

Remedies and Consequences for Failing to Properly Pay Prevailing Wages

Labor Commissioner, State of California

Department of Industrial Relations
Division of Labor Standards Enforcement

DIVISION USE ONLY:	
TAKEN BY: _____	CASE # _____
DATE TAKEN: _____	ASSIGNED TO: _____
OFFICE: _____	DATE RECEIVED: _____
	DATE ASSIGNED: _____

PUBLIC WORKS – PUBLIC COMPLAINT

The following information is important and must be provided.

Complainant Information			
1. FIRST NAME	2. LAST NAME	3. COMPANY NAME	4. WORK/CELLULAR NO
5. CONTACT ADDRESS		6. CITY	7. STATE / ZIP CODE
8. EMAIL ADDRESS			

Project Information
Note: A separate form must be completed for each project in which you are alleging a violation of prevailing wages.
9. PROJECT NAME (If known)
10. LIST ADDRESS(ES) OF PROJECT WHERE WORK WAS PERFORMED:

Complaint Against		
11. NAME OF BUSINESS/CONTRACTOR/EMPLOYER		12. CONTRACTOR'S STATE LIC. NO
13. ADDRESS OF BUSINESS/CONTRACTOR/EMPLOYER (Include Zip Code)		14. BUSINESS TEL. NO
15. EMAIL ADDRESS	16. NAME OF PERSON IN CHARGE	17. TITLE

Awarding Body		
18. NAME OF PUBLIC AGENCY/AWARDED CONTRACT ENTITY		
19. ADDRESS OF AWARDING BODY		20. BUSINESS TEL. NO/
21. EMAIL ADDRESS	22. NAME OF PERSON IN CHARGE / TITLE	23. AMOUNT OF CONTRACT
24. FIRST BID AD DATE	25. DATE PROJECT BEGAN	26. PROPOSED FINISH DATE
		27. DATE OF NOTICE OF COMPLETION

General Contractor (Prime Contractor)		
28. NAME OF GENERAL CONTRACTOR		29. CONTRACTOR'S STATE LIC.
30. ADDRESS		31. BUSINESS TEL. NO
32. EMAIL ADDRESS	33. NAME OF PERSON IN CHARGE	34. TITLE

Prevailing Wage Issues (Attach statements substantiating the allegation)
35. BRIEF EXPLANATION OF ISSUES: (Check all applicable boxes)
<input type="checkbox"/> Non-payment /Underpayment of wages <input type="checkbox"/> Not paid travel and subsistence <input type="checkbox"/> Under reporting of hours <input type="checkbox"/> Unpaid overtime/Sat/Sun/Holiday rate <input type="checkbox"/> Misclassification of worker <input type="checkbox"/> Insufficient fund check <input type="checkbox"/> Fringe benefits not paid <input type="checkbox"/> Other
Apprentice Violations 1777.5 proceed to the next page

Apprentice Occupation

36. Trades and Classifications: _____

Apprentice Violations 1777.5

37. If the contractor is approved to train- Name of the Apprenticeship Committee: _____

38. Was there a LABOR COMPLIANCE PROGRAM on this project? Yes No
If Yes, Name of the LCP: _____ LCP Telephone Number: _____

Apprentice Issues

(List any documentation attached substantiating the allegation)

39. BRIEF EXPLANATION OF ISSUES: (Check all applicable boxes)

- Failed to provide Contract award information (DAS 140). California Code of Regulations 230
- Failed to request dispatch of apprentices (DAS 142). California Code of Regulations 230.1
- Failed to employ registered apprentices in the correct ratio or not at all. California Code of Regulations 230.1
- Failed to make apprenticeship training fund contributions. California Code of Regulations 230.2
- Other (give clear concise statement of the facts constituting the basis of your complaint)

Proof of Service

40. Check the box if Proof of Service upon affected contractor and the General Contractor is attached.

I hereby certify that this is a true statement to the best of my knowledge and belief.

MY NAME MAY BE USED IN THIS INVESTIGATION. Yes No

Signature _____

Date _____

Instructions for Completing the "Public Works – Initial Report" form (PW-1)

Complainant/Worker Information

1. Enter your first name.
2. Enter your last name.
3. Enter your home telephone number.
4. Enter your work or cellular number.
5. Enter an accurate mailing address including the house number and street name.
6. Enter the city.
7. Enter the state.
8. Enter the zip code.

Project Information (Identifies where the work was performed)

9. Enter the name of the project, in known. For example: Mountain Ranch Elementary School Expansion, Phase I.
10. Enter the project address, including the street name and city.

Complaint Against

11. Enter the name of the contractor which owes wages or allegedly violated the public works laws.
12. Enter the contractor's State license number, if known. Check with the Contractor's State License Board to determine the number. (www.cslb.ca.gov)
13. Enter the contractor's business address including a street name and city.
14. Enter the business telephone number, if known.
15. Enter the name of the person who was in charge at the project site.
16. Enter the title of the person in charge. For example, job foreman.

Awarding Body

17. Enter the name of the public entity where the work was performed. For example: Mountain Ranch Unified School District
18. Enter the address of the awarding body, if known.
19. Enter the telephone number of the awarding body, if known.
20. Enter the name of the person responsible for oversight of the project.
21. Enter the title of the person responsible for the project. For example: Facilities Manager
22. Enter the date that the project began, if known. Note: this may not be the date that you started work on the project.
23. Enter the date that the project was completed or the anticipated date for completion of the project, if known.
24. Enter the date that the Notice of Completion was filed, if known.

General Contractor (Prime Contractor)

25. Enter the name of the general/prime contractor on the project. Enter same if the complaint is against the general/prime contractor. You do not need to complete the remaining boxes in this section if the complaint is against the general/prime contractor.
26. Enter the contractor's license number. Check with the Contractor's State License Board to determine the number. (www.cslb.ca.gov)
27. Enter the business address for the general/prime contractor, if known.
28. Enter the business telephone number, if known.
29. Enter the name of the person responsible for the project on behalf of the general/prime contractor, if known.
30. Enter the title of the person responsible for the project, if known.

Issues

31. Check all applicable boxes that apply to your complaint. Enter additional information if the information in the boxes does not contain your complaint.

Employment Information

32. Enter the job classification of the complainant or workers involved. For example: carpenter
33. Enter the type of work performed. For example: framed sidewalks for concrete; ran conduit for an alarm system; installed electrical outlets; operated a backhoe; etc.
34. Enter the specific tools used to perform the work. For example: hammer; chop saw; welder; etc.
35. Check appropriate box. If unknown if travel and subsistence was required, leave blank.
36. Check appropriate box to indicate what method was used to pay wages.
37. Check appropriate box to indicate whether deduction statements were issued.
38. Check appropriate box to indicate how often wages were paid or enter frequency.
39. Enter the amount of hourly wages paid, daily wages or weekly wages.
40. Enter the amount of overtime paid, if any.
41. Indicate the dates work was performed on the public works project indicated in the Project information section.
42. Indicate whether work was performed at another location. If work was performed at another location, please provide responses to the remaining questions.
43. Indicate whether the complainant is still employed by the construction employer.
44. Indicate whether time and payroll records were maintained by the employer.
45. Enter the name of the person who maintained the time and payroll records.
46. Indicate whether a personal record of hours worked was maintained.
47. Enter the names and information for any other workers on the project.

Sign and date the form. Submit to the nearest office of the Labor Commissioner. See a listing of offices at <http://www.dir.ca.gov/dlse/DistrictOffices.htm>.

Statement of Employer Payments



Date:		In Reply, Refer to Case No:	
Prime:			
Subcontractor:			
PROJECT NAME:			
PROJECT CONTRACT NO.:		County/location:	
HEALTH AND WELFARE			

NAME OF PLAN	Address, City and Zip	
ADMINISTRATOR	Address, City and Zip	
CLASSIFICATION(S) USED	CONTRIBUTION PER CLASSIFICATION PER HOUR	
CONTRIBUTIONS:	WEEKLY	MONTHLY
	QUARTERLY	ANNUALLY

PENSION			
NAME OF PLAN	Address, City and Zip		
ADMINISTRATOR	Address, City and Zip		
CLASSIFICATION(S) USED	CONTRIBUTION PER CLASSIFICATION PER HOUR		
CONTRIBUTIONS:	WEEKLY	MONTHLY	QUARTERLY
	ANNUALLY		

VACATION/HOLIDAY			
NAME OF PLAN	Address, City and Zip		
ADMINISTRATOR	Address, City and Zip		
CLASSIFICATION(S) USED	CONTRIBUTION PER CLASSIFICATION PER HOUR		
CONTRIBUTIONS:	WEEKLY	MONTHLY	QUARTERLY
	ANNUALLY		

TRAINING			
NAME OF PLAN	Address, City and Zip		
ADMINISTRATOR	Address, City and Zip		
CLASSIFICATION(S) USED	CONTRIBUTION PER CLASSIFICATION PER HOUR		
CONTRIBUTIONS:	WEEKLY	MONTHLY	QUARTERLY
	ANNUALLY		

IF YOU USE OTHER PLANS NOT LISTED ABOVE, YOU MAY USE THE BACK OF THIS FORM TO PROVIDE THIS ADDITIONAL INFORMATION

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement FAX:	Edmund G. Brown Jr., Governor 
DATE:	In Reply Refer to Case No:

REQUEST FOR CERTIFIED PAYROLL RECORDS

AWARDING BODY	PROJECT NAME	Project No.
Prime Contractor		
Subcontractor		

This letter constitutes a formal request for public works payroll information as authorized by Section 1776 of the California Labor Code. Contractors and subcontractors are required to keep accurate payroll records in accordance with Section 1776 of the California Labor Code and to furnish such records on request to a representative of the Division of Labor Standards Enforcement.

The format for reporting the requested payroll records is prescribed by Labor Code Section 1776 (c) and Section 16401 of Title 8 of the California Code of Regulations, and requires the use of the current version of DIR's "Public Works Payroll Reporting Form" (A-1-131) and Statement of Employer Payments Form (PW-26), copies of which are attached. Presumptive compliance with this request for public works payroll information requires that these forms be filled out accurately and completely. The Division of Labor Standards Enforcement may accept an alternative reporting format however, *the Division's acceptance of any other format will be conditioned upon the requirement that the alternate format contains all of the information required by these forms.*

Within ten (10) days from receipt of this request, please submit certified copies of time and payroll information for all workers who were employed by _____ on the above identified public works job during the period from the beginning of the project to completion of project.

Failure to provide these certified payroll records to the Division of Labor Standards Enforcement within ten (10) working days of receipt of this request will subject the contractor to a penalty of one hundred dollars (\$100.00) per calendar day or portion thereof for each worker until the records are received [Labor Code Section 1776(h)]. In addition to such civil penalties, contractors may also be debarred from bidding or performing on public works projects for one (1) to three (3) years for the failure to comply with a request for certified payroll records within 30 days. (Labor Code 1777.1 (c).)

Your prompt compliance with this request is required.

STATE LABOR COMMISSIONER

By _____
 Deputy Labor Commissioner
 (PW-9 Revised 1/2013)

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement FAX:	Edmund G. Brown Jr., Governor 
DATE:	In Reply Refer to Case No:

SECOND REQUEST FOR CERTIFIED PAYROLL RECORDS

AWARDING BODY	PROJECT NAME	Project No.
Prime Contractor		
Subcontractor		

This letter constitutes a formal request for public works payroll information as authorized by Section 1776 of the California Labor Code.

<input type="checkbox"/>	<p>We are in receipt of your initial response, as received by this office on _____. Your initial response failed to include the following specifically required information: _____</p> <p>[The investigator should list any information required in our "Public Works Payroll Reporting Form, A-1-131, (e.g., classification, home addresses, social security numbers, training/health & welfare contributions, etc.) which was not provided when the contractor used either our Form A-1-131, any other form, including his or her own form.]</p> <p>Within ten (10) working days from receipt of this request, please resubmit the attached public work payroll reporting form, including the information specified above which was omitted from your initial response.</p>
<input type="checkbox"/>	<p>We also require certain additional "Payroll Records" as that term is defined at Title 8, California Code of Regulations, Section 16000, as including: All time cards, cancelled checks, cash receipts, trust fund forms, books, documents, schedules, forms, reports, receipts or other evidences which reflect job assignments, work schedules by days and hours, and the disbursement by way of cash, check, or in whatever form or manner, of funds to a person(s) by job classification and/or skill pursuant to a public works project.</p> <p>The specific Payroll Records now requested are (the investigator should list all additional documents being requested, such as time cards, cancelled checks, fringe benefit contribution reports, etc.): _____</p>

Failure to provide these certified payroll records to the Division of Labor Standards Enforcement within ten (10) working days of receipt of this request will subject the contractor to a penalty of one hundred dollars (\$100.00) per calendar day or portion thereof for each worker until the records are received [Labor Code Section 1776(h)].

STATE LABOR COMMISSIONER

By _____
 Deputy Labor Commissioner
 (PW-9.1 Revised 1/2013)

Labor Commissioner, State of California
 Department of Industrial Relations
 Division of Labor Standards Enforcement
 520 W. 4th Street, Room 450
 Los Angeles, CA 90013
 213-620-1398
 FAX: 213-897-6020

Edmund G. Brown Jr., Governor



DATE: March 15, 2013
 It Refers to Case No. _____

CIVIL WAGE AND PENALTY ASSESSMENT

Awarding Body	Work Performed in County of LOS ANGELES
PROJECT NAME	Project No. 10
Prime Contractor	
Subcontractor	

After an investigation concerning the payment of wages to workers employed in the execution of the contract for the above-named public works project, the Division of Labor Standards Enforcement (the "Division") has determined that violations of the California Labor Code have been committed by the contractor and/or subcontractor identified above. In accordance with Labor Code section 1741, the Division hereby issues this Civil Wage and Penalty Assessment.

The nature of violation of the Labor Code and the basis for the assessment are as follows:

Failure of the prime contractor to pay the prevailing wage including overtime. Failure to pay Training Fund to the Calif Apprenticeship Council.

The attached Audit Summary further itemizes the calculation of wages due and penalties under Labor Code sections 1775 and 1813.

The Division has determined that the total amount of wages due is: \$8,902.93

The Division has determined that the total amount of penalties assessed under Labor Code sections 1775 and 1813 is: \$18,025.00

The Division has determined that the amount of penalties assessed against under Labor Code section 1776 is: \$0.00

Please refer to page 5 for specific withholding obligations pertaining to these amounts.

STATE LABOR COMMISSIONER

By _____

Deputy Labor Commissioner

PW 53 Revised 10/2006

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code Section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment. To obtain a hearing, a written Request for Review must be transmitted to the following address:

Labor Commissioner, State of California
Civil Wage and Penalty Assessment Review Office
2031 Howe Ave., Suite 100
Sacramento, CA 95825

A Request for Review either shall clearly identify the Civil Wage and Penalty Assessment from which review is sought, including the date of the assessment, or it shall include a copy of the assessment as an attachment, and shall also set forth the basis upon which the assessment is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made. Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to _____
at the following address: 320 W. 4th Street, Room 450
Los Angeles, CA 90013

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion thereof that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

(continued on next page)

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability of liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the assessment or notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

Deposits must be made by check or money order payable to the Department of Industrial Relations with a letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

Department of Industrial Relations
Attention Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is \$8,902.93

(continued on next page)

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	<u>\$8,902.93</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$18,025.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	<u>\$26,927.93</u>

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$8,902.93</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$18,025.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	<u>\$26,927.93</u>

Distribution:

Awarding Body
Surety(s) on Bond
Prime Contractor
Subcontractor



Director's Office of Policy, Research and Legislation

Director's Prevailing Wage Enforcement Decisions (Labor Code section 1742) (2007 to present)

Department of Industrial Relations

Public Notice Regarding Availability of Prevailing Wage Enforcement Decisions

This page contains links to Decisions by the Director of Industrial Relations in cases arising out of prevailing wage enforcement actions under Labor Code section 1742. These Decisions have not been designated precedential and, therefore, under the Administrative Procedures Act's Administrative Adjudication Bill of Rights, they cannot be relied on as authority in future cases. The Decisions are being provided to the regulated public to show how the Director has interpreted the statutory scheme, and applied its provisions, in specific factual settings.

The page contains links only to those Decisions issued since January 1, 2007. The page also includes a word search function.

Perform a full text search.

2014 decisions

Date Issued	Case Number(s)	Contractor/Subcontractor(s)
2/14/14	12-0400-PWH	Tricorp Construction, Inc

2013 decisions

Date Issued	Case Number(s)	Contractor/Subcontractor(s)
11/25/13	12-0353-PWH, 12-0356-PWH, 12-0357-PWH	P&J ENGINEERING, a Partnership
11/5/13	12-0182-PWH	Lifestyle Landscapes, Inc.
11/5/13	12-0077-PWH	Michale Moore Construction, Inc. dba MMC Pavers
10/4/13	12-0261-PWH	Serenity Fire Protection
8/26/13	13-0036-PWH	Tricorp Construction Inc. A Corporation dba Tricorp/Hearn
8/26/13	13-0007-PWH 12-0406-PWH	Tricorp Construction Inc. A Corporation dba Tricorp/Hearn William Charles Falconer dba Majestic Interiors
7/26/13	13-0036-PWH	Morgan Construction
7/01/13	12-0330-PWH, 12-0367-PWH	CLP Resources, Inc. and SolarCity Corporation (Order Denying Reconsideration and Decision)
6/17/13	13-0140-PWH	Vector Resources, Inc.
6/3/13	12-0305-PWH	Enviro-Tech Solutions, Inc. dba Southland Construction Co.
5/30/13	12-0326-PWH	Construction Management General Engineering, Inc.
5/29/13	12-0137-PWH	G Coast Construction, Inc.
5/17/13	13-0035-PWH	A P West Coast, Inc.
5/14/13	12-0224-PWH	County Line Framing, Inc.
4/29/13	12-0088-PWH	Advanced Professional Industries, Inc.

2012 decisions

Date Issued	Case Number(s)	Contractor/Subcontractor(s)
11/7/2012	12-0116-PWH	Southland Construction
11/6/2012	12-0063-PWH, 12-0126-PWH	Design Turf Technologies, Inc.
10/6/2012	12-0052-PWH	Bannadun Engineers Constructors Corp
8/3/2012	11-0047-PWH	Superior Stucco & Plastering, Inc.
7/6/2012	11-0027-PWH	River Partners

Director's Office of Policy,
Research and Legislation (OPRL)

Quick Links

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External Resources

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- [Federal Bureau of Labor Statistics](#)
- [Employment Development Department](#)

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6/12/2012	12-0013-PWH	Sierra Landscape Company, Inc.
6/5/2012	11-0166-PWH	Davis Moreno Construction, Inc.
5/31/2012	12-0003-PWH	Alpha Plumbing & Mechanical, Inc.
5/15/2012	11-0173-PWH	RAN Electric, Inc.
5/9/2012	11-0097-PWH	Seal Electric, Inc.
4/3/2012	11-0237-PWH, 11-0272-PWH	Icon West, Inc.; United Shotcrete, Inc.
3/22/2012	11-0102-PWH, 11-0103-PWH, 11-0104-PWH	Vector Resources, Inc., TEK EF & I Solutions, LP; Outsource Telecom, Inc.
3/13/2012	11-0081-PWH	RAN Enterprises, Inc.
3/8/2012	11-0233-PWH	RCI Electrical & Design
2/21/2012	10-0284-PWH	Southland Construction

2011 decisions

Date Issued	Case Number(s)	Contractor/Subcontractor(s)
12/28/2011	10-0301-PWH	First Seaford Surety, Inc.
12/7/2011	11-0049-PWH	DJM Construction Co., Inc.
12/7/2011	11-0182-PWH	Soipac, Inc., dba Solttek Pacific
12/6/2011	11-0055-PWH	General Underground Fire Protection
12/6/2011	11-0079-PWH	Azurellite, Inc.
12/6/2011	11-0064-PWH	F.E. Services, Inc.
11/22/2011	09-0249-PWH	FEI Enterprises, Inc.
10/21/2011	07-0245-PWH, 07-312-PWH	Waste Connections, Inc., Waste Connections of California, Inc., and Madera Disposal Systems, Inc.
10/20/2011	10-0324-PWH	Crossroads Diversified Services, Inc.
10/19/2011	10-0310-PWH	Pivot Group, Inc.
10/3/2011	11-0075-PWH	Resource Development Company
9/7/2011	08-0231-PWH	Damon Const. Co. (Order Denying Reconsideration and Decision)
8/26/2011	10-0046-PWH	Tek-up Construction, Inc.
8/18/2011	11-0107-PWH	S.W. Allen Construction Inc.
7/6/2011	10-0278-PWH	Brown Construction, Inc. (Order Denying Reconsideration and Decision)
7/6/2011	09-0054-PWH	Lewis C. Nelson & Sons, Inc. (Order Denying Reconsideration and Decision)
6/30/2011	11-0074-PWH	Reynaldo Candelario Tagle individually and doing business as Cinray Construction, Inc.
6/9/2011	09-0256-PWH	Bedard Controls, Inc.
6/9/2011	09-0007-PWH, 09-0007-PWH	Kenner Construction and Explore General, Inc. (Order Denying Reconsideration and Decision)
6/7/2011	09-0253-PWH	FEI Enterprises, Inc.
5/10/2011	10-0233-PWH	RMR Construction (Decision and Decision After Reconsideration)
5/5/2011	09-0126-PWH	KOO Construction, Inc.
5/4/2011	10-0122-PWH	Cinray Construction
3/30/2011	10-0320-PWH	J. Poot Electric
3/24/2011	08-0023-PWH	Shasta General Engineering Inc. (Denial of Reconsideration and Decision After Remand)
3/3/2011	10-0093-PWH, 10-0094-PWH	Wayne Maples Plumbing & Heating, Inc. and R.D. Olson Construction L.P.
3/3/2011	09-0090-PWH	Armando Vargas Pena dba Quality Plumbing
2/16/2011	10-0279-PWH	Labaf's Tree Care (Order Granting Reconsideration and Decision)
2/15/2011	07-0308-PWH, 07-0309-PWH, 07-0310-PWH, 07-0311-PWH	Southern Bleacher Company, Inc; Biland Construction Company and Genoa Construction Co., Inc (Denial of Reconsideration and Decision)
1/13/2011	09-0215-PWH	FEI Enterprises Inc. (Denial of Reconsideration and Decision)

2010 decisions

Date Issued	Case Number(s)	Contractor/Subcontractor(s)
12/15/2010	10-0056-PWH	Ed Nichols Drywall
11/5/2010	10-0170-PWH	F.O.R.D. Inc. Construction
10/7/2010	08-0170-PWH	Evan Patterson Construction, Inc.
9/28/2010		

	08-0177-PWH, 08-0190-PWH	Lewis C. Nelson & Sons, Inc. and J. Alexander Company (Denial of Reconsideration and Decision)
8/18/2010	10-0018-PWH	Jose Ramon Sandoval
8/11/2010	08-0134-PWH	American Incorporated (Denial of Reconsideration and Decision)
7/21/2010	09-0217-PWH	Unite Steel Industries, Inc.

2009 decisions

Date Issued	Case Number(s)	Contractor/Subcontractor(s)
11/4/2009	08-0088 PWH, 08-0127 PWH	Cal-Pacific Construction (Denial of Reconsideration and Decision)
9/28/2009	09-0092 PWH	Bernards Bros, Inc.
9/15/2009	08-0224 PWH	Angeles Contractor, LLC.
9/8/2009	09-0120 PWH, 09-0122 PWH, 09-0123 PWH	Durham Construction, Inc. (Order Modifying Decision and Decision)
8/20/2009	08-0168 PWH, 08-0169 PWH, 08-0173 PWH	Lewis C. Nelson & Sons, Inc. and Nolte Sheet Metal, Inc.
8/20/2009	09-0095-CPR	Harbor Construction Co., Inc.
8/12/2009	09-0120 PWH, 09-0122 PWH, 09-0123 PWH	Travelers Casualty and Surety Company
8/4/2009	07-0265 PWH	AMG Engineers & Contractors (Denial of Reconsideration and Decision)
7/2/2009	07-0233 PWH	Telstar Instruments, Inc.
6/24/2009	09-0014 PWH	Walker Bros Concrete
6/5/2009	09-0069 PWH	Versa Landscape, Inc.
5/13/2009	08-0023 PWH	Shasta General Engineering, Inc. (Denial of Reconsideration and Decision)
4/27/2009	08-0159 PWH	George Roofing, Inc.
3/12/2009	08-0018 PWH	Reliable Tree Experts
2/19/2009	08-0158 PWH	James Ellis Brown dba Quantum General Contractors
2/19/2009	07-0233 PWH	Telstar Instruments, Inc.
2/11/2009	07-0171 PWH	Truxell & Valentino Landscape Development Inc.
2/2/2009	08-0112 PWH	Idowu Oghogho, dba ID Vortex Construction Company

2008 decisions

Date Issued	Case Number(s)	Contractor/Subcontractor(s)
12/23/2008	08-0184 PWH	Spirit Drywall
12/10/2008	04-0142 PWH	FEI Enterprises (Decision after Reconsideration)
11/20/2008	04-0180 PWH	Triple E Trucking (Order Denying Reconsideration)
11/13/2008	04-0180 PWH	Triple E Trucking
10/3/2008	08-0079 PWH	Rocky Coast Framers, Inc. (posted 7/12/2011)
9/18/2008	06-0142 PWH	FEI Enterprises
8/15/2008	06-0119-PWH	Crown Carpet Outlet
8/5/2008	06-0130-PWH 06-0150-PWH	DFPF Corporation dba Fine Line Construction / Coast Painting
8/5/2008	05-0189-PWH	The Ryan Company
7/19/2008	05-0052-PWH	Eedelman Corporation
6/11/2008	06-0158-PWH	Clark & Sullivan Builders
5/13/2008	07-0233-PWH	Telstar Instruments
4/8/2008	06-0160-PWH	Nolte Sheet Metal (Order Granting Reconsideration)
3/28/2008	04-0117-PWH	Kern Asphalt Paving & Sealing
3/21/2008	06-0160-PWH	Nolte Sheet Metal
3/14/2008	06-0145-PWH	DenBoer Engineering & Construction
2/11/2008	06-0070-PWH	EJ Mayer Company
1/25/2008	06-0204-PWH	GRS Colorado fka CEI West Roofing

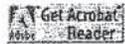
2007 Decisions

Date Issued	Case Number(s)	Contractor/Subcontractor(s)
12/10/2007	06-0168-PWH	DBS Painting

9/21/2007	05-0129-PWH	Total Service
9/11/2007	05-0163-PWH	Hallmark Painting
9/10/2007	06-0101-PWH	Horn Electric Corporation
9/4/2007	06-0036-PWH	EHL
6/24/2007	06-0093-PWH	& Youssef Construction
5/11/2007	06-0136-PWH	Valley Slurry Seal
5/1/2007	05-0185-PWH 05-0186-PWH 05-0208-PWH 05-0209-PWH	Enterprise Interiors / Savant Construction
3/28/2007	04-0276-PWH 05-0010-PWH	CEI West Roofing Company / Thompson Pacific Construction
3/28/2007	03-0153-PWH	Sterling Roofing
3/8/2007	05-0128-PWH 05-0130-PWH	Norment Security Group (Order Denying Reconsideration)
2/20/2007	05-0128-PWH 05-0130-PWH	Norment Security Group

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Division of Labor Standards Enforcement (DLSE)

Labor Commissioner's Office

DLSE debarments

The following contractors are currently barred from bidding on, or accepting or performing any public works contracts, either as a contractor or subcontractor, for the period set forth below:

Note: As part of your due diligence, we suggest that you also check:

- [Debarments made by the Division of Apprenticeship Standards \(DAS\)](#)
- [Contractor status at the Contractors State License Board \(CSLB\)](#)
- [The Federal debarment list at the Excluded Parties List System](#)

For a list of past DLSE debarments of public works contractors, please contact:

Susan Nakagama
 Special Assistant to the Labor Commissioner
 455 Golden Gate Ave., 9th Flr.
 San Francisco, CA 94102
 415-703-4810
 SNakagama@dir.ca.gov

Revised: 5/17/13

Name of contractor	Period of debarment
Russell/Thompson, Inc. James Jean Russell & Valery Alena Thompson, Individually 4684 Oak Glen Dr., Redding, CA 96001 CSLB# 915036 (revoked) Decision 13	10/31/13 through 10/31/16
Ayodejia A. Ogundare, Individual Dba Pacific Engineering Company 6310 Stewart Way, Bakersfield, CA 93308 CLSB#710322 Decision 13	5/15/2013 through 5/15/2014
Wallcrete Industries, Inc.; Garit David Wallace and Amber Anderson, Individuals 400 Kansas, Redlands, CA 92373 CSLB#834220 Decision 13	7/29/12 through 7/28/15
FEI Enterprises, Inc Gabriel Fedida, Individual 5749 Venice Blvd., Los Angeles, CA 90019 CSLB#659252 Decision 13	6/14/12 through 6/13/15
Jeffrey Alan Mott and Michelle Mott, individuals Dda Integrity Landscape 3756 Independence Avenue Sanger, CA 93637 CSLB#774222 Decision 13	3/29/12 through 3/28/15
Jensen Drywall & Stucco Jeffrey E. Jensen 3714 Lynda Place National City, CA 91950-8121 CSB # 664168 Exp. 2/18/11 (expired) Decision 13	3/31/11 through 3/30/13
All West Construction, Inc. Donald Kent Russell 495 N. Marks Ave.	3/31/11 through 3/30/13

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Fresno, CA 93706 CSB # 592321 Exp. 4/3/12 (suspended) Decision 25	
Country Builders, Inc. Weldon Offill, individually 5915 Graham Ct. Livermore, CA 94550 CSB # 699574 Exp. 11/30/12 (active) Decision 45 Addendum 46	3/1/11 through 2/28/14
Sutter Foam & Coating, Inc. 909 A. George Washington Yuba City, CA 95993 CSB # 732014 Exp. 1/31/09 (inactive)	7/1/10 through 6/30/13
David Alvin Trexler, an individual 909 A. George Washington Yuba City, CA 95993	7/1/10 through 6/30/13
Kenneth A. Trexler, an individual 2603 Lago Lane Marysville, CA 95901 Decision 42	7/1/10 through 6/30/13
Soo Dong Kim, an individual, dba Soo Kim Electric Company 16224 Ridgeview Lane La Mirada, CA 90638 CSB # 568103 Exp. 8/1/09 (inactive)	4/19/10 through 4/18/13
Hyo Nam Jung, an individual, dba Lucid Electric 18621 Well Street Rowland Heights, CA 91748 CSB # 914692 Exp. 4/3/10 Decision 48	4/19/10 through 4/18/13
Southwest Grading, dba Southwest Grading Services, Inc., 22031 Waite Street Wildomar, CA 92595	3/18/10 through 3/17/13
David Walter Cholewinski, an individual 22031 Waite Street Wildomar, CA 92595 29970 Technology Drive, Ste. 205 Murietta, CA 92563 CSB #840416 Exp. 6/30/10 Decision 49	
S.J. Cimino Electric, Inc., a California corporation, 3267 Dutton Ave. Santa Rosa, CA 95404 Salvatore Joseph Cimino, RMO, CEO and President of S.J. Cimino Electric, Inc. and sole owner of S.J. Cimino Electric, an individual 5825 Heights Rd. Santa Rosa, CA 95401 CSB #343802 Exp. 2/28/10 CSB #294141 Exp. 9/30/13 (inactive) Decision 41	10/15/09 through 10/14/12
Cedar Development Corporation Serghon Gabriel Afram, individually 12477 Feather Dr Mira Loma, CA 91752 CSB # 839898 Exp. 6/30/10 (suspended) Decision 44	8/5/09 through 8/4/12
All Floors Commercial and Residential Flooring, Inc. Salvador Elias Perea, individually 750 E. McGlinchy Lane, #103 Campbell, CA 95008 CSB #430969 Exp. 7/31/09 Decision 43	5/14/09 through 5/13/12
1-AMD Construction, Inc. Alberto Mordoki, Individually Mirella Mordoki, individually 5300 Beach Blvd., Suite 110-416 Buena Park, CA 90621 CSB #787533, revoked Decision 47	3/16/09 through 3/15/12

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Division of Apprenticeship Standards (DAS)

Division of Apprenticeship Standards - Debarments

The following contractors have been barred from bidding on, or accepting or performing any public works contracts, either as a contractor or subcontractor, for the period set forth below:

Name of contractor	Period of debarment
Christopher J. Augusto Plumbing Company Christopher J. Augusto, Individual 8 Wyworry Court Novato, CA 94947 CSB #730020 Exp. 3/1/2010	November 6, 2011 thru November 5, 2013
Christopher J. Augusto Plumbing Company Christopher J. Augusto, Individual 8 Wyworry Court Novato, CA 94947 CSB #730020 Exp. 12/31/2008	November 6, 2007 thru November 5, 2010

Revised March 14, 2011

Division of Apprenticeship Standards (DAS)

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1 STATE OF CALIFORNIA
2 Department of Industrial Relations
3 Division of Labor Standards Enforcement
4 EDNA GARCIA EARLEY, State Bar No. 195661
5 320 W. 4th Street, Suite 430
6 Los Angeles, California 90013
7 Tel.: (213) 897-1511
8 Fax: (213) 897-2877

9 Attorney for the Labor Commissioner

10 BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT
11 DEPARTMENT OF INDUSTRIAL RELATIONS
12 FOR THE STATE OF CALIFORNIA

13 In the matter of the) Case No.: SAC 5175
14 Debarment Proceeding Against:)
15) PROPOSED STATEMENT OF
16) DECISION RE DEBARMENT OF
17) RESPONDENTS FROM PUBLIC
18) WORKS PROJECTS
19 Wallcrete Industries, Inc.; Garit David)
20 Wallace and Amber Anderson, Individuals,)
21) [Labor Code §1777.1]
22)
23 Respondents.) Hearing Date: February 27, 2012
24) Time: 10:00 a.m.
25) Hearing Officer: Edna Garcia Earley
26)
27)
28)

29 Debarment proceedings pursuant to Labor Code §1777.1 were initiated by the
30 Division of Labor Standards Enforcement, State Labor Commissioner ("DLSE") on
31 January 12, 2012 by the filing of a *Statement of Alleged Violations* against the following
32 named respondents: Wallcrete Industries, Inc.; Garit David Wallace and Amber
33 Anderson, Individuals.

1 David/Reed Construction, Inc. served as the General Contractor and City of La Quinta
2 served as the Awarding Body for this project.¹
3

4 5. Worker Alex Hernandez testified that he performed work as a cement
5 mason on the Fire Station #32 project. He was one of eight other cement masons on the
6 job. He was paid \$26.80 or \$26.50 per hour and worked overtime but was not paid the
7 overtime rate for such hours. Mr. Hernandez also testified that Wallcrete did not pay for
8 fringe benefits, retirement, or vacation. On certain occasions, Mr. Hernandez operated a
9 backhoe and skip loader on the job.
10

11 6. Mr. Hernandez testified that both the foreman on the Fire Station #3
12 project and the workers kept track of hours worked on the project. Workers were required
13 to submit their hours to a mailbox located in the office, but before placing their hours into
14 the mailbox, the foreman often told Mr. Hernandez and other workers to indicate less
15 hours on the time cards than actually worked on the job.
16
17

18 7. Mr. Hernandez testified that he also worked on the San Clemente School
19 job site two days per week. Mr. Hernandez and other workers were not paid the
20 prevailing wage rates on this job either. Mr. Hernandez testified that he heard other
21 workers were paid checks by Respondent Garit David Wallace covering the prevailing
22 wage rate but asked those workers to deposit the checks and then pay half of the check
23 back to him.
24
25

26
27
28 ¹ More accurately, Wallcrete served as a sub-contractor of Jeff McGowan Concrete who
served as a sub-contractor of prime contractor Davis/Reed Construction, Inc.

1 8. Wallcrete submitted Certified Payroll Records indicating that
2 Mr. Hernandez worked as a Laborer Group 2 on the Fire Station #32 job.

3
4 9. Deputy Labor Commissioner Reynaldo Tuyor testified that he received a
5 complaint of misclassification, non-payment of prevailing wage rates, non-payment of
6 overtime hours worked, non-payment of fringe benefits and falsification of certified
7 payroll records against Wallcrete on this job. As part of his investigation and based on a
8 General Prevailing Wage Determination made by the Director of Industrial Relations as
9 well as the Scope of Work Provisions for Cement Masons in Riverside County, Deputy
10 Tuyor determined the correct classification for the work being performed on the job was
11 that of a cement mason and not as a Laborer Group 2 as was reflected on the certified
12 payroll records. The prevailing wage rate in effect at the time for cement masons working
13 on the Fire Station #32 project was \$46.84 for straight time and included fringe benefits,
14 health and welfare, vacation and training. The overtime rate was determined to be \$61.59.

15
16
17
18 10. Deputy Tuyor prepared an audit for this job showing the total amount due
19 each worker who was misclassified as a Laborer Group 2. In preparing his audit, Deputy
20 Tuyor compared certified payroll records received from the Center for Contract
21 Compliance (who received the records from the Awarding Body) with certified payroll
22 records received directly from Wallcrete in response to an *Order to Appear* issued by
23 Deputy Tuyor. Overtime hours on the certified payroll records submitted by Wallcrete to
24 Deputy Tuyor were higher than those submitted to the Awarding Body. Hours were
25 reduced, check numbers were changed, some employees were not listed and fringe
26 benefit payments were not indicated on Wallcrete's copy of the certified payroll records
27
28

1 that were given to the Awarding Body. Respondent Amber Anderson as Controller
2 certified under penalty of perjury that the certified payroll records she submitted to the
3 Awarding Body were true and correct. Likewise, both Respondents Garit David Wallace
4 and Amber Anderson then certified under penalty of perjury as true and correct, the copy
5 of payroll records they submitted to the Deputy Tuyor in response to the *Order to Appear*
6 which differed dramatically than those submitted to the Awarding Body for the same
7 time period.
8
9

10 11. Based on the audit, worker affidavits and statements, Deputy Tuyor
11 completed a *Labor Code Section 1775 Penalty Review* which he submitted to his Senior
12 Deputy on May 4, 2011, summarizing the issues and violations determined through his
13 investigation of the Fire Station #32 project. The penalty review includes a section where
14 Deputy Tuyor summarizes a letter received from Subcontractor Jeff McGowan Concrete
15 in response to Deputy Tuyor's investigation which included the following points:
16
17

- 18 • Wallcrete's estimate to Jeff McGowan Concrete, for the project,
19 included prevailing wage rates;
- 20 • Wallcrete knew that this was a public works project;
- 21 • Wallcrete previously performed prevailing wage projects for Jeff
22 McGowan Concrete.
23
24

25 12. On May 5, 2011, Deputy Tuyor issued a Civil Wage and Penalty
26 Assessment ("CWPA") to Respondents for a total of \$67,090.85 in underpaid wages.
27 Judgment was entered on the CWPA on September 16, 2011 against Respondent
28

1 Wallcrete Industries, Inc. in the amount of \$99,240.85 which includes wages, penalties,
2 liquidated damages less payment of \$67,090.85 received from the Awarding Body.
3

4 CONCLUSIONS OF LAW

5 1. Labor Code §1777.1 provides:

6 (a) Whenever a contractor or subcontractor performing a
7 public works project pursuant to this chapter is found
8 by the Labor Commissioner to be in violation of this
9 chapter with intent to defraud, except Section 1777.5,
10 the contractor or subcontractor or a firm, corporation,
11 partnership, or association in which the contractor, or
12 subcontractor has any interest is ineligible for a period
13 of not less than one year or more than three years to do
14 either of the following:

- 15 (1) Bid or be awarded a contract for a public
16 works project.
- 17 (2) Perform work as a subcontractor on a
18 public works project.

19 (b) Whenever a contractor or subcontractor performing a
20 public works project pursuant to this chapter is found by
21 the Labor Commissioner to be in willful violation of this
22 chapter, except Section 1777.5, the contractor or subcon-
23 tractor or a firm corporation, partnership, or association
24 in which the contractor or subcontractor has any interest
25 is ineligible for a period up to three years for each second
26 and subsequent violation occurring within three years of
27 a separate and previous willful violation of this chapter to
28 do either of the following:

- (1) Bid on or be awarded a contract for a public
works project.
- (2) Perform work as a subcontractor on a public
works project.

1 misclassifying cement masons as laborers, failing to pay proper prevailing wage rates
2 including the proper prevailing wage rate for overtime, failing to maintain accurate
3 certified payroll records and failing to comply with all other obligations required on a
4 public works project.
5

6 Respondents Garit David Wallace and Amber Anderson, individually are in
7 willful violation of falsifying certified payroll records submitted to the Awarding Body
8 and to the DLSE.
9

10 Intent to Defraud

11 *California Code of Regulations*, Title 8, Section 16800 defines "Intent to Defraud"
12 as "the intent to deceive another person or entity, as defined in this article, and to induce
13 such other person or entity, in reliance upon such deception, to assume, create, transfer,
14 alter or terminate a right, obligation or power with reference to property of any kind."
15

16 While debarment is appropriate due to Wallcrete's willful violation of the
17 Public Works laws, the uncontested evidence established that Wallcrete violated the
18 provisions of Labor Code §1774, 1815 and 1776, with an intent to defraud its workers,
19 Subcontractor Jeff McGowan Concrete, Awarding Body and the DLSE on the Fire
20 Station 32 and Phase I Corporate Yard project. An intent to deceive or defraud can be
21 inferred from the facts. *People v. Kiperman* (1977) 69 Cal.App.Supp.25. An unlawful
22 intent can be inferred from the doing of an unlawful act. *People v. McLaughlin, supra.*
23
24

25 The uncontested evidence presented by DLSE established that Wallcrete
26 misclassified its workers on this project as Laborers Group 2 who received \$26.88 per
27 hour when they should have been classified as Cement Masons earning \$46.84 per hour.
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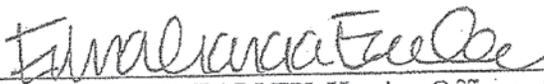
1 The certified payroll records signed under penalty of perjury by Respondents Garit David
2 Wallace and/or Controller Amber Anderson and submitted to the Awarding Body listed
3 more days and hours worked than was listed on those certified payroll records submitted
4 to the DLSE. There were also discrepancies in the overtime hours indicated on each set of
5 payroll records. The records submitted to Subcontractor Jeff McGowan Concrete, who in
6 turn submitted them to the Awarding Body, showed that Wallcrete paid more to its
7 workers than the copy submitted to the DLSE showed. Some workers who were listed on
8 the certified payroll records submitted to the DLSE were not included in the certified
9 payroll records submitted to Subcontractor Jeff McGowan Concrete for the same time
10 period. The only logical explanation for the discrepancies in the two sets of certified
11 payroll records is that Wallcrete, Respondents Garit David Wallace and Amber
12 Anderson, Individuals, intended to deceive Subcontractor Jeff McGowan Concrete and
13 the Awarding Body into believing that they were paying more for wages and benefits
14 than they really were paying under the contract. Accordingly, the uncontested evidence
15 supports a finding of Respondents Wallcrete, Garit David Wallace and Amber Anderson,
16 Individuals' intent to defraud under Labor Code §1777.1(a)

22 ORDER OF DEBARMENT

23 In accordance with the foregoing, it is hereby ordered that Respondents
24 WALLCRETE INDUSTRIES, INC.; GARIT DAVID WALLACE AND AMBER
25 ANDERSON, INDIVIDUALS, shall be ineligible to, and shall not, bid on or be awarded
26 a contract for a public works project, and shall not perform work as a subcontractor on a
27 public work as defined by Labor Code §§1720, 1720.2 and 1720.3, for a period of three
28

1 (3) years, effective forty-five (45) days from the date this decision is signed by Labor
2 Commissioner Julie A. Su.. A three year period is appropriate under these circumstances
3 where Respondents WALLCRETE INDUSTRIES, INC.; GARIT DAVID WALLACE
4 AND AMBER ANDERSON, INDIVIDUALS deliberately and with complete disregard
5 of the Public Works laws misclassified their cement mason workers as laborers, failed to
6 pay their workers proper prevailing wage rates, applicable prevailing wage rates for
7 overtime, knowingly and intentionally submitted false certified payroll reports under
8 penalty of perjury, and failed to comply with their obligations in regards to employer
9 contributions to retirement plans, health plans, and other benefit plans.

10
11
12
13 This debarment shall also apply to any other contractor or subcontractor in which
14 Respondents WALLCRETE INDUSTRIES, INC.; GARIT DAVID WALLACE AND
15 AMBER ANDERSON, INDIVIDUALS have any interest or for which either or all three
16 said Respondents act as a responsible managing employee, responsible managing officer,
17 general partner, manager, supervisor, owner, partner, officer, employee, agent,
18 consultant, or representative. "Any interest" includes, but is not limited to, all instances
19 where Respondents receive payments, whether in cash or in another form of
20 compensation, from the entity bidding or performing works on the public works project,
21 or enters into any contract or agreement with the entity bidding or performing work on
22 the public works project for services performed or to be assigned or sublet, or for
23 vehicles, tools, equipment or supplies that have been or will be sold, rented or leased
24 during the period of debarment.
25 Dated: June 11, 2012

26
27
28 
EDNA GARCIA EARLEY, Hearing Officer

1 STATE OF CALIFORNIA
2 Department of Industrial Relations
3 Division of Labor Standards Enforcement
4 EDNA GARCIA EARLEY, State Bar No. 195661
5 320 W. 4th Street, Suite 430
6 Los Angeles, California 90013
7 Tel.: (213) 897-1511
8 Fax: (213) 897-2877

9 Attorney for the Labor Commissioner

10 BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT
11 DEPARTMENT OF INDUSTRIAL RELATIONS
12 FOR THE STATE OF CALIFORNIA

13 In the matter of the) Case No.: SAC 5175
14 Debarment Proceeding Against:)
15) DECISION RE DEBARMENT OF
16) RESPONDENTS FROM PUBLIC
17) WORKS PROJECTS
18 Wallcrete Industries, Inc.; Garit David)
19 Wallace and Amber Anderson, Individuals,) [Labor Code §1777.1]

20 Respondents.
21)
22)
23)
24)
25)
26)
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28)

23 The attached Proposed Statement of Decision of Hearing Officer Edna Garcia
24 Earley, debarring WALLCRETE INDUSTRIES, INC.; GARIT DAVID WALLACE
25 AND AMBER ANDERSON, INDIVIDUALS, from working on public works projects in
26 the State of California for three years, is hereby adopted by the Division of Labor
27 Standards Enforcement as the Decision in the above-captioned matter.

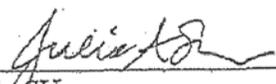
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This Decision shall become effective 45 days from today's date.

IT IS SO ORDERED

Dated: June 13, 2012

DIVISION OF LABOR STANDARDS ENFORCEMENT
Department of Industrial Relations
State of California

By: 
JULIE A. SU
State Labor Commissioner