

LOCAL

# Family wants answers for California agency's actions in worker death. 'His life mattered'

BY JOE RUBIN

UPDATED AUGUST 07, 2024 6:58 AM

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Kevin Morales, 21, plummeted to his death from a roof in an Orange County work-related accident in 2015. *Morales family*

Kevin Morales, an undocumented worker, plummeted to his death in 2015 in Orange County. It was the type of accident that warranted investigation.

And Cal-OSHA did investigate. A 2017 report concluded that Morales did not have proper fall protection and was provided an inadequate ladder, and that the owner of the painting company should be criminally charged.

“Based upon the investigation to date, it is clear that Se Chae Lee (dba Lee’s Painting) was responsible for Victim Morales’ death by directing him to use an A-frame ladder on a sloped Spanish tile roof 30 feet above the ground, creating an open and obvious hazard,” the report states. “The hazard created by the height and sloped roof was known to Mr. Lee, who failed to take corrective actions to mitigate the hazard.”

But the criminal case, documents show, was dropped. The lead investigator blames the involvement of a Cal-OSHA official who was eventually convicted for soliciting bribes in other cases in exchange for reducing penalties. Morales sister, Maybeth said she still wants “justicia” for her brother and for California officials to get to the bottom of what happened.

In 2018, that official, [Richard Fazlollahi, the Santa Ana District Office district manager](#), was arrested and charged with soliciting bribes from 14 companies. The bribery scheme involved a co-conspirator, private attorney Noushin Dehnadi. The Morales case did not involve Dehnadi, nor was it a part of the charges in the subsequent bribery cases.

## **OVERSIGHT AT THE AGENCY**

The deputy director then was [Debra Lee](#), who was in charge of the enforcement division where Fazlollahi worked. Lee was appointed by Newsom in June to lead the nation’s largest state OSHA agency.

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A spokesperson for Cal-OSHA told The Bee that Lee and the agency did not conduct

an internal investigation into Fazlollahi's conduct following his arrest because they were instructed not to do so by the office of California's Attorney General. Instead Cal-OSHA kept him on salary for a year and paid him an additional \$201,000 in extra pay the agency has not explained.

Morales had recently come to the U.S. from Honduras, according to his relatives. Joanna Morales, a cousin who was serving as Morales sponsor in the U.S. with immigration authorities, described Morales as a "sweet guy" who loved to play soccer and dreamed of becoming a citizen.

In May, 2017 the Cal-OSHA's Bureau of Investigations recommended criminal charges in Morales death. But, because of Fazlollahi's actions, the Orange County district attorney decided she had to drop the case, according to emails, interviews and a review of documents in the case.

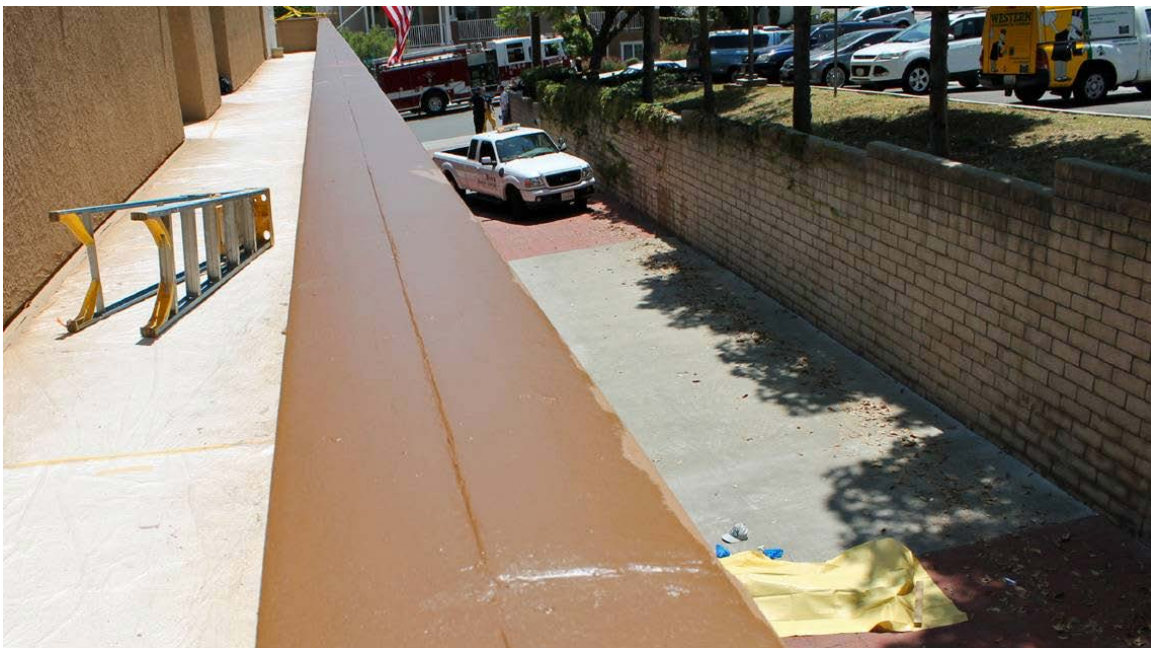
Chris Kuhns, who was a senior criminal investigator at Cal-OSHA's Bureau of Investigations, said he found Fazlollahi's involvement in the case "incredibly strange."

During an informal conference in December 2015, Fazlollahi slashed \$40,000 in fines and deleted two citations in violation of [Cal-OSHA regulations](#), which prohibit altering citations during a BOI investigation. Fazlollahi had been informed of the BOI review in a June, 2015 letter and was reminded not to alter any penalties.

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"They are not supposed to get involved in cases we are working," Kuhns said. "But, in retrospect through the informal conference, which is exactly where the corruption he was convicted for happened (in the other cases), he torpedoed the case."

Kuhns said in an interview he remains unsettled about the Morales case. Not only did Fazlollahi reverse citations during the informal conference, in a 2017 meeting with the Orange County DA, the district manager argued against criminal charges. "I remember thinking 'what freaking side are you on here?' " Kuhns said.



Kevin Morales, 21, died in a work-related accident in Orange County in 2015. The Cal-OSHA report detailed the fall from the ladder, with images, but the case was dropped. *Cal-OSHA inspection report*

Kuhns recalled, “I still remember coming on to the scene and seeing Kevin Morales lying there in a pool of blood. When you hear fall protection, that sounds like something fancy, but it’s something basic.”

### **FAMILY WANTS ANSWERS**

According to Kuhns’ report, painting company owner Se Chae Lee picked up Morales every morning at a coffee shop and drove him to the apartment complex. He was paid in cash.

“Mr. Lee failed to train Victim Morales on ladder safety and instead shouted at him when he saw him doing something unsafe as witnessed by a tenant,” the report states.

Kuhns said Kelly Emby, Orange County Deputy DA, was initially convinced by his report and planned to press charges. But she learned that Fazlollahi had deleted the two accident-related citations, which would have been the bedrock of the case.

In her emails, Emby told Kuhns in 2017 that because Fazlollahi had eliminated two key citations, “we could have a serious witness credibility problem.” Emby died in 2022 from COVID.

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Emby concluded in another email to Kuhns that she agreed “fall protection would have prevented the death.” But she added, “I will not be able to prove a case on this one.”

The office of Elliot Kim, Se Chae Lee’s attorney, emailed Fazlollahi in December 2016 and expressed frustration that the BOI case remained open a year after Fazlollahi slashed the fines.

“To refresh your memory we have reached an agreement to \$2,370,” it said, “because there was no causation between the death of the employee and citation imposed. We want to pay the agreed penalty amount and complete the case closure.”

Kim did not respond to phone messages asking for comment.

Joanna Morales and Morales’ sister Maybeth said that they were not informed of criminal charges filed against Fazlollahi. Morales called on California officials to get to the bottom of whether bribes were paid in Kevin’s case.

“Unfortunately undocumented people are exploited and put in dangerous situations. Kevin had dreams, his life mattered,” she said.

This story was originally published August 7, 2024, 5:00 AM.

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