

DEC 16 2013

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss

PROBATE AND FAMILY COURT
NO.

THE MILTON BOARD OF SELECTMEN,)
Acting as TRUSTEES UNDER THE)
WILL OF WILLIAM STOUGHTON,)
Plaintiff)
v.)
MARTHA M. COAKLEY in her capacity as)
Attorney General of the Commonwealth of)
Massachusetts,)
Defendant)

ANSWER AND ASSENT OF THE ATTORNEY GENERAL

The plaintiff Trustees request this Court's approval of a deviation from the trust established by the will of Governor William Stoughton (the "Trust"). Although the Milton Selectmen serve as its Trustees, the Trust is a private charitable trust subject to G.L. 203E (Mass. Uniform Trust Code), not a unit of government or a trust holding public assets. The deviation, if approved, would facilitate the sale of Trust land to Pulte Homes ("Pulte"), the highest bidder for the Trust land, to generate \$5,000,000 which the Trustees would then direct to the benefit of Town of Milton residents in need of shelter, food and the other necessities of life, consistent with the Trust's intended purpose.

The Attorney General answers the complaint for deviation as follows:

The Attorney General, subject to the comments in this Answer, admits the allegations contained in the complaint and assents to the relief requested. The proposed transaction, should it be approved by this Court, will generate five million dollars (\$5,000,000) for the Trustees to use on behalf of Town of Milton's residents in need. The sale of Trust land and the principal generated from the sale, in the view of the Attorney General's Public Charities Division, will allow the Trust to better achieve its intended purpose of assisting the needy as compared to continued maintenance of the Trust as vacant land.

Further answering the Attorney General states:

The Office of the Attorney General (AGO) represents diverse aspects of the public's interest,

including enforcement of Massachusetts wage and hour laws. In the recent past, the AGO issued citations to several subcontractors on Pulte construction sites for numerous violations of Massachusetts wage and hour laws, including but not limited to prevailing wage, minimum wage, payment of wages, and overtime violations.¹

The AGO is inclined to assent to the relief requested in this matter because it serves the interests of the trust beneficiaries and is therefore consistent with the law governing deviation from charitable trusts. G.L. c. 203E, § 412(a) (Mass. Uniform Trust Code) (court may modify trust based on circumstances not anticipated by the settlor, to further trust's purposes); *Trustees of Dartmouth College v. Quincy*, 357 Mass. 521, 532 (1970) (modification of terms of trust enabled Woodward School for Girls to continue to achieve the primary objective of the trust to educate Quincy girls at an affordable tuition). However, in light of the recent history of multiple labor law violations at Pulte construction sites, the AGO is concerned about the intent and willingness of Pulte to comply with the letter and spirit of Massachusetts labor laws, and for the rights of workers who may be hired by Pulte and others to develop the Trust land after it is sold. The AGO requested that the plaintiff Trustees obtain as part of the proposed transaction Pulte's agreement to comply and assure its contractors' compliance with Massachusetts wage and hour laws at the Trust land development site. The parties declined to include any such obligations in the transaction, although the AGO fully expects, of course, Pulte's compliance with Massachusetts law as Pulte develops the site.

For these reasons, the AGO requests that the Judgment approving deviation include the provision that the Trustees take reasonable steps to confirm that work performed on the land being sold in the transaction is performed in compliance with Massachusetts labor laws, as set forth in the attached proposed form of judgment at Tab A. The AGO requests this Judgment to ensure that Pulte Homes, as the beneficiary of this court's deviation order, understands the Commonwealth's expectation that, as post-

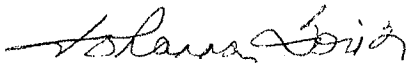
¹ See Exhibit 1, copies of citations issued to Pulte subcontractors for labor law violations arising out of Pulte's development of residential property in Braintree, Plymouth, Natick and Northbridge, Massachusetts. See generally, Exhibit 2, Thomas Gillo, *AG Takes Action Against Pulte Homes Contractors*, BOSTON BUSINESS JOURNAL, January 18, 2012; Robbie Whelan and Melanie Trotman, *U.S. Battles Home Builder Over Pay Probe*, WALL STREET JOURNAL, March 22, 2012.

deviation owner and developer of the Trust land, Pulte must conform to Massachusetts law (as must any other Massachusetts developer).

The AGO has requested of the Plaintiff Trustees, and the Plaintiff Trustees have agreed, that they will post this Answer and Assent on the Town of Milton website and that, as the Trust land is developed, the Trustees will take appropriate steps to provide to the AGO any information concerning labor law violations, to the attention of AGO Fair Labor Division, which provides online complaint forms. The AGO requests that the Plaintiff Trustees be so directed as part of this Court's order approving the requested deviation.

Respectfully Submitted

Martha Coakley
Attorney General

By: 
Johanna Soris
BBO # 473350
Mary Beckman
BBO # 565655
Assistant Attorneys General
Nonprofit Organizations/
Public Charities Division
Business and Labor Bureau
Office of the Attorney General
One Ashburton Place, Rm. 1813
Boston, MA 02108
617.727.2200

A

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss

PROBATE AND FAMILY COURT
Docket No.

THE MILTON BOARD OF SELECTMEN,)
Acting as TRUSTEES UNDER THE)
WILL OF WILLIAM STOUGHTON,)
Plaintiff)
v.)
MARTHA M. COAKLEY in her capacity as)
Attorney General of the Commonwealth of)
Massachusetts,)
Defendant)

JUDGMENT

The Parties having come before this Court in agreement that the William Stoughton Trust (the Trust) meets the criteria for deviation pursuant to G. L. 203E, § 412(a) and the Court having found that the sale of the Trust property is for fair market value and is an arms' length transaction in keeping with the fiduciary duties of the Milton Board of Selectmen acting as Trustees u/w/o William Stoughton (the Trustees) it is hereby DECLARED, ORDERED, and ADJUDGED as follows:

1. The Trustees are permitted to sell the Stoughton Property in accordance with the purchase and sale agreement;
2. The Trustees will serve a copy of this Judgment on Pulte Homes (Pulte), the buyer of this property, to inform the proper corporate representatives that Pulte is expected to conform to Massachusetts labor laws just as all other Massachusetts developers must do.
3. The Trustees will attach to the Judgment that it serves on Pulte a copy of the Attorney General's Answer and Assent to the complaint.

4. The Trustees will post the Attorney General's Answer and Assent on the Town of Milton website and as the Trust land to be sold pursuant to this judgment is developed, the Trustees will take appropriate steps to provide the Attorney General any information they receive concerning labor law violations by notifying the Attorney General's Fair Labor Division.
5. The Trustees will post a link on the Town website to provide online access to Fair Labor Division complaint forms.
6. The Trustees will consult with the Attorney General's Office on other means of ensuring labor law compliance in the development that will result from the transaction approved herein.

So Ordered:

J.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



**The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108**

Jackson M. Croscup, Individually and
Seven Seas Group, Inc.
183 Lindsey Street, Apt. 2 West
Fall River, MA 02720

☒ Order of Restitution \$156.00 ☒ Civil Penalty \$75.00 Total Due \$231.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.151, § 1B: Failure to pay proper overtime rate for hours worked in excess of forty from 3/14/11 to 3/25/11:
Violation #

1.	<input checked="" type="checkbox"/>	Employee: <u>Pedro Cordeiro</u>	Restitution: <u>\$156.00</u>
2.	<input type="checkbox"/>	Employee: _____	Restitution: <u>\$</u>
3.	<input type="checkbox"/>	Employee: _____	Restitution: <u>\$</u>

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any),
the following factors have been taken into consideration where the information was available and where
applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary
extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # MW120020

Inspector: Paul E. Gordon

Date issued: 1/20/2012

By Certified Mail # 7010 0110 0001 9830 6787 and

First Class Mail 1/20/2012

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within *10 days* from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . , within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Tiago Aguiar M. Nunes, Individually and
Nunes Brothers Construction, Inc.
839 E 19th Street
Brooklyn, NY 11230

AMENDED ON 1/20/12

☒ Order of Restitution \$10,821.25 ☒ Civil Penalty \$5,000.00 Total Due \$15,821.25
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.151, § 1B: Failure to pay proper overtime rate for hours worked in excess of forty from 11/15/10 to 2/25/11;
Violation #

1.	<input checked="" type="checkbox"/>	Employee:	Evando Fernandes	Restitution:	\$ 792.00
2.	<input checked="" type="checkbox"/>	Employee:	Waldinei Dos Santos	Restitution:	\$ 395.25
3.	<input checked="" type="checkbox"/>	Employee:	Gilmar Xavier	Restitution:	\$ 395.25
4.	<input checked="" type="checkbox"/>	Employee:	Heitor Neto	Restitution:	\$ 497.50
5.	<input checked="" type="checkbox"/>	Employee:	Jose Neto	Restitution:	\$ 331.50
6.	<input checked="" type="checkbox"/>	Employee:	Adriano DaSilva	Restitution:	\$1,687.50
7.	<input checked="" type="checkbox"/>	Employee:	Israel Esmeraldo	Restitution:	\$2,160.00
8.	<input checked="" type="checkbox"/>	Employee:	Janer Morao	Restitution:	\$1,020.00
9.	<input checked="" type="checkbox"/>	Employee:	Cleiton DaSilva	Restitution:	\$1,007.25
10.	<input checked="" type="checkbox"/>	Employee:	Claudinei DaSilva	Restitution:	\$1,080.00
11.	<input checked="" type="checkbox"/>	Employee:	Claudio DaSilva	Restitution:	\$1,045.50
12.	<input checked="" type="checkbox"/>	Employee:	Luciano Oliveira	Restitution:	\$ 409.50
13.	<input checked="" type="checkbox"/>	Employee:	Renato Montano	Restitution:	\$
14.	<input checked="" type="checkbox"/>	Employee:	Alcidor DeOliveira	Restitution:	\$

☐ Willful ☒ Non-willful

☐ See attached for list of additional employees

Citation # MW120016

Inspector: Paul E. Gordon *Paul E. Gordon*

Date issued: 1/20/2012

By Certified Mail # 7010 0290 0003 0967 8716

and

First Class Mail 1/20/2012

(See Reverse for Payment Instructions and Right of Appeal)

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any), the following factors have been taken into consideration where the information was available and where applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within **10 days** from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . , within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

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Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

&

Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Adimar G. DeMoura, Individually and
AM Construction Service, Inc.
59 Bates Road
Framingham, MA 01701

☐ Order of Restitution \$ _____ ☒ Civil Penalty \$10,000.00 Total Due \$10,000.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.149, §148B Misclassification of employee(s) as independent contractor(s) from 3/14/11 to 5/22/11:

1. ☒ Employee: Kerlyon DeJesus
2. ☒ Employee: Francisco DeOliveira
3. ☒ Employee: Lucimar Silva
4. ☒ Employee: Jarbas da Silva
5. ☐ Employee: _____

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any), the following factors have been taken into consideration where the information was available and where applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # WH120018

Inspector: Paul E. Gordon

Date issued: 1/20/12

By Certified Mail # 7010 0290 0003 0967 8723

and

First Class Mail 1/20/12

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

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Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Alexandre Miranda, Individually and
Five Stars Construction, Inc.
36 Francis Street
Trumbull, CT 06611

☒ Order of Restitution \$ 21,340.00 ☒ Civil Penalty \$ 10,000.00 Total Due \$ 31,340.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.149, § 148 Failure to make timely payment of wages due and owing from 1/8/10 to 11/27/10:
Violation # _____

1.	<input checked="" type="checkbox"/>	Employee: <u>Afraino DeOliveira</u>	Restitution: <u>\$13,440.00</u>
2.	<input checked="" type="checkbox"/>	Employee: <u>Oliveira Torres</u>	Restitution: <u>\$ 7,900.00</u>
3.	<input type="checkbox"/>	Employee: _____	Restitution: <u>\$</u>

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any),
the following factors have been taken into consideration where the information was available and where
applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary
extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # WH120022

Inspector: Paul E. Gordon

Date issued: 1/20/12

By Certified Mail # 7010 0290 0003 0967 8730 and

First Class Mail 1/20/12

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

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Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts Office of the Attorney General Fair Labor Division One Ashburton Place, Rm. 1813 Boston, MA 02108

Adimar G. De Moura, Individually and
AM Construction Service, Inc.
59 Bates Road
Framingham, MA 01701

☒ Order of Restitution \$ 12,433.50 ☒ Civil Penalty \$ 6,000.00 Total Due \$18,433.50
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.149, § 148 Failure to make timely payment of wages due and owing from 3/14/11 to 5/22/11:
Violation #

1.	<input checked="" type="checkbox"/>	Employee:	<u>Kerlyon DeJesus</u>	Restitution:	<u>\$1,815.00</u>
2.	<input checked="" type="checkbox"/>	Employee:	<u>Francisco DeOliveira</u>	Restitution:	<u>\$6,621.50</u>
3.	<input checked="" type="checkbox"/>	Employee:	<u>Lucimar Silva</u>	Restitution:	<u>\$ 397.00</u>
4.	<input checked="" type="checkbox"/>	Employee:	<u>Jarbas da Silva</u>	Restitution:	<u>\$3,600.00</u>
5.	<input type="checkbox"/>	Employee:	_____	Restitution:	<u>\$</u>

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any),
the following factors have been taken into consideration where the information was available and where
applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary
extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # WH120019

Inspector: Paul E. Gordon

Date issued: 1/20/12

By Certified Mail # 7010 0290 0003 0967 8723 and

First Class Mail 1/20/12

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

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Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

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Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . , within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

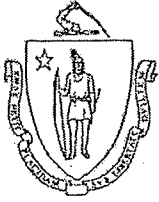
Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Alexandre Miranda, Individually and
Five Stars Construction, Inc.
36 Francis Street
Trumbull, CT 06611

☐ Order of Restitution \$ _____ ☒ Civil Penalty \$ 5,000.00 Total Due \$5,000.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.149, §148B Misclassification of employee(s) as independent contractor(s) from 1/3/10 to 11/27/10:

1. ☒ Employee: Afraino DeOliveira
2. ☒ Employee: Oliveira Torres
3. ☐ Employee: _____

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if
any), the following factors have been taken into consideration where the information was available and
where applicable: previous violations (if any), the employer's intent, the number of employees affected, the
monetary extent of the violation(s), and the total monetary amount of the public contract or payroll
involved.

Citation # WH120021

Inspector: Paul E. Gordon

Date issued: 1/20/12

By Certified Mail # 7010 0290 0003 0967 8730

and

First Class Mail 1/20/12

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within *10 days* from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . ., within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

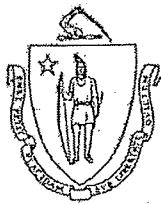
Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Alexandre Miranda, Individually and
Five Stars Construction, Inc.
36 Francis Street
Trumbull, CT 06611

☐ Order of Restitution \$ _____ ☒ Civil Penalty \$2,500.00 Total Due \$2,500.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.149, § 148 Failure to furnish a suitable pay slip, check stub or envelope showing the name of the employer,
the name of the employee, the day, month, year, number of hours worked, and hourly rate and
the amounts of deductions or increases made for the pay period from 1/8/10 to 11/27/10:

1. ☒ Employee: Afraino DeOliveira
2. ☒ Employee: Oliveira Torres
3. ☐ Employee: _____
4. ☐ Employee: _____

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if
any), the following factors have been taken into consideration where the information was available and
where applicable: previous violations (if any), the employer's intent, the number of employees affected, the
monetary extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # WH120023

Inspector: Paul E. Gordon

Date issued: 1/20/12

By Certified Mail #7010 0290 0003 0967 8730

and

First Class Mail 1/20/12

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within **10 days** from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . , within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Adimar G. DeMoura, Individually and
AM Construction Service, Inc.
59 Bates Road
Framingham, MA 01701

☐ Order of Restitution \$ _____ ☒ Civil Penalty \$2,500.00 Total Due \$ 2,500.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following provision(s)
of the Massachusetts General Laws:

☐ M.G.L. c.151, §19(3) Failure to keep true and accurate payroll records from 1/1 to 1/1
☐ Willful ☐ Non-willful Penalty \$ _____

☒ M.G.L. c.151, §19(3) Failure to furnish records for inspection on 9/15/11
☐ Willful ☒ Non-willful Penalty \$2,500.00

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any),
the following factors have been taken into consideration where the information was available and where
applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary
extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # MW120017

Inspector: Paul E. Gordon

Date issued: 1/20/12

By Certified Mail # 7010 0290 0003 0967 8723

and

First Class Mail 1/20/12

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within *10 days* from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . ., within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Tiago Aguiar M. Nunes, Individually and
Nunes Brothers Construction, Inc.
839 E 19th Street
Brooklyn, NY 11230

AMENDED ON 1/20/12

☐ Order of Restitution \$ _____ ☒ Civil Penalty \$2,500.00 Total Due \$2,500.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.149, § 148 Failure to furnish a suitable pay slip, check stub or envelope showing the name of the employer,
the name of the employee, the day, month, year, number of hours worked, and hourly rate and
the amounts of deductions or increases made for the pay period from 11/15/10 to 2/25/11 :

1. ☒ Employee: See attachment
2. ☐ Employee: _____
3. ☐ Employee: _____

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if
any), the following factors have been taken into consideration where the information was available and
where applicable: previous violations (if any), the employer's intent, the number of employees affected, the
monetary extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # WH120016

Inspector: Paul Gordon

Date issued: 1/20/12

By Certified Mail #7010 0290 0003 0967 8716

and

First Class Mail 1/20/12

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within 10 days from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . , within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

Nunes Brothers Construction
Failure to Furnish Suitable Pay Stub

1.	<input checked="" type="checkbox"/>	Employee:	<u>Evando Fernandes</u>
2.	<input checked="" type="checkbox"/>	Employee:	<u>Adilson Chagas</u>
3.	<input checked="" type="checkbox"/>	Employee:	<u>Waldinei Dos Santos</u>
4.	<input checked="" type="checkbox"/>	Employee:	<u>Julio Depinho</u>
5.	<input checked="" type="checkbox"/>	Employee:	<u>Gilmar Xavier</u>
6.	<input checked="" type="checkbox"/>	Employee:	<u>Heitor Neto</u>
7.	<input checked="" type="checkbox"/>	Employee:	<u>Jose Neto</u>
8.	<input checked="" type="checkbox"/>	Employee:	<u>Pedro Pereira</u>
9.	<input checked="" type="checkbox"/>	Employee:	<u>Adriano DaSilva</u>
10.	<input checked="" type="checkbox"/>	Employee:	<u>Israel Esmeraldo</u>
11.	<input checked="" type="checkbox"/>	Employee:	<u>Janer Morao</u>
12.	<input checked="" type="checkbox"/>	Employee:	<u>Cleiton DaSilva</u>
13.	<input checked="" type="checkbox"/>	Employee:	<u>Claudine DaSilva</u>
14.	<input checked="" type="checkbox"/>	Employee:	<u>Claudio DaSilva</u>
15.	<input checked="" type="checkbox"/>	Employee:	<u>Luciano Oliveria</u>
16.	<input checked="" type="checkbox"/>	Employee:	<u>Renato Montano</u>
17.	<input checked="" type="checkbox"/>	Employee:	<u>Alcidir DeOliveira</u>
18.	<input checked="" type="checkbox"/>	Employee:	<u>Bruno DaSilva</u>
19.	<input checked="" type="checkbox"/>	Employee:	<u>Jose DaCosta</u>
20.	<input checked="" type="checkbox"/>	Employee:	<u>Vanildo DaCosta</u>
21.	<input checked="" type="checkbox"/>	Employee:	<u>Enoque Almeida</u>
22.	<input checked="" type="checkbox"/>	Employee:	<u>Sabastiao Dos Santos</u>
23.	<input checked="" type="checkbox"/>	Employee:	<u>Alex Tadin</u>

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



**The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108**

Adimar G. De Moura, Individually and
AM Construction Service, Inc.
59 Bates Road
Framingham, MA 01701

☒ Order of Restitution \$2,898.00 ☒ Civil Penalty \$1,500.00 Total Due \$ 4,398.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.151, § 1B: Failure to pay proper overtime rate for hours worked in excess of forty from 5/5/11 to 5/18/11 :
Violation #

1.	<input checked="" type="checkbox"/>	Employee:	<u>Kerlyon DeJesus</u>	Restitution:	<u>\$ 360.00</u>
2.	<input checked="" type="checkbox"/>	Employee:	<u>Lucimar Silva</u>	Restitution:	<u>\$ 918.00</u>
3.	<input checked="" type="checkbox"/>	Employee:	<u>Jarbas da Silva</u>	Restitution:	<u>\$1,620.00</u>

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any),
the following factors have been taken into consideration where the information was available and where
applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary
extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # MW120018

Inspector: Paul E. Gordon 

Date issued: 1/20/2012

By Certified Mail # 7010 0290 0003 0967 8723 and

First Class Mail 1/20/2012

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within *10 days* from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . , within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Wellington DeLima Borges, Individually and
Two Brothers Construction & Carpentry Corp.
1603 Windsor Drive
Framingham, MA 01701

☒ Order of Restitution \$ 23,891.50 ☒ Civil Penalty \$ 12,000.00 Total Due \$ 33,891.50
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.149, § 148 Failure to make timely payment of wages due and owing from 6/18/11 to 7/8/11:
Violation #

1.	<input checked="" type="checkbox"/> Employee:	<u>Walmir Coelho</u>	Restitution:	<u>\$ 2,813.50</u>
2.	<input checked="" type="checkbox"/> Employee:	<u>Daverlino Delgado</u>	Restitution:	<u>\$2,627.50</u>
3.	<input checked="" type="checkbox"/> Employee:	<u>Israel Esmeraldo</u>	Restitution:	<u>\$7,664.00</u>
4.	<input checked="" type="checkbox"/> Employee:	<u>Paulo Nascimento</u>	Restitution:	<u>\$3,300.50</u>
5.	<input checked="" type="checkbox"/> Employee:	<u>Claudinei Silva</u>	Restitution:	<u>\$4,455.00</u>
6.	<input checked="" type="checkbox"/> Employee:	<u>Alex Tadim</u>	Restitution:	<u>\$3,031.00</u>

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any),
the following factors have been taken into consideration where the information was available and where
applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary
extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # WH120028

Inspector: Paul E. Gordon

Date issued: 1/20/12

By Certified Mail # 7011 0110 0001 9830 6794 and

First Class Mail 1/20/12

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within *10 days* from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . , within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Tiago Aguiar M. Nunes, Individually and
Nunes Brothers Construction, Inc.
839 E. 19th Street
Brooklyn, NY 11230

AMENDED ON 1/20/12

☐ Order of Restitution \$ _____ ☒ Civil Penalty \$60,000.00 Total Due \$60,000.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.149, §148B Misclassification of employee(s) as independent contractor(s) from 11/15/10 to 2/25/11:

1. ☒ Employee: See attachment
2. ☐ Employee: _____
3. ☐ Employee: _____

☐ Willful ☒ Non-willful

☒ See attached for list of additional employees

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any), the following factors have been taken into consideration where the information was available and where applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # WH120015

Inspector: Paul E. Gordon

Date issued: 1/20/12

By Certified Mail # 7010 0290 0003 0967 8716

and

First Class Mail 1/20/12

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within *10 days* from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . , within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

Nunes Brothers Missclassification of employees as Independent Contractors

1.	<input checked="" type="checkbox"/>	Employee:	<u>Evando Fernandes</u>
2.	<input checked="" type="checkbox"/>	Employee:	<u>Adilson Chagas</u>
3.	<input checked="" type="checkbox"/>	Employee:	<u>Waldnei Dos Santos</u>
4.	<input checked="" type="checkbox"/>	Employee:	<u>JulioDepinho</u>
5.	<input checked="" type="checkbox"/>	Employee:	<u>Gilmar Xavier</u>
6.	<input checked="" type="checkbox"/>	Employee:	<u>Heitor Neto</u>
7.	<input checked="" type="checkbox"/>	Employee:	<u>Jose Neto</u>
8.	<input checked="" type="checkbox"/>	Employee:	<u>Pedro Pereira</u>
9.	<input checked="" type="checkbox"/>	Employee:	<u>Adriano DaSilva</u>
10.	<input checked="" type="checkbox"/>	Employee:	<u>Israel Esmeraldo</u>
11.	<input checked="" type="checkbox"/>	Employee:	<u>Janier Marao</u>
12.	<input checked="" type="checkbox"/>	Employee:	<u>Cleiton DaSilva</u>
13.	<input checked="" type="checkbox"/>	Employee:	<u>Claudinei DaSilva</u>
14.	<input checked="" type="checkbox"/>	Employee:	<u>Claudio DaSilva</u>
15.	<input checked="" type="checkbox"/>	Employee:	<u>Luciano Oliveira</u>
16.	<input checked="" type="checkbox"/>	Employee:	<u>Renato Montano</u>
17.	<input checked="" type="checkbox"/>	Employee:	<u>Alcidor DeOliveira</u>
18.	<input checked="" type="checkbox"/>	Employee:	<u>Bruno DaSilva</u>
19.	<input checked="" type="checkbox"/>	Employee:	<u>Jose DaCosta</u>
20.	<input checked="" type="checkbox"/>	Employee:	<u>Vanildo daCosta</u>
21.	<input checked="" type="checkbox"/>	Employee:	<u>Enoque Alemeida</u>
22.	<input checked="" type="checkbox"/>	Employee:	<u>Sebastiano Dos Santos</u>
23.	<input checked="" type="checkbox"/>	Employee:	<u>Alex Tadin</u>

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Jackson M. Croscup, Individually and
Seven Seas Group, Inc.
183 Lindsey St. Apt. 2 West
Fall River, MA.02720

☒ Order of Restitution \$10,177.00 ☒ Civil Penalty \$ 5,000.00 Total Due \$15,177.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.149, § 148 Failure to make timely payment of wages due and owing from 3/14/11 to 4/5/11:
Violation #

1.	<input checked="" type="checkbox"/>	Employee:	<u>Pedro Cordeiro</u>	Restitution:	<u>\$ 1,339.00</u>
2.	<input checked="" type="checkbox"/>	Employee:	<u>Vincente Garcia</u>	Restitution:	<u>\$ 1,428.00</u>
3.	<input checked="" type="checkbox"/>	Employee:	<u>Alex Pesantez</u>	Restitution:	<u>\$ 2,650.00</u>
4.	<input checked="" type="checkbox"/>	Employee:	<u>Ruben Polacios</u>	Restitution:	<u>\$ 2,640.00</u>
5.	<input checked="" type="checkbox"/>	Employee:	<u>Joel Vintimilla</u>	Restitution:	<u>\$ 2,120.00</u>

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any),
the following factors have been taken into consideration where the information was available and where
applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary
extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Inspector: Paul E. Gordon

Citation # WH120024

Date issued: 1/20/12

By Certified Mail # 7011 0110 0001 9830 6787 and

First Class Mail 1/20/12

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within *10 days* from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . , within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Jackson M. Croscup, Individually and
Seven Seas Group, Inc.
183 Lindsey Street, Apt. 2 West
Fall River, MA 02720

☐ Order of Restitution \$ _____ ☒ Civil Penalty \$2,500.00 Total Due \$2,500.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.149, § 148 Failure to furnish a suitable pay slip, check stub or envelope showing the name of the employer,
the name of the employee, the day, month, year, number of hours worked, and hourly rate and
the amounts of deductions or increases made for the pay period from 3/14/11 to 4/5/11 :

1. ☒ Employee: Pedro Cordeiro
2. ☒ Employee: Vincente Garcia
3. ☒ Employee: Alex Pesantez
4. ☒ Employee: Ruben Polacios
5. ☒ Employee: Joel Vintimilla
6. ☐ Employee: _____

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if
any), the following factors have been taken into consideration where the information was available and
where applicable: previous violations (if any), the employer's intent, the number of employees affected, the
monetary extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # WH120025

Inspector: Paul E. Gordon

Date issued: 1/20/12

By Certified Mail # 7011 0110 0001 9830 6787

and

First Class Mail 1/20/12

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within 10 days from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . , within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

&

Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Jackson M. Croscup, Individually and
Seven Seas Group, Inc.
183 Lindsey St. Apt. 2 West
Fall River, MA 02720

☐ Order of Restitution \$ _____ ☒ Civil Penalty \$12,500.00 Total Due \$12,500.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.149, §148B Misclassification of employee(s) as independent contractor(s) from 3/14/11 to 4/5/11:

1. ☒ Employee: Pedro Cordeiro
2. ☒ Employee: Vincente Garcia
3. ☒ Employee: Alex Pesantez
4. ☒ Employee: Ruben Polacios
5. ☒ Employee: Joel Vintimilla

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any), the following factors have been taken into consideration where the information was available and where applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # WH120026

Inspector: Paul E. Gordon

Date issued: 1/20/12

By Certified Mail # 7010 0110 0001 9830 6787

and

First Class Mail 1/20/12

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within 10 days from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . , within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Tiago Aguiar M. Nunes, Individually
Nunes Brothers Construction, Inc.
839 E. 19th Street
Brooklyn, NY 11230

AMENDED ON 1/20/12

☒ Order of Restitution \$88,265.50 ☒ Civil Penalty \$45,000.00 Total Due \$133,265.50
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.149, § 148 Failure to make timely payment of wages due and owing from: 11/15/10 to 2/25/11:
Violation #

1.	<input checked="" type="checkbox"/> Employee:	<u>Evando Fernandes</u>	Restitution:	<u>\$ 3,344.00</u>
2.	<input checked="" type="checkbox"/> Employee:	<u>Aldilson Chagas</u>	Restitution:	<u>\$ 1,207.00</u>
3.	<input checked="" type="checkbox"/> Employee:	<u>Waldnei Dos Santos</u>	Restitution:	<u>\$ 1,768.00</u>
4.	<input checked="" type="checkbox"/> Employee:	<u>Julio Depinho</u>	Restitution:	<u>\$ 1,391.50</u>
5.	<input checked="" type="checkbox"/> Employee:	<u>Gilmar Xavier</u>	Restitution:	<u>\$4,104.50</u>

☐ Willful ☒ Non-willful

☒ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any),
the following factors have been taken into consideration where the information was available and where
applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary
extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # WH120017

Inspector: Paul E. Gordon

Date issued: 1/20/12

By Certified Mail # 7010 0290 0003 0967 8716

and

First Class Mail 1/20/12

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within *10 days* from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . , within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

Nunes Brothers Construction,
Failure to pay wages timely listing,
continued:

Names:	Wages Due:
Neto, Heitor	\$ 3,425.50
Neto, Jose	\$ 2,177.50
Pereira, Pedro	\$ 3,733.50
DaSilva, Adriano	\$ 5,724.00
Esmeraldo, Israel	\$ 5,920.00
Morao, Janer	\$ 2,040.00
DaSilva, Cleiton	\$ 4,794.00
DaSilva, Claudinei	\$ 7,207.00
DaSilva Claudio	\$ 6,239.00
Oliveira, Luciano	\$ 3,840.00
Montano, Renato	\$ 2,898.00
DeOliveira, Alcidor	\$ 1,936.00
DaSilva, Bruno	\$ 2,652.00
DaCosta, Jose	\$ 3,986.00
DaCosta, Vanildo	\$ 4,976.00
Almeida, Enoque	10,840.00
DosSantos Sebastiano	\$ 2,577.00
Tadin, Alex	\$ 1,485.00
	\$88,265.50

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Adimar G. De Moura, Individually and
AM Construction Service, Inc.
59 Bates Road
Framingham, MA 01701

☐ Order of Restitution \$ _____ ☒ Civil Penalty \$2,500.00 Total Due \$2,500.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.149, § 148 Failure to furnish a suitable pay slip, check stub or envelope showing the name of the employer,
the name of the employee, the day, month, year, number of hours worked, and hourly rate and
the amounts of deductions or increases made for the pay period from 4/8/11 to 5/22/11 :

1.	<input checked="" type="checkbox"/>	Employee:	<u>Kerlyon DeJesus</u>
2.	<input checked="" type="checkbox"/>	Employee:	<u>Francisco DeOliveira</u>
3.	<input checked="" type="checkbox"/>	Employee:	<u>Lucimar Silva</u>
4.	<input checked="" type="checkbox"/>	Employee:	<u>Jarbas da Silva</u>
5.		Employee:	_____

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if
any), the following factors have been taken into consideration where the information was available and
where applicable: previous violations (if any); the employer's intent, the number of employees affected, the
monetary extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # WH120020

Inspector: Paul E. Gordon

Date issued: 1/20/12

By Certified Mail # 7010 0290 0003 0967 8723

and

First Class Mail: 1/20/12

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within *10 days* from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . , within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Wellington DeLima Borges, Individually and
Two Brothers Construction & Carpentry Corp.
1603 Windsor Drive
Framingham, MA 01701

☐ Order of Restitution \$ _____ ☒ Civil Penalty \$2,500.00 Total Due \$2,500.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.149, § 148 Failure to furnish a suitable pay slip, check stub or envelope showing the name of the employer,
the name of the employee, the day, month, year, number of hours worked, and hourly rate and
the amounts of deductions or increases made for the pay period from 6/4/11 to 7/8/11 :

1.	<input checked="" type="checkbox"/>	Employee:	<u>Walmir Coelho</u>
2.	<input checked="" type="checkbox"/>	Employee:	<u>Daverlino Delgado</u>
3.	<input checked="" type="checkbox"/>	Employee:	<u>Israel Esmeraldo</u>
4.	<input checked="" type="checkbox"/>	Employee:	<u>Paulo Nascimheto</u>
5.	<input checked="" type="checkbox"/>	Employee:	<u>Claudinei Silva</u>
6.	<input checked="" type="checkbox"/>	Employee:	<u>Alex Tadin</u>
7.	<input type="checkbox"/>	Employee:	_____

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if
any), the following factors have been taken into consideration where the information was available and
where applicable: previous violations (if any), the employer's intent, the number of employees affected, the
monetary extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # WH120029

Inspector: Paul E. Gordon

Date issued: 1/20/12

By Certified Mail #7011 0110 0001 9830 6794

and

First Class Mail 1/20/12

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within *10 days* from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



**The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108**

Alexandre Miranda, Individually and
Five Stars Construction, Inc.
36 Francis Street
Trumbull, CT 06611

☒ Order of Restitution \$ 9,360.00 ☒ Civil Penalty \$ 5,000.00 Total Due \$14,360.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.151, § 1B: Failure to pay proper overtime rate for hours worked in excess of forty from 1/14/10 to 7/10/10 :
Violation #

1.	<input checked="" type="checkbox"/>	Employee: <u>Afraino DeOliveira</u>	Restitution: <u>\$9,360.00</u>
2.	<input type="checkbox"/>	Employee: _____	Restitution: <u>\$</u>
3.	<input type="checkbox"/>	Employee: _____	Restitution: <u>\$</u>

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any),
the following factors have been taken into consideration where the information was available and where
applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary
extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # MW120019

Inspector: Paul E. Gordon

Date issued: 1/20/2012

By Certified Mail # 7010 0290 0003 0967 8730 and

First Class Mail 1/20/2012

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within **10 days** from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . ., within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Wellington DeLima Borges, Individually and
Two Brothers Construction & Carpentry Corp.
1603 Windsor Drive
Framingham, MA 01701

☒ Order of Restitution \$10,860.00 ☒ Civil Penalty \$5,000.00 Total Due \$15,860.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L. c.151, § 1B: Failure to pay proper overtime rate for hours worked in excess of forty from 6/24/11 to 7/8/11;
Violation #

1.	<input checked="" type="checkbox"/>	Employee:	<u>Walmir Coelho</u>	Restitution:	<u>\$1,619.25</u>
2.	<input checked="" type="checkbox"/>	Employee:	<u>Daverlino Delgado</u>	Restitution:	<u>\$ 787.50</u>
3.	<input checked="" type="checkbox"/>	Employee:	<u>Israel Esmeraldo</u>	Restitution:	<u>\$2,857.50</u>
4.	<input checked="" type="checkbox"/>	Employee:	<u>Paulo Nascimento</u>	Restitution:	<u>\$1,619.25</u>
5.	<input checked="" type="checkbox"/>	Employee:	<u>Claudinei Silva</u>	Restitution:	<u>\$3,420.00</u>
6.	<input checked="" type="checkbox"/>	Employee:	<u>Alex Tadin</u>	Restitution:	<u>\$ 556.50</u>

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any),
the following factors have been taken into consideration where the information was available and where
applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary
extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # MW120021

Inspector: Paul E. Gordon

Date issued: 1/20/2012

By Certified Mail # 7011 0110 001 9830 6794 and

First Class Mail 1/20/2012

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

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An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions of General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . . , within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
One Ashburton Place, Rm. 1813
Boston, MA 02108

&

Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

CITATION FOR VIOLATION OF MASSACHUSETTS WAGE AND HOUR LAWS



The Commonwealth of Massachusetts
Office of the Attorney General
Fair Labor Division
One Ashburton Place, Rm. 1813
Boston, MA 02108

Wellington DeLima Borges, Individually and
Two Brothers Construction & Carpentry Corp.
1603 Windsor Drive
Framingham, MA 01701

☐ Order of Restitution \$ _____ ☒ Civil Penalty \$15,000.00 Total Due \$15,000.00
☒ You are hereby ordered to rectify all infractions immediately and to comply with all provisions of
Massachusetts General Laws, Chapters 149 and 151.
☐ Second or subsequent offense

After an investigation by the Fair Labor Division, you have been found in violation of the following
provision(s) of the Massachusetts General Laws:

☒ M.G.L c.149, §148B Misclassification of employee(s) as independent contractor(s) from 6/18/11 to 7/8/11:

1. ☒ Employee: Walmir Coelho
2. ☒ Employee: Daverlino Delgado
3. ☒ Employee: Israel Esmeraldo
4. ☒ Employee: Paulo Nascimento
5. ☒ Employee: Claudinei Silva
6. ☒ Employee: Alex Tadiin

☐ Willful ☒ Non-willful

☐ See attached for list of additional violations.

Pursuant to M.G.L. c. 149, section 27C(b)(2), in determining the amount of the civil penalty (if any), the following factors have been taken into consideration where the information was available and where applicable: previous violations (if any), the employer's intent, the number of employees affected, the monetary extent of the violation(s), and the total monetary amount of the public contract or payroll involved.

Citation # WH120027

Inspector: Paul E. Gordon

Date issued: 1/20/12

By Certified Mail # 7010 0100 0001 9830 6794

and

First Class Mail 1/20/12

(See Reverse for Payment Instructions and Right of Appeal)

Payment Instructions for Civil Citation

Payments for orders of restitution and civil penalties must be made payable to the Commonwealth of Massachusetts and sent to:

Office of the Attorney General
Fair Labor Division
Civil Citation Unit
P.O. Box 6303
Boston, MA 02114

Only certified checks, bank checks or money orders will be accepted. Please include a copy of the citation and write the citation number (located at the bottom center of the reverse side) on your check.

Failure to Comply With Civil Citation

In accordance with Massachusetts General Law chapter 149, sections 27C(b)(6) and (7), failure to pay any civil penalty within 21 days of receipt of this citation will result in a one year debarment from bidding on public works projects and a lien for the amount of such penalty and any restitution ordered, plus 18% interest upon the real estate or personal property of the person who has failed to pay such penalty and may result in a criminal prosecution and/or stop work order unless a notice of appeal has been filed with the Attorney General and the Division of Administrative Law Appeals within 10 days of receipt of this citation.

Right to Appeal This Citation

You have the right to appeal the issuance of this citation to the Division of Administrative Law Appeals ("DALA"). A notice of this appeal must be filed with both the Attorney General and DALA within **10 days** from receipt of the citation.

An employer appealing a citation will be granted a hearing before DALA in accordance with the provisions

General Laws chapter 30A. After the hearing, DALA may affirm, vacate or modify the citation. G.L. c. 149, § 27C(b)(4).

Anyone aggrieved by DALA's decision may appeal to the Superior Court "within thirty days after receipt of notice of the final decision . . . or if a petition for rehearing has been timely filed . . ., within thirty days after receipt of notice of . . . denial of such petition for rehearing." G.L. c. 30, § 14(1).

To appeal this citation you must file a notice of appeal within ten days to both of the following agencies and please enclose a copy of the civil citation you are appealing:

Office of the Attorney General
Fair Labor Division
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One Ashburton Place, Rm. 1813
Boston, MA 02108

& Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114

Order to Comply With the Law

This citation contains an order for you to rectify all infractions immediately and to comply with all provisions of Massachusetts General Laws Chapters 149 and 151. In order to fully comply with this order you must familiarize yourself with your legal obligations as an employer in Massachusetts. A subsequent violation of Massachusetts wage and hour law may result in your being charged as an intentional or willful subsequent offender.

From the Boston Business Journal

:http://www.bizjournals.com/boston/real_estate/2012/01/ag-takes-action-against-Pulte-Homes.html

Jan 18, 2012, 11:24am EST Updated: Jan 18, 2012, 1:18pm EST

AG takes action against Pulte Homes contractors



Thomas Grillo

Real Estate Editor- *Boston Business Journal*

[Email](#) | [Twitter](#)

Subcontractors working at Pulte Homes sites in eastern Massachusetts have been ordered to pay more than \$400,000 in unpaid wages and penalties, and more than \$141,000 has been recovered in previously outstanding revenue for the state's unemployment system.

The enforcement action is the result of investigations by Attorney General Martha Coakley's Office, the Executive Office of Labor and Workforce Development, and the Joint Enforcement Task Force on the Underground Economy and Employee Misclassification (JTF) — established by Patrick administration to coordinate multiple state agencies' efforts to end fraudulent employment activities by enforcing the state's labor, licensing and tax laws.

Earlier this year, the Attorney General's Office and the JTF received wage and hour complaints against multiple subcontractors working at sites operated by Pulte Homes. The workers alleged that they were not paid for overtime and not paid for all hours worked. Workers were often paid in cash and by checks that bounced, according to the complaints. As a result of the AG's investigations, five employers were ordered to pay back a total of \$409,778 in unpaid wages and penalties. Those penalties were for the failure to pay wages and overtime, failure to issue suitable pay stubs, failure to furnish records for inspection, and misclassification of workers as independent contractors, the AG said.

The AG's investigations resulted in the following findings and action: AM Construction Services and its president, Adimar Demoura, 32, of Framingham, allegedly failed to pay four workers \$15,331 for framing work done on private residential projects in Braintree and Plymouth. They were also fined \$22,500 in penalties. Five Stars Construction and its president, Alexandre Miranda, 40, of Trumbull, Conn., allegedly failed to pay two workers \$30,700 for framing work done on a private condominium project in Natick. They were also fined \$30,000 in penalties.

Nunes Brothers Construction and its president, Tiago Aguiar M. Nunes, 28, of Brooklyn, New York, allegedly failed to pay 23 workers \$99,087 for framing work done on private condominium and single-family homes projects in Braintree, Plymouth, Natick, and Northbridge. They were also fined \$112,500 in penalties. Seven Seas Group and its president, Jackson Croscup, 55, of Fall River, allegedly failed to pay five workers \$10,333 for framing work done on a private condominium project in Natick. They were also fined \$20,075 in penalties.

Two Brothers Construction and its president, Wellington DeLima Borges, 41, of East Natick, allegedly failed to pay six workers \$34,751 for framing work done on a private home development project in Plymouth. They were also fined \$34,500 in penalties.

Investigators also inspected construction sites in Northbridge, Braintree and Natick between late May and early June 2011. The sites are owned and operated by Pulte Homes of New England LLP and Pulte Braintree Limited Liability Corp. Upon review of records and statements made on-site, investigators determined that six companies at the three Pulte sites had committed violations of failure to register with state, failure to pay unemployment taxes, and employee misclassification.

In an e-mailed statement, James Zeumer, PulteGroup's vice president of corporate communications, said the company supports the Massachusetts AG's efforts to ensure the payment of fair and complete wages. "We fully expect that our contractors will pay their employees according to all state and local guidelines, and have such requirements within our vendor agreements," he said.

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THE WALL STREET JOURNAL

WSJ.com

BUSINESS | March 22, 2012, 8:12 p.m. ET

U.S. Battles Home Builder Over Pay Probe

Pulte Fires Back, Accuses Labor Department of Improprieties After Agency Seeks to Compel Company to Fully Honor Subpoena

By ROBBIE WHELAN and MELANIE TROTTMAN

The Labor Department has stepped up pressure on PulteGroup Inc. in what has become a nasty battle between the Michigan-based home builder and the Obama administration over an investigation into the housing industry's pay practices.

The department filed a petition in federal district court in Michigan on Feb. 28 seeking to compel Pulte to produce thousands of records related to its employees and subcontractors, as requested in a subpoena it sent the company last year.



Bloomberg News

Men working last year at a PulteGroup development in Virginia. Local contractors typically build Pulte's homes.

Pulte has turned over documents related to its own employees, according to a person familiar with the matter. But it argues in court filings that the subpoena, which seeks payroll records on building projects in eight states from November 2009 to the present, is too broad, and has criticized the department's tactics in the probe.

Federal officials issued the subpoena as part of a broader investigation into pay practices of at least five national home-building companies, which also include Lennar Corp., KB Home, D.R. Horton Inc. and NVR Inc.

A Lennar spokesman declined to comment. D.R. Horton and NVR couldn't be reached for comment. KB Home

didn't respond to a request for comment.

The main issue in the investigation, say people familiar with the matter, is whether brick layers, carpenters, laborers and other subcontractors hired by the big home builders are paid proper minimum wages, overtime and other benefits, as required by the federal Fair Labor Standards Act.

More

Worker Rights Get Promotional Drive

The big builders typically don't build homes themselves. Instead, they hire local companies as subcontractors. Unions have long complained that the big companies have driven down wages for home construction by using subcontractors whose employees are willing to work for less than minimum wage and without overtime pay and health-care or other benefits.

In the past few years, the Obama administration has stepped up enforcement of so-called wage-and-hour requirements, investigating suspected violations in the hotel and janitorial-services industries, as well as housing construction.

The building industry has accused the department of overreaching, saying that big home builders aren't responsible for ensuring that other companies, including their subcontractors, obey labor regulations, and that the government is hindering job growth by targeting the builders.

Pulte fired back at the Labor Department on March 19, accusing it in a legal motion of making unreasonable demands on the company, of legal improprieties and of targeting Pulte unfairly in response to pressure from labor unions.

"[The Department of Labor's] tactics in this investigation have been less than honorable," the motion said. It cited a raid by department employees last year on a Pulte building site in Washington state. The company also alleged that Pulte's chief executive, Richard Dugas, was "interrogated" by government lawyers without his own lawyers present at a Feb. 15 meeting at the department's headquarters. In court documents, Pulte accused federal officials of "legal misconduct" in the incident.

The Labor Department declined to comment, and hasn't responded to the allegations in court.

Pulte, in court filings, also accused the department of bowing to pressure from unions to investigate the company. Documents it filed to support the allegation refer to union officials attending the National Action Summit for Latino Worker Health & Safety, an April 2010 conference in Houston at which, Pulte says, it was unjustly criticized for allegedly mistreating workers. The conference was sponsored by the Labor Department.

Unions have been waging a long-running battle with Pulte. For the past several years, the Laborers' International Union of North America, an AFL-CIO affiliate, has targeted Pulte with actions such as picketing its shareholders meetings to publicize what it says have been a variety of labor violations by the company.

A Labor Department spokeswoman declined to comment.

LIUNA's director of communications didn't reply to requests for comment.

The AFL-CIO directed questions to Margot Veranes, an Arizona-based researcher for the Building Justice Campaign, a push by various labor groups, including the AFL-CIO, to overhaul pay practices in the building trades.

"There's no doubt in our minds that the home builders have to be the ones to take the lead on improving the industry. That's where the buck stops," Ms. Veranes said. "They choose their contractors. They have the responsibility to say, 'We're going to pay an amount that allows for workers to be paid properly under the law.'"

Pulte said in a statement that it "has never objected to a legitimate" Labor Department investigation, but that it does object to "unprecedented requests" by the Labor Department to turn over records related to subcontractors and contract workers, some of whom it plans to use on future projects. In its court filing,

Pulte said the department's probe and subpoena go too far in suggesting improprieties. The agency, for example, asked the company to provide it with information about Pulte's contracts with contractors and suppliers that will do work within the next 12 months, the filing said.

"While the skilled labor crews building our homes are not Pulte employees, our vendor agreements state that contractors are required to comply with all applicable labor laws and wage practices," said Jim Zeumer, Pulte's head of investor relations. "It is not just an expectation, it is an explicit contractual requirement."

Write to Robbie Whelan at robbie.whelan@wsj.com and Melanie Trottman at melanie.trottman@wsj.com

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