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August 10, 2000

**D. Renee Schroeder, Esq.
Registered Agent
c/o Cooling Landscape Contractors, L.L.C.
Hinshaw & Culbertson
100 Park Avenue
Rockford, Illinois 61105-1398**

Re: NOTICE OF SECOND VIOLATION

**IDOL Case Nos. 99-PW-EH12-1066, 99-PW-EH12-1072, 99-PW-EH12-1074,
99-PW-EH12-1075, 99-PW-EH12-1104, 99-PW-EH12-1105, 99-PW-EH12-
1109, 99-PW-EH12-1128, 00-PW-EH01-0002, 00-PW-EH01-0005, 00-PW-
EH01-0008, 00-PW-EH01-0009, 00-PW-EH01-0011, 00-PW-EH01-0045, 00-
PW-EH01-0052, 00-PW-EH01-0053, 00-PW-EH01-0057, 00-PW-EH01-0064,
00-PW-EH01-0065**

Dear Ms. Schroeder:

YOU ARE HEREBY ON NOTICE that the Illinois Department of Labor (IDOL) finds Cooling Landscape Contractors, LLC (Cooling) in violation of the Prevailing Wage Act (Act), 820 ILCS 130/0.01-12 (2000). Specifically, IDOL determined Cooling violated section 3 of the Act by underpaying its laborers, workers and mechanics \$65,442.89 (in the aggregate) in the above-referenced cases as follows:

- 019-99
- 1. City of Woodstock - Ill. Route 47, St. John Rd. to Birch Rd. Landscape Project. IDOL Case No. 99-PW-EH12-1066: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of McHenry County to its laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$9,462.40. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$1,892.48.**

017-99
2. Belvidere Comm. Unit School Dist. No. 100 - Landscape Project (Football Field). IDOL Case No. 99-PW-EH12-1072: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of Boone County to its laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$7,727.42. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$1,545.48

016-99
3. DeKalb County Hwy. Dep't - North First Street Landscaping Project (Section No. 95-00172-00-WR). IDOL Case No. 99-PW-EH12-1074: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of DeKalb County to its laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$19,566.40. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$3,913.28.

021-99
4. Kinnikinnick Comm. Unit School Dist. No. 131 - Landscape Project (New Middle School). IDOL Case No. 99-PW-EH12-1075: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of Winnebago County to its laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$543.38. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$108.68.

037-99
5. City of Rockford Public School Dist. No. 205 - New Ellis K-8 Arts Magnet School. IDOL Case No. 99-PW-EH12-1104: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of Winnebago County to its laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$1,726.65. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$345.33.

050-99
6. Rockford Park Dist. - Martin Park Bike Path. IDOL Case No. 99-PW-EH12-1105: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of Winnebago County to its laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$7,840.35. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$1,568.07.

049-99
7. Winnebago County Hwy. Dep't - Perryville Rd. from Riverside Blvd. to Harlem Rd. IDOL Case No. 99-PW-EH12-1109: Cooling violated section 3 of the Act by

Winnabago County Hwy. Dept - Perryville Rd. from Springbrook Rd. to Riverside Blvd. IDOL Case No. 00-PW-EH01-0009: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of Winnabago County to

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076-99

20% penalty was \$207.58. workers, and mechanics, and the amount required under the Act. The statutory underpaid its laborers, workers and mechanics were \$1,037.89. This amount IDOL determined the total amount of wages Cooling falling to pay the prevailing rate of wages of Winnabago County to it laborers, IDOL Case No. 00-PW-EH01-0008: Cooling violated section 3 of the Act by City of Rockford - Arthur Ave. City Wide Reconstruction, Bid No. 499-PW-095,

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075-99

statutory 20% penalty was \$435.73. laborers, workers, and mechanics, and the amount required under the Act. The amount represents the difference between the actual wages Cooling paid its Cooling underpaid its laborers, workers and mechanics were \$2,178.65. This IDOL determined the total amount of wages laborers, workers and mechanics. IDOL determined the total amount of wages Act by failing to pay the prevailing rate of wages of Stephenson County to it IDOL Case No. 09-PW-EH01-0005: Cooling violated section 3 of the

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081-99

III. Dept of Transp. - Old Market House, Washburne House & Workshop Area, IDOL Case No. 00-PW-EH01-0002: Cooling violated section 3 of the Act by falling to pay the prevailing rate of wages of Winnabago County to it laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$196.34. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$39.27.

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086-99

City of Rockford Public School Dist. No. 205 - New Barbour K-8 Bilingual Immersion Magnet School, IDOL Case No. 99-PW-EH12-1128: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of Winnabago County to it laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$313.90. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$62.78.

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087-99

falling to pay the prevailing rate of wages of Winnabago County to it laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$679.82. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$135.96.

it laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$198.64. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$39.73.

073-99
13.

Rockford Park Dist. - Shorewood Park Path Renovation. IDOL Case No. 00-PW-EH01-0011: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of Winnebago County to its laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$427.81. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$85.56.

098-99
14.

Winnebago Forest Preserve Dist. - Macktown Golf Course & Historic Dist. IDOL Case No. 00-PW-EH01-0045: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of Winnebago County to its laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$1,064.60. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$212.92.

057-99
15.

City of Rockford - Trainer Rd. (South) from Newburg Rd. (North) to Sandalwood. IDOL Case No. 00-PW-EH01-0052: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of Winnebago County to its laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$2,982.37. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$596.47.

058-99
16.

City of Rockford - North Horsman St. Reconstruction. IDOL Case No. 00-PW-EH01-0053: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of Winnebago County to its laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$607.14. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$121.43.

055-99
17.

City of Rockford - Eastview Road Reconstruction. IDOL Case No. 00-PW-EH-0057: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of Winnebago County to its laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$778.51. This amount represents the difference between the

actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$155.70.

063-99
18. Rock River Water Reclamation Dist. - Ellis Rd. Sanitary Sewer Extension Special Assessment Project No. 94, IDOL Case No. 00-PW-EH01-0064; Eastview Road Reconstruction, IDOL Case No. 00-PW-EH-0057: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of Winnebago County to its laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$6,598.15. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$1,319.63.

062-99
19. City of Rockford - Springcreek - Alpine Rd. Intersection, IDOL Case No. 00-PW-EH01-0065: Eastview Road Reconstruction, IDOL Case No. 00-PW-EH-0057: Cooling violated section 3 of the Act by failing to pay the prevailing rate of wages of Winnebago County to its laborers, workers and mechanics. IDOL determined the total amount of wages Cooling underpaid its laborers, workers and mechanics were \$1,512.47. This amount represents the difference between the actual wages Cooling paid its laborers, workers, and mechanics, and the amount required under the Act. The statutory 20% penalty was \$302.49.

The above-referenced violations occurred within two (2) years from the date of Cooling's NOTICE OF FIRST VIOLATION, hereto attached. IDOL thus issues this NOTICE OF SECOND VIOLATION pursuant to section 11a of the Act, 820 ILCS 130/11a, and its regulations at 56 Ill. Adm. Code 100.5-100.120. Cooling, its member(s), manager(s), agent(s), and all persons acting in Cooling's behalf and interest, and any firm, corporation, partnership or association in which Cooling, its member(s), manager(s), agent(s), and all persons acting in Cooling's behalf and interest, have an interest, are therefore barred from being awarded any contract to perform public works construction for a two (2) year period from the date of publication in the Illinois Register.

Cooling has ten (10) working days from the date of receipt of this NOTICE OF SECOND VIOLATION to request a hearing by IDOL on the alleged violations. Failure to respond within that time period shall result in the automatic and immediate debarment described above.

Very truly yours,

Robert M. Healey
Director

enclosure

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