



State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
PO BOX 389
TRENTON, NEW JERSEY 08625-0389

Donna Escher, Secretary and Individually, and
Premier Builders, Inc.
1015 Big Oak Road
Yardley PA 19067

January 17, 2018

Re: PC-277-0517-VIR
Haddonfield Library
Remodel / Expansion
Borough of Haddonfield

Dear Donna Escher:

The Division of Wage and Hour Compliance conducted an inspection of your firm. It has been determined that you are in violation of Title 34 which provides that any person who violates any provision of the New Jersey Wage and Hour Law or regulations may be prosecuted, fined, and/or penalized. In addition, the Commissioner of Labor and Workforce Development has the authority to assess administrative fees based on the amount of wages assessed. As a result of our inspection, you may be liable for a Penalty or both a Penalty and Administrative Fee.

Under the provisions of N.J.S.A. 34:11-4.1, an employer is any individual, partnership, association, joint stock company, trust, corporation, the administrator or executor of the estate of a deceased individual, or the receiver, trustee, or successor of any of the same, employing any person in this State. For the purposes of this act the officers of a corporation and any agents having the management of such corporation shall be deemed to be the employers of the employees of the corporation.

Wages: If wages are assessed, the gross amount is listed on the attached Assessment Form.

Administrative Fee: If wages are assessed, an administrative fee is due. The fee is equal to a percentage of the amount of gross wages due employees and is based on your history of violations: 10% for the first violation, 18% for the second violation, and 25% for the third and subsequent violations.

Penalty: The attached Assessment Form provides a brief explanation of each violation, the section of law or regulation violated, and the penalty amount which has been assessed.

Respond to this Notice within 15 Days Following the Receipt of the Notice:

1. If you are not contesting this assessment, complete the bottom section of the Assessment Form and submit payment within 15 days following the receipt of the notice.
2. If you are contesting any portion of this assessment, you must submit a written request for a hearing. Complete the bottom section of the Assessment Form and return within 15 days following the receipt of the notice. We will schedule you for a hearing in Trenton and send you written notification regarding your hearing.

If you have questions about completing the attached form(s), contact this office Monday to Friday, 8:30 am to 4:30 pm.

Sincerely,

Kevin Triplett, Section Chief
Public Contracts Section
609-292-2259



State of New Jersey

PHIL MURPHY
Governor

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

ROBERT ASARO-ANGELO
Acting Commissioner

SHEILA OLIVER
Lieutenant Governor

January 18, 2018

Christopher Escher, President
Premier Builders, Inc.
1015 Big Oak Road
Yardley, PA 19067

Re: NOTICE of Intent to Revoke Contractor
Registration # 53306

Case# CR2-53306-18

Dear Mr. Escher:

Pursuant to the provisions of N.J.S.A.34:11-56.48 et seq. and N.J.A.C.12:62 et seq., on February 2, 2018 this office will revoke certificate number 53306 issued to Premier Builders, Inc. This action is being taken for the following reason(s):

N.J.S.A. 34:11-56.27 Required contract provisions; liability of contractor and sureties for excess costs

Every contract in excess of the prevailing wage contract threshold amount for any public work to which any public body is a party or for public work to be done on property or premises owned by a public body or leased or to be leased by a public body shall contain a provision stating the prevailing wage rate which can be paid (as shall be designated by the commissioner) to the workers employed in the performance of the contract and the contract shall contain a stipulation that such workers shall be paid not less than such prevailing wage rate. Such contract shall also contain a provision that in the event it is found that any worker, employed by the contractor or any subcontractor covered by said contract, has been paid a rate of wages less than the prevailing wage required to be paid by such contract, the public body, the lessee to whom the public body is leasing a property or premises or the lessor from whom the public body is leasing or will be leasing a property or premises may terminate the contractor's or subcontractor's right to proceed with the work, or such part of the work as to which there has been a failure to pay required wages and to prosecute the work to completion or otherwise. The contractor and his sureties shall be liable for any excess costs occasioned thereby to the public body, any lessee to whom the public body is leasing a property or premises or any lessor from whom the public body is leasing or will be leasing a property or premises.

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DIVISION OF WAGE AND HOUR COMPLIANCE
CONTRACTOR REGISTRATION SECTION
(609) 292-9464 • FAX (609) 633-8591 • www.nj.gov/labor

N.J.S.A.12:62-2.4 Denial, suspension or revocation of registration

(a) As an alternative to or in addition to sanctions provided in N.J.A.C. 12:62-2.5, a certificate of registration may be denied, suspended or revoked if the registrant or applicant or an officer, partner, director, stockholder, or agent of the applicant or registrant has at any time:

6. *Failed to respond to a request to produce records, forms or documents or failed to cooperate or has interfered with a designee of the Commissioner in the course of a departmental investigation.*

(b) A certificate of registration may be denied, revoked, or suspended, depending on the nature and severity of the violation, if the applicant or registrant, or an officer, partner, director, stockholder or agent of the applicant or registrant has at any time violated any provision of the Act or of this chapter, and/or any violations, or pending violations, brought by a governmental entity of criminal or civil statutes and/or regulations which would reflect upon the fitness of the applicant/contractor to bid on or engage in public work projects or has failed to comply with the labor laws of New Jersey or any other state or Federal labor law or any order of the Commissioner with regard to any matter not referred to in (a) above.

(c) The registration of a contractor shall not be revoked or suspended for a period beyond five years. However, in determining the length of time for which a contractor's registration may be denied, suspended or revoked, the following criteria shall be considered:

1. *The record of previous violations by the contractor of the Public Works Contractor Registration Act and/or the New Jersey Prevailing Wage Act and any violations, or pending violations, brought by a governmental entity of criminal or civil statutes and/or regulations which would reflect upon the fitness of the applicant/contractor to bid on or engage in public work projects.*

➤ **Failed to pay the prevailing wage for case: PC-277-0517-VIR**

To appeal this determination, a written request for a hearing must be submitted within (10) days of receipt of this notice to the address below:

New Jersey Department of Labor and Workforce Development
Division of Wage and Hour Compliance
Public Works Contractor Registration Section
P.O. Box 389
Trenton, NJ 08625-0389

Upon receipt of any appeal the matter will be scheduled for a hearing. If the registration is revoked, you must immediately return the original certificate to this office. This revocation will remain in effect until February 1, 2023.

Sincerely,



Robert E. Gaines, Director
Division of Wage and Hour Compliance
(609) 984-9392



State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
PO BOX 389
TRENTON, NEW JERSEY 08625-0389

January 19, 2018

Christopher Escher, President and Individually; and
Donna Escher, Secretary and Individually; and
Premier Builders, Inc.
1015 Big Oak Road
Yardley, PA 19067

Public Works Jobsite(s):

PC-277-0517-VIR
Library Remodel/Expansion; 60 N. Haddon Avenue
Borough of Haddonfield

Dear Sir/Madam:

Pursuant to N.J.A.C. 12:60-7.4 of the New Jersey Prevailing Wage Regulations, you are hereby provided with a written notice of debarment as follows:

(1) Debarment is being considered against Premier Builders, Inc.; and Christopher Escher, President and Individually; and Donna Escher, Secretary and Individually.

(2a) N.J.S.A. 34:11-56.37 provides, "In the event that the commissioner shall determine, after investigation, that any contractor or subcontractor has failed to pay the prevailing wage he shall thereupon list and keep on record the name of such contractor or subcontractor and forthwith give notice by mail of such list to any public body who shall request the commissioner so to do. Where the person responsible denies that a failure to pay the prevailing wage has occurred, he shall have the right to apply to the commissioner for a hearing which must be afforded and a decision rendered within 48 hours of the request for a hearing. If the commissioner rules against the petitioning party he shall have the right to apply for injunctive relief in the Superior Court against the listing by the commissioner."

(2b) N.J.S.A. 34:11-56.38 provides, "The public body awarding any contract for public work, or otherwise undertaking any public work, or entering into a lease or agreement to lease pursuant to which public work is to be done, shall first ascertain from the commissioner the list of names of contractors or subcontractors who have failed to pay prevailing wages as determined in Section 13 of this act, and no contract shall be awarded to such contractor or subcontractor, or to any firm, corporation or partnership in which such contractor or subcontractor has an interest until three years have elapsed from the date of listing as determined in Section 13 of this act."

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DIVISION OF WAGE AND HOUR COMPLIANCE
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For purposes of this section, "interest" shall mean an interest in the firm, corporation or partnership bidding on, or performing public work, whether having the interest as an owner, partner, officer, manager, employee, agent, consultant or representative. The term may also include, but not be limited to, all instances in which the contractor or subcontractor listed by the commissioner under section 13 of this act has received payments, whether those payments are in the form of cash or any other form of compensation from the firm, corporation or partnership, or when the contractor or subcontractor listed by the commissioner under section 13 of this act has entered into any contract or agreement with the firm, corporation or partnership for services performed or to be performed, for services that have been or will be assigned or subletted, or for the sale, rental or lease of vehicles, tools, equipment or supplies during the period from the initiation of the proceedings under section 13 of this act against the contractor or subcontractor until three years have elapsed from the date that the contractor or subcontractor has been listed by the commissioner under section 13 of this act. The term "interest" shall not include shares held in a publicly traded corporation if the shares were not received as compensation after the initiation of proceedings under section 13 of this act from a firm, corporation or partnership bidding or performing public work.

A rebuttable presumption that a contractor or subcontractor listed by the commissioner under section 13 of this act has an interest in another firm, corporation or partnership may arise if the two share any of the following capacities or characteristics: (1) perform similar work within the same geographical area and within the same monetary range, (2) occupy the same premises, (3) have the same telephone number or fax number, (4) have the same email address or internet website, (5) employ substantially the same administrative employees, (6) utilize the same tools and equipment, (7) employ or engage the services of any listed person or persons involved in the direction or control of the other, or (8) list substantially the same work experience in order to obtain the requisite pre-qualification rating from the Department of Treasury, or any other entity, to participate in any public work.

If a rebuttable presumption has arisen that a contractor or subcontractor listed by the commissioner under section 13 of this act has an interest in another firm, corporation or partnership, the adversely affected contractor or subcontractor, including the firm, corporation or partnership, which would by virtue of a finding of "interest" be prevented under this section from being awarded public work, may request a hearing, which shall be conducted in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(2c) N.J.A.C. 12:60 - 7.2 provides that "Interest" means an interest in the entity bidding or performing work on the public works project, whether as an owner, partner, officer, manager, employee, agent, consultant or representative. The term also includes, but is not limited to, all instances where the debarred contractor or subcontractor receives payments, whether cash or any other form of compensation, from any entity bidding or performing work on the public works project, or enters into any contracts or agreements with the entity bidding or performing work on the public works project for services performed, or to be performed, for contracts that have been or will be assigned or sublet, or for vehicles, tools, equipment or supplies that have been or will be sold, rented or leased during the period from the initiation of the debarment proceedings until the end of the term of the debarment period. "Interest," however, does not include shares held in a publicly traded corporation if the shares were not received as compensation after the initiation of debarment from an entity bidding or performing work on a public works project.

- (3) The specific details of the violations are:
Case No(s): PC-277-0517-VIR

Violation(s) of New Jersey Statutes Annotated (N.J.S.A.) and/or New Jersey Administrative Code (N.J.A.C.):

<u>Citation:</u>	<u>Citation No.</u>
Unpaid Wages / Late Payment	34:11-4.2
Failure to Pay Prevailing Wage	34:11-56.27
Records - Inaccurate Certified Payroll	34:11-56.29 / 12:60-2.1
Records / Obstruction	34:11-56.31
Obstruction / Hindering	34:11-56.35

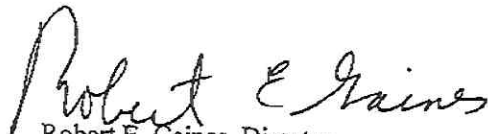
Wages Due:	\$88,780.00	All Case(s) as listed above
Fees Due:	\$15,980.40	All Case(s) as listed above
Penalty Due:	\$85,000.00	All Case(s) as listed above

(4a) You do have the right to a hearing to contest the foregoing if you so choose. If you want a hearing, you must submit written notification to the Commissioner requesting such a hearing within 15 days of the date of this notice of intent to debar. You should mail your request to the following address:

Division of Wage and Hour Compliance
Director's Office
PO Box 389
Trenton, New Jersey 08625-0389

(4b) If you request a hearing pursuant to (4a) above, it is the Department's intention that the following sequence of events may occur. First, a Conference which you should attend will be scheduled at the Department, at which time this case will be fully discussed with a hearing officer, and the discussion will include, but not be limited to, topics of resolution. If the conference fails to resolve the case, it is then referred to the Office of Administrative Law (OAL) for the purpose of scheduling and holding the requested Hearing. After the OAL receives the case, it assigns the case to an Administrative Law Judge (ALJ), who holds the hearing and renders an initial decision. Thereafter, the Commissioner of Labor makes a final decision, from which appeals may be taken to the Superior Court, Appellate Division.

Sincerely,


Robert E. Gaines, Director
Division of Wage and Hour Compliance

Enclosure(s)
Certified and Regular Mail

Certified Mail No.: 7015 1730 0001 1849 9286



State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

PO BOX 389

TRENTON, NEW JERSEY 08625-0389

September 25, 2018

Christopher Escher, President
Premier Builders, Inc.
1015 Big Oak Road
Yardley, PA 19067

Via Email ONLY: esc1015@aol.com

RE: Case Numbers PC-277-0517-VIR and CR2-53306-18

Dear Mr. Escher,

This will confirm and memorialize the terms and conditions discussed and accepted, regarding the above-captioned cases.

The Division of Wage and Hour Compliance (the "Division") agrees to revise its initial total assessments of:

Wages: \$88,780.00
Admin. Fee: \$15,980.40
Admin. Penalty: \$85,000.00

The revised and accepted total assessments are as follows:

Wages: \$37,022.79
Admin. Fee: \$6,664.10
Admin. Penalty: \$2,000.00

The Division accepted these revisions based upon your evidence and explanation.

Premier Builders, Inc. (the "firm") agrees to submit payment to the Division, in the total amount of \$45,686.89. Payment is to be made in 24 monthly installments, due on the first day of each month. The first payment shall be due on November 1, 2018, in the amount of \$1,904.09, and payment in the amount of \$1,903.60 shall be due on the first day of each and every month thereafter, until the revised assessment is fully satisfied. Payments are to be made payable to "Commissioner of LWD", and remitted to the Division at PO Box 389, Trenton, NJ 08625.

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DIVISION OF WAGE AND HOUR COMPLIANCE
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LWD
NEW JERSEY DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

Settlement Agreement
Premier Builders, Inc.
September 25, 2018

The firm, and Christopher Escher, President, and Donna Escher, Secretary will be listed as debarred from public work, for a period of three (3) years, effective immediately, and continuing through September 24, 2021. Therefore, the firm, Christopher Escher and Donna Escher are prohibited from bidding on or engaging in public work for that period. Furthermore, the firm's Public Works Contractor Registration certificate will be immediately revoked.

This agreement has been reviewed and accepted by the Division with the understanding that this matter will be regarded as a "prior offense" for purposes of determining the fee and/or penalty for any future violation.

If the firm fails to comply with the above-stated terms and conditions, the Division specifically reserves the right to initiate appropriate procedure to compel payment of the original assessments, and to prohibit performance of work on future public works projects, without further notice or opportunity to cure.

This agreement does not impair any worker's right to pursue a claim for wages.

Accepted By:

For the Division:

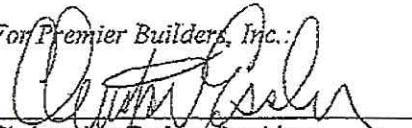


Ashleigh Chamberlain, Hearing Officer

Date:

9/25/18

For Premier Builders, Inc.:



Christopher Escher, President

Date:

10/1/18



Donna Escher, Secretary

10/1/18