Labor Commissioner, State of California

Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works

TEL: (619) 688-6916

Edmund G. Brown Jr., Governor



DATE: July 13, 2018 In Reply Refer to Case No:

CIVIL WAGE AND PENALTY ASSESSMENT

Awarding Body	Work Performed in County of
The Trustees of the California State University	San Diego
PROJECT NAME	Project No.
South Campus Plaza San Diego State University	40095759
Prime Contractor SUNDT CONSTRUCTION, INC., a foreign corporation	
Subcontractor(s) STANDARD DRYWALL, INC.; WEST COAST IRON, INC.; GLOBAL STEEL ERE	CTORS, 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.

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

Subcontractor failed to: Pay required prevailing wage rate per Labor Code §§1771 and 1774;

Make Employer Payments for which credit was claimed [against the obligation to pay the prevailing wage] per Labor Code §1773.1.

Apprenticeship Violations: Subcontractor failed to employ apprentices in accordance with Labor Code §1777.5(g) and Cal. Code Regs., tit. 8 §230.1. Penalties under Labor Code section 1777.7 are calculated at 49 days and assessed at \$60 per violation.

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

The Division has determined that the total amount of wages due is:

\$341.63

The Division has determined that the total amount of penalties assessed under Labor Code sections 1775 and 1813 is: \$3,715.00

The Division has determined that the amount of penalties assessed

under Labor Code section 1777.7 is:

\$2,940.00

The Division has determined that the amount of penalties assessed under Labor Code section 1776 against Global Steel Erectors, Inc. is: \$0.00

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

STATE LABOR COMMISSIONER

Kari Anderson

Deputy Labor Commissioner II

PW 33 (Revised - 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 Kari Anderson at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
7575 Metropolitan Ave., Rm 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:

\$341.63

(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:	\$341.63
Penalties Due Under Labor Code sections 1775 and 1813:	\$3,715.00
Penalties Due Under Labor Code section 1777.7:	\$2,940.00
Penalties Due Under Labor Code sections 1776;	\$0.00
Total Withholding Amount:	\$6,996.63

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:	\$6,996.63
Penalties Due Under Labor Code sections 1776:	\$0.00
Penalties Due Under Labor Code section 1777.7:	\$2,940.00
Penalties Due Under Labor Code sections 1775 and 1813:	\$3,715.00
Wages Due:	\$341.63

Distribution:

Awarding Body Surety(s) on Bond Prime Contractor Subcontractor

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TOTAL AMOUNT DUE/OWING

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1813		25.00 Per Day			•									

Summary

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

I,	Lea Lopez	, do hereby certify th	at I am a resident	of or employed in the County of
	San Diego, over	18 years of age, and no	t a party to the wi	thin action, and that I am employed a
and	my business address is:			
		Division of Labor St Bureau of Field Enfo 7575 Metropolitan A San Diego, CA 9210	orcement ve., Rm 210	nent
On	July 13, 2018	, I served the within:	Civil Wage an	d Penalty Assessment
by pl	acing a true copy thereo	f in an envelope address	ed as follows:	2
	GLOBAL STEEL ER P.O. BOX 2726 SPRING VALLEY C		MIGUEL LON 9302 JAMAC	EEL ERECTORS, INC. MELI GUERRERO HA RD LEY CA 91977
	WEST COAST IRON RUBEN BARRIOS 9302 JAMACHA RO SPRING VALLEY C.	AD	STANDARD ROBERT E C 3100 PALISA CORONA CA	DES DR
	hen sealing the envelope hen depositing it in the U			(if applicable) thereon fully prepaid, y:
		X Ordinary first clas X Certified mail Registered mail	s mail	
I cert	ify under penalty of per	jury that the foregoing	is true and corre	ect
Execu	uted on <u>July 13, 2018</u>	8 , at San Diego	_, County of _	San Diego , California
-	SIGNATURE	3		
	TE CASE NO. 425-133			is .

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

I,	Lea Lopez	_, do hereby certify tha	t I am a resident of or employed in the County of
	San Diego, over	18 years of age, and not	a party to the within action, and that I am employed a
and i	my business address is:		
		Division of Labor Sta Bureau of Field Enfor 7575 Metropolitan Av San Diego, CA 92108	ve., Rm 210
On	July 13, 2018	, I served the within:	Civil Wage and Penalty Assessment
by pl	acing a true copy thereof	in an envelope addresse	ed as follows:
	STANDARD DRYWA 9902 CHANNEL ROA LAKESIDE, CA 9204	AD	SUNDT CONSTRUCTION, INC., a foreign corporation C/O CT CORPORATION SYSTEM 818 WEST SEVENTH STREET, SUITE 930 LOS ANGELES, CA 90017
	SUNDT CONSTRUCTORING CONTROL C		SUNDT CONSTRUCTION, INC., a foreign corporation 1660 HOTEL CIRCLE NORTH, SUITE 400 SAN DIEGO, CA 92108
	hen sealing the envelope hen depositing it in the U		rtified mail fees (if applicable) thereon fully prepaid, San Diego by:
	ž.	X Ordinary first class X Certified mail Registered mail	mail
I cert	ify under penalty of perj	ury that the foregoing i	s true and correct
Execu	July 13, 2018	, at San Diego	, County of San Diego, California
	SIGNATURE		
STAT	TE CASE NO.		

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

I,	Lea Lopez	_, do hereby certify the	at I am a resident of or employed in the County of	
8	San Diego, over	18 years of age, and not	a party to the within action, and that I am employed a	ıt
and	my business address is:			
		Division of Labor Sta Bureau of Field Enfo 7575 Metropolitan A San Diego, CA 9210	ve., Rm 210	
On	July 13, 2018	, I served the within:	Civil Wage and Penalty Assessment	
by pl	lacing a true copy thereof	in an envelope address	ed as follows:	
	SUNDT CONSTRUCTORIES foreign corporation 2620 S. 55th Street Tempe, AZ 85282	TION, INC., a	The Trustees of the California State University Contract and Procurement Management 5500 Campanile Drive AD 116 San Diego, CA 92182	
	FIDELITY AND DEP COMPANY OF MAR 1299 ZURICH WAY SCHAUMBURG IL 60	YLAND	FIDELITY AND DEPOSIT COMPANY OF MARYLAND C/O CORPORATION SERVICE COMPANY WHICH WILL DO BUSINESS IN CALIFORNIA AS CSC - LAWYERS INCORPORATING SERVICE 2710 GATEWAY OAKS DRIVE, SUITE 150N SACRAMENTO, CA 95833	
	hen sealing the envelope hen depositing it in the U		ertified mail fees (if applicable) thereon fully prepaid, San Diego by: s mail	
I cert	ify under penalty of perj		is true and correct	
Exec	uted on <u>July 13, 2018</u>	, at San Diego	_, County of San Diego, California	
	SIGNATURE			
	ΤΕ CASE NO. 6425-133			

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

I,	Lea Lopez	_, 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 n	ny business address is:		
		Division of Labor Sta Bureau of Field Enfor 7575 Metropolitan Av San Diego, CA 92108	ve., Rm 210
On	July 13, 2018	, I served the within:	Civil Wage and Penalty Assessment
by pla	acing a true copy thereof	in an envelope addresse	d as follows:
	ZURICH AMERICAN COMPANY 1299 ZURICH WAY SCHAUMBURG IL 60		ZURICH AMERICAN INSURANCE COMPANY C/O CORPORATION SERVICE COMPANY WHICH WILL DO BUSINESS IN CALIFORNIA AS CSC - LAWYERS INCORPORATING SERVICE 2710 GATEWAY OAKS DRIVE, SUITE 150N SACRAMENTO, CA 95833
	FEDERAL INSURAN 202 B HALLS MILL R WHITEHOUSE STAT	OAD	FEDERAL INSURANCE COMPANY C/O CT CORPORATION SYSTEM 818 WEST SEVENTH STREET, SUITE 930 LOS ANGELES, CA 90017
	nen sealing the envelope a nen depositing it in the U		rtified mail fees (if applicable) thereon fully prepaid, San Diego by:
		X Ordinary first class X Certified mail Registered mail	mail
I certi	fy under penalty of perju	ıry that the foregoing i	s true and correct
Execu	SIGNATURE	, at San Diego	, County of San Diego, California
STAT	E CASE NO.		

40-55425-133



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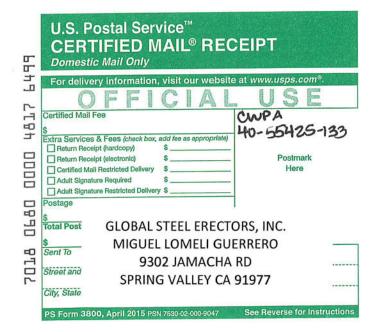
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