



pennsylvania
DEPARTMENT OF GENERAL SERVICES

August 14, 2015

Via Certified Mail

Mr. R. Lee Totty
Yarborough Development Inc.
1700 Washington Boulevard
McKeesport, PA. 15133

**Re: Violation Notice/Warning Letter
Public Works Employment Verification Act
Project: Contract No#: Ringgold School District
Additions and Alterations to the Ringgold Elementary School North**

Dear Mr. Totty:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, Yarborough Development Inc. ("Yarborough") has been found to be in violation of Section 5(1) of the Public Works Employment Verification Act (the "Act"). The details of the violation are as follows:

The Act requires every public work contractors and subcontractors to utilize the federal E-Verify Program ("EVP"), operated by the United States Department of Homeland Security, to verify the employment eligibility of new employees hired on or after January 1, 2013.

The Act was effective January 1, 2013, and all public works contractors are required to comply with the Act prior to the award of a public works contract. By letter dated July 13, 2015, the Department requested Yarborough to provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that Yarborough was awarded a public works contract by the Ringgold School District on May 26, 2015. According to the information submitted in response to the audit, Yarborough hired a total of approximately six (6) employees after the award of the contract. Although Yarborough submitted a Public Works Employment Verification Form acknowledging that it was in compliance with the Act as of May 26, 2015, Yarborough did not enroll into EVP until July 29, 2015 and did not initiate verification of the 6 new employees until on or after July 30, 2015. Therefore, it is the Department's conclusion that Yarborough did not utilize the EVP system to verify new employees in accordance with the Act and is in violation of Section 5(1) of the Act.

This is Yarborough's first violation under the Act. As required by Section 5(D) (1), this first violation warning letter will be posted to the Department's publicly accessible website. If Yarborough fails to comply with the Act or commits subsequent violations thereof, Yarborough may be subject to civil penalties as well as debarment by the Department as provided for in Section 5.

If Yarborough wishes to appeal this determination, you must submit a written request for an administrative hearing setting forth all of the facts upon which the appeal is based within ten (10)

calendar days of the date of this letter to the Deputy Secretary for Public Works, Department of General Services, 3rd Floor Arsenal Building, 18th and Herr Streets, Harrisburg, PA, 17125. A filing fee of \$100.00, in the form of a certified check or money order payable to the Commonwealth of Pennsylvania Department of General Services, must be enclosed with the request.

Please refer to the Department's web site at www.dgs.state.pa.gov for additional information on the requirements of the Act as well as the appeal procedures to be followed if Yarborough requests an administrative hearing. Your cooperation with the Department in complying with the Act is appreciated.

Sincerely,



Michael A. Cuff

Public Works Employment Verification Manager

cc: Elizabeth O'Reilly, Deputy Secretary for Public Works
Herb Pfuhl, Director, BPSAS
Kristen A. Lopko, Assistant Counsel