

The FAIR CONTRACTOR

A Publication of the Foundation for Fair Contracting of Massachusetts



A CONSTRUCTION INDUSTRY
LABOR-MANAGEMENT
ORGANIZATION

Spring, 2000

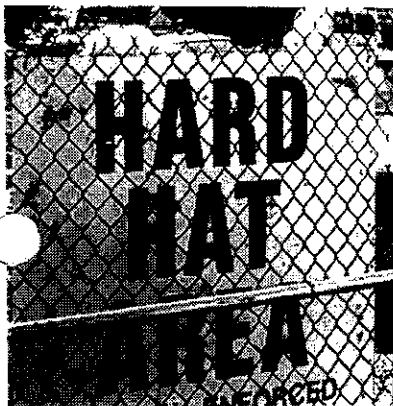
Volume 7, Issue 1

Attorney General: "Payroll Records on Public Construction Projects are Public Information"

The Massachusetts Attorney General's Office has reaffirmed that private contractors' payroll records are public documents when that contractor is working on a public construction project.

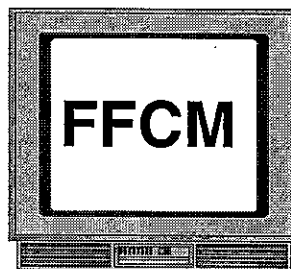
In a letter sent to the Cambridge Redevelopment Authority this spring, the AG's office stated that: "The release of such payroll information, submitted by contractors to the awarding authority for public works projects pursuant to G.L. c.149 Section 27B, is in the public interest. Disclosure of this information to the awarding authority and to third parties requesting it is integral to ensuring compliance with the Commonwealth's prevailing wage laws on public works projects."

Among the information that must be submitted by every contractor and subcontractor on public construction projects that this ruling applies to is: the employee's name, address, occupational classification (Laborer, Operator, Painter, etc.), hours worked and wages paid. Social Security numbers, federal and state deductions, and other deduction information should not be disclosed.



**Keep Your
Hats On...
But Don't Be
Hardheaded
About the
Law!**

FFCM Renews T.V. Ad Campaign



**Receives
Hundreds of
Calls in Three
Weeks!**

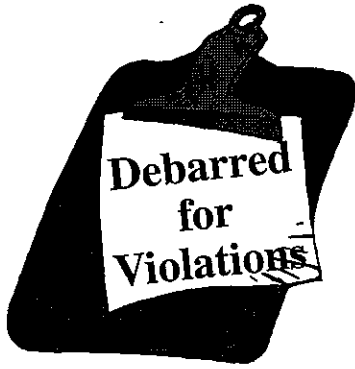
The Foundation for Fair Contracting started its annual television advertising campaign on April 17 and generated hundreds of calls during the three weeks it ran. The ad, placed in programming spots targeted at the construction workers' demographic market, alerted viewers to their rights on public construction projects. Issues such as rate of pay, independent contracting, and overtime pay were addressed.

Karen Courtney, the Director of the FFCM, is enthusiastic about the responses from the workers. She said that "the average construction worker doesn't have many places to go for help. These T.V. spots give folks with questions and complaints regarding prevailing wage work a number to call which will meet their needs immediately." She went on to say "I hope contractors are also put on notice that there is a watchdog organization set up to help workers take a stand against unscrupulous employers."

page 3
**Fighting
Scams
& Rip-offs**

**Painting
Firm
Faces
Fines**
page 3

page 2
**Debarment
List**



Attorney General's Debarment List

W.G. Burns and Sons, Inc., William G. Burns, President, Haverhill, MA—debarred through August 26, 2000.

Roosevelt Building Products, Roosevelt Morin, President, Bristol, CT—debarred through September 22, 2000.

Creative Construction and Improvements, Inc., Vicki Malone, President, Springfield, MA—debarred through March 24, 2005.

George Vasiliades d/b/a Olympic Painting, George Vasiliades, President, Peabody, MA—debarred through October 19, 2001.

EMP Sweeping and Asphalt Paving Corporation, Deanna Zucchari, President, Walpole, MA—debarred through November 20, 2001.

Kingsberry Building Technologies, Inc., Charles J. Martin, President, Wakefield, MA—debarred through December 1, 2000.

Amaral Excavating, Inc., Daniel P. Amaral, President, Somerville, MA—debarred through February 3, 2002.

Michael Tremble d/b/a Mike's Painting, Huntington, MA—debarred through August 24, 2002

Crystal Construction, Inc., Joseph Casna, Jr., President, Kingston, MA—debarred through April 7, 2000.

Family Floors, William Bankus, Owner, Halifax, MA—debarred through October 3, 2000.

I.M. Concrete, Isaac Millis, Owner, Rindge, NH—debarred through October 29, 2000.

Rand Stoneworks, Inc., J. Jeffrey Rand, President, Portland, ME—debarred through June 20, 2000.

Moriarty and Sons, Inc., Sean J. Moriarty, President, Newton Upper Falls, MA—debarred through August 6, 2000.

Classic Siding and Window Corp., Inc., Savvas Xenidis, President, Roslindale, MA—debarred through August 16, 2000.

R.T. Smales Co., R. Thomas Sales, President, Salem, MA—debarred through August 29, 2000

— One List You Don't Want to Make —

New Law Aids in Wage Enforcement

The Commonwealth's new prevailing-wage law continues to make progress in the battle to bust unlawful contractors. Below are some of the recent cases handled by the Attorney General's Office.

Mario S. Susi, Jr., Mario Susi & Sons, Inc.
Failed to pay the prevailing wage on a public works project. Also failed to provide true and accurate payrolls on the project.
Total ordered to pay: \$2,000
Inspector: Jeremy Banks

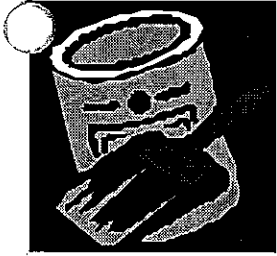
Maureen McKenna, Sharpe Painting Contractors, Inc.

See related story on next page

Intentionally failed to submit certified payroll records to the awarding authority on the Berlin Public Safety and Municipal Facilities Building Project. A month later, they were found guilty of the same offense.
Total ordered to pay: \$1,250
Inspector: Greg Reutlinger

Continued on back page

PAINTING CONTRACTOR FACES POSSIBLE DEBARMENT, FINES



Sharpe Painting, a Brighton based painting company and its president, Maureen McKenna, have received four civil citations in the past four months for intentionally violating the prevailing wage law. Under the new

law which took effect last year, the Attorney General's Office has the ability to issue civil citations to violators of the prevailing wage law on any public projects bid after February 4, 1999. Sharpe's problems began on January 13 of this year when they received their first citation for intentionally failing to submit certified payroll records on the Berlin Public Safety and Municipal Facilities Building in November 1999. This violation carried with it a \$250 civil penalty which was subsequently paid by Sharpe.

Although Sharpe had been fined the previous month, they were issued another civil citation in February. The citation states that Sharpe failed to submit certified payroll records on the Berlin Public Safety and Municipal Facilities Building from January 18 to February 4, carrying with it a \$1,000 fine -

consistent with the AG's policy of escalating penalties and sanctions with each subsequent offense.

Greg Reutlinger, the investigator for the Attorney General's Office handling the Sharpe case, once again found it appropriate to issue a civil citation to Sharpe on March 29. As with the two previous citations, Sharpe failed to submit certified payrolls on the Berlin project. This time Sharpe was fined \$3,000 for the violation.

The fourth citation was issued less than a month later for the same offense, only on a different project, the Triton Regional Junior/Senior High School. Once again, Inspector Reutlinger issued a civil citation for Sharpe's failure to submit certified payroll records. This offense carried with it a fine of \$5,000.

Sharpe is now faced with probable debarment from public works. The revised Prevailing Wage Law provides the AG with the ability to debar a contractor for 2 years from the date of issuance of the citation for the third intentional violation of the prevailing wage law.

Following the payment of the first citation, Sharpe has appealed the remaining three citations to the Division of Administrative Law Appeals, which is expected to hear the case in the next several months.

Every month, the Foundation receives hundreds of calls from workers who have been ripped off by their employers. We help these workers file complaints with the Attorney General's Office. Here are some cases transmitted by the FFCM where workers have won back money from their employers.

Several workers from **Cedrone** contacted the FFCM and claimed they were not paid the rate on a street reconstruction project in Belmont and Newton. A complaint was filed and the company was debarred for six months. The workers have since received up to **\$12,000** each in restitution.

An anonymous complaint taken by the FFCM resulted in an investigation of **Tasco Construction** on the M.D.C. Charles River Dam project. The workers received **\$6,000** as a part of a settlement agreement.

Owens Insulation workers owed money on the Whitman Middle School project in Hanson received **back pay** as a result of an AG investigation and settlement agreement.

As a result of employee complaints to the FFCM, **Top Shelf Installations** was debarred from public work for three months and their workers received **back pay**.

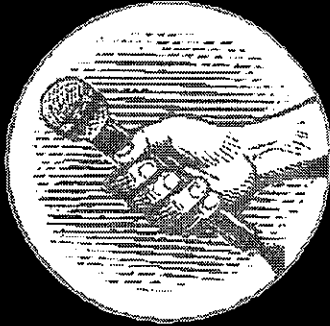
**Fighting
Back Against
Scams and
Rip-Offs** \$



The Fair Contractor is published quarterly by the non-profit Foundation for Fair Contracting of Massachusetts. Our mailing address is Box 256, State House Station, Boston, MA 02133 For information, call 1-800-224-FAIR.

We want to hear from you!

Tell us what you think about the state of fair contracting in Massachusetts.



**Send your e-mails to:
ffcm@tiac.net**

**Or send us an old-fashioned letter. We can be reached at the
Foundation for Fair Contracting,
P.O. Box 256, State House
Station, Boston, MA 02133**

***Comments may be edited for length**

**New Law Aids in Enforcement Efforts
From Page 2**

Dave Gardner Contractor and Supply, Inc.

Failed to furnish true and accurate payroll records on the Lemuel Shattuck Hospital Project. Intentionally failed to furnish true and accurate payroll records on the Vinson Owen School Project.

Total ordered to pay: \$754

Inspector: Robert Galvani

Jacey R. Barrett, Barrett Building Contractors

Had four intentional violations of the Prevailing Wage Law on a Northampton Housing Authority Project. They did not pay the prevailing wage, they did not submit payrolls on a weekly basis, they failed to furnish payroll records to the AG, and did not furnish true and accurate payrolls for the project.

Total ordered to pay: \$5,272

Total restitution: \$3,922

Inspector: Steve Spencer

**BULK RATE
U.S. POSTAGE
PAID
BOSTON, MA
PERMIT NO. 52213**

**The Foundation for Fair Contracting
P.O. Box 256
State House Station
Boston, MA 02133**