Labor Commissioner, State of California

Department of Industrial Relations
Division of Labor Standards Enforcement
Bureau of Field Enforcement- Public Works
7575 Metropolitan Drive, Suite 210

San Diego, CA 92108

TEL: (619) 688-6916

DATE:

April 23, 2015

FAX: (619) 767-2035

Edmund G. Brown Jr., Governor



In Reply Refer to Case No: 40-38630-133

CIVIL WAGE AND PENALTY ASSESSMENT

Awarding Body	Work Performed in County of
	San Diego
CSU Office of the Chancellor	Project No.
PROJECT NAME	I
San Diego State University Aztec Center	SD-1023
Prime Contractor	
Sundt Construction, Inc.	
Subcontractor	
Standard Drywall, Inc.	

After an investigation concerning either the payment of wages to workers employed in the execution of the contract for the above-named public works project or compliance with the apprenticeship standards found in Labor Code section 1777.5, or both, 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.

Labor Code have been committed by the contractor and/or subconsection 1741, the Division hereby issues this Civil Wage and Pena		above. In accordance with Labor C
The nature of the violations of the Labor Code and the basis for the Wage Violations: Contractor failed to accurately report accurately r	e assessment are tual hours worke	as follows: d per Labor Code §1776, pay
required overtime rates per Labor Code §1815, and pay required 7	raining Fund co	ntributions per Labor Code
§1777.5 for overtime worked and not reported.		
Apprenticeship Violations:		
The attached Audit Summary further details the basis for this Asserbenalties due under Labor Code sections 1775 and 1813.	essment and item	izes the calculation of wages and
The Division has determined that the total amount of wages due is	s: <u>\$</u>	13,286.50
The Division has determined that the total amount of penalties ass	essed under Lab	or Code
sections 1775 and 1813 is:		<u>15,875.00</u>
The Division has determined that the amount of penalties assessed under Labor Code section 1777.7 is:	d	\$0.00
The Division has determined that the amount of penalties assesses Standard Drywall, Inc.	d under Labor Co is:	ode section 1776 against \$0.00

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

STATE LABOR COMMISSIONER

Kari Anderson

Industrial Relations Representative

PW 33 (Revisad - 7/2013)

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 PO Box 32889 Long Beach, CA 90832

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:

Kari Anderson

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
7575 Metropolitan Drive, Suite 210
San Diego, CA 92108

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite 100
Sacramento, CA 95825-0196

(continued on next page)

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 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.

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability for 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:

\$13,286.50

(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:	\$13,286.50
Penalties Due Under Labor Code sections 1775 and 1813:	\$15,875.00
Penalties Due Under Labor Code section 1777.7:	\$0.00
Penalties Due Under Labor Code sections 1776:	\$0.00
Total Withholding Amount:	\$29,161.50

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.

X 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:

Total Withholding Amount:	\$29,161.50
Penalties Due Under Labor Code sections 1776:	\$0,00
Penalties Due Under Labor Code section 1777.7:	\$0.00
Penalties Due Under Labor Code sections 1775 and 1813:	\$15,875.00
Wages Due:	\$13,286.50

Distribution:

Awarding Body Surety(s) on Bond Prime Contractor Subcontractor

PUBLIC WORKS AUDIT WORKSHEET	WORKSHEET										TOTAL AMOUNT DUE/OWING 29161.50	T DUE/OWI	ON.
EMPLOYER / FIRM					DEPUTY		OFFICE				WAGES DUE AND OWING	ND OWING	
) C				Kari Anderson		San Diego				PENALTIES DUE AND OWING	E AND OW	NG
ADDRESS 90 Bev 730	CHIT Lakeside CA 92040	40				í			ļ		15875.00		
30 1	AWARDING BODY		PRIME Sundt Construction	struction	AUDIT NUMB 40-38630-133	AUDIT NUMBER/CASE NUMBER 40-38530-133	MBER				-UN 8.25	D DUE/OW!	ON.
San Diego State University	COO CARGO COO		HOURS WORKED	NORKED OT. D.T.	OTHER WAGES PAID	TOTAL WAGES PAID	PREVAILING W *OTHER	PREVAILING WAGE REQUIREMENTS *OTHER TOTAL WAGES	AMOUNT OWING I	PENALTIES NO.1	PENALTIES NO. 2	TRNG. T	TOTAL AMOUNT DUE
	Plasterer (locrease)	05/18/13 -	96	10,00	0 1265.60	4656.48	0.00	5429.78	773.30	600.00	250.00	8.13	1631.43
	Downall 7 Apprentice		1383			\	00:00	5652.68	10777.09	8750.00	3825.00	118.23	23470,32
	Stocker/Scrapper		388.5	75	0 2637,53	7355.58	00.00	6835.13	00.0	0.00	0.00	13.86	13.86
		04/15/04	0		00.0	0.00	0.00	0.00	00:0	0.00	0.00	0.00	0.00
		01/01/01 -	-			0.00	00:00	0:00	00.0	0.00	0.00	0.00	0.00
	Stocken/Scrapped	12/15/12 -	711.5	780	0 4944.93	14194.43	00.00	13454.13	00'0	00'00	0.00	36.54	36.54
	Down 1 Apprentice	_	472			8207.62	0.00	9735.47	1527.85	1950.00	500.00	31.50	4009.35
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		07/16/97 -	-	3	0000	0.00	000	00'0	0.00	0.00	0.00	0.00	00'0
		- 76/5/17	0	0	0.00	00.0	000	00:0	0.00	0.00	0.00	0.00	00'0
i.		01/07/98	0	0	0.00	0.00	00:0	00:0	0.00	0.00	0.00	0000	00.00
		07/16/97 -	0	- 5	0.00	0.00	0.00	00.00	0.00	0.00	00:00	0.00	0000
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calculating Labor Code 1775 and 1813 penalties.	1775 and 1813 pe	nalties.								_			

TOTAL AMOUNT DUE/OWING

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50,00 Per Day 25,00 Per Day

1813

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PREVAILING WAGE I
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CODE			HOURLY		İ			HOLIDAY TRAVEL &	_
Š	NO. CLASSIFICATION Effective Date RATE	Effective Date		Contributions TRAINING TIME 1/2 SUNDAY	TRAINING	TIME 1/2 §		SUBSISTENCE	Requirements
-	1 Drywall Installer/Li	7/1/2011	28.350	10.460	0.420	42.525	56.700		
N	Stocker/Scrapper	2/22/2009	11.000	5.250	0.420	15.500	22.000		
			999						
ო	3 Plasterer (Increase	8/1/2012	32.650	16.110	0.500	48.975	96.300		
4	4 Drywall 7 Apprenti	8/9/2011	24.250	10,460	0.420	36.375	48.500		
'n	Drywall 1 Apprenti	8/9/2011	13,310	6,750	0.420	19.965	26.620		
o	6 Drywall 4 Apprenti	8/9/2011	20.150	10.480	0.420	30.226	40.300		
7	Drywall 8 Apprenti	8/9/2011	25.620	10.460	0.420	38.430	51.240		
œ	8 Drywall 5 Apprenti	8/9/2011	21.510	10.460	0.420	32.266	43.020		
O)	9 Drywall 6 Apprentí	8/9/2011	22.880	10,460	0.420	34.320	45.760		
7	10 Drywall 2 Apprenti	8/9/2011	14.680	6,750	0.420	22.00	29.360		
7									
12	5								

WAGE DETERMINATION INFORMATION

CLASSIFICATION WAGE DETERMINATION NO.	1 Drywall Installer/Lath SD-31-X-41-2010-1	2 Stocker/Scrapper SD-31-X-41-2010-1	3 Plasterer (Increase) SDI-2011-1	4 Drywall 7 Apprentice 2011-1	5 Drywall 1 Apprentice 2011-1	6 Drywail 4 Apprentice 2011-1	7 Drywall 8 Apprentice 2011-1	8 Drywell 5 Apprentice 2011-1	0 Powell & Apprentice 2011-1		10 Drywail 2 Apprentice 2011-1	
CLASS	1 Drywall	2 Stocke	3 Plaster	4 Drywal	5 Drywal	6 Drywai	7 Drywall	8 Drwya	C	2	10 Drywai	

STATE OF CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

CERTIFICATION OF SERVICE BY MAIL (C.C.P. 1013a) OR CERTIFIED MAIL

I,	Selene Barillas	, do hereby certify tha	t I am a resident o	f or employed in t	he County of
	San Diego, over 1	8 years of age, and not	a party to the with	in action, and that	t I am employed at
and ı	my business address is:				
		Division of Labor Sta Bureau of Field Enfor 7575 Metropolitan Di San Diego, CA 92108	rcement rive, Suite 210	ent	
On	April 23, 2015	, I served the within:	Civil Wage and	Penalty Assessme	ent
by p	lacing a true copy thereof	in an envelope address	ed as follows:		
	CSU Office of the Cha 401 Golden Shore Long Beach, CA 9080 Barbara Nicholson		Sundt Construction 1660 Hotel Circo San Diego, CA	le North, Suite 40	00
	Sundt Construction, In C/O C T Corporation 818 West Seventh St 2 Los Angeles, CA 900	System 2nd Fl	Standard Drywa C/O Robert Cay 3100 Palisades Corona, CA 92	ya Dr.	
	then sealing the envelope then depositing it in the U		ertified mail fees San Diego by		reon fully prepaid,
		X Ordinary first clas X Certified mail Registered mail	ss mail		
I ce	rtify under penalty of pe	rjury that the foregoing	is true and corre	ct	
Exe		15, at San Diego Barillas	, County of	San Diego	, California
1	ATE CASE NO.				

PW 34

(Revised - 4/2002)

STATE OF CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

CERTIFICATION OF SERVICE BY MAIL (C.C.P. 1013a) OR CERTIFIED MAIL

I,	Selene Barillas	_, do hereby certify tha	t I am a resident of or employed in the County of
	San Diego, over 1	8 years of age, and not	a party to the within action, and that I am employed at
and 1	my business address is:		
On	April 23, 2015	Division of Labor Sta Bureau of Field Enfo 7575 Metropolitan Di San Diego, CA 92108 , I served the within:	rcement rive, Suite 210
by p	lacing a true copy thereof	in an envelope address	ed as follows:
	Standard Drywall Inc 9902 Channel Road Lakeside, CA 92040		FEDERAL INSURANCE COMPANY C T CORPORATION SYSTEM 818 WEST SEVENTH ST 2ND FL LOS ANGELES, CA 90017
	FIDELITY AND DEPOSIT CORPORATION SERVICE COWILL DO BUSINESS IN CALLAWYERS INCORPORATION 2710 GATEWAY OAKS SACRAMENTO, CA	OMPANY WHICH LIFORNIA AS CSC - IG SERVICE DR STE 150N	ZURICH AMERICAN INSURANCE COMPANY CORPORATION SERVICE COMPANY WHICH WILL DO BUSINESS IN CALIFORNIA AS CSC - LAWYERS INCORPORATING SERVICE 2710 GATEWAY OAKS DR STE 150N SACRAMENTO, CA 95833
and and	then sealing the envelope then depositing it in the	e and with postage and United States mail in	certified mail fees (if applicable) thereon fully prepaid, San Diego by:
	·	X Ordinary first cla X Certified mail Registered mail	ss mail
I co	ertify under penalty of pe	rjury that the foregoin	g is true and correct
ST	SIUN C SIGNATURE PATE CASE NO. -38630-133	ons , at <u>San Diego</u> Baullas	, County of <u>San Diego</u> , California