Indiana Department of Labor
Indiana Occupational Safety and Health Administration
402 West Washington Street, Room W195
Indianapolis, Indiana 46204
Phone: (317) 232-2693 FAX: (317) 233-3790

January 22, 2026

David Fagan
2193 W 84th Place
Merrillville, INDIANA 46410
dfagan@local150.org

RE: Genius Roof
Inspection Number: 1857455

Dear David Fagan,

In response to your complaint concerning safety and/or health hazards at Genius Roof located at 402 Royal Road, Michigan City, Indiana, the Indiana Occupational Safety and Health Administration (IOSHA) conducted an inspection at this place of employment. The inspection was conducted on October 29, 2025. The results of our investigation of your complaint items are as follows:

Complaint 1.) Recent Michigan City Police body camera footage documents a workplace incident that occurred on October 9, 2025, in which a worker reportedly fell nearly 70 feet from the data center roof to the concrete floor and struck his head while working on the project. Police body camera and dash camera footage that captured surveillance video inside the building shows the worker falling and his head striking the floor, and then the worker was quickly removed from the jobsite by coworkers, prompting serious concerns that appropriate medical protocols were not followed.

Response 1.) During the course of the inspection, including walkaround and interviews, no evidence was obtained indicating that an employee struck their head during the fall. Additionally, no evidence was acquired to support that medical protocols were not handled in an appropriate manner. However, during the inspection, it was found that the employer did not evaluate walking working surfaces appropriately prior to allowing employees to conduct work and a citation was issued. See citation(s) issued.

Complaint 2.) The Project Maize data center is being constructed by a network of out-of-state contractors, including Phoenix Construction (Wisconsin), general contractor Blydan (Alabama), and roofing subcontractor Genius Roofing (Alabama). The project has received tens of millions of dollars in state and local tax incentives, yet relies overwhelmingly on out-of-state labor, bypassing Indiana workers and contractors.

Response 2.) IOSHA does not have enforcement capabilities/jurisdiction concerning matters pertaining to allocation of state and local funds/tax incentives to contractors. Due to this, IOSHA is unable to process/address this complaint item.

Complaint 3.) Based on longstanding observations at the site, there is additionally concerns that a significant portion of the workforce may be undocumented.

Response 3.) IOSHA does not have enforcement capabilities/jurisdiction concerning matters related to the status of workers' citizenship. Due to this, IOSHA is unable to process/address this complaint item.

Complaint 4.) In addition to work safety concerns, there is additional concern regarding the continued obstruction of a public right-of-way in front of the project site. A temporary fence and large construction vehicles remain in place that interferes with the right-of-way in question.

Response 4.) IOSHA does not have enforcement capabilities/jurisdiction concerning matters pertaining to public right-of-way, unless it can be demonstrated/evidenced that the obstruction renders employees exposed to a hazard. During the course of the inspection, no observation/evidence was acquired of employee exposure to hazards created by obstructed public right-of-way. No citation(s) issued.

Attached for your information is a copy of the Safety Order and Notification of Penalty, which was sent to the employer, and should have been posted for at least three days after receipt.

The law prohibits an employer from discriminating against an employee for exercising any rights under the Indiana Occupational Safety and Health Act (Indiana Code § 22-8-1.1). An employee who believes he or she has been discriminated against may file a whistleblower protection complaint with IOSHA no later than 30 days after the discrimination occurred. To learn more about whistleblower protection, visit www.in.gov/dol/iosha, email whistleblower@dol.in.gov or call (317) 232-2693.

Thank you for your concern for a safe and healthful workplace.

Sincerely,

Jeremy Galloway

IOSHA Director

JG:cn