



**New Jersey Department of Labor
and Workforce Development,
Petitioner,**

v.

**D-B Golden Hands, LLC., and
Matlouf Ben-Moha and Elyahu Daniel,
Owners and Individually,
Respondents.**

**STATE OF NEW JERSEY
DEPARTMENT OF LABOR
AND
WORKFORCE DEVELOPMENT**

**FINAL ADMINISTRATIVE ACTION
OF THE
COMMISSIONER**

**OAL DKT. NO. LID 05567-22
AGENCY DKT. NO. PC-126-1020-LEO**

Issued: September 18, 2023

The New Jersey Department of Labor and Workforce Development (Department or petitioner) served the following notices on D-B Golden Hands, LLC., Matlouf Ben-Moha and Elyahu Daniel, Owners and Individually (D-B Golden Hands or respondents):

(1) A notice, dated November 24, 2021, served upon Matlouf Ben-Moha, Owner and Individually, and D-B Golden Hands, LLC, finding violations of (a) N.J.S.A. 34:11-56.27, for failure to pay the prevailing wage on public works as required under the Prevailing Wage Act (PWA), N.J.S.A. 34:11-56.25 et seq.; (b) N.J.S.A. 34:11-4.2, for unpaid/late payment of wages; (c) N.J.S.A. 34:11-56.29 and N.J.A.C. 12:60-2.1, for having kept incomplete certified payroll records; (d) N.J.S.A. 34:56.33 and N.J.A.C. 12:60-5.1(c) for failure to submit certified payroll records; and (e) N.J.S.A. 34:11-56.51 for performing public work without having registered with the Department as a public works contractor, as required under the Public Works Contractor Registration Act (PWCRA), N.J.S.A. 34:11-56.48 et seq. The notice indicates that the project upon which these violations occurred was the repair of "stucco/dryvit" for the City of Absecon at Absecon City Hall. On the basis of the violations listed above, the Department sought the collection of wages in the amount of \$8,670.43, an administrative fee in the amount of \$1,560.68, and penalties in the

amount of \$6,500.00;

(2) A notice, dated November 24, 2021, served upon Elyahu Daniel, Owner and Individually, and D-B Golden Hands, LLC, finding violations of (a) N.J.S.A. 34:11-56.27, for failure to pay the prevailing wage on public works as required under the Prevailing Wage Act (PWA), N.J.S.A. 34:11-56.25 et seq.; (b) N.J.S.A. 34:11-4.2, for unpaid/late payment of wages; (c) N.J.S.A. 34:11-56.29 and N.J.A.C. 12:60-2.1, for having kept incomplete certified payroll records; (d) N.J.S.A. 34:56.33 and N.J.A.C. 12:60-5.1(c) for failure to submit certified payroll records; and (e) N.J.S.A. 34:11-56.51 for performing public work without having registered with the Department as a public works contractor as required under the Public Works Contractor Registration Act (PWCRA), N.J.S.A. 34:11-56.48 et seq. The notice indicates that the project upon which violations occurred was the repair of “stucco/dryvit” for the City of Absecon at Absecon City Hall. On the basis of the violations listed above, the Department sought the collection of wages in the amount of \$8,670.43, an administrative fee in the amount of \$1,560.68, and penalties in the amount of \$6,500.00;

(3) A notice, dated March 29, 2022, served upon Matlouf Ben-Moha, Owner and Individually, and D-B Golden Hands, LLC, seeking debarment of each on the basis of the violations listed in (1) above; and

(4) A notice, dated March 29, 2022, served upon Elyahu Daniel, Owner and Individually, and D-B Golden Hands, LLC, seeking debarment of each on the basis of the violations listed in (2) above.

Respondents requested a hearing with regard to the debarment and the assessment for wages, an administrative fee and penalties. The matters were transmitted to the Office of Administrative Law (OAL), where they were scheduled for hearing before Administrative Law Judge (ALJ) Catherine A. Tuohy.

Prior to a hearing, petitioner filed a motion before the ALJ, pursuant to N.J.A.C. 1:1-12.5, for summary decision. The ALJ granted petitioner’s motion for summary decision, finding that “the uncontroverted certifications and documentary evidence” submitted by petitioner in support of its motion established that (1) the Absecon City Hall stucco/dryvit repair project had been a public works project requiring the payment of prevailing wage; (2) respondents had failed to pay the appropriate prevailing wage rates to the workers employed by them on the project; (3) respondents had submitted incomplete and inaccurate certified payroll records for work performed on the project; and (4) respondents had engaged in work on the project without having been registered with the Department to perform public work.

Therefore, the ALJ recommended that the Department’s enforcement actions, including respondents’ debarment and the Department’s assessment against respondents for \$8,670.43 in wages, an administrative fee of \$1,560.68 and an administrative penalty of \$6,500.00, be affirmed and that respondents’ appeal be dismissed. No exceptions were filed.

Upon *de novo* review of the record, and after consideration of the ALJ's initial decision, I hereby accept and adopt the findings of fact, conclusions and recommendation contained in the ALJ's initial decision.

ORDER

Therefore, it is hereby ordered that respondents pay to the Department \$8,670.43 for wages owed, plus \$1,560.68 in an administrative fee and \$6,500.00 in penalties. It is further ordered that D-B Golden Hands, LLC, Matlouf Ben-Moha and Elyahu Daniel, be placed on the debarment list pursuant to N.J.S.A. 34:11-56.37.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum

DECISION RENDERED BY THE
COMMISSIONER, DEPARTMENT OF
LABOR AND WORKFORCE DEVELOPMENT



Robert Asaro-Angelo, Commissioner
Department of Labor and Workforce Development

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