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ILLINOIS DEPARTMENT OF LABOR

George H. Ryan
Governor

Robert M. Healey
Director

May 29, 2002

Porter Brothers Asphalt Paving
Clint Porter
1106 Industrial Park Drive
Rock Falls, Illinois 61071

RE: NOTICE OF FIRST VIOLATION

Public Body: Rockvale Township / White Cty Hwy Dept.
Project: Paving Mongan Drive (Ogle Cty) / Pine Hill Road and Spencer Drive
IDOL Case No.: 02-PW-EH04-0240 / 02-PW-EH03-0170

Dear Mr. Porter:

This letter is formal notice of the determination by the Illinois Department of Labor (IDOL) that the above named addressee's 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 addressees have violated Section 3 of the Act by failing to pay the prevailing rate of the wages of Ogle and Whiteside Counties to its workers. The Department has determined that the total amount of wages by which workers were underpaid was **\$1,787.83**. This amount represents the difference between actual wages paid and the amount required under the Act. The assessed 20% statutory penalty amounts to **\$357.57**. The total amount assessed against the contractor on this project was **\$2,145.40**.

The above named addressee's have violated Section 5 of the Act by failing to allow the Department access to an accurate record showing the name and occupation of the workers employed on this project and/or by failing to keep an accurate records showing the actual hourly wage paid to each of such persons.

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 they will be unable to perform work on any public works project. Upon issuance of Notice of Second Violation, the above named addressees they have the right to request a hearing to contest the