

← Back

Penalty sought against business

By Karen Lee Ziner June 1, 2007 Publication: Providence Journal (RI) Page: B-01
Word Count: 538

The state has filed a petition against Billy G's Tree Service for not having workers' compensation insurance in connection with an illegal immigrant's injury.

* * *

PROVIDENCE - The state is seeking penalty against William J. Gorman Jr., owner of Billy G's Tree Service, in Warwick, for not having workers' compensation insurance when a Mexican illegal immigrant Gorman hired was severely injured by a chainsaw last year.

A May 20th Journal article recounted the story of Edgar Velazquez, who was deported before he could seek compensation for the accident, on March 31, 2006. Velazquez said that while working for Gorman in Warwick that day, the chainsaw Gorman gave him kicked back off a fence and sliced his face open to the bone.

In phone interviews from Mexico, Velazquez alleged that Gorman called immigration agents and had him arrested outside the courthouse last August, where Velazquez was scheduled to pursue a workers' compensation claim against Gorman. State law entitles Velazquez to do so,

even though he was in the country illegally.

Lawyer Stephen J. Dennis is still seeking a \$70,000-plus judgment against Gorman on Velazquez's behalf, and is working through government channels to have Velazquez return from Mexico to Rhode Island for his day in court. Dennis and Dr. Stephen G. McCloy, an occupational health physician who treated Velazquez, have both stated their belief that Gorman treated Velazquez as "disposable," in an effort to avoid the workers' comp claim against him.

Laura Hart, spokeswoman for the Department of Labor, said an ongoing Workers' Compensation Fraud and Compliance Unit investigation led to the petition filed Wednesday against Gorman.

The petition states that Gorman has been without workers' compensation insurance "for the period of on or about March 31, 2006" - the date of Velazquez's accident - until now, "and has failed to secure compensation for which he is liable" under state law.

It also states that the Department of Labor has not determined that Gorman's lack of insurance "was unintentional or the result of a clerical error."

Gorman must appear in court June 21 or face a default order.

Hart said that Gorman could be fined up to \$1,000 a day for lack of insurance, "but most cases are settled before it comes to that - unless the employer refuses to cooperate."

Gorman's attorney, Michael A. St. Pierre, of Revens, Revens & St. Pierre, could not be reached yesterday. Revens previously told The Journal that his client had no workers' compensation at the time of the accident, but that he was not certain that it was required. St. Pierre concurred with Velazquez's lawyer that Velazquez was entitled to pursue a claim.

Gorman has previously declined comment.

Hart explained that the fraud unit had an open case as of last year, "and I think they were waiting to see what the outcome of the court case was. And then, when Mr. Velasquez was deported, the case didn't go through."

Hart said an investigator was initially unable to establish that Velazquez had actually been working for Gorman.

The day after The Journal story appeared, Velazquez's lawyer, Stephen Dennis, said he learned that the investigation against Gorman was going forward.

"They changed some of their investigative tactics," said Hart, and whatever new evidence was discovered, "they feel that they have enough to file a petition."

kziner@projo.com / (401) 277-7375

Date: June 1, 2007

Page: B-01

Copyright © 2007. LMG Rhode Island Holdings, Inc. All Rights Reserved.