



ILLINOIS DEPARTMENT OF LABOR

Pat Quinn  
Governor

Joseph Costigan  
Director

November 22<sup>ND</sup>, 2013

A & M SMITH, INC. D/B/A FLOORCOVERING PLUS  
ATTN: MELODIE SMITH

RE: NOTICE OF FIRST VIOLATION

Certified Mail Receipt No.: 7012-2920-0001-9169-4128

Public Body: FREEPORT SCHOOL DISTRICT 145

Project: FREEPORT SD#145-CARPET REPLACEMENT IN JR HIGH/HIGH SCHOOL 2037 W. GALENA AVE.

IDOL Case No.: 2011-PW-EH 12-0427

Dear:

This letter is formal notice of the determination by the Illinois Department of Labor (IDOL) A & M SMITH, INC. D/B/A FLOORCOVERING PLUS, hereinafter referred to as "You" or "Your") violated the Illinois Prevailing Wage Act (820 ILCS 130/1 *et seq.*) ("PWA"). This letter constitutes a **NOTICE OF FIRST VIOLATION** and is issued by IDOL pursuant to Section 11a of the PWA, and the Prevailing Wage Hearing Procedures, 56 Ill. Adm. Code 100.

You violated **Section 3** of the PWA by failing to pay the prevailing rate of the wages for Stephenson County to workers on the public works project. The Department determined that the total amount of wages by which workers were underpaid was \$1,208.89. This amount represents the difference between actual wages paid and the amount required under the PWA. The assessed 20% statutory penalty amounted to \$241.78. The total amount assessed against You was \$1,450.67. If the Department has not yet received payment, this case may be turned over to the Attorney General's office for collection and require the issuance of this Notice of Violation. Payment does not negate the issuance of this Notice of Violation.

If the Department determines that You committed a second violation of the PWA within five (5) years of the date of this Notice of First Violation, You will be subject to a summary debarment for a period of four (4) years, during which time You shall not be awarded any contracts for public works. This letter is to advise You and put You on notice that if You are debarred, the debarment includes all directors, officers, agents, representatives or other controlling persons who acted through or on Your behalf as set forth in 56 Ill. Adm. Code 100.26(a). An administrative hearing is not available upon the issuance of a First Notice of Violation, but if the Department issues a Notice of Second Violation, You have the right to request a hearing to contest the violations underlying the Notices of First and Second Violation as well as the issuance of the Notices of Violations, pursuant to Section 11a of the PWA and the Prevailing Wage Hearing Procedures.

Sincerely,

Joseph Costigan  
Director

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