



ILLINOIS DEPARTMENT OF LABOR

Rod R. Blagojevich
Governor

Catherine M. Shannon
Director

May 27, 2008

American Painting, Inc.
Gary Bens
1820 Wallace, Unite 118
St. Charles, Illinois 60174

RE: **NOTICE OF FIRST VIOLATION**
Certified Mail Receipt No.: 7006 2150 0004 5097 2200
Public Body: Batavia School District 101
Project: Painting at Batavia Buildings Trades Home
IDOL Case No.: 2008-PW-DA08-0069

Dear Sir or Madam:

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 Kane County to its workers. The Department has determined that the total amount of wages by which workers were underpaid was **\$4,392.40**. This amount represents the difference between actual wages paid and the amount required under the Act. The assessed 20% statutory penalty amounted to **\$878.48**. The total amount assessed against the contractor on this project was **\$5,270.88**. Please note that the penalty increases to 50% for a second or subsequent action to recover underpayments.

If the Department determines that the above named addressees have committed a second violation of the Act within five (5) years of the date of a Notice of First Violation, they will be subject to a summary debarment for a period of four (4) 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,

Catherine Shannon
Director

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