, you know, I can go ahead."

Another witness, with a decade of demolition and salvage experience testified that Campbell sought his assistance in completing the demolition of the 2136-38 Market Street building. Campbell invited him down to the building which still had four story high exterior walls when he observed it. He described what he saw when Campbell invited him into the building: "I went in maybe 10 feet, I didn't go far at all. I was, you know, like I was looking around and it just - you know, there was piles of cinderblock and brick. And, you know, there was just things missing that should have been there. You know, the right way to do it would have been to start at the top floor and remove it floor by floor with everything shored up, and it was not done that way." The floors and many joists were gone. He stated that "support beams" had been removed as part of, in what seemed clear to him, an effort to salvage as much as possible from the building. He told Campbell that he didn't want to have anything to do with the building and that the building was being demolished wrongly. "From the top down, yeah, I told him, you know, this isn't really being done the right way, it should have been started at the top, not at the bottom. And I was basically told, I know what I'm doing . . . ."

The Grand jury heard testimony that the demolition of a building "brick by brick" could be a costly and, depending on the amount of manpower and resources, a lengthy process. Testimony and evidence revealed that throughout April and May of 2013 there were extensive periods of time that were not utilized to conduct the type of top to bottom "brick by brick" reduction necessary to safely demolish this building. The end result, at the end of May, was a roofless four story structure with much of its interior gutted and removed. An additional challenge also existed as a result of the lack of any agreement between STB Investments and the Salvation Army about the demolition. There was no agreement on access, protections or repairs - despite the fact there were numerous adjoining parts of the buildings including a chimney on the 2140 Market Street building that was attached to, and ran up the entire side of, the building to be demolished. The absence of any agreement on these issues required that the utmost caution be exercised in any demolition so as to insure no damage to the 2140 Market Street property. Again, such necessary caution dictated a brick by brick method of manual demolition that would not disturb or damage the adjoining structure.

The evidence revealed that Campbell had ample time in April and May to conduct a top to bottom piece by piece demolition of the building had sufficient manpower and resources been applied to the task. However, many of the workers testified that they were sent to other sites for



much of April and May to work on other Campbell contracts. Witnesses described how little to no work was performed on the demolition for numerous weeks during these months. Photographic evidence reviewed by the Grand Jury also corroborates that, with the exception of the removal of the roof, very little exterior demolition on the building was performed until late May of 2013. On May 21<sup>st</sup> and 22<sup>nd</sup>, some piece by piece demolition of the fourth floor exterior walls was conducted. Between May 22<sup>nd</sup> and June 2<sup>nd</sup>, only nominal additional progress was made in reducing the exterior walls on the front half of the 2136-38 Market Street building.

Plato Marinakos was an architect hired by STB Investments Corp. (Richard Basciano). The Grand Jury obtained a copy of his services agreement with STB and all the applicable invoices. He was retained to assist in obtaining necessary permits from the City of Philadelphia and to provide architectural services for potential future development of this and other properties owned by Basciano. He was not hired to provide engineering or demolition plans. However, he was responsible for acting as a liaison between the property owner and Campbell. He also provided progress reports, often with accompanying photographs, to STB employees for their use in determining whether payments to Campbell were justified by the work performed. He testified before the Grand Jury under a grant of immunity.

Emails and testimonial evidence reveal that by the end of May, 2013, Basciano and STB staff were aggressively pushing for demolition progress on the 2136-38 Market Street building. On Sunday, June 2<sup>nd</sup>, Campbell conducted significant demolition work on the front and eastern walls of 2136-38 Market Street. On this occasion he had a number of workers involved in the effort, including an excavator operator named Kary Roberts who was also known as Sean Benschop. Campbell informed Marinakos that he was working at the job site and Marinakos stopped by midday and took a number of pictures. These photos have been provided to the Grand Jury. The fourth floor exterior walls on the front half of the building had been substantially removed sometime prior to that Sunday. While at the site, he observed the excavating machine removing a sheet metal decorative facing that was attached to the entire remaining front wall of the building. He also observed the excavator pushing portions of the underlying brick front wall into the interior of the building. Likewise the excavator did the same with the upper portions of the front half of the eastern exterior brick wall of the building. He spoke with Campbell who told him that he needed to employ the excavator to access and clear the rubble and debris that had accrued within the building so as to be able to get the scaffolding

back into the building. He told Marinakos that the scaffolding would be used to take down the western wall (adjoining 2140 Market Street) piece by piece.

On Monday, June 3<sup>rd</sup>, Marinakos drove by the demolition site. He did not observe any work being performed. He took a single photograph of the site. The back half of the remaining building was still in excess of three stories in height and the exterior walls on the rear, east and west of the back half of the building were intact. On the front half of the building, there was now a jagged front wall (facing Market Street) that was approximately ten feet in height. The front half of the eastern exterior wall had been largely reduced to ground level. The western exterior brick wall adjoining 2140 Market Street was still approximately three stories in height. The remaining front wall was still attached to and supporting the western wall and some lateral support beams were also attached to the western wall and were visible.

On Tuesday, June 4<sup>th</sup>, Campbell returned to the site and resumed demolition work. He removed all of the remaining front wall of the building and all of the eastern wall back to the mid-point of the building. All of the support beams and joists attached to the western wall were removed. The back half of the building remained approximately three stories high. The basement of the front half of the building was partially filled with bricks and rubble. The western wall (adjoining 2140 Market Street) remained over two stories high on the front half of the 2136-38 lot and was now entirely freestanding above the roof line of the neighboring Salvation Army building. Campbell called Marinakos and asked him to stop by the site. Marinakos explained: "Griffin called me and said . . . he wanted to put in an application for payment and he wanted me to take some progress photographs and show how the progress is going to kind of alleviate the push from the owner to get it done . . ." Marinakos arrived at the site at around 6 p.m. When Marinakos arrived Campbell was there with three or four guys. Marinakos stated that he immediately saw "that that wall next to the Salvation Army is still there." He knew it should have been lowered to near the Salvation Army's roof line and capped with aluminum and flashed with roofing material. He explained, "I was upset because, you know, I was like, Griffin, You can't leave this wall here, this is just crazy, I mean, you can't do that. So he said, 'don't worry about it, Juan and the guys are coming and they're going to get - - once we clear this thing out the scaffolding can go back up and we can take that wall down to a safe height.'" Marinakos told Campbell this was of "immediate concern" and should be done

“right now”. He made Campbell promise to call him “first thing in the morning” to let him know that the wall was down to a safe height.

Workers for Campbell testified that the decisions to take the front wall completely down and remove all other supports from the western wall were Campbell’s. The workers were quite clear that Campbell specifically directed the locations and methods of the demolition.

Several of Campbell’s workers testified that they were called to the 2136-38 Market Street site on the afternoon of June 4<sup>th</sup> and directed to lower the freestanding wall standing over the Salvation Army. However, these workers described how only two workers at a time were directed to work on lowering the wall by hand. One worker remembered that when he arrived at the site, Campbell instructed him to lower the wall looming above the Salvation Army building. He testified that Campbell specifically told him “[t]o take it down, to take it all the way down to the point of the roof of the building that’s next to it.” He also testified that scaffolding was never erected on the inside of the western wall. Instead, Campbell had the workers stand on ladders placed on the roof of the Salvation Army building, attempt to demolish the wall by hand and push the bricks onto the 2136-38 property. The worker stated that they had to wait until after 5 p.m. to begin because he was led to believe they did not have permission to go onto the roof of the Salvation Army. Another worker described how only two men remained that night to try and reduce the wall. One man stood on a ladder on the roof of the Salvation Army building and tried to break chunks of the wall inwards while the other man held the ladder at its base.

One of the workers at the site, who had demolition experience, explained that Campbell had directed the demolition be conducted in a way that was not the best way to demolish this building. Instead of a systematic reduction of the building floor by floor, all of the beams and other walls were removed from the front half of the building leaving only the freestanding western wall. In addition, the worker testified that only two workers were given primary responsibility to reduce the western wall on the evening of June 4<sup>th</sup>. He stated that two workers on ladders, utilizing the method directed by Campbell, would have taken a week to reduce that wall. However, the length of time necessary to lower this wall to a safe level was largely dependent upon the amount of manpower applied to the effort. For example, the worker testified that eight workers dedicated to the hand demolition of the unsupported wall above the Salvation Army building could have completed the required reduction of that wall on June 4<sup>th</sup>.

Sometime after 10 p.m. on June 4<sup>th</sup>, 2013, the demolition was ended after having only lowered a modest portion of the western wall.

### Wednesday, June 5<sup>th</sup>, 2013

At 9:14 a.m. on the morning of June 5<sup>th</sup>, Campbell called Marinakos and told him that the freestanding part of the western wall had been reduced to near the roof line of the Salvation Army building. In fact, photographs, video and eyewitness accounts from the morning of June 5<sup>th</sup>, 2013, show that this was untrue and that the unsupported half of the wall adjoining the Salvation Army building was still standing at least one story above the roof line of the Salvation Army building.

At about the same time as the phone call to Marinakos, Campbell directed that an excavator begin to work at 2136-38 Market Street. The excavator was a Caterpillar Model 315L Excavator and it was operated by Kary Roberts (also known as Sean Benschop). The excavator was a substantial piece of equipment with a potential reach of over 26' and a weight of over 36,000 lbs. Campbell had hired Roberts, who also brought the excavator, to work for him on a daily cash payment basis. He was being paid \$600.00 to \$800.00 a day.

Numerous eyewitnesses described how Campbell watched, while Roberts operated, the work of the excavator within inches of the remaining structures at 2136-38 Market Street. The Grand Jury also obtained and viewed videos of the excavator at work at the site that morning. Campbell is clearly visible in some of these videos standing by the excavator. Workers present that morning testified that the excavator was attempting to pull beams and other types of material from the rubble that had filled the basement in the front half of the 2136-38 property. The videos also depict the excavator moving bricks and rubble around immediately adjacent to the still standing rear portion of the building and the freestanding wall over the Salvation Army building. One worker testified that he heard Campbell tell Roberts that he wanted him to "chip around" and salvage the beams – "the pillars or the joists, he wanted him not to damage them so he could resell them." Other workers testified that the freestanding wall was scary and they were surprised that the excavator was operating so close to it. One worker began to videotape the scene on his phone. Workers explained that the excavator would dig through the rubble to pull out the joists for the workers to carry away. A worker, who directly observed the excavator at

work, also saw the excavator operating with a metal piece held in its “mouth” that it used to chip at the rear structure attempting to extract more beams for salvage. Other witnesses, as well as the videos, corroborated his testimony. That same worker also testified that he thought to himself that the building would collapse should the excavator hit the wrong spot on the remaining structures. He stated “it’s common sense.”

At 10:41 a.m., most of the remaining 2136-38 Market Street structure, including all of the freestanding western wall, collapsed onto the Salvation Army building. The excavator had been in continuous operation, in the closest of proximity to the remaining structures on 2136-38 Market Street, up until the collapse.

At 10:45 a.m., Campbell called Marinakos and told him that the building collapsed and he should get to the site right away. As Marinakos travelled to the site, Campbell continued to “frantically” call Marinakos and plead for him to get to the site. Eventually, Marinakos got to the site and found Campbell in the chaos. Marinakos asked Campbell how this had happened and Campbell admitted to him “he didn’t take the wall down” and stated “I’m sorry.” Campbell also told him that the excavator was “grabbing” or “yanking on something” when the building collapsed.

A witness who has been involved in the inspection of demolition work for over 14 years and has inspected “[t]housands of demos,” testified before the Grand Jury. He was shown a photograph of the site from approximately 6 p.m. on Tuesday, June 4<sup>th</sup> that showed the freestanding western wall adjoining and over the Salvation Army building. He was asked for his reaction and he stated: “My reaction is that it’s imminently dangerous, it’s a three-story freestanding wall with no support whatsoever.” He was then shown photographs and videos of the structures as they were before the collapse with the excavator operating near the remaining 2136-38 Market Street structures. He stated that “[u]sing that excavator causes a great deal of vibration, enough to cause that wall to collapse.” The following exchange then took place before the Grand Jury:

**Question:** I don’t mean for you to be unnecessarily repetitive but I think it’s important, . . . what’s your reaction to these four videos that you just saw? And these were all taken within, I think, an hour or an hour and a half of the actual collapse.

**Answer:** It’s disgraceful that the contractor, you know, who is supposed to be a professional would do it in such a manner.

*Question:* How in your experience of having seen hundreds and indeed thousands of demolitions, I mean, how standard is it that this notion of reducing a building from the top down floor by floor is the norm, is the way that it has to be done?

*Answer:* That is the norm. But contractors, you know, they try to take the shortcuts to save them money. If you do it that way your debris gets mixed up, your brick gets mixed up with your wood and then you have to spend a lot of time to separate it. So the idea is to take all the wood out first, put it in a dumpster, the dumpsters are much lighter, you don't have to spend as much to dump, separate the brick at a different time, it's separated and you don't have to do it. Using a machine is a much quicker method of doing it, you save time, save manpower. It takes a lot of money and effort to do it by hand and that's the way it's supposed to be done.

### The Victims

The remaining structure and freestanding wall of 2136-38 Market Street collapsed to the west, directly onto the single story Salvation Army building at 2140 Market Street. The collapse crushed and destroyed most of the Salvation Army structure. At the time of the collapse, the business was in operation and was occupied by numerous individuals. Six people were killed by the collapse. The remains of all of the fatalities were recovered from beneath the rubble of the collapsed structures. All of the deceased victims died as a result of injuries suffered during the collapse. The victims who lost their lives were: Anne Bryan, Roseline Conteh, Borbor Davis, Kimberly Finnegan, Juanita Harmon, and Mary Simpson.

Another thirteen people were in the Salvation Army building at the time of the collapse. A number of these people suffered injuries, some of them significant, including numerous head injuries, lacerations and an individual who suffered severe internal injuries and the loss of both legs.

## RECOMENDATION OF CHARGES

Based on the evidence we have obtained and considered, which establishes a prima facie case, we, the members of the 26<sup>th</sup> Investigating Grand Jury recommend that the District Attorney or his designee, institute criminal proceedings against the below listed individuals and charge them with the listed offenses based upon activities described in the indicated presentment sections:

### GRIFFIN CAMPBELL

- Murder of the Third Degree, 18 Pa. C.S. § 2502 (c) – 6 counts
- Involuntary Manslaughter, 18 Pa. C.S. § 2504 (a) – 6 counts
- Recklessly Endangering Another Person, 18 Pa. C.S. § 2705 – 13 counts
- Causing Catastrophe, 18 Pa. C.S. § 3302 (a) – 1 count
- Risking Catastrophe, 18 Pa. C.S. § 3302 (b) – 1 count
- Criminal Conspiracy, 18 Pa. C.S. §903 – 1 count

### KARY R. ROBERTS

- Criminal Conspiracy, 18 Pa. C.S. §903 – 1 count