

FIELD REPORT NOTES

Printed on: 10/3/2022

Field Report #: 157598

Trade Name: R F Contractors, LLC

Employer #: 727894

Field Rep: Sonia Mariscal

Entry Date and Notes

11-Jul-2022 11:01 am

Sonia Mariscal

INVESTIGATIVE NARRATIVE (UPDATED)

Case Number: GE-116-0222-MAR

Field Report # 157598

Employer: R F CONTRACTORS, LLC

Employer #: 727894

Claim: Assignment - Operation 88 Regent Street In Jersey City

Claim Number: 503433

Field Investigator: Sonia A. Mariscal

I. REASON FOR THE INVESTIGATION

- This complaint is part of a strategic initiative (Operation 88)

Prior History

- There are not violations history for this contractor. One claim (486977) that was closed without any apparent violations due the Claimant was finally paid.

II. EXEMPTIONS

- There were no applicable exemptions.

III. STATUS OF COMPLIANCE

Record Keeping

- On November 22nd 2021, and after reviewed records provided by the employer in response to the subpoena, I sent by email to the Deputy General Attorney (John-Paul Proctor) a list of the records no provided and provided by the employer (See my email in EXHIBIT B-5)
- No records (Time sheets, General Payrolls, W-30's has been provided by the employer), and other several records requested with the Subpoena.
- It has not been possible to do the investigation due to the lack of the corresponding information and records.

Employer Statements

- Summarize statements ? No provided

Employee Interviews or Statements

- No Interviews or Statement has been collected

Earned Sick Leave Documents

- * This employer failed to provide any documents including documents for the Earned Sick Leave. Therefore, the citation for this matter was pursued.

Witness Statements

- Summarize statements ? N/A

Subpoena

Administrative Action Subpoena Duces Tecum was issued on September 14th 2021 (See EXHIBIT D-1)

Misclassification (ABC Analysis) ?

- N/A

Back Wages Computation

- No records has been provided, so Back Wages Computation has been imposible to calculate due the lack of

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records.

- However, the company failed to provide any wage-related records (see subpoena - Exhibit D).
- Wages Due = N/A
- 5% Fee Penalt:

██████████ (R F Contractors worker) was interviewed at the location, and the interview reveals he was getting paid by check, under payroll (payroll stub) and over minimum wage. So, due the employer did no provided any paystub or payroll records, the weekly payments of \$500/weekly net received by the employee, as per ██████████ Stated, has been considered Cash payment, and the employer will be cited for Misclassification and also for Misclassified Construction worker. Penalty of 5% has been calculated for the 12 months back from the date of the Site Inspection 07/28/2021.

IV. CONCLUSION

The company did no provided records requested in the Subpoena issued on September 14th 2021.

I've contacted with John Paul-Proctor (DGA) several times, and no additional records has been uploaded to the site Box.com. (See emails in EXHIBIT B-5)

Resulted of the records provided by the employer, has been observed that there are records of two different companies names.

- R&F CONTRACTING CORPORATION / FEIN 45-0286416 (No appears in our records system)
- R F CONTRACTORS, LLC / FEIN 92-1190883

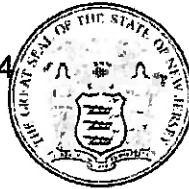
Records provided by the employer:

- EXHIBIT C-1: Contracts and Subcontracts Agreements.
- EXHIBIT C-3: Workers Comp
- EXHIBIT C-4: Bank Statements
- EXHIBIT D: Employees and owner ID (Driver Licenses)
- EXHIBIT D-2: FEIN / Certificates
- EXHIBIT D-3: Tax return 2018

Alleged Violations

- Records N.J.S.A 34:11-56a20/12:56-4.1
- GE Hindrance N.J.S.A 34:11-56a22
- Failing to Properly Classify Employees 34:1A-1.18
- Improper Classification Construction Workers 34:20-5
- * Records Earned Sick Leave 34:11D-6

Total Notes: 1



State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
P.O. BOX 389, TRENTON, NEW JERSEY 08625-0389

FINAL ORDER

New Jersey Department of Labor and Workforce Development

November 22, 2022

v.

Case No. GE-116-0222-MAR

Raul Zuniga, Owner and Individually, and
R F Contractors, LLC
19 Partch Place
Edison NJ 08817

On October 18, 2022 the Wage and Hour Division and Contract Compliance, pursuant to Public Law 1991, Chapter 205, issued formal notification assessing an administrative fee, penalty and/or total monies due employees, as cited below. Payment of the assessment by certified check or money order payable to the Commissioner of Labor and Workforce Development was to be received by the Wage and Hour Division and Contract Compliance, P. O. Box 389, Trenton, New Jersey 08625-0389 within fifteen (15) days of the notification.

Table with 2 columns: Description and Amount. Total Monies due Employees \$1,250.00, Administrative Fee \$125.00, Administrative Penalty \$3,750.00

Failure to comply with this notice has resulted in a Final Administrative Order being entered against you;

Therefore, it is ORDERED that payment be made to the Commissioner of Labor and Workforce Development, Wage and Hour Division and Contract Compliance within ten (10) days of this order.

Further, failure to comply with this Final Administrative Order will result in a certified copy of the Final Order being filed with the Clerk of the Superior Court of New Jersey in Trenton, and further, pursuant to the Penalty Enforcement Act, P.L. 1999 C.274, the Commissioner of Labor and Workforce Development will obtain a judgment for the purpose of recovery of monies due plus costs and any other such relief as may be appropriate including total monies due employees, administrative penalties and administrative fees. The judgment will be enforced upon any of the defendant's real or personal property. Signed this November 22, 2022 pursuant to the authority herein vested in me by law.

Robert Asaro-Angelo, Commissioner
Department of Labor and Workforce Development
By: [Redacted]
David A. Bignin, Director
Wage and Hour Division and Contract Compliance

The undersigned does hereby certify that this is a true and correct copy of the original Final Order filed with the New Jersey Department of Labor and Workforce Development, Wage and Hour Division and Contract Compliance, P.O. Box 389, Trenton, New Jersey on November 22, 2022.

[Redacted Signature]
Marc Goldberg, Section Chief
Public Contracts Section
609-292-2259
609-695-1174 (Fax)



12-9-22

State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
P.O. BOX 389, TRENTON, NEW JERSEY 08625-0389

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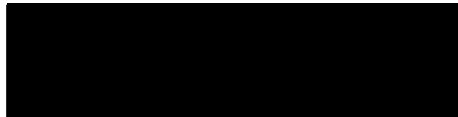
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Robert Asaro-Angelo, Commissioner
Department of Labor and Workforce Development
By:
David A. Biglin, Director
Wage and Hour Division and Contract Compliance

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Marc Goldberg, Section Chief
Public Contracts Section
609-292-2259
609-695-1174 (Fax)

7019 2280 0002 2585 8245



11-16-22

State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
P.O. BOX 389, TRENTON, NEW JERSEY 08625-0389

October 18, 2022

Raul Zuniga, Owner and Individually, and
R F Contractors, LLC
19 Partch Place
Edison NJ 08817

Re: GE-116-0222-MAR

Dear Raul Zuniga:

On February 24, 2022, the Wage and Hour Division and Contract Compliance conducted an inspection of your firm. It has been determined 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 back wages, liquidated damages, and misclassification penalty 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.

Total Monies Due Employees: *These monies are due directly to Employees.*

Back Wages: If back wages are assessed, the gross back wages due amount is listed on the attached Monies Due Employees Form. Gross back wages **are** subject to tax deductions.

Liquidated Damages: If liquidated damages are assessed, the amount is listed on the attached Monies Due Employees Form. Liquidated Damages cannot exceed 200% of gross back wages due and are **not** subject to tax deductions.

Misclassification Penalty: Pursuant to N.J.S.A. 34:1A-1.18, a misclassification penalty is assessed for each worker not properly classified as an employee. If a misclassification penalty is assessed, the amount is listed on the attached Monies Due Employees Form. The penalty is based up to 5% of the misclassified worker's gross back wages for the past 12 months and is **not** subject to tax deductions.

Administrative Fee: If back wages, liquidated damages or misclassification penalty are assessed, an administrative fee is due. The fee is equal to a percentage of total monies 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.

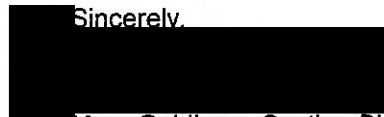
Penalty: The attached Assessment Form provides a brief explanation of each violation, the section of law or regulation violated, and the penalty amount which has been assessed.

Respond to this Notice within 15 Days of the above Date:

1. If you are not contesting this assessment, complete the bottom section of the Assessment Form and submit payment within 15 days of the above date.
2. If you are contesting any portion of this assessment, you must submit a written request for a telephone conference. Complete the bottom section of the Assessment Form and return within 15 days of the above date. A Division Representative will contact you by telephone to hold an informal conference to discuss your case. If your case cannot be resolved over the telephone, we will schedule you for a hearing in Trenton and send you written notification regarding your hearing.

If you have questions contact this office Monday to Friday, 8:30 am to 4:30 pm.

Sincerely,



Marc Goldberg, Section Chief
Public Contracts Section
609-292-2259

7019 2280 0002 2585 8979

Assessment Form

10/18/2022

Case No. GE-116-0222-MAR R F Contractors, LLC

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

Violation	Citation No.	Penalty
Records - No Records Provided	34:11-56a20 / 12:56-4.1	\$250.00 (Violation)
Hindrance	34:11-56a22	\$500.00 (Violation)
Records - Earned Sick Leave	34:11D-6	\$500.00 (Violation)
Failing to Properly Classify Employees	34:1A-1.18	\$0.00 (Violation 5%)
Improper Classification Construction Workers	34:20-5	\$2,500.00 (Violation 1EE@\$2500)

Assessments:

Total Monies due Employees	\$1,250.00
Back Wages	\$0.00
Liquidated Damages	\$0.00
Misclassification Penalty	\$1,250.00
Administrative Fee (10% of Total Monies)	\$125.00
Penalty	\$3,750.00

Instructions

1. **Payment of Total Monies due Employees:** Pay employees directly. For gross back wages due, provide employees with a statement of deductions. Any withholdings should be remitted to the proper taxing agencies. Liquidated Damages and Misclassification Penalty are not subject to tax deductions. Submit copies of all payments to employee (cancelled checks) and corresponding statement of deductions to this office as proof of payment.

If a former employee's check is returned to you as undeliverable, add "...or Commissioner of LWD" after the employee's name on the "Pay to the Order of" line. Forward the returned check and statement of deductions to the Wage and Hour Division and Contract Compliance to be held in trust for that employee. Include case number on check.

2. **Payment of Administrative Fee and/or Penalty:** Make check payable to the Commissioner of Labor and Workforce Development. Include case number on check.

3. **Check the appropriate box below:** Mail completed forms, cancelled employee checks, corresponding statement of deductions, and payment to:

Wage and Hour Division and Contract Compliance
PO Box 389
Trenton, NJ 08625-0389
Fax (609) 695-1174

I am submitting payment for the Administrative Fee and/or Penalty. If any monies are due employees, I have paid employees directly as per the above instructions. I am submitting copies of the cancelled employee checks and corresponding statement of deductions as proof of payment. Any withholdings have been remitted to the proper taxing agencies.

I am contesting the above Assessments and I am requesting a telephone conference to discuss my case because (explain briefly):

Print Name: _____

Phone: _____

Title: _____

Fax: _____

Signature: _____

Date: _____

Email: _____

Monies Due Employees Form

Raul Zuniga, Owner and Individually, and
R F Contractors, LLC
19 Partch Place
Edison NJ 08817

Case No. GE-116-0222-MAR

10/18/2022

If any employee's personal information is missing or incorrect, please provide missing information and/or make the necessary corrections. If the last four digits of the SSN is missing or incorrect, provide the entire SSN.

Pay employees directly. For gross back wages due, provide employees with a statement of deductions. Any withholdings should be remitted to the proper taxing agencies. Liquidated Damages and Misclassification Penalty are not subject to tax deductions. Submit copies of all payments to employee (cancelled checks) and corresponding statement of deductions to this office as proof of payment.

Employee Name and Mailing Address	SSN	Monies Due Employee
1. [REDACTED] Employee No. 509611	[REDACTED]	Gross Back Wages: \$0.00 Liquidated Damages: \$0.00 Misclass Penalty: \$1,250.00 Total Monies Due: \$1,250.00

Total Gross Back Wages Due: \$0.00

Total Liquidated Damages Due: \$0.00

Total Misclass Penalty Due: \$1,250.00

Total Monies Due Employees: \$1,250.00



State of New Jersey

PHIL MURPHY
Governor

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

ROBERT ASARO-ANGELO
Commissioner

SHEILA OLIVER
Lieutenant Governor

October 18, 2022

Raul Zuniga, Owner, and Individually; and
R F Contractors, LLC
19 Partch Plaza
Edison, NJ 08817

CASE # GE-116-0222-MAR

Dear Sir or Madam:

This Department has determined that, following an investigation and issuance of an assessment, you knowingly violated the provisions of N.J.S.A. 34:20-6 by:

- 1) *failing to properly classify an individual(s) as an employee in accordance with N.J.S.A. 34:20-4, and;*
- 2) failing to pay required wages, benefits, taxes or other contributions, as set forth in N.J.S.A. 34:20-5, and/or;
- 3) having a final conviction and disposition of N.J.S.A. 34:20-5 in which you were found to be guilty of a crime of the second, third or fourth degree.
(italicized denotes provision violated)

As a result, the Department is required, pursuant to N.J.S.A. 34:20-6, to place you on a list of employers who are prohibited from contracting, directly or indirectly, with any public body for the construction of any public building or other public work projects, or from performing any work on the same, for a period of three years. The commissioner shall give notice by mail of that list to any public body who shall request the commissioner so to do.

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. You should mail your request to the following address:

New Jersey Is An Equal Opportunity Employer

October 18, 2022
R F Contractors, LLC

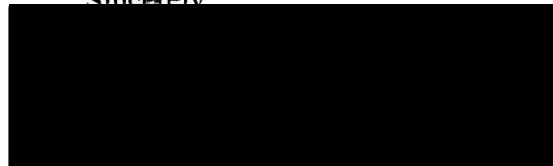
Page 2 of 2

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

Alternatively, you may email your request to wage.hour@dol.nj.gov

If you request a hearing, 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 and Workforce Development makes a final decision, from which appeals may be taken to the Superior Court, Appellate Division.

Sincerely



David A. Biglin, Director
Division of Wage and Hour Compliance

Enclosure(s)

Certified and Regular Mail
Certified Mail No.: 7019 2280 0002 2585 8979

Assessment Letter Needed? Yes No
 Contractor Registration Status: Registered Not Registered
 Recommended for Revocation? Yes No

Company Name R F Contractors, LLC
 Street Address 19 Partch Place
 City, State, Zip Edison, NJ 08817

Raul Zuniga-Jarami, Owner Claimant: Strategic Initiative (Operation 88)

Claim # 503433

Employer # 727894

Case # GE-116-0222-MAR

Work Done: Private Construction
 Location : Private Construction
 Public Body: Private Construction

Wages: \$0.00 5%: \$1,250.00
 Fees: \$125.00
 Penalties: ~~\$3,250.00~~ Total: \$4,625.00
 3,750.00

Case History Indicated Cause of Action
 See Attached: (conditions of debarment)
Improper Classification of Construction Worker.

General Contractor? Yes No
 If No. Sub-Contractor to what company?

Recommended
 for Initial Notice of Debarment

Recommended
 for Criminal Justice Referral

[Redacted Signature] 9/28/22
 Date

Toni M. Longo,
 Assistant Director Date

[Redacted Signature] 9/29/22
 Date

David A. Biglin,
 Director Date

[Redacted Signature] 10/11/22
 Date

Joseph Petrecca, Asst. Comm'r Date



State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
P.O. BOX 389, TRENTON, NEW JERSEY 08625-0389

October 3, 2022

Raul Zuniga, Owner and Individually, and
R F Contractors, LLC
19 Partch Place
Edison NJ 08817

Re: GE-116-0222-MAR

Dear Raul Zuniga:

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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.

Total Monies Due Employees: *These monies are due directly to Employees.*

Back Wages: If back wages are assessed, the gross back wages due amount is listed on the attached Monies Due Employees Form. Gross back wages **are** subject to tax deductions.

Liquidated Damages: If liquidated damages are assessed, the amount is listed on the attached Monies Due Employees Form. Liquidated Damages cannot exceed 200% of gross back wages due and are **not** subject to tax deductions.

Misclassification Penalty: Pursuant to N.J.S.A. 34:1A-1.18, a misclassification penalty is assessed for each worker not properly classified as an employee. If a misclassification penalty is assessed, the amount is listed on the attached Monies Due Employees Form. The penalty is based up to 5% of the misclassified worker's gross back wages for the past 12 months and is **not** subject to tax deductions.

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Respond to this Notice within 15 Days of the above Date:

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If you have questions contact this office Monday to Friday, 8:30 am to 4:30 pm.

Sincerely,

Lawrence Cirignano, Section Chief
Public Contracts Section
609-292-2259

Assessment Form

10/3/2022

Case No. GE-116-0222-MAR R F Contractors, LLC

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

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Liquidated Damages	\$0.00
Misclassification Penalty	\$1,250.00
Administrative Fee (10% of Total Monies)	\$125.00
Penalty	\$3,750.00

Instructions

- 1. Payment of Total Monies due Employees:** Pay employees directly. For gross back wages due, provide employees with a statement of deductions. Any withholdings should be remitted to the proper taxing agencies. Liquidated Damages and Misclassification Penalty are not subject to tax deductions. Submit copies of all payments to employee (cancelled checks) and corresponding statement of deductions to this office as proof of payment.

If a former employee's check is returned to you as undeliverable, add "...or Commissioner of LWD" after the employee's name on the "Pay to the Order of" line. Forward the returned check and statement of deductions to the Wage and Hour Division and Contract Compliance to be held in trust for that employee. Include case number on check.

- 2. Payment of Administrative Fee and/or Penalty:** Make check payable to the Commissioner of Labor and Workforce Development. Include case number on check.
- 3. Check the appropriate box below:** Mail completed forms, cancelled employee checks, corresponding statement of deductions, and payment to:

Wage and Hour Division and Contract Compliance
 PO Box 389
 Trenton, NJ 08625-0389
 Fax (609) 695-1174

- I am submitting payment for the Administrative Fee and/or Penalty. If any monies are due employees, I have paid employees directly as per the above instructions. I am submitting copies of the cancelled employee checks and corresponding statement of deductions as proof of payment. Any withholdings have been remitted to the proper taxing agencies.
- I am contesting the above Assessments and I am requesting a telephone conference to discuss my case because (explain briefly):

Print Name: _____

Phone: _____

Title: _____

Fax: _____

Signature: _____ Date: _____

Email: _____

Monies Due Employees Form

Raul Zuniga, Owner and Individually, and
R F Contractors, LLC
19 Partch Place
Edison NJ 08817

Case No. GE-116-0222-MAR

10/3/2022

If any employee's personal information is missing or incorrect, please provide missing information and/or make the necessary corrections. If the last four digits of the SSN is missing or incorrect, provide the entire SSN.

Pay employees directly. For gross back wages due, provide employees with a statement of deductions. Any withholdings should be remitted to the proper taxing agencies. Liquidated Damages and Misclassification Penalty are not subject to tax deductions. Submit copies of all payments to employee (cancelled checks) and corresponding statement of deductions to this office as proof of payment.

Employee Name and Mailing Address	SSN	Monies Due Employee
1. [REDACTED] Employee No. 509611	[REDACTED]	Gross Back Wages: \$0.00 Liquidated Damages: \$0.00 Misclass Penalty: \$1,250.00 Total Monies Due: \$1,250.00

Total Gross Back Wages Due: \$0.00

Total Liquidated Damages Due: \$0.00

Total Misclass Penalty Due: \$1,250.00

Total Monies Due Employees: \$1,250.00

Conditions of Debarment

Date: 05/02/2022

Revocation Requested -

Length Requested:

Contractor: RF Contractors, LLC

Employer # 727894

Case # **GE116-0222-MAR**

Please check one or more of the following reasons for debarment:

N.J.S.A. 12:60-7.3

- 1.) Record of previous violations.
- 2.) Previous debarment cases.
- 3.) Frequency of violations in previous cases.
- 4.) Significance of violations (wages or fringe benefits).
- 5.) Existence of outstanding audits or failure to pay.
- 6.) Failure to respond to request to produce records, forms, documents, or proof of payments.
- 7.) Submission of falsified or altered records, documents or proof of payment.
- 8.) Other (please specify) improperly classified construction employees
Misclassified 1 worker

Additional Comments:

Christian Moran



Date 11.22.21 Time In _____ Out _____
Date _____ Time In _____ Out _____
Date _____ Time In _____ Out _____

RF CONTRACTORS, LLC
Name of Establishment

[REDACTED]
F.E.I.N.

19 PARTCH PLACE EDISON MIDDLESEX
Street Address City County

This is to certify that on NOV 22 - 2021 I examined the following records of the above establishment for the period from _____ to _____

These records consisted of: (Describe fully including dates)

Point 1: Certificate of Incorporation (Treasury) under name "RF Contracting Corporation" and "RF" dated on 7.9.2018

Point 2: EIN to "RF Contractors, LLC"

Point 6: Workers Comp. Policy coverage from 6.20.21 to 6.20.22

Point 10: RF Contractors provide Agreements or contracts for projects detailed on my letter sent to the DGA.

Also ID driver license for the employees Serrano Ayala, Nelson Dubon-Serrano, Adilio, Cardenas-Pina, Maria (spouse) and Zuniga-Jaramillo, Paul A (owner)

The following information was not available: (Explain)

See document attached sent to the DGA jobn-paul Procter dated on November 22, 2021

11/22/2021
Date

[REDACTED]
Field Investigator
DIVISION OF WAGE AND HOUR COMPLIANCE

Acknowledged by _____ Name Title Date

Mariscal, Sonia [DOL]

From: Mariscal, Sonia [DOL]
Sent: Monday, November 22, 2021 1:07 PM
To: John-Paul Proctor
Cc: Oconnell, Kenneth [DOL]; Cirignano, Lawrence [DOL]; Moran, Christian [DOL]; Goldberg, Marc [DOL]
Subject: Operation 88. RF Contractors
Attachments: RF Contractors RECORDS REVIEW STATUS .docx

Hi John-Paul,

After reviewed records provided by RF Contractors, you can find my status report. There are quite a few records that have not been provided.

Contact me if you have any questions.

Sonia A. Mariscal

Field Investigator

Division of Wage & Hour Compliance.

New Jersey Department of Labor and Workforce Development

PO Box 389

Trenton, NJ 08625

Cell: (609) 915-3248

Fax: (609) 695-1174

eMail: sonia.mariscal@dol.nj.gov



PLEASE NOTE: This electronic message contains information from the New Jersey Department of Labor, and may contain confidential or privileged information. If you are not the intended recipient, do not read, copy or use it or disclose it to others. If you have received this message in error, please notify the sender immediately and then delete it from your system. Thank you.

OPERATION 88

To: John-Paul Proctor
From: Sonia A. Mariscal

CONTRACTOR NAME: "R F CONTRACTORS, LLC"

PROJECT UNDER INVESTIGATION: "88 Regent Street"

November 22nd 2021.

Dear John Paul,

After reviewed all records "provided by R F Contractors, LLC" and uploaded in the site Box.com, following you can find the updates, in regards records delivered by the company.

RECORDS OR DOCUMENTS NO PROVIDED at 11-22-2021

- **Certification of Compliance Form** (Pages 10-11)
- **Certification of the True Copy Form** (Page 12)
- **Schedule of Subpoenaed Documents:**
 - Point 1: Annual Reports filled with NJ Department of Treasury.
 - Point 3: For any and all Workers at the Job Site, employed by, supervised by, directed or controlled by, compensated by, or reporting to You, produce the following Documents:
 - a. Time records, Including all time cards, time sheets, log books, or any other ledger reflecting total daily and total weekly hours worked by each Worker.
 - b. Payroll records, Including all registers or journals for each pay period reflecting gross pay, itemized deductions, net pay, rate of pay, and Piece Rate, if applicable.
 - c. Records of earned sick leave, Including, but not limited to, notification to Workers of their designated benefit year, hours worked, balance of earned sick leave accrued/advanced, used, paid out, and carried over.
 - d. All form 1099s, 1099-Ks, and 1099-MISCs issued by R F Contractors.
 - e. Employment certificates or "working papers" for all minors under 18 years old.
 - Point 4: All State and federal tax returns, all forms W-3 and W-2, and all forms 1099-MISC or any other tax form reflecting the earnings of any Workers.

- Point 5: All Documents Concerning Your New Jersey Unemployment/Temporary Disability Insurance (UI/TDI) Taxes, Including Your quarterly filings (i.e. NJ-927 & WR-30) and any cancelled checks (or proof of electronic payment).

- Point 7: All Documents Concerning R F Contractors's Policies governing the management, employment, engagement, and compensation of Workers at the Job Site, employed by, supervised by, directed or controlled by, compensated by, or reporting to You, Including:
 - a. Training, guidance, advice, instruction manuals, handbooks, codes of conduct, new hire materials, or other similar Documents provided to Workers;
 - b. All job descriptions for Workers;
 - c. All Documents Concerning the offering of health and/or retirement benefits;
 - d. All Documents Concerning the use of Workers' or R F Contractors's vehicles;
 - e. All Documents Concerning identification or credentials issued to Workers;
 - f. Compliance with any State or federal laws governing the provision of labor or services;
 - g. Offering of insurance to Workers for injuries, damages, liability, collision, or other events while Workers are on, going to, or coming from the Job Site, Including a copy of each version of any insurance policy offered by R F Contractors;
 - h. Deductions from Workers' gross compensation, Including but not limited to, deductions purporting to cover the cost of supplies, equipment, processing fees, or facility fees;
 - i. Any policies Concerning overtime payments, attendance, time off policies (Including, but not limited to, any such policies Concerning sick/medical leave, holidays, or vacation);
 - j. All Documents Concerning hiring or termination of Workers; and
 - k. All Documents Concerning the classification of Workers as employees or independent contractors.
 - l. Any requirement, direction, or instruction that Workers form a limited liability company or other business entity to provide labor or services on Your behalf.

- Point 8: For all Workers at the Job Site, employed by, supervised by, directed or controlled by, compensated by, or reporting to You, produce all Documents stating or summarizing Workers' earnings and expenses for purposes of tax reporting, Including any spreadsheet or compilation of such information.

- Point 9: To the extent not already produced in response to the foregoing Document Requests, all Documents necessary to calculate and verify the gross and taxable earnings of each Worker at the Job Site employed by, supervised by, directed or controlled by, compensated by, or reporting to You, during each year of the Relevant Period, Including Documents showing:
 - a. First and last name, social security number, and any unique identifier of each Worker;

- b. Entity paying the Worker, Including R F Contractors, or any entity Identified in response to Interrogatory No. 6 or any Affiliate;
 - c. Entity with which the Worker entered into an agreement, Including R F Contractors, or any entity Identified in response to Interrogatory No. 6 or any Affiliate;
 - d. Gross earnings, Including all compensation, incentives, bonuses, gratuities, fees, allowances, reimbursements, and other payments reportable on Forms 1099, 1099-K, or 1099-MISC;
 - e. Itemized deductions from the Worker's gross compensation; and
 - f. Taxable earnings, Including all compensation, incentives, bonuses, gratuities, and allowances.
- Point 11: All press releases, advertising, and marketing materials distributed in New Jersey or nationally, Including all such Documents Concerning the recruitment of Workers for the Job Site as well as any job postings or job advertisements.
 - Point 12: All Documents, to the extent not already produced in response to the foregoing Document Requests, Identified, described, referred to, or relied upon by You in preparing responses to the Interrogatories.
 - Point 13: All Documents Concerning any complaints alleging worker misclassification and/or failure to pay wages by R F Contractors, Including, but not limited to, all internal complaints, complaints filed in any court, complaints filed with the federal or any state department of labor, any complaints filed with any other governmental agency, or any complaints or disputes submitted to any forum for arbitration, mediation, or other form of alternative dispute dissolution. This request is not limited in time or geographic scope.
 - Point 14: All pleadings, claims, judgments, orders, decisions or settlement agreements Concerning any complaints described in the preceding request.
 - Point 15: All Documents Concerning Workers' formation of a limited liability company or other business entity for purposes of performing labor or services.
 - Point 16: All Documents Concerning the schedules, work locations, and assignments of Workers at the Job Site.
 - Point 17: For any business, individual, Person, agent, broker, or other entity identified in response to Interrogatory No. 12, produce all Documents concerning such agreement, arrangement, or understanding, formal or informal, to supply Workers for the Job Site.

In any case, below I detail the list of documents that to date, have been delivered by RF Contractors (RECORDS PROVIDED BY RF CONTRACTORS, LLC)

SCHEDULE OF SUBPOENAED DOCUMENTS PROVIDED: (Has been checked Documents under name "R F Contracting Corporation", and "R F Contractors, LLC")

Point 1: Certificate of Incorporation (Treasury) Under name "R F Contracting Corporation" dated 07-09-2018

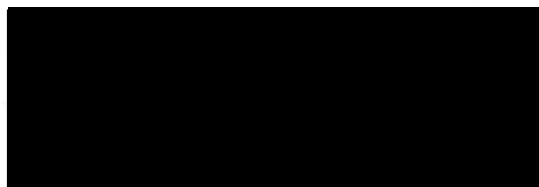
Point 2: EIN to "R F Contractors, LLC"

Point 6: Workers Compensation and Liability Insurance. Policy coverage from 06-20-21 to 06-20-2022

Point 10: RF Contractors provided Agreements, or contracts for the following projects:

Agreement between:	Dated	Project
<u>As Subcontractor</u>		
P&B Partitions / RF Contractors Corp	08-03/2020	88 Regent Street, Jersey City
P&B Partitions / RF Contractors Corp	12-27-2019	400 Claremont Ave.
SP Construction & Son, LLC / RF Contractors Corp-RF Contracting, LLC	06-08-2021	158 Durham Ave. Metuchen, NJ 088540
SFC Enterprises, Inc / RF Contractors Corp	App. Payment 07/22/2021	CCM Energy 8 Commerce, Hamilton
SFC Enterprises, Inc / RF Contractors Corp	App. Payment 05/26/2021	Bridgewater Rehabilitation 373 Clermont Terrace, Union
SFC Enterprises, Inc / RF Contractors Corp	App. Payment 05/26/2021	Jersey Shore Medical Group 1 route 37 east. Toms River

R F Contractors, provided also the following ID (License Driver), without any explanations, about what kind of relationship has each one with "R F Contractors".



INTERROGATORIES LETTER/DOCUMENT HAS NOT BEEN RESPONDED BY "R F CONTRACTORS".

- Question 1: Not responded
- Question 2: RF Contractors, LLC just provided Contracts/agreements, with "PB Partitions" but no more explanations or answer to the questions listed in the point 2.
- Question 3: Not responded
- Question 4: Provided just Contracts/Agreements, but no specified (as requested) the maximum number of people working in each location.
- Question 5: Not responded.
- Question 6: Not responded.
- Question 7: Not answered, just provided Bank Account Statements for April, May and June 2021
- Question 8: Not responded
- Question 9: Not responded
- Question 10: Not responded
- Question 11: Just provided the EIN, no explained.
- Question 12: Just provided contracts, but no explained.

Sonia A. Mariscal.
Field Investigator