

From: [REDACTED] <[REDACTED]@ice.dhs.gov>
Sent: Monday, May 22, 2017 4:09 PM EDT
To: mike.mccarthy@pd.boston.gov <mike.mccarthy@pd.boston.gov>
Subject: RE: ICE HSI Public Affairs contact info

Lt. McCarthy,

Here's the statement we're planning to release later today. Thank you again for taking the time to speak with me.

With respect,

"On May 10, ICE officers arrested Jose Martin Paz-Flores, an unlawfully present alien from Honduras, in Boston, based on an investigative lead from another law enforcement agency. Mr. Paz-Flores has an outstanding order of removal issued by an Immigration judge in 2002. On May 22, Mr. Paz-Flores was granted a Stay of Removal and was released from ICE custody."

If asked we required him to wear a GPS device. And if anyone asks to ID the outside LEA, we will decline comment for operational security reasons.

[REDACTED]
DHS/ICE
Desk/Cell: [REDACTED]
[REDACTED]@ice.dhs.gov

From: [REDACTED]
Sent: Monday, May 22, 2017 2:44 PM
To: 'mike.mccarthy@pd.boston.gov'
Subject: ICE HSI Public Affairs contact info

Mike,

My contact info is below.

With respect

[REDACTED]
Department of Homeland Security
U.S. Immigration and Customs Enforcement (ICE)
Desk/Cell: [REDACTED]

Covering the following states: MN, IA, NE, ND, SD, KS, MO & New England

From: Mantyla, Phillip (AGO) <phillip.mantyla@state.ma.us>
Sent: Monday, July 03, 2017 1:40 PM EDT
To: Sean Finn <sean.finn@pd.boston.gov>
Subject: MA Attorney General Request

Sean,

Can you provide me with copies of all police reports concerning the individual listed below? If you have any questions, please do not hesitate to let me know.

[REDACTED]
[REDACTED]
(AKA [REDACTED])
(AKA [REDACTED])
(AKA [REDACTED])

Thanks.

Phillip Mantyla
Senior Criminal Investigator
White Collar & Public Integrity Division
Insurance and Unemployment Fraud Unit
Office of the Attorney General
617-963-2621 (Office)
617-429-9592 (Cell)

From: Mantyla, Philip (AGO) <philip.mantyla@state.ma.us>
Sent: Wednesday, July 05, 2017 7:52 AM EDT
To: Sean Finn <sean.finn@pd.boston.gov>
Subject: RE: MA Attorney General Request

Thanks Sean. Can you check to see if you have any log notes or entries or anything else on file for this individual from March 29, 2017 to the present?

Philip Mantyla
Senior Criminal Investigator
White Collar & Public Integrity Division
Insurance and Unemployment Fraud Unit
Office of the Attorney General
617-963-2621 (Office)
617-429-9592 (Cell)

From: Sean Finn [mailto:sean.finn@pd.boston.gov]
Sent: Monday, July 03, 2017 3:20 PM
To: Mantyla, Philip (AGO) <Philip.Mantyla@MassMail.State.MA.US>
Subject: Re: MA Attorney General Request

Hi Philip,
Here is the one police report I found on Jose M. Paz-Flores.

Thank you,

Sean M. Finn
Criminal Records Clerk/Typist
Criminal Records Unit
Boston Police Department
1 Schroeder Plaza, Room S-147
Boston, MA 02120-2014
Phone: (617) 343-4499
Fax: (617) 343-4635
sean.finn@pd.boston.gov

On Mon, Jul 3, 2017 at 1:40 PM, Mantyla, Philip (AGO) <philip.mantyla@state.ma.us> wrote:

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From: Sean Finn <sean.finn@pd.boston.gov>
Sent: Wednesday, July 05, 2017 8:21 AM EDT
To: Mantyla, Phillip (AGO) <phillip.mantyla@state.ma.us>
Subject: Re: MA Attorney General Request

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Sorry.
Sean

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Insurance and Unemployment Fraud Unit

Office of the Attorney General

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Sent: Wednesday, July 05, 2017 10:52 AM EDT
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You're welcome.

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Phillip Mantyla

Senior Criminal Investigator

White Collar & Public Integrity Division

Insurance and Unemployment Fraud Unit

Office of the Attorney General

617-963-2621 (Office)

617-429-9592 (Cell)

From: McGee, Kirk - OSHA <mcgee.kirk@dol.gov>
Sent: Thursday, August 17, 2017 4:39 PM EDT
To: gregory.gallagher@pd.boston.gov <gregory.gallagher@pd.boston.gov>
CC: gregorygallagher@pd.boston.gov <gregorygallagher@pd.boston.gov>
Subject: Contact Request Kirk McGee USDOL

Dear Sgt Gallagher:

I left you a message earlier today on your cell phone. Could you please call me at [REDACTED], I need to speak with you in regards to your contacts with Pedro Pirez and Tara Construction on a case I am investigating.

Regards,

Kirk McGee

Kirk McGee, CPP
Investigator
Region I Whistleblower Protection Program
U.S. Department of Labor
William R. Cotter Federal Building
135 High Street, Suite 361
Hartford, CT 06103
Cell [REDACTED]
Fax [REDACTED]

Ask me about our new Alternative Dispute Resolution Program!!

From: McGee, Kirk - OSHA <mcgee.kirk@dol.gov>
Sent: Thursday, August 17, 2017 4:53 PM EDT
To: Gregory Gallagher <gregory.gallagher@pd.boston.gov>
Subject: RE: Contact Request Kirk McGee USDOL

Thanks Much!

From: Gregory Gallagher [gregory.gallagher@pd.boston.gov]
Sent: Thursday, August 17, 2017 4:42 PM
To: McGee, Kirk - OSHA
Subject: Re: Contact Request Kirk McGee USDOL

Good afternoon
Did get your message
Have been tied up at work
Will reach out to you tomorrow

Sent from my iPhone

On Aug 17, 2017, at 4:39 PM, McGee, Kirk - OSHA <McGee.Kirk@dol.gov<mailto:McGee.Kirk@dol.gov>> wrote:

Dear Sgt Gallagher:

I left you a message earlier today on your cell phone. Could you please call me at [REDACTED] I need to speak with you in regards to your contacts with Pedro Pirez and Tara Construction on a case I am investigating.

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Kirk McGee

Kirk McGee, CPP
Investigator
Region I Whistleblower Protection Program
U.S. Department of Labor
William R. Cotter Federal Building
135 High Street, Suite 361
Hartford, CT 06103
Cell [REDACTED]
Fax (860)240-3155

Ask me about our new Alternative Dispute Resolution Program!!

From: Gregory Gallagher <gregory.gallagher@pd.boston.gov>
Sent: Monday, August 21, 2017 2:36 PM EDT
To: Kevin Mullen <kevinrmullen@verizon.net>
Attachment(s): "PAZ 1.doc"

Draft Form 26, newer version

--

Sgt. Detective Gregory D. Gallagher
Boston Police Department
Drug Control Unit
HSI-ICE Task Force
DEA Clandestine Laboratory Team
617-343-9534

DISTRICT/UNIT Drug Control Unit

To: Lt.Detective Brian Larkin
Commander , Drug Control Unit

From: Sgt. Detective Gregory D. Gallagher, #9015
Boston Police Department
DCU-HSI –ICE TASK FORCE

Subject: Arrest of [REDACTED]

Sir:

I respectfully submit the following, on 5/10/17 I assisted in the arrest by members of ICE-ERO of the following suspect.

[REDACTED] FBI# [REDACTED] , A# [REDACTED]

This suspect was wanted by ICE on a active Warrant of Deportation and had a felony Criminal record in the State of Florida. The suspect was taken into custody by ICE-ERO and then transported by them to their facility for booking and detention. The location of this arrest was Dorchester St. @ Woodward St.

The suspect had been employed at the Tara Construction Company 28 Damrell St. Boston

On 8/17/17 I was contacted via both voicemail and Email by a Investigator from the U.S. Department of Labor requesting that I be interviewed regarding this arrest.

Later on the same day I was contacted by the Massachusetts Attorney General's Office also requesting to be interviewed regarding this same arrest.

I notified Acting DCU Commander Sgt.Detective John Ford and BPDBS –Superior Sgt.Detective Joseph Sullivan regarding these requests.

I then spoke with BPDBS Attorney Kevin Mullen, who will be handling these requests on my behalf.

I will keep you updated on the status of these requests and any further information regarding the incident.

DISTRICT/UNIT Drug Control Unit

Respectfully Submitted

Sgt.Detective Gregory D. Gallagher

Tonight's schedule

6pm Cocktails & Social

6:45 Take your seats

7pm Invocation then dinner is served

7:30 Reflection, Awards & Announcements

8pm Fun, music & dance

11pm Gracias, adios y buenas noche

Masters of Ceremony

Joshua De La Rosa & David Hernandez

DJ – La FRAGA

Music – Fabian Torres y su orquesta

Community Hero Award

Fermain Cardona, Boston Police Detective

El Jefe sponsors

Committee to Elect Martin J. Walsh

The Foundation to be Named

Tara Construction

The BASE

Committee to elect Michael Capuano

Committee to elect Jeffrey Sanchez

Don Q

Que Bella Sponsor

Harvard Pilgrim

Cabral Investigators

Oriental de Cuba Restaurant

Boston Police Detectives Benevolent Society

La Loteria Sponsor

Robert Deleo, Speaker of the House

Inquilinos Boricuas en Accion (IBA)

We wish to thank our partners:

The Boston Parks Department – Commissioner Chris Cooks

The Boston Police Department – Commissioner William Evans

Berkshire Partners Blue Hill Boys & Girls Club

Noche Latina Dance Company

The BASE

El Mundo

Cape Verdean's Police Officers Association

Mass Assn of Minority Law Enforcement Organization

Citizens Bank

Massachusetts Fallen Heroes

LLEGO Boston Core Group

Israul Marrero – Chair; Luis Cruz – Vice Chair; Juan Jose Seoane – Secretary; Jose Ruiz – Treasure; Joshua De La Rosa – Assistant Treasurer & Spiritual Leader; Eric Rivas – Financial Overseer; Jeanette Origel – Media Specialist; Maria Alamo; Felipe Colon; Juan Estevez; Richard Estrella; David Hernandez; Isabel Lopez; Alex Maldonado; Sixto Merced; Richard Medina; Rene Sanchez; Ismael Sosa and; Dante Williams

Gala Sub-committee

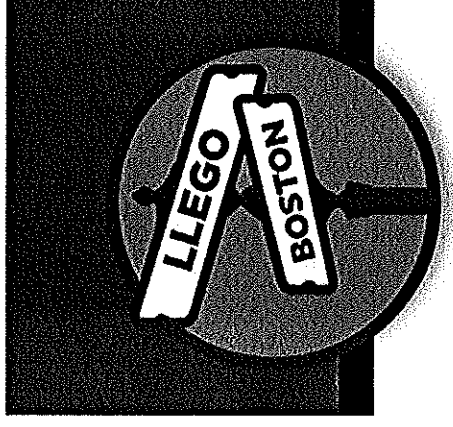
Alkia Powell – Chair; Eric Rivas – Chair; Shari Maestri; Jose Lopez; Miguel “Tito” Ortiz; Michael Andrade; Steven Claudio; Alexandra Valdez; David Hernandez

Tonight’s Raffle

\$20 per ticket gives you a chance to win one of 10 prizes that includes Boston Red Sox tickets and five Don Q prizes; ticket includes ONE “LLEGO Boston Challenge Coin”

“Our mission is to unite the knowledge and experience of Latino Boston Police Officers to promote diversity in law enforcement by furthering partnerships with the community through recruitment, education, and trust.”

Join us! Llegoboston@gmail.com & on Facebook



**The Latino Law Enforcement Group of Boston
(LLEGO Boston!)**

*Presents its First Annual Gala
to support community engagement activities and events!*

Saturday, May 12, 2018

*At the beautiful Venezia Restaurant
20 Ericsson Street
Dorchester, MA 02122*

From: John Fitzgerald <john.fitzgerald@pd.boston.gov>
Sent: Wednesday, March 06, 2019 10:38 PM EST
To: Michael Kern <michael.kern@pd.boston.gov>
Attachment(s): "2019-2-27-Filed-Complaint.pdf"

Sergeant Detective John J. Fitzgerald
Boston Police Department
District B-3 Detectives
1165 Blue Hill Ave. Mattapan, MA 02124
Office: (617) 343-4716

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

.....
R. ALEXANDER ACOSTA, Secretary of
Labor, United States Department of Labor,

Plaintiff,

v.

TARA CONSTRUCTION, INC.; and PEDRO
PIREZ, an individual,

Defendants.
.....

Civil Action No.

February 27, 2019

Injunctive Relief Sought

Jury Demand

COMPLAINT

Defendants Tara Construction, Inc. (“Tara Construction”) and Pedro Pirez violated Section 11(c), 29 U.S.C. § 660(c), of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 et seq. (the “Act”), when they unlawfully retaliated against José Martin Paz Flores (“Paz”) because Paz engaged in protected activities under the Act.

On March 29, 2017, Paz fell from a ladder and was seriously injured while he was working as a drywall taper for Tara Construction. Paz reported that injury to Tara Construction and his injury caused the Occupational Safety and Health Administration (“OSHA”) to make an inquiry into Tara Construction related to Paz’s fall. Soon after Paz engaged in those protected activities, Defendant Pirez initiated a law enforcement investigation of Paz and facilitated his arrest. Paz would not have been arrested on May 10, 2017 if he had not reported his injury to Tara Construction and caused the OSHA inquiry to be initiated.

Plaintiff R. Alexander Acosta, Secretary of Labor, United States Department of Labor (the “Secretary”) specifically alleges as follows:

I. LEGAL FRAMEWORK, JURISDICTION, AND VENUE

1. The Secretary brings this case pursuant to Section 11(c) of the Act, 29 U.S.C. § 660(c). Among other things, Section 11(c)(1) of the Act prohibits the discharge of or discrimination against “any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this chapter.” 29 U.S.C. § 660(c)(1).

2. “[S]ection 11(c) of the . . . Act also prohibits [an employer] from discriminating against an employee for reporting a work-related fatality, injury, or illness.” 29 C.F.R. § 1904.36; accord id. § 1904.35(b)(1)(iv) (An employer “must not discharge or in any manner discriminate against any employee for reporting a work-related injury or illness.”).

3. Section 11(c)(2) of the Act grants the Secretary the authority to bring an action against any person that violates Section 11(c) “in any appropriate United States district court,” which “shall have jurisdiction” and the power to “to restrain violations of paragraph (1) of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to his former position with back pay.” 29 U.S.C. § 660(c)(2).

4. This court has jurisdiction pursuant to 29 U.S.C. § 660(c)(2) and 28 U.S.C. § 1331.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b). Defendants Tara Construction and Pirez reside in Massachusetts. Tara Construction has a regular place of business in Massachusetts, and the events giving rise to the claims in this case occurred in Massachusetts.

part of that process, Pirez provided Detective Seoane with certain of Paz's identifying documents.

36. Detective Seoane contacted a Boston Police Department employee who works with Immigration and Customs Enforcement ("ICE"), Sergeant Detective Gregory Gallagher, and provided him with information about Paz.

37. Sergeant Gallagher was on a joint ICE/Boston Police Department task force.

38. Sergeant Gallagher tried to do some research on Paz and also reached out to his contacts at ICE with the information that Detective Seoane had provided to him.

39. To try to locate Paz, Detective Seoane asked Defendant Pirez if Paz was still working at Tara Construction, and Defendant Pirez said no.

40. Detective Seoane also asked Defendant Pirez if Paz would be at the office any time, and Pirez said that Paz would have to come to the office to pick up a check.

41. Detective Seoane then called Sergeant Gallagher to tell him that Paz would be picking up a check at Defendant Pirez's office. Sergeant Gallagher responded, according to Detective Seoane, by stating that he wanted to know when that would happen and further stating "we probably gonna pick him up . . . [t]o find out if that's him or not."

42. Two days before Paz's arrest, Detective Seoane asked Defendant Pirez via text message for the address of the Tara Construction office, and also asked Pirez if it was okay for Detective Seoane to give Sergeant Gallagher Pirez's number so that Sergeant Gallagher and Pirez could communicate directly; Pirez stated via text message that was okay and provided the address of the office.

43. Detective Seoane gave Sergeant Gallagher Defendant Pirez's information and address a few days before Paz was arrested.

44. Sergeant Gallagher contacted Defendant Pirez directly and went to the Tara Construction office to visit him.

45. Defendant Pirez told Sergeant Gallagher that Pirez was going to give Paz some money to help him out.

46. Sergeant Gallagher wanted to know when Paz would be at the Tara Construction office and whether Pirez had any problem if they picked up Paz while he was there.

47. Defendant Pirez told Sergeant Gallagher the date and time that Paz would be at the Tara Construction office and said he had no problem if they picked up Paz while he was there.

48. Paz went to Tara Construction's office on May 10, 2017 to meet with Defendant Pirez.

49. Just after Paz's meeting with Defendant Pirez on May 10, 2017, as the car Paz was riding in drove away from the Tara Construction office, it was stopped by law enforcement and Paz was arrested in the presence of Sergeant Gallagher and ICE.

50. Paz's young son was in the car and witnessed Paz's arrest.

51. The foregoing actions by Defendant Pirez would dissuade a reasonable worker from reporting an injury or causing an OSHA proceeding to be instituted.

Paz's Protected Activity Caused Defendants to Take Adverse Action Against Him

52. Based on the closeness in time between Paz's protected activity and the adverse action that Defendants Tara Construction and Pirez took against him, which was approximately two to three weeks, there is sufficient evidence of causation at the prima facie stage.

B. Defendants' Alleged Rationales for Their Adverse Action Are Pretextual

53. Tara Construction did not provide OSHA with a written position statement in this matter.

54. During his interview, however, Defendant Pirez told OSHA that he contacted Detective Seoane about Paz after he concluded "things didn't add up" because the person named Paz employed by Tara Construction had a different first name than the person about whom the hospital had inquired.

55. Defendant Pirez's rationale for taking adverse action against Paz is pretextual, as shown by the following facts: (a) Defendant Pirez's alleged concern regarding Paz's identity is not plausible; (b) Defendant Pirez's testimony to OSHA that he did not facilitate Paz's arrest is contradicted by the account of a credible witness and documentary evidence; (c) Defendant Pirez is hostile toward workers around issues of workplace safety; and (d) there was a motive for Defendant Pirez to take adverse action against Paz.

Defendant Pirez's Alleged Concern Regarding Paz's Identity is Not Plausible

56. Paz has multiple middle and last names.

57. Various government documents set forth Paz's name as "Jose Martin Paz Flores."

58. It is common in Paz's culture and community to have multiple middle or last names. It is also common for people to use a middle name or second name as a first name, like the way that Paz uses the name Martin as a first name.

59. Some people refer to Paz as José and others refer to him as Martin; at Tara Construction, he was known by the name Martin Paz.

60. At Tara Construction, the foreman on the project where Paz was injured, Cronin, is himself known by a name that apparently is not his formal name.

61. Defendant Pirez referred to this foreman as “Shane Cronin.”

62. That foreman, however, put the name “John Cronin” on the Employer’s First Report of Injury or Fatality related to Paz’s injury in this matter. In order to clarify who the person was that filled out this report, Tara Construction’s president, Donnelly, stated to OSHA that “[h]is name is John Cronin,” and “[w]e all call him Shane.”

63. Upon information and belief, there is no evidence that anyone at Tara Construction, including Defendant Pirez, contacted law enforcement with concerns about Cronin’s identity or initiated a law enforcement investigation of him because he used a first name that is apparently different from his formal name.

64. Defendant Pirez told OSHA it never crossed his mind that José might be Paz’s nickname or another of several names that Paz has.

65. According to Defendant Pirez, he never communicated his alleged concern about Paz’s multiple names to Paz himself and never asked anyone else at Tara Construction if Paz went by the name José.

Defendant Pirez’s Testimony to OSHA That He Did Not Facilitate Paz’s Arrest Is Contradicted by the Account of a Credible Witness and Documentary Evidence

66. Defendant Pirez testified to OSHA that he did not communicate with any law enforcement officials about when his meeting with Paz would take place and he had no idea how law enforcement knew where Paz would be when Paz was arrested.

67. Defendant Pirez’s testimony is contrary to the description of events according to Sergeant Gallagher. Under Sergeant Gallagher’s account, law enforcement knew when Paz would be at the Tara Construction office because Defendant Pirez told Sergeant Gallagher the date and time that Paz would be at the office.

68. Further, according to Sergeant Gallagher, he inquired about whether Defendant Pirez had any problem if they picked up Paz while he was at the Tara Construction office to collect money that Pirez was going to give to Paz. Per Sergeant Gallagher's account, Pirez said he had no problem if they picked up Paz while he was at Tara Construction's office.

69. Defendant Pirez's statement that he did not communicate with any law enforcement about when the meeting with Paz would take place at Tara Construction's office also appears to be contradicted by text messages between Detective Seoane and Pirez.

70. In a text message exchange between Detective Seoane and Defendant Pirez, which occurred on Monday, May 8, 2017, just two days before Paz's arrest, Pirez told Detective Seoane something about Wednesday at 1:00 p.m.

71. According to Defendant Pirez's testimony to OSHA, he told Paz to come to his office on Wednesday, May 10, 2017 after 1:00 p.m. to collect some money that Pirez wanted to give to Paz.

72. Thus, upon information and belief, Defendant Pirez was texting with Detective Seoane about the time of his meeting with Paz, which was to occur on May 10, 2017, the day Paz was arrested.

73. In addition, telephone records show that on May 9, 2017 and May 10, 2017, Sergeant Gallagher and Defendant Pirez called each other approximately fourteen times.

74. According to telephone records that the Secretary has obtained, there are no calls between Sergeant Gallagher and Defendant Pirez between May 11, 2017, the day after Paz's arrest, and May 30, 2017.

75. The amount of communication between Sergeant Gallagher and Defendant Pirez on the day of Paz's arrest and the day prior indicates that Pirez was in fact communicating

substantially with Sergeant Gallagher about when the May 10, 2017 meeting with Paz would occur.

76. The foregoing allegations indicate that Defendant Pirez, contrary to his testimony to OSHA, was well aware of how law enforcement knew that Paz would be at the Tara Construction office on May 10, 2017, and that Defendant Pirez facilitated Paz's arrest.

Defendant Pirez Is Hostile Toward Workers Around Issues of Workplace Safety

77. With respect to another workplace incident unrelated to this case, Defendant Pirez was mad that a worker should have known better than to walk down an extension ladder like a set of stairs, which resulted in the worker breaking his leg.

78. Defendant Pirez stated with respect to this prior incident: "You can't fix stupid," and "I was so mad that he should have known better."

79. These statements by Defendant Pirez reveal his general hostility toward workers around issues of workplace safety.

There Was a Motive for Defendant Pirez to Take Adverse Action Against Paz

80. Paz's fall from the ladder on March 29, 2017 caused OSHA to initiate its inquiry into Tara Construction on or around that date, which included OSHA sending a letter to Defendant Pirez requesting that Tara Construction take various steps, such as the performance of an incident investigation.

81. Pirez was ultimately responsible for safety at Tara Construction.

82. According to Tara Construction's president, Donnelly, there were no witnesses to Paz's fall from the ladder.

83. By facilitating Paz's arrest and detention, Pirez could have impaired Paz's ability to assist OSHA and also to participate in any other investigations related to Paz's injury.

IV. PAZ EXPERIENCED EMOTIONAL DISTRESS, PAIN AND SUFFERING, AND FINANCIAL LOSS AS A RESULT OF DEFENDANTS' RETALIATION

84. Paz has experienced substantial emotional distress, as well as pain and suffering, as a result of Defendants' actions in this case, including anxiety, lack of sleep, and physical pain while in detention.

85. Paz breaks down when he tries to talk about the fear and anxiety that has resulted from Defendants' retaliatory actions and their consequences.

86. Paz has suffered guilt and anxiety because his young son had the traumatic experience of witnessing Paz's arrest from his car seat, and the toddler has increased fear and anxiety following that incident.

87. Paz has had great difficulty sleeping at night, and he continues to lie awake wondering what will happen to him and his family.

88. In terms of pain and suffering, while detained, Paz's pain was significantly increased by the fact that at times his hands and feet were shackled, which made it extremely awkward and painful to use his crutches and move his leg.

89. Paz fell while trying to get up the steps into a transport van while shackled, causing him acute pain.

90. In addition, after Paz was arrested, he was denied pain medication for several days.

91. Paz was medically cleared and authorized to work as of February 1, 2018 and actively sought work since that date. He accepted the first job he was offered and began working on or about April 24, 2018.

V. PUNITIVE DAMAGES ARE NECESSARY AND APPROPRIATE

92. Punitive damages are warranted in light of Defendants' intentional or reckless disregard for the law, i.e., consistently brash conduct as detailed above, and callous indifference to Paz's rights under the Act.

PRAYER FOR RELIEF

WHEREFORE, the Secretary prays that this court:

1. Adjudge that Defendants Tara Construction and Pirez unlawfully took adverse action against Paz because he engaged in activity protected by Section 11(c) of the Act, 29 U.S.C. § 660(c).
2. Order Defendants Tara Construction and Pirez, as well as their agents, servants, employees and all persons acting or claiming to act on their behalf and interest, to comply with the provisions of Section 11(c) of the Act, 29 U.S.C. § 660(c).
3. Grant all appropriate relief, including, without limitation:
 - a. Require Defendants Tara Construction and Pirez to pay Paz's lost wages, as well as pre- and post-judgment interest thereon;
 - b. Require Defendants Tara Construction and Pirez to pay any other damages relating to their actions, to include compensatory and punitive damages;
 - c. Require Defendant Tara Construction to provide Paz with a neutral letter of reference;
 - d. Require Defendants Tara Construction and Pirez to expunge from their files any statement or information regarding adverse action taken against Paz that relates to the allegations in this Complaint;
 - e. Require Defendant Tara Construction to post in a prominent location at Tara Construction, for no less than 120 consecutive days, a notice easily

seen and readable by employees that Defendant Tara Construction will not in any manner discriminate against employees because of such employees' engagement in activities protected by Section 11(c) of the Act, 29 U.S.C. § 660(c);

- f. Require Defendant Tara Construction to disseminate electronically to all current employees at Tara Construction and all employees hired by Tara Construction for two years from the date of any final judgment in this matter a notice of such employees' rights to not be discriminated against for engaging in whistleblowing activity under Section 11(c) of the Act, 29 U.S.C. § 660(c);
- g. Require Defendants to pay the costs of this action;
and
- h. Grant such other relief as is just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Secretary requests a jury trial in this matter on all issues triable by jury.

Post Office Address:

U.S. Department of Labor
Office of the Solicitor
JFK Federal Building
Room E-375
Boston, MA 02203
TEL: (617) 565-2500
FAX: (617) 565-2142

Date: February 27, 2019

Kate S. O'Scannlain
Solicitor of Labor

Maia S. Fisher
Regional Solicitor

/s/ Kelly M. Lawson
Kelly M. Lawson
Counsel for Civil Rights
lawson.kelly@dol.gov
MA BBO No. 650410

/s/ Mark A. Pedulla
Mark A. Pedulla

Senior Trial Attorney
pedulla.mark.a@dol.gov
MA BBO No. 685925

Attorneys for Plaintiff

From: John Fitzgerald <john.fitzgerald@pd.boston.gov>
Sent: Wednesday, March 06, 2019 10:41 PM EST
To: Paul Donovan <paul.donovan@pd.boston.gov>
Subject: complaint
Attachment(s): "2019-2-27-Filed-Complaint.pdf"

Sergeant Detective John J. Fitzgerald
Boston Police Department
District B-3 Detectives
1165 Blue Hill Ave. Mattapan, MA 02124
Office: (617) 343-4716

From: John Fitzgerald <john.fitzgerald@pd.boston.gov>
Sent: Wednesday, March 06, 2019 10:59 PM EST
To: Juan Seoane <juan.seoane@pd.boston.gov>
CC: James Moore <james.moore@pd.boston.gov>
Subject: Report for Supt. Donovan
Attachment(s): "2019-2-27-Filed-Complaint.pdf"

Juan,

From Superintendent Donovan. You need to write a report detailing what info you received from an employee of Tara Construction and what you did with the information. I've attached a document.

Sergeant Detective John J. Fitzgerald
Boston Police Department
District B-3 Detectives
1165 Blue Hill Ave. Mattapan, MA 02124
Office: (617) 343-4716

From: Juan Jose Seoane <juan.seoane@pd.boston.gov>
Sent: Thursday, March 07, 2019 1:21 AM EST
To: Paul Donovan <paul.donovan@pd.boston.gov>
CC: Michael Kern <michael.kern@pd.boston.gov>
Subject: Information requested
Attachment(s): "03.07.2019 Form 26.docx"

Sir,

Attached is the form 26 of the information you requested. Please contact me if you have any questions.

Respectfully,

The peace and order of society is more important than even the relief of the miserable.

Adam Smith

Detective Juan José Seoane
Boston Police Department - District B3
1165 Blue Hill Avenue
Boston, MA 02126
Office 617-343-4713
Cell 617-894-0735

From: Michael Kern < michael.kern@pd.boston.gov >
Sent: Thursday, March 07, 2019 10:15 AM EST
To: Paul Donovan < paul.donovan@pd.boston.gov >
Subject: Fwd: Info
Attachment(s): "03.07.2019 Form 26.docx"

Supt.,
Here is the Form 26 requested.

----- Forwarded message -----

From: Juan Jose Seoane < juan.seoane@pd.boston.gov >
Date: Thu, Mar 7, 2019 at 9:45 AM
Subject: Info
To: Michael Kern < michael.kern@pd.boston.gov >

Lt. Here it is

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The peace and order of society is more important than even the relief of the miserable.

Adam Smith

Detective Juan José Seoane
Boston Police Department - District B3
1165 Blue Hill Avenue
Boston, MA 02126
Office 617-343-4713
Cell 617-894-0735

To: Superintendent Paul Donovan,
Chief, Bureau of Investigative Services

From: Detective Juan José Seoane, ID #11458
Bureau of Investigative Services – District B3/Detectives

Date: Thursday, March 7, 2019

Subject: Tara Construction Information

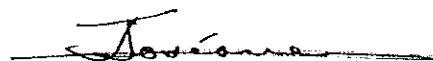
Sir,

I respectfully report that in early 2017 I received a telephone call from [REDACTED], Tara Construction owner, inquiring about the identity of one of its employees. [REDACTED] informed me that his company received medical bills and/or lawyers letter from one of his employees, but under different names that he had listed in his company records and wanted to verify his employee identity. I believe that [REDACTED] provided a copy of the employee green card that he presented for employment.

I researched the names he provided and only one name, of the name he provided was found to have a verify identification. The exact name I don't recall at this time. Furthermore, the research showed that this name had an immigration hit and out state criminal record. I contacted Sergeant Detective Greg Gallagher and informed me of my findings. Sgt. Det. Gallagher conducted a research of the information I provided and he informed me that this individual was ordered deported and that the green card numbers that he has on the green card are assigned to an Asian male, if I recall correctly.

Based on this information, I contacted [REDACTED] and informed him that this person was ordered deported from the country and if he was still working for him. [REDACTED] stated that he was not working at this time, but he had to come by the office to pick up a check. I provided this information to Sgt. Det. Gallagher and provided him with Mr. Pires contact information. Sgt. Det. Gallagher talked to [REDACTED] and the employee was arrested after leaving the office and collecting the check. If you have any questions regarding this matter please contact me.

Respectfully submitted,



Detective Juan José Seoane,
ID #11458 – District B3/Detectives

From: Paul Donovan <paul.donovan@pd.boston.gov>
Sent: Thursday, March 14, 2019 11:34 AM EDT
To: Michael Kern <michael.kern@pd.boston.gov>
Subject: Det Seoane

Lt. Kern,

Regarding our conversation regarding Detective Seoane's investigation of Tara Construction

Please submit a Form 26 to me documenting that per our conversation you counseled Detective Juan Seoane regarding his investigation of [REDACTED] Specifically that he should have sought the guidance of a supervisor when contacted by a family member regarding an incident that was not within his area of responsibility at B3. Thank you.

Supt. Donovan

--

*Paul R. Donovan
Superintendent
Chief, Bureau of Investigative Services
Boston Police Department
1 Schroeder Plaza
Boston, MA 02120
617-343-4497*

From: Michael Kern <michael.kern@pd.boston.gov>
Sent: Thursday, March 14, 2019 11:41 AM EDT
To: paul.donovan@pd.boston.gov <paul.donovan@pd.boston.gov>
Subject: Fwd: Det. Seoane

Sent from my iPhone

Begin forwarded message:

From: Juan Jose Seoane <juan.seoane@pd.boston.gov>
Date: March 13, 2019 at 4:16:08 PM EDT
To: Michael Kern <michael.kern@pd.boston.gov>
Subject: Re: Det. Seoane

I don't have any records related to any of this information. I don't understand what they mean by surname for Juan Seoane. If they are looking for my name my legal name is Juan Jose Seoane Lopez. Other than that I don't have any information that they are requesting.

On Wed, Mar 13, 2019 at 4:09 PM Michael Kern <michael.kern@pd.boston.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: Paul Donovan <paul.donovan@pd.boston.gov>
Date: March 13, 2019 at 3:53:55 PM EDT
To: Michael Kern <michael.kern@pd.boston.gov>
Subject: Det. Seoane

Mike,

Several public record requests have been received regarding Det. Seoane's investigation of [REDACTED] at Tara Construction. Please direct Juan to provide:

"any and all records related to any criminal investigation into [REDACTED] Flores from Jan 1, 2016 to the present day."

"any and all records related to any criminal charges against [REDACTED] Flores from Jan 1, 2016 to the present day."

"any and all records that include the names or surnames of both Juan Seoane and [REDACTED]"

This information should be forwarded to my office as soon as possible, but no later than March 18, 2019.

Supt Donovan

--

*Paul R. Donovan
Superintendent
Chief, Bureau of Investigative Services
Boston Police Department
1 Schroeder Plaza
Boston, MA 02120
617-343-4497*

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The peace and order of society is more important than even the relief of the miserable.

Adam Smith

Detective Juan José Seoane
Boston Police Department - District B3
1165 Blue Hill Avenue
Boston, MA 02126
Office 617-343-4713
Cell 617-894-0735