



ILLINOIS DEPARTMENT OF LABOR

George H. Ryan
Governor

Robert M. Healey
Director

February 27, 2001

COPY

Phelps and Sons Fencing
425 Washington
Westfield, Illinois 62474

RE: NOTICE OF FIRST VIOLATION
Public Body: Eastern Illinois University
Project: Installing New Fence Softball Field
IDOL Case No.: 00-PW-JD09-0892

Dear Sir:

This letter is formal notice of the determination by the Illinois Department of Labor (IDOL) that Phelps and Sons Fencing has 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 Phelps and Sons Fencing violated the Act in regard to the above referenced project by the following conduct:

The Company violated Section 3 of the Act by failing to pay the prevailing rate of wages of Coles County to its workers. The Department has determined that the total amount of wages by which workers were underpaid was \$266.08. This amount represents the difference between actual wages paid and the amount required under the Act. The assessed 20% statutory penalty amounted to \$53.21. The total amount assessed against the contractor on this project was \$319.29.

If the Department determines that a contractor or subcontractor has committed a second violation of the Act within two (2) years of the date of a Notice of First Violation, the contractor or subcontractor 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, the contractor or subcontractor has 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
Director