

Monies Due Employees Form

Case








PC-417-0922-MAR

1/23/2024





Concrete Solutions NJ LLC
176 Central Ave
West Caldwell NJ 07006

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.  Employee No. 527277	XXX-XX-	Gross Back Wages: \$538.48 Liquidated Damages: \$0.00 Misclass Penalty: \$36.92 Total Monies Due: \$575.40
2.  Employee No. 527283	XXX-XX-	Gross Back Wages: \$156.00 Liquidated Damages: \$0.00 Misclass Penalty: \$490.38 Total Monies Due: \$646.38
3.  Employee No. 527278	XXX-XX-	Gross Back Wages: \$436.17 Liquidated Damages: \$0.00 Misclass Penalty: \$81.81 Total Monies Due: \$517.98
4.  Employee No. 527280	XXX-XX-	Gross Back Wages: \$436.17 Liquidated Damages: \$0.00 Misclass Penalty: \$32.31 Total Monies Due: \$468.48
5.  Employee No. 527286	XXX-XX-	Gross Back Wages: \$461.55 Liquidated Damages: \$0.00 Misclass Penalty: \$23.08 Total Monies Due: \$484.63
6.  Employee No. 527284	XXX-XX-	Gross Back Wages: \$461.55 Liquidated Damages: \$0.00 Misclass Penalty: \$23.08 Total Monies Due: \$484.63
7.  Employee No. 527281	XXX-XX-	Gross Back Wages: \$4,161.36 Liquidated Damages: \$0.00 Misclass Penalty: \$258.47 Total Monies Due: \$4,419.83

Concrete Solutions NJ LLC

Employee Name and Mailing Address		SSN	Monies Due Employee
8.	 Employee No. 527279	XXX-XX-	Gross Back Wages: \$3,489.36 Liquidated Damages: \$0.00 Misclass Penalty: \$510.47 Total Monies Due: \$3,999.83
9.	 Employee No. 527282	XXX-XX-	Gross Back Wages: \$156.00 Liquidated Damages: \$0.00 Misclass Penalty: \$490.37 Total Monies Due: \$646.37
10.	 Employee No. 527285	XXX-XX-	Gross Back Wages: \$461.55 Liquidated Damages: \$0.00 Misclass Penalty: \$23.08 Total Monies Due: \$484.63
11.	 Employee No. 531969	XXX-XX-	Gross Back Wages: \$0.00 Liquidated Damages: \$0.00 Misclass Penalty: \$504.18 Total Monies Due: \$504.18

Total Gross Back Wages Due: \$10,758.19

Total Liquidated Damages Due: \$0.00

Total Misclass Penalty Due: \$2,474.15

Total Monies Due Employees: \$13,232.34

Assessment Form

Case No. PC-417-0922-MAR

Concrete Solutions NJ LLC

1/23/2024

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 - Incomplete Records	34:11-56a20 / 12:56-4.1	\$0.00 (11ee's x 250)
Records - Earned Sick Leave	34:11D-6	\$0.00 (11ee's x 250)
Notification / Posting - Earned Sick Leave	34:11D-7	\$0.00 (11ee's x 250)
Failing to Properly Classify Employees	34:1A-1.18	\$0.00 (see 5% due total)
Unpaid Wages / Late Payment	34:11-4.2	\$0.00 (11ee's x 250)
Failure to Pay Prevailing Wage	34:11-56.27	\$0.00 (11ee's x 2500)
Records / Obstruction	34:11-56.31	\$0.00 (violation)
Certified Payroll / Public Body	34:11-56.33 / 12:60-5.1(c)	\$0.00 (violation)
Obstruction / Hindering	34:11-56.35	\$0.00 (violation)
Failure to Register	34:11-56.51	\$2,500.00 (violation)
Improper Classification Construction Workers	34:20-5	\$0.00 (11ee's x 2500)



State of New Jersey

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

January 25, 2024

Concrete Solutions NJ LLC
176 Central Ave
West Caldwell NJ 07006

Re: PC-148-0523-MAR
Leonía Police/Court Building
Leonía police court new building,
Borough of Leonía

Dear Michelle Machado:

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:

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.

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.

cc: GPC, Inc.

Sincerely,

William Kiss, Section Chief
Public Contracts Section
201-618-4541

Assessment Form

Case No. PC-148-0523-MAR

Concrete Solutions NJ LLC

1/25/2024

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 - Incomplete Records	34:11-56a20 / 12:56-4.1	\$7,750.00 (31ee's x 250)
Records - Earned Sick Leave	34:11D-6	\$7,750.00 (31ee's x 250)
Notification / Posting - Earned Sick Leave	34:11D-7	\$7,750.00 (31ee's x 250)
Failing to Properly Classify Employees	34:1A-1.18	\$0.00 (see 5% due)
Unpaid Wages / Late Payment	34:11-4.2	\$7,750.00 (31ee's x 250)
Failure to Pay Prevailing Wage	34:11-56.27	\$77,500.00 (31ee's x 2500)
Records / Obstruction	34:11-56.31	\$2,500.00 (violation)
Certified Payroll / Public Body	34:11-56.33 / 12:60-5.1(c)	\$2,500.00 (violation)
Obstruction / Hindering	34:11-56.35	\$2,500.00 (violation)
Failure to Register	34:11-56.51	\$2,500.00 (violation)
Improper Classification Construction Workers	34:20-5	\$72,500.00 (29ee's x 2500)

Assessments:

Total Monies due Employees	\$77,673.34
Back Wages	\$73,750.56
Liquidated Damages	\$0.00
Misclassification Penalty	\$3,922.78
Administrative Fee (10% of Total Monies)	\$7,767.33
Penalty	\$191,000.00

Instructions

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, 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: _____

Monies Due Employees Form

Case PC-148-0523-MAR
1/25/2024

Concrete Solutions NJ LLC
176 Central Ave
West Caldwell NJ 07006

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. 525131	XXX-XX-	Gross Back Wages: \$1,582.32 Liquidated Damages: \$0.00 Misclass Penalty: \$94.72 Total Monies Due: \$1,677.04
2. [REDACTED] Employee No. 525126	XXX-XX-	Gross Back Wages: \$955.99 Liquidated Damages: \$0.00 Misclass Penalty: \$57.22 Total Monies Due: \$1,013.21
3. [REDACTED] Employee No. 525124	XXX-XX-	Gross Back Wages: \$1,054.88 Liquidated Damages: \$0.00 Misclass Penalty: \$63.14 Total Monies Due: \$1,118.02
4. [REDACTED] Employee No. 525120	XXX-XX-	Gross Back Wages: \$2,274.59 Liquidated Damages: \$0.00 Misclass Penalty: \$136.15 Total Monies Due: \$2,410.74
5. [REDACTED] Employee No. 525099	XXX-XX-	Gross Back Wages: \$1,054.88 Liquidated Damages: \$0.00 Misclass Penalty: \$63.14 Total Monies Due: \$1,118.02
6. [REDACTED] Employee No. 525103	XXX-XX-	Gross Back Wages: \$428.55 Liquidated Damages: \$0.00 Misclass Penalty: \$25.65 Total Monies Due: \$454.20
7. [REDACTED] Employee No. 525106	XXX-XX-	Gross Back Wages: \$527.44 Liquidated Damages: \$0.00 Misclass Penalty: \$31.57 Total Monies Due: \$559.01

Concrete Solutions NJ LLC

Employee Name and Mailing Address	SSN	Monies Due Employee
8. [REDACTED] Employee No. 525109	XXX-XX-	Gross Back Wages: \$2,109.76 Liquidated Damages: \$0.00 Misclass Penalty: \$126.29 Total Monies Due: \$2,236.05
9. [REDACTED] Employee No. 525113	XXX-XX-	Gross Back Wages: \$6,329.28 Liquidated Damages: \$0.00 Misclass Penalty: \$378.86 Total Monies Due: \$6,708.14
10. [REDACTED] Employee No. 525115	XXX-XX-	Gross Back Wages: \$527.44 Liquidated Damages: \$0.00 Misclass Penalty: \$31.57 Total Monies Due: \$559.01
11. [REDACTED] Employee No. 517325	XXX-XX-	Gross Back Wages: \$10,254.48 Liquidated Damages: \$0.00 Misclass Penalty: \$536.72 Total Monies Due: \$10,791.20
12. [REDACTED] Employee No. 525142	XXX-XX-	Gross Back Wages: \$527.44 Liquidated Damages: \$0.00 Misclass Penalty: \$31.57 Total Monies Due: \$559.01
13. [REDACTED] Employee No. 525143	XXX-XX-	Gross Back Wages: \$527.44 Liquidated Damages: \$0.00 Misclass Penalty: \$31.57 Total Monies Due: \$559.01
14. [REDACTED] Employee No. 525122	XXX-XX-	Gross Back Wages: \$527.44 Liquidated Damages: \$0.00 Misclass Penalty: \$31.57 Total Monies Due: \$559.01
15. [REDACTED] Employee No. 517329	XXX-XX-	Gross Back Wages: \$10,645.92 Liquidated Damages: \$0.00 Misclass Penalty: \$568.30 Total Monies Due: \$11,214.22
16. [REDACTED] Employee No. 525127	XXX-XX-	Gross Back Wages: \$4,219.52 Liquidated Damages: \$0.00 Misclass Penalty: \$252.58 Total Monies Due: \$4,472.10

Concrete Solutions NJ LLC

Employee Name and Mailing Address	SSN	Monies Due Employee
17. [REDACTED] Employee No. 525134	XXX-XX-	Gross Back Wages: \$527.44 Liquidated Damages: \$0.00 Misclass Penalty: \$31.57 Total Monies Due: \$559.01
18. [REDACTED] Employee No. 525128	XXX-XX-	Gross Back Wages: \$1,250.50 Liquidated Damages: \$0.00 Misclass Penalty: \$0.00 Total Monies Due: \$1,250.50
19. [REDACTED] Employee No. 525129	XXX-XX-	Gross Back Wages: \$527.44 Liquidated Damages: \$0.00 Misclass Penalty: \$31.57 Total Monies Due: \$559.01
20. [REDACTED] Employee No. 525130	XXX-XX-	Gross Back Wages: \$1,054.88 Liquidated Damages: \$0.00 Misclass Penalty: \$63.14 Total Monies Due: \$1,118.02
21. [REDACTED] Employee No. 525132	XXX-XX-	Gross Back Wages: \$527.44 Liquidated Damages: \$0.00 Misclass Penalty: \$31.57 Total Monies Due: \$559.01
22. [REDACTED] Employee No. 525133	XXX-XX-	Gross Back Wages: \$1,054.88 Liquidated Damages: \$0.00 Misclass Penalty: \$63.14 Total Monies Due: \$1,118.02
23. [REDACTED] Employee No. 517327	XXX-XX-	Gross Back Wages: \$9,466.32 Liquidated Damages: \$0.00 Misclass Penalty: \$568.30 Total Monies Due: \$10,034.62
24. [REDACTED] Employee No. 525135	XXX-XX-	Gross Back Wages: \$527.46 Liquidated Damages: \$0.00 Misclass Penalty: \$31.57 Total Monies Due: \$559.03
25. [REDACTED] Employee No. 525119	XXX-XX-	Gross Back Wages: \$2,274.59 Liquidated Damages: \$0.00 Misclass Penalty: \$136.15 Total Monies Due: \$2,410.74

Concrete Solutions NJ LLC

Employee Name and Mailing Address	SSN	Monies Due Employee
26. [REDACTED] Employee No. 525136	XXX-XX-	Gross Back Wages: \$2,109.76 Liquidated Damages: \$0.00 Misclass Penalty: \$126.29 Total Monies Due: \$2,236.05
27. [REDACTED] Employee No. 525137	XXX-XX-	Gross Back Wages: \$1,582.32 Liquidated Damages: \$0.00 Misclass Penalty: \$94.72 Total Monies Due: \$1,677.04
28. [REDACTED] Employee No. 525138	XXX-XX-	Gross Back Wages: \$1,582.32 Liquidated Damages: \$0.00 Misclass Penalty: \$189.43 Total Monies Due: \$1,771.75
29. [REDACTED] Employee No. 525139	XXX-XX-	Gross Back Wages: \$527.44 Liquidated Damages: \$0.00 Misclass Penalty: \$31.57 Total Monies Due: \$559.01
30. [REDACTED] Employee No. 525140	XXX-XX-	Gross Back Wages: \$1,054.88 Liquidated Damages: \$0.00 Misclass Penalty: \$63.14 Total Monies Due: \$1,118.02
31. [REDACTED] Employee No. 525141	XXX-XX-	Gross Back Wages: \$6,135.52 Liquidated Damages: \$0.00 Misclass Penalty: \$0.00 Total Monies Due: \$6,135.52

Total Gross Back Wages Due: \$73,750.56

Total Liquidated Damages Due: \$0.00

Total Misclass Penalty Due: \$3,922.78

Total Monies Due Employees: \$77,673.34



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

January 25, 2024

Michelle Machado, Managing Member and Individually; and
Concrete Solutions NJ LLC
176 Central Ave
West Caldwell NJ 07006

Public Works Jobsite(s):

PC-148-0523-MAR

Borough of Leonia

Leonia Police/Court Building; Leonia police court new building.

PC-417-0922-MAR

Dunellen Public Schools BOE

Classroom Addition at John P. Feber Elementary School: Additions

Dear Sir or 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 Concrete Solutions NJ LLC; and Michelle Machado, Managing Member 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."

New Jersey Is An Equal Opportunity Employer



DIVISION OF WAGE AND HOUR COMPLIANCE
(609) 292-2259 * FAX (609) 695-1174 * www.nj.gov/labor

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-148-0523-MAR, PC-417-0922-MAR

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>
Records - Incomplete Records	34:11-56a20 / 12:56-4.1
Records - Earned Sick Leave	34:11D-6
Notification / Posting - Earned Sick Leave	34:11D-7
Failing to Properly Classify Employees	34:1A-1.18
Unpaid Wages / Late Payment	34:11-4.2
Failure to Pay Prevailing Wage	34:11-56.27
Records / Obstruction	34:11-56.31
Certified Payroll / Public Body	34:11-56.33 / 12:60-5.1(c)
Obstruction / Hindering	34:11-56.35
Failure to Register	34:11-56.51
Improper Classification Construction Workers	34:20-5

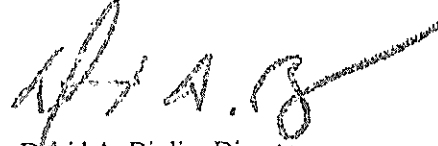
Wages Due:	\$90,905.68	All Case(s) as listed above
Fees Due:	\$9,090.56	All Case(s) as listed above
Penalty Due:	\$267,000.00	All Case(s) as listed above

(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,

A handwritten signature in black ink, appearing to read 'David A. Biglin', with a long horizontal flourish extending to the right.

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

Enclosure(s)
Certified and Regular Mail

Certified Mail No.: 7021 1970 0001 1365 0405



State of New Jersey

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

January 25, 2024

Concrete Solutions NJ LLC
176 Central Ave
West Caldwell NJ 07006

Re: PC-417-0922-MAR

Classroom Addition at John P. Faber Elementary School
Additions
Dunellen Public Schools BOE

Dear Concrete Solutions NJ LLC:

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:

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.

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.

cc: Bismark Construction Corp

Sincerely,

William Kiss, Section Chief
Public Contracts Section
201-618-4541

Assessments:

Total Monies due Employees	\$13,232.34
Back Wages	\$10,758.19
Liquidated Damages	\$0.00
Misclassification Penalty	\$2,474.15
Administrative Fee (10% of Total Monies)	\$1,323.23
Penalty	\$76,000.00

Instructions

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, 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: _____

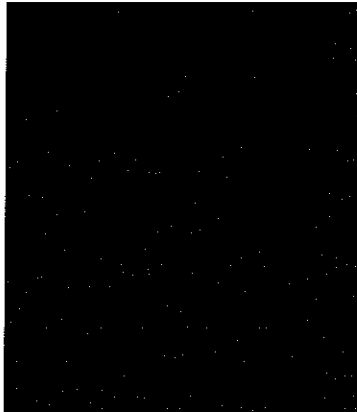
Fax: _____

AUDIT SUMMARY

COMPANY NAME Concrete Solutions NJ, LLC
ADDRESS 176 Central Avenue
CITY, STATE, ZIP West Caldwell, NJ 07006

JOB LOCATION John P. Faber School, 400 High Street, Dunellen, NJ 08812
PROJECT: 20K057 Classroom Addition at John P. Faber Elementary School
JOB ACTIVITY Classroom addition

NAME OF EMPLOYEE



BENEFITS AND WAGES INDICATED DUE 5% Penalty

\$	538.48	\$	36.92
\$	156.00	\$	490.38
\$	436.17	\$	81.81
\$	436.17	\$	32.31
\$	461.55	\$	23.08
\$	461.55	\$	23.08
\$	4,161.36	\$	258.47
\$	3,489.36	\$	510.47
\$	156.00	\$	490.38
\$	461.55	\$	23.08
\$	-	\$	504.18
TOTAL	\$10,758.19		\$2,474.15
GRAN TOTAL	\$13,232.34		

TOTAL WAGES OWED	\$538.48
------------------	----------

To date : 09/28/2022

Period for 5% Calculations	Hours Reg	Hours PW	Earned Regular	Earned PW	Total earned	5% Penalty
09/28/22 to 09/28/22		8.0	\$0.00	\$738.48	\$738.48	\$36.92

[illegible]

Period for 5% Calculations	Hours Reg.	Hours PW	Earned Regular	Earned PW	Total earned	5% Penalty
09/12/22 to 09/30/22		120.0		\$9,807.60	\$9,807.60	\$490.38



State of New Jersey

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

March 13, 2024

Michelle Machado, Managing Member and Individually; and
Concrete Solutions NJ LLC
176 Central Ave
West Caldwell NJ 07006

Public Works Jobsite(s):

PC-148-0523-MAR

Borough of Leonia

Leonia Police/Court Building: Leonia police court new building.

PC-417-0922-MAR

Duncellen Public Schools BOE

Classroom Addition at John P. Feber Elementary School: Additions

Dear Sir or Madam:

It has been determined, after investigation, that Concrete Solutions NJ LLC and Michelle Machado, Managing Member and Individually failed to pay prevailing wages on the above referenced public work subject to the New Jersey Prevailing Wage Act.

You and your firm were given notice, by letter dated 01/23/2024 of our intended action and although you were afforded an opportunity to submit an appeal, you failed to request one. Therefore, the name(s) of Concrete Solutions NJ LLC and Michelle Machado, Managing Member and Individually shall be listed and kept on record as ineligible for public works contracts under the provisions of N.J.S.A. 34:11-56.37 and N.J.S.A. 34:11-56.38 of the New Jersey Prevailing Wage Act. No such contract shall be awarded to Concrete Solutions NJ LLC or any individual listed herein this document or any company, firm, corporation, or partnership in which you have an interest until three (3) years have elapsed from 03/13/2024.

Sincerely,

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

By :

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

CERTIFIED & REGULAR MAIL

Certified Mail No.: 7021 1970 0001 1365 1112

New Jersey is an Equal Opportunity Employer



DIVISION OF WAGE AND HOUR COMPLIANCE
(609) 292-2259 * FAX (609) 695-1174 * www.nj.gov/labor

State of New Jersey
Department of Labor and Workforce Development
Wage & Hour Division and Contract Compliance
1 John Fitch Plaza, 3rd Floor
Trenton NJ 08611



Subpoena Duces Tecum

State of New Jersey,
Plaintiff

v.

Concrete Solutions NJ LLC
Frederico Magalhães
176 Central Ave.
West Caldwell NJ 07066

Defendant(s)

STATE OF NEW JERSEY TO: Concrete Solutions NJ LLC

YOU ARE HEREBY COMMANDED to produce electronically or by mail to the New Jersey Department of Labor and Workforce Development via Lawrence.Cirignano@dol.nj.gov on October 6, 2022 in regard to the above-captioned matter.

YOU ARE ALSO COMMANDED produce at that time the following described books, papers, documents and other tangible things for the following project(s):
John Faber School 400 High Street Dunellen.

See Exhibit #1

Provided that if you are notified that a motion to quash the subpoena has been filed, the subpoenaed materials shall not be produced or released until ordered to do so by the court or the release is consented to by all parties to the action. Further, the subpoenaed materials shall not be produced before the above-referenced date.

Failure to comply with the command of this Subpoena will subject you to the penalties, provided by law.

Witness my hand and the official seal of the State of
New Jersey this 29 day of September 2022

Lawrence Cirignano

Wage & Hour Division and Contract Compliance

Exhibit 1

1. All payroll records including but not limited to; certified payroll, general payroll and time records for all hours worked both public and private for the entire period worked on the above referenced project(s), for all employees.
2. Records must include; name, address, work classification (craft or trade), rate(s) of pay, daily and weekly hours, gross wages, deductions and net wages, along with proof of payment for these wages.
3. Documentation of fringe benefits; days off with pay, medical/dental insurance, life insurance, 401K or retirement plan (copy of the plan), transmittals to a collective bargaining agency or fund. Proof of payment is required to receive proper credit.
4. Names, titles, addresses and social security numbers of owners, partners or corporate officers. Annual reports/certificate of incorporation (NJ Dept. of Treasury)
5. Corporate/Company name, trade name(s), FEIN, contractor registration certificate.
6. WR-30(s), NJ 927, Worker's Comp. policy, entire period of project(s), along with proof of payment.
7. Copy of contract for above project. ***Note – a verbal agreement is a contract (must include what was done, and amount of verbal agreement in writing).**
8. List of sub-contractors and contractor registration certificates along with copies of all agreements including work performed. ***Note – a verbal agreement is a contract (must include what was done and amount of verbal agreement in writing).**
9. Apprenticeship agreements (if applicable) with USDOL, for any apprentices listed on certified payroll.

NOTICE OF ISSUANCE OF STOP WORK ORDER

September 29, 2022

Via hand delivery
Concrete Solutions NJ LLC
176 Central Ave.
West Caldwell NJ 07006

Dear Sir/Madam:

In accordance with N.J.S.A. 34:20-7.1 (c)(1), this Department has determined you are in violation of New Jersey law following an audit investigation, and is hereby notifying you that a stop work order is being issued to you for your work at:

1) John P. Faber School 400 High Street Dunellen, NJ 08812
Stop Work Order # 2022-0041

Violations/Citations:

- **N.J.S.A. 34:11-56.51 Failure to Register**

Upon issuance of the stop work order at the above location, or upon your receipt of the order, you must immediately stop all work at the above-referenced location due to your violation(s) referenced above. This means that you must cease all business operations at those locations unless and until such time that the Commissioner issues an order releasing you from this stop work notification.

You have a right to contest this determination by way of an appeal to the Commissioner. The procedure relative to appealing this stop work order determination pursuant to N.J.S.A. 34:20-7.1, is the following:

(1) The contractor must notify the Director of the Division of Wage, Hour and Contract Compliance of its request for an opportunity to be heard and contest the stop work order in writing within 72 hours of its receipt of immediate suspension notification. You should mail

your request to the following address: Division of Wage, Hour and Contract Compliance, Director's Office, PO Box 389, Trenton, New Jersey 08625-0389. Alternatively, you may

Concrete Solutions NJ LLC

September 29, 2022

Page (2)

make your request via email to David.Biglin@dol.nj.gov

(2) Within seven business days of receipt of the notification from the contractor pursuant to paragraph (2) of this subsection, the director shall grant the contractor a hearing to contest the stop work order. The director shall permit the contractor to present evidence at the hearing.

(3) The director shall issue a written decision within five business days of the hearing either upholding or reversing the issuance of the stop work order. The decision shall include the grounds for upholding or reversing the issuance of the stop work order.

(4) If the contractor disagrees with the written decision, the contractor may appeal the decision to the commissioner, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

Please be guided accordingly

Sincerely,

David A. Biglin, Director
Department of Labor and
Workforce Development,
Division of Wage and Hour
Compliance
(609) 292-1704



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lieutenant Governor

State of New Jersey

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

ROBERT ASARO-ANGELO
Commissioner

NOTICE OF ISSUANCE OF STOP WORK ORDER

September 29, 2022

Via hand delivery
Concrete Solutions NJ LLC
176 Central Ave.
West Caldwell NJ 07006

Dear Sir/Madam;

In accordance with N.J.S.A. 34:20-7.1 (c)(1), this Department has determined you are in violation of New Jersey law following an audit investigation, and is hereby notifying you that a stop work order is being issued to you for your work at:

1) John P. Faber School 400 High Street Dunellen, NJ 08812
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• N.J.S.A. 34:11-56.51 Failure to Register

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WAGE AND HOUR DIVISION AND
CONTRACT COMPLIANCE

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AD-18-4D (2-21)

Concrete Solutions NJ LLC
September 29, 2022
Page (2)

mail your request to the following address: Division of Wage, Hour and Contract Compliance, Director's Office, PO Box 389, Trenton, New Jersey 08625-0389. Alternatively, you may make your request via email to David.Biglin@dol.nj.gov


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Please be guided accordingly

Sincerely,



David A. Biglin, Director
Department of Labor and
Workforce Development,
Division of Wage and Hour
Compliance
(609) 292-1704



State of New Jersey

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

September 29, 2022

Michelle Machado, Managing Member and Individually, and
Concrete Solutions NJ LLC
176 Central Ave
West Caldwell NJ 07006

Re: PC-417-0922-MAR

Classroom Addition at John P. Feber Elementary School
Additions
Dunellen Public Schools BOE

Dear Michelle Machado:

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-1.13, 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:

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.

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.

cc: Bismark Construction Corp

Sincerely,

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

Assessment Form

Case No. PC-417-0922-MAR

Concrete Solutions NJ LLC

9/29/2022

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

Violation	Citation No.	Penalty
Failure to Register	34:11-56.51	\$2,500.00 (violation)

Assessments:

Total Monies due Employees	\$0.00
Back Wages	\$0.00
Liquidated Damages	\$0.00
Misclassification Penalty	\$0.00
Administrative Fee (0% of Total Monies)	\$0.00
Penalty	\$2,500.00

Instructions

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: _____



State of New Jersey

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

September 29, 2022

Frederico Magalhaes, President and Individually, and
Concrete Solutions NJ LLC
176 Central Ave
West Caldwell NJ 07006

Re: PC-417-0922-MAR

Classroom Addition at John P. Faber Elementary School
Additions
Dunellen Public Schools BOE

Dear Frederico Magalhaes:

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:


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.

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.

cc: Bismark Construction Corp

Sincerely,


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

Assessment Form

Case No. PC-417-0922-MAR

Concrete Solutions NJ LLC

9/29/2022

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

Violation	Citation No.	Penalty
Failure to Register	34:11-56.51	\$2,500.00 (violation)

Assessments:

Total Monies due Employees	\$0.00
Back Wages	\$0.00
Liquidated Damages	\$0.00
Misclassification Penalty	\$0.00
Administrative Fee (0% of Total Monies)	\$0.00
Penalty	\$2,500.00

Instructions

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 339
Trenton, NJ 08625-0339
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: _____

\$436.17

Period for 5% Calculations	Hours at	PW rate	Total earned	5% Penalty
09/28/22 to 09/28/22	7.0	\$92.31	\$646.17	\$32.31

Period for 5% Calculations	Hours Reg.	Hours PW	Earned Regular	Earned PW	Total earned	5% Penalty
09/29/22 to 09/27/22		5.0		\$461.55	\$461.55	\$23.08

Period for 5% Calculations	Hours Reg.	Hours PW	Earned Regular	Earned PW	Total earned	5% Penalty
09/29/22 to 09/29/22		5.0		\$461.55	\$461.55	\$23.08

Period for 5% Calculations	Hours Reg.	Hours PW	Earned Regular	Earned PW	Total earned	5% Penalty
09/20/22 to 09/28/22		56.0		\$5,169.36	\$5,169.36	\$258.47

Period for 5% Calculations	Hours Reg.	Hours PW	Earned Regular	Earned PW	Total earned	5% Penalty
09/12/22 to 09/30/22		120.0		\$9,807.60	\$9,807.60	\$490.38

NAME OF FIRM:		Concret Solutions NJ, LLC						
ADDRESS:		176 Central Avenue, West Caldwell, N 07006						
PROJECT:		John P. Faber School. 400 High Street, Dunellen, NJ 08812						
EMPLOYEE		WEEK ENDING DATE	CODE TO VIOLA TIONS	HOURS WORKED	RATE PAID	RATE SHOULD BE PAID	DIFFER	TOTAL WAGES OWED
CRAFT/TRADE:		Ironworker. Rod/Fence Journeyman						
Rate Paid		10/1/2022	1	5.00	0.00	92.31	92.31	\$461.55
<u>PW Should be paid:</u>								
<u>Wage</u>	\$44.14							
<u>Benefits</u>	\$48.17							
<u>TOTAL PW</u>	\$92.31							

[illegible]

Period for 5% Calculations	Hours Reg.	Hours PW	Earned Regular	Earned PW	Total earned	5% Penalty
09/12/22 to 09/30/22		120.0		\$10,083.60	\$10,083.60	\$504.18

EXHIBIT A-3

**Site Inspection: MW-216,
summary and questionnaire**

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

CONTRACTOR <input type="checkbox"/>		SUBCONTRACTOR <input checked="" type="checkbox"/>		<input checked="" type="checkbox"/> Initial Site Inspection <input type="checkbox"/> Follow-up Site Inspection			
Business Registration # (Public Projects Only)		LWD Registration # (Public Projects Only)		Site Record #			
NAME							
ADDRESS		CITY		STATE NJ	ZIP 08724		
COUNTY Ocean		TELEPHONE NO.					
SUBCONTRACTOR, WHO DIRECTLY HIRED ABOVE NAMED LOWER TIER CONTRACTOR:							
Business Registration # (Public Projects Only)		LWD Registration # (Public Projects Only)		Site Record #			
		732269		106017			
NAME CONCRETE SOLUTIONS NJ, LLC							
ADDRESS 176 Central Avenue		CITY West Caldwell		STATE NJ	ZIP 07006		
COUNTY Essex		TELEPHONE NO. 973-220-5160					
PRIME CONTRACTOR INFORMATION:							
Business Registration # (Public Projects Only)		LWD Registration # (Public Projects Only)		Site Record #			
		608433		106016			
NAME BISMARCK CONSTRUCTION CORP							
ADDRESS 207-209 Berkeley Avenue		CITY Newark		STATE NJ	ZIP 07107		
COUNTY Essex		TELEPHONE NO. 973-412-9223					
<u>JOB SITE OWNER</u>							
NAME Dunellen Public Schools BOE							
ADDRESS 400 High Street		CITY Dunellen		STATE NJ	ZIP 08812		
DESCRIPTION OF PROJECT Classroom Additions at John P. Faber Elementary School							
JOB SITE LOCATION 400 High Street, Dunellen, NJ 08812							
DATE OF DETERMINATION (Public Projects Only)		CONTRACT AWARD DATE (Public Projects Only)		COUNTY COVERED (Public Projects Only)			
		7/26/2022		Middlesex			
<u>OWNER OFFICIALS</u>							
NAME AND TITLES			ADDRESS				
COMPLAINT <input checked="" type="checkbox"/> COMPLAINANT Franklin Ortega			ADDRESS				
ROUTINE <input type="checkbox"/> SPECIAL ASSIGNMENT <input checked="" type="checkbox"/>			FOLLOW-UP <input type="checkbox"/> CLAIM#				
OTHER <input type="checkbox"/>			EXPLAIN: Concrete Solutions is working in the jobsite. Unregistered Contractor and paying cash to the workers				
PROJECT # Classroom Additions at John P. Faber Elementary School							
DATES AND TIME AT JOB SITE, CONTRACTORS OFFICE, OWNER'S OFFICE, ETC							
DATE	IN	OUT	LOC.	DATE	IN	OUT	LOC.
09/28/2022	11:20 AM	12:30 PM	Jobsite				LOC.
DATE	IN	OUT	LOC.	DATE	IN	OUT	LOC.
DATE REPORT IS WRITTEN 09/29/2022				RECEIVED IN TRENTON OFFICE:			
SIGNATURE OF FIELD REPRESENTATIVE Sonia A. Mariscal							

EMPLOYEES NAME ADDRESS, RATE, BENEFITS, HOURS, CLASSIFICATION, & LENGTH OF TIME ON THE JOB	INVESTIGATORS COMMENTS
<p>1. Name: [REDACTED]</p> <p>Address: [REDACTED]</p> <p>Showed me ID [REDACTED]</p> <p>Phone #: [REDACTED]</p> <p>Rate: He gets paid \$30 per hour</p> <p>Prevailing Rate: worker informed me that the prevailing wage rates are not posted on this job site, and that the company did not inform him that this is a public project and about the prevailing wage</p> <p>Benefits: He doesn't know, since stated today is his first day</p> <p>Hours: today he started at 8:00 am.</p> <p>Works for this company 1 week ago, today is the first day at this location.</p> <p>Classification: Labor Assistant</p> <p>Paid: He stated that at this time he does not know if he is paid in cash, or in the payroll, since is working for the company 1 week</p> <p>Works for and gets paid by: He does not the company name. He works for [REDACTED] (Boss) and for [REDACTED] Supervisor)</p> <p>Supervisor and Foreman on site: none</p> <p>Gets to work by company van.</p>	<p>Observed workers doing rebar installation and iron wall installation.</p> <p>Worker received a phone call when I started the interview.</p> <p>He was not very cooperative. Very short and confusing answers.</p> <p>He is the driver, since [REDACTED] stated it. [REDACTED] Temporal License plate). Picture was taken. (See Attached)</p>

2.-

ID from

Address:

Phone #

Craft: Labor, at this time doing rebar and metal wall installation.

Working in this project around 1 week, started last Tuesday 09-20-22.

Working with the company 1 month and a half

Rate: \$30/hours (No paystub received; no taxes deducted. Paid by check, weekly. Monday is the day of payment. He is getting paid on the site.

No Benefits received.

Work schedule: Monday to Friday 7am to 3:30 pm

Gets to the jobsite in a private car. He does not the name of the driver. Pick up location Train Station in Newark. No pay for ride.

Supervisor: (owner)

During this month and a half that he is working with the company, he also worked in other project in Newark, but he didn't share more information about the project.

3.-

Address:

Phone #:

Company name he works with

Craft duties: Labor

Today is the first day at this project, and first day with the company.

Rate: He is not sure, since today is the first day. He thinks that \$30/hour. Weekly and the day of payment is Monday.

Work Schedule: Started today at 8am to 3:30 pm (1/2 hour for lunch)

Benefits: He does not know.

He was picked up in

Worker was observed installing the metal wall in the pole (rebar) area.

He was not very cooperative. Very short and confusing answers.

4.-

ID from

Address:

Phone #

Trade: Labor

First day working in this jobsite. 1 year working with the company. Boss name Frederick and phone number

He stated he works for TORRES CONSTRUCTION (who hired them)

phone# hired to is the company that gives projects to work.

Rate: \$25/hour, weekly. Monday is the payment day.

He was getting paid in cash, since the last 3 months he is getting paid by check, personal check. No Paystub, no taxes deducted.

Benefits: No benefits, no sick days, no vacations.

Working Schedule: Monday to Saturday 7am to 3:30 pm (30 minutes lunch)

No overtime rate paid. He received the straight rate for overtime.

He gets to the jobsite in a picture was taken Plate Pick up location at). No pay for ride.

No supervisor. He follows all the marks.

Last week he worked 43 hours, and was paid the total amount \$1,075 (\$25/hour). He showed me a picture of this check.

He stated that this project started one month ago.

is the one who reports the hours to the company.

He was not very cooperative. Very short and confusing answers.

Worker was observed doing the concrete form.

5.

Address: [REDACTED]

Phone # [REDACTED]

He works for [REDACTED] (FREDY)

Trade: He was doing rebar

Working in this project 1 week, and 1 month with the company.

Rate: \$18/hour Cash. Paid at the jobsite

Work Schedule: Monday to Friday 8 to 10 hours per day.

Overtime NO

Gets to the jobsite in a Van, picked up at his house.

COMMENTS:

The workers interviewed were not very cooperative. At the end of the inspection, Sonia A. Mariscal spoke with [REDACTED] (Bismark) who reported that all the interviewed workers work for Concrete Solutions company. I asked him because none of the workers interviewed provided the name of the company

RECOMMENDATIONS:

AUDIT SUMMARY

COMPANY NAME Concrete Solutions NJ LLC
ADDRESS 176 Central Ave
CITY, STATE, ZIP West Caldwell, NJ 07006

JOB LOCATION Leonia Police Court Building
JOB ACTIVITY New building at Leonia Police Court Building
PUBLIC BODY Borough of Leonia

NAME OF EMPLOYEE

BENEFITS AND WAGES INDICATED DUE

PW Wages	
Owed	5% Penalty
\$ 1,054.88	\$ 63.14
\$ 428.55	\$ 25.65
\$ 527.44	\$ 31.57
\$ 2,109.76	\$ 126.29
\$ 6,329.28	\$ 378.86
\$ 527.44	\$ 31.57
\$ 10,254.48	\$ 536.72
\$ 2,274.59	\$ 136.15
\$ 2,274.59	\$ 136.15
\$ 527.44	\$ 31.57
\$ 1,054.88	\$ 63.14
\$ 955.99	\$ 57.22
\$ 10,645.92	\$ 568.30
\$ 4,219.52	\$ 252.58
\$ 1,250.50	
\$ 527.44	\$ 31.57
\$ 1,054.88	\$ 63.14
\$ 1,582.32	\$ 94.72
\$ 527.44	\$ 31.57
\$ 1,054.88	\$ 63.14
\$ 527.44	\$ 31.57
\$ 527.44	\$ 31.57
\$ 9,466.32	\$ 568.30
\$ 2,109.76	\$ 126.29
\$ 1,582.32	\$ 94.72
\$ 1,582.32	\$ 189.43
\$ 527.44	\$ 31.57
\$ 1,054.88	\$ 63.14
\$ 6,135.52	
\$ 527.44	\$ 31.57
\$ 527.44	\$ 31.57

Reported in WR30

Reported in WR30

TOTAL \$73,750.52 \$3,922.82

Total PW wages to be paid
5% penalty PW jobs

\$ 73,750.52
\$ 3,922.82

TOTAL TO BE PAID

\$ 77,673.34

MISCLASSIFIED WORKERS

5% PENALTY CALCULATIONS

COMPANY NAME Concrete Solutions NJ LLC
 ADDRESS 176 Central Ave
 CITY, STATE, ZIP West Caldwell, NJ 07006

JOB LOCATION Leonia Police Court Building
 JOB ACTIVITY New building at Leonia Police Court Building
 PUBLIC BODY Borough of Leonia

Employee	Total Hours worked	Total earned at this project	5% Penalty
1	16.00	\$ 1,262.88	\$ 63.14
2	6.50	\$ 513.05	\$ 25.65
3	8.00	\$ 631.44	\$ 31.57
4	32.00	\$ 2,525.76	\$ 126.29
5	96.00	\$ 7,577.28	\$ 378.86
6	8.00	\$ 631.44	\$ 31.57
7	136.00	\$ 10,734.48	\$ 536.72
8	8.00	\$ 631.44	\$ 31.57
9	8.00	\$ 631.44	\$ 31.57
10	34.50	\$ 2,723.09	\$ 136.15
11	34.50	\$ 2,723.09	\$ 136.15
12	8.00	\$ 631.44	\$ 31.57
13	16.00	\$ 1,262.88	\$ 63.14
14	14.50	\$ 1,144.49	\$ 57.22
15	144.00	\$ 11,365.92	\$ 568.30
16	64.00	\$ 5,051.52	\$ 252.58
17	8.00	\$ 631.44	\$ 31.57
18	16.00	\$ 1,262.88	\$ 63.14
19	24.00	\$ 1,894.32	\$ 94.72
20	8.00	\$ 631.44	\$ 31.57
21	16.00	\$ 1,262.88	\$ 63.14
22	8.00	\$ 631.44	\$ 31.57
23	8.00	\$ 631.44	\$ 31.57
24	144.00	\$ 11,365.92	\$ 568.30
25	32.00	\$ 2,525.76	\$ 126.29
26	24.00	\$ 1,894.32	\$ 94.72
27	48.00	\$ 3,788.64	\$ 189.43
28	16.00	\$ 1,262.88	\$ 63.14
29	8.00	\$ 631.44	\$ 31.57

\$ 3,922.82

VIOLATION CODES

	CODE
PREVAILING WAGE RATE, JOURNEYMAN	1
BENEFITS, JOURNEYMAN	2
PREVAILING WAGE RATES, APPRENTICES	
OUT OF RATIO	3
OFF SCHEDULE	4
NON-BONAFIDE	5
BENEFITS, APPRENTICES	6
OVERTIME:	
DAILY	7
WEEKLY	8
SATURDAY	9
SUNDAY	10
HOLIDAY	11
OTHER	12

PREVAILING WAGE RATES

Contract Dated: 03/07/2022

PW Determination: 03/01/2022 Bergen County

Mason, Bricklayer, Stone Mason

TRADE: Foreman

	5/1/2021
PREVAILING RATE	\$51.20
BENEFITS	\$33.73
TOTAL	\$84.93
OT	\$ 127.40

TRADE: Journeyman

	5/1/2021
PREVAILING RATE	\$45.20
BENEFITS	\$33.73
TOTAL	\$78.93
OT	\$ 118.40