May 18, 2022

Atlas Masonry Along with Owner and Foreman Indicted on Charges for Lakewood Marine Towers West Parking Garage Collapse

CLEVELAND - Cuyahoga County Prosecutor Michael C. O'Malley announced today that a Cuyahoga County grand jury has returned an indictment charging the construction company Atlas Masonry Restoration and Maintenance, as well as its owner, 55-year-old Elmer Mekker, and 52-year-old foreman Charles Hawley, for the Marine Towers West parking garage collapse in Lakewood in December 2021.

"It is a miracle that the recklessness displayed, not only by Atlas Masonry but the owner and foreman in charge, did not result in serious injury or death," said Prosecutor Michael C. O'Malley. "Their poor decisions put hundreds of lives at risk, and they need to be held accountable for that."

In November 2021, Marine Towers contracted Atlas Masonry Restoration and Maintenance to complete various concrete repairs on the property. On December 22, 2021, Charles Hawley and a co-worker began working on the parking garage pillars around 3 p.m. They removed the concrete around two support pillars on the lower level of the parking garage, leaving only exposed rebar to support the structure.

The next day, around 18 hours after their work had been completed, the parking garage began to rumble. The first floor of the parking garage collapsed through to the sub-floor level below. Around 60 seconds before the collapse, an individual exited the parking garage in their vehicle. The Lakewood Fire Department and the Lakewood Police Department (LPD) immediately responded to the scene.

Several surrounding cities and organizations, including Rocky River, Fairview, Westlake, North Olmsted, Bay Village, Cleveland, Chagrin Valley Mobile Dispatch, the Urban Search and Rescue Task Force, Home Depot, and BMV Wrecking, sent first responders and mutual aid to assist with rescue efforts and preventing further collapse. No serious injuries or deaths occurred as a result of the collapse.

An investigation conducted by the LPD revealed there were no plans to brace or shore the pillars during the repair work. In addition, no building permits were obtained through the City of Lakewood by Atlas Masonry for the work. The City of Lakewood referred the matter to the Cuyahoga County Prosecutor's Office.

"On the day of the collapse, I committed that the City of Lakewood would not rest until we got to the bottom of what happened," said Lakewood Mayor Meghan F. George, who also serves as the City's Safety Director. "Our exhaustive investigation revealed that the collapse was no accident. In reality, it was caused by outrageous conduct by Atlas Construction and its leadership, who had zero regard for the safety of the residents of Marine Towers West. Once the facts involved became clear, I requested that the County Prosecutor review the case to determine if felony charges could be pursued. On behalf of the City of Lakewood, I want to offer our thanks to Prosecutor O'Malley and his team for their work, and we look forward to its resolution in the court system."

Atlas Masonry Restoration and Maintenance has been indicted on the following charge:

- **One count** of **Inducing Panic**

Elmer Mekker has been indicted on the following charge:

- **One count** of **Inducing Panic**

Charles Hawley has been indicted on the following charge:

- **One count** of **Inducing Panic**

The charge of inducing panic is to cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm by committing any offense, with reckless disregard of the likelihood that its commission would cause serious public inconvenience or alarm and result in economic harm of $150,000 or more.

Previously in April 2022, Atlas Masonry was convicted of one count of failure to secure a permit in Lakewood Municipal Court regarding the Lakewood Marine Towers West parking garage collapse.

Atlas Masonry, Elmer Mekker, and Charles Hawley will be arraigned at the Cuyahoga County Justice Center at a later date.

You can view the indictment here.