



**State of New Jersey**

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

September 15, 2021

Gwen Smith, Secretary/Treasurer  
Smitty's Door Service, Inc.  
170 Oak Grove Road  
Pittstown, NJ 08667

*Via Email ONLY: rainbo@rcn.com*

**RE: Case Number PC-106-0521-PIE**

Dear Ms. Smith,

In consideration of the mutual promises and obligations of this agreement, the Division of Wage and Hour Compliance (the "Division") and Smitty's Door Service, Inc. (the "Firm") agree fully and finally to settle the above-referenced case, pursuant to the terms and conditions below.

The Division agreed to revise its initial assessments of:

Wages: \$0.00  
Admin. Fee: \$0.00  
Admin. Penalty: \$2,000.00

The revised and accepted assessments are as follows:

Wages: \$0.00  
Admin. Fee: \$0.00  
Admin. Penalty: \$1,000.00

The Division accepted these revisions based upon your evidence, explanation, and assurance of future compliance.

The Firm agrees to submit payment/proof of payment to the Division, at **PO Box 389, Trenton, NJ 08625-0389**. Payment to be made as follows:

<u>Date Due:</u>	<u>Amount:</u>	<u>Purpose:</u>	<u>Payee:</u>
10/15/2021	\$500.00	Administrative Penalty	"Commissioner of Labor"
11/15/2021	\$500.00	Administrative Penalty	"Commissioner of Labor"

*Please reference the case number on your check.*



Settlement Agreement  
Smitty's Door Service, Inc. (PC-106-0521-PIE)  
September 15, 2021

This agreement has been reviewed and accepted by the Division with the understanding that this matter will be regarded as a "prior offense" against the Firm 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 prohibit performance of future public works projects without further notice or opportunity to cure, and to pursue action to compel payment of the initial assessments without further notice or opportunity to cure.

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

Thank you for your cooperation in resolving this matter. If you have any questions or comments, feel free to contact me.

Sincerely,

A black rectangular redaction box covering the signature of the sender.

Ashleigh Chamberlain, Hearing Officer  
Division of Wage and Hour Compliance  
ashleigh.chamberlain@dol.nj.gov



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## State of New Jersey

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

Timothy Smith, President and Individually, and  
Smitty's Door Service, Inc.  
170 Oak Grove Road  
Pittstown NJ 08867

August 16, 2021

Re: PC-106-0521-PIE  
West Amwell Elem. School  
Door Replacement  
South Hunterdon Regional School District

Dear Timothy Smith:

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,

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

**Assessment Form**

Case No. PC-106-0521-PIE

Smitty's Door Service, Inc.

8/16/2021

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

<b>Violation</b>	<b>Citation No.</b>	<b>Penalty</b>
Records - Inaccurate Certified Payroll	34:11-56.29 / 12:60-2.1	1,000.00 <i>(Subsequent violation)</i>
Certified Payroll / Public Body	34:11-56.33 / 12:60-5.1(c)	1,000.00 <i>(subsequent violation)</i>

**Assessments:**

Wages	\$0.00
Administrative Fee (0% of Wages)	\$0.00
Penalty	\$2,000.00

**Instructions**

**1. Payment of Wages:** Pay employees directly and provide employees with a statement of deductions. Enter the deductions and net amount for each employee on the Wages Due Form. Submit copies of the cancelled employee checks and corresponding statement of deductions to this office as proof of payment. Any withholdings should be remitted to the proper taxing agencies.

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 Division of Wage and Hour Compliance to be held in trust for that employee. Include case number on each check.

**2. Payment of the 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 and detach bottom portion of form.** Mail completed forms, cancelled employee checks and corresponding statement of deductions, and payment to:

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

-----X-----**Detach and Return to Division of Wage and Hour Compliance**-----X-----  
Case No. PC-106-0521-PIE 8/16/2021

Timothy Smith, President and Individually, and  
Smitty's Door Service, Inc.  
170 Oak Grove Road  
Pittstown NJ 08867

I am submitting payment for the Administrative Fee and/or Penalty. If wages are due, I have paid employees directly and provided employees with a statement of deductions. I have completed the Wages Due Form listing the deductions and net amount for each employee. 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 Wages, Administrative Fee, and/or Penalty, and I am requesting a hearing to discuss my case because (explain briefly):

Print Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Title: \_\_\_\_\_

Fax: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Email: \_\_\_\_\_