

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:

State of California - Labor Commissioner
Civil Wage and Penalty Assessment Review Office
PO Box 255809
2801 Arden Way
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.

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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 Jerry McClain at the following address:

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

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

(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:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is: \$5,612.71

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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>\$5,612.71</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$4,185.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$1,060.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$10,857.71

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>\$5,612.71</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$4,185.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$1,060.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$10,857.71

Distribution:

Awarding Body
Surety(s) on Bond
Prime Contractor
Subcontractor

PUBLIC WORKS AUDIT WORKSHEET

EMPLOYER / FIRM		DEPUTY		OFFICE		TOTAL AMOUNT DUE/OWING									
Chadel Premium Design, Inc., a California Corporation		Jerry McClain		Sacramento		9797.71									
ADDRESS		TRANSCRIBER		WAGES DUE AND OWING		PENALTIES DUE AND OWING									
1347-A Tradewinds Cir West Sacramento, CA 95798				5612.71		4185.00									
PROJECT		AUDIT NUMBER/CASE NUMBER		TRAINING FUND DUE/OWING		TOTAL AMOUNT DUE/OWING									
UC Merced Classroom / University of California - Merced SUNDT CONSTRUCT 140-52118				0.00		9797.71									
EMPLOYEE	CLASSIFICATION	PERIOD WORKED	HOURS WORKED	ST.	OT.	D.T.	OTHER WAGES PAID	TOTAL WAGES PAID	PREVAILING WAGE REQUIREMENTS	AMOUNT OWING AND UNPAID	PENALTIES NO.1	PENALTIES NO.2	TRNG. FUND	TOTAL AMOUNT DUE	
															WORKED
Didenko, Anatoly	Tile Setter	08/23/15 - 04/23/16	789.00		4.3	8	8585.00	46608.87	1306.12	47261.74	661.87	280.00	0.00	0.00	931.87
Fashenko, Sergy	Tile Setter	09/19/15 - 06/18/16	572.00		2.3	8	6205.00	33781.38	949.15	34487.47	706.09	400.00	25.00	0.00	1131.09
Fields, Brian	Tile Finisher	10/31/15 - 04/22/17	8.30		0	0	85.00	228.20	9.30	516.44	288.24	120.00	0.00	0.00	408.24
Gilmore, Daniel	Tile Setter Ap 5	11/14/15 - 02/06/16	339.00		0	0	1032.00	13961.46	345.78	14659.80	688.34	1720.00	0.00	0.00	2418.34
Hernandez, Alberto	Tile Finisher	10/24/15 - 02/13/16	136.00		4.3	0	1032.00	8236.83	157.14	6649.02	412.19	120.00	0.00	0.00	532.19
Korbut, Alexandr	Tile Setter	09/19/15 - 05/07/16	207.50		3.3	0	2210.00	12062.12	343.60	12452.36	390.24	240.00	0.00	0.00	630.24
Leshchinsky, Valentine	Tile Finisher	09/19/15 - 06/18/16	500.00		2.3	8	5440.00	23554.80	571.54	24127.97	573.17	360.00	0.00	0.00	933.17
Mercado, Jose	Tile Setter	12/26/15 - 09/11/16	189.00		2.8	0	2040.00	10985.63	312.63	11368.17	382.55	120.00	0.00	0.00	502.55
Miller, Stephen	Tile Finisher	09/26/15 - 09/22/16	16.00		4.3	0	170.00	742.80	22.74	1078.02	335.22	120.00	0.00	0.00	455.22
Smith, Shawn	Tile Finisher	11/07/15 - 02/08/16	187.15		2.15	0	2295.00	8918.00	212.02	9247.58	329.68	160.00	0.00	0.00	489.68
Verdazco, Efrin	Tile Finisher	02/13/16 - 08/22/16	40.00		4.3	0	425.00	1857.00	49.62	2192.22	335.22	240.00	0.00	0.00	575.22
Yefanov, Dmitry	Tile Finisher	04/23/16 - 01/02/19	692.00		4.3	8	7565.00	32625.00	788.82	33135.02	510.02	280.00	0.00	0.00	790.02
avs		06/26/19	0.00		0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
avs		07/16/17	0.00		0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
avs		01/07/19	0.00		0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
avs		07/16/17	0.00		0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
avs		07/16/17	0.00		0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
avs		01/07/19	0.00		0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
avs		07/16/17	0.00		0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
avs		01/07/19	0.00		0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
avs		07/16/17	0.00		0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
avs		01/07/19	0.00		0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
avs		07/16/17	0.00		0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
avs		01/07/19	0.00		0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
avs		07/16/17	0.00		0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
avs		01/07/19	0.00		0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Balance Brought forward from audit3 Summary							37084.00	191563.08	5068.44	197175.79	5612.71	4160.00	25.00	0.00	\$8,797.73

The following entries represent the amounts relied upon for calculating Labor Code 1775 and 1813 penalties.

1775	40.00	Per Day
1813	25.00	Per Day

PREVAILING WAGE DETERMINATION SUMMARY

CODE NO.	CLASSIFICATION	Effective Date	HOURLY		TRAINING TIME 1/2	HOLIDAY TRAVEL & SUBSISTENCE		Other hourly Requirements
			Rate	Contributions		SUNDAY	TRAVEL	
1	Tile Setter MER-2014-1	4/1/2015 Final	30,780	15,900	48,170	61,560	85,000	1,630
2	Tile Finisher MER-2014-1	4/1/2015 Final	21,850	12,830	32,775	43,700	85,000	1,120
3	Tile Setter MER-2014-1	4/1/2015 Final	30,780	15,900	48,170	64,560	67,150	1,630
4	Tile Finisher Travel	4/1/2015	21,850	12,830	32,775	43,700	67,150	1,120
5	Tile Setter Ap 5 2013-1	3/4/2013 Final	26,400	12,780	39,800	52,800	24,000	1,020
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7								
8								
9								
10								
11								
12								

WAGE DETERMINATION INFORMATION

CODE NO.	CLASSIFICATION	WAGE DETERMINATION NO.
1	Tile Setter	MER-2014-1
2	Tile Finisher	MER-2014-1
3	Tile Setter	MER-2014-1
4	Tile Finisher	MER-2014-1
5	Tile Setter Ap 5	2014-1
6		
7		
8		
9		
10		
11		
12		

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

I, Jerry McClain, do hereby certify that I am a resident of or employed in the County of
Sacramento, over 18 years of age, and not a party to the within action, and that I am employed at
and my business address is:

Division of Labor Standards Enforcement
Bureau of Field Enforcement
2031 Howe Ave. Suite 100
Sacramento, CA. 95825

On December 28, 2016, I served the within: (1) Civil Wage and Penalty Assessment

University of California- Merced
5200 North Lake Rd.
Merced, CA 95343
Steven Murray

SUNDT CONSTRUCTION INC, An
Arizona Corporation
818 W 7th Street, Ste 930
Los Angeles, CA 90017
CT Corporation System

Citadel Premium Design Inc., a
California Corporation
1347-A Tradewinds Circle
West Sacramento, CA 95798
Cynthia Antoinette

Fidelity and Deposit Company of Maryland
1400 American Lane
Schaumburg, IL 60196
Bond #8828988

No. CA Tile Industry LMCC
10806 Biggie St.
San Leandro, CA 94577
Anthony Narducci

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid,
and then depositing it in the United States mail in Sacramento by:

- Ordinary first class mail
- Certified mail
- Registered mail

I certify under penalty of perjury that the foregoing is true and correct

Executed on December 28, 2016, at Sacramento, County of Sacramento, California



SIGNATURE

STATE CASE NO.
40-52118