



**New Jersey Department of Labor
and Workforce Development**
Petitioner,

**STATE OF NEW JERSEY
DEPARTMENT OF LABOR
AND WORKFORCE DEVELOPMENT**

v.

Quality Plus Builders, Inc.;
Gerald G. Smith, President and
Individually; and Laurie M. Smith
Vice-President and Individually ,
Respondent.

**FINAL ADMINISTRATIVE ACTION
OF THE
COMMISSIONER**

OAL DKT. NO LID 02886-15
AGENCY DKT. NO. PC-126-0214-OCO

Issued: January 27, 2017

The New Jersey Department of Labor and Workforce Development (the Department or petitioner) served notice upon Quality Plus Builders, Inc.; Gerald G. Smith, President and Individually; and, Laurie M. Smith, Vice-President and Individually (Quality Plus or respondents), for violations of N.J.S.A. 34:11-4.2 (unpaid wages/late payment), N.J.S.A. 34:11-4.4 (illegal deductions), N.J.S.A. 34:11-56.27 (failure to pay prevailing wage), N.J.S.A. 34:11-56.29 and N.J.A.C. 12:60-2.1 (records – inaccurate certified payroll), N.J.S.A. 34:11-56.31 (records – obstruction), and N.J.S.A. 34:11-56.51 (failure to register). On the basis of these violations, the Department assessed respondents for \$86,959.97 in unpaid wages, \$69,500 in penalties and an \$8,696 administrative fee. The Department also served notice upon respondents that it would be seeking the debarment of each; that is, Quality Plus Builders, Inc.; Gerald G. Smith, President and Individually; and, Laurie M. Smith, Vice-President and Individually, on the basis of respondents' failure to pay the prevailing wage on public works, as required under the Prevailing Wage Act (PWA), N.J.S.A. 34:11-56.25 et seq.

Respondents requested a hearing with regard to the debarment and the assessment of wages, penalties and an administrative fee. The matters were transmitted to the Office of Administrative Law (OAL), where they were scheduled for a hearing before Administrative Law Judge (ALJ) Sandra Robinson. Due to ALJ Robinson's retirement, the matter was reassigned to ALJ John Scollo. Subsequently, the matter was reassigned to ALJ Joan Bedrin Murray. Prior to a hearing, the Department filed a motion for summary decision with ALJ Bedrin Murray. Respondents did not oppose the motion.

The ALJ issued an initial decision containing undisputed findings upon which she based her conclusion that respondents had been properly assessed by the Department for \$86,959.97 in unpaid wages, \$69,500 in penalties and an \$8,696 administrative fee. The ALJ also concluded within her initial decision that the Department had been correct to debar respondents for failing to pay the prevailing wage on public works. Therefore, the ALJ ordered that respondents' appeal be dismissed. No exceptions to the initial decision have been filed.


Upon de novo review of the record, and after consideration of the ALJ's initial decision, I hereby accept the ALJ's findings of fact and conclusions of law as well as her recommendation that the assessment for unpaid wages in the amount of \$86,959.97, penalty in the amount of \$69,500 and administrative fee in the amount of \$8,696 be affirmed. I also accept the ALJ's recommendation that respondents' debarment be affirmed.

ORDER

Therefore, it is ordered that respondents' appeal be dismissed and respondents are hereby ordered to immediately remit to the Department \$86,959.97 in unpaid wages, \$69,500 in penalties and an \$8,696 administrative fee. It is also ordered that Quality Plus Builders, Inc.; Gerald G. Smith, President and Individually; and, Laurie M. Smith, Vice-President and Individually, be placed on the debarment list pursuant to N.J.S.A. 34:11-56.37.

This is the final administrative decision in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY
THE COMMISSIONER, DEPARTMENT
OF LABOR AND WORKFORCE DEVELOPMENT



Aaron R. Fichtner, Ph.D., Acting Commissioner
Department of Labor and Workforce Development

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