



90176

ILLINOIS DEPARTMENT OF LABOR

George H. Ryan
Governor

Robert M. Healey
Director

December 10, 2001

Mr. Jim Higginbotham
Higginbotham Excavating, Inc.
R.R 2 Box 470
Athens, Illinois 62613-9209

90381
Closed 5-13-02

RE: NOTICE OF FIRST VIOLATION
Public Body: City of New Berlin
Project: Sanitary Sewer Replacement Phase 2
IDOL Case No.: 01-PW-TD05-0546

Dear Mr. Higginbotham:

This letter is formal notice of the determination by the Illinois Department of Labor (IDOL) that the above named addressees have violated the Illinois Prevailing Wage Act (820 ILCS 130/1 et. seq.) (Act). This letter constitutes a Notice of First Violation and is issued by IDOL pursuant to Section 11a of the Act, and the Prevailing Wage Hearing Procedures, 56 Ill. Adm. Code 100.

The Department has determined that the above named addressees have violated the Act in regard to the above referenced project by the following conduct:

The above named addressee's have violated Section 3 of the Act by failing to pay the prevailing rate of wages of Sangamon County to its workers. The Department has determined that the total amount of wages by which workers were underpaid was \$6,412.05. This amount represents the difference between actual wages paid and the amount required under the Act. The assessed 20% statutory penalty amounted to \$1,282.41. The total amount assessed against the contractor on this project was \$7,694.46.

If the Department determines that the above named addressees have committed a second violation of the Act within two (2) years of the date of a Notice of First Violation, they will be subject to a summary debarment for a period of two (2) years, during which time it will be unable to perform work on any public work project. Upon issuance of Notice of Second Violation, they have the right to request a hearing to contest the violations underlying the Notices of First and Second Violations, pursuant to Section 11a of the Act and the Prevailing Wage Hearing Procedures. A hearing is NOT available solely upon Notice of First Violation.

Sincerely,

Robert M. Healey
Robert M. Healey
Director

