



pennsylvania
DEPARTMENT OF GENERAL SERVICES

September 21, 2015

Via Certified Mail

Mr. John Nastase
John Nastase Construction
119 Moore Lane
Snow Shoe, PA. 16874

**Re: Violation Notice/Warning Letter
Public Works Employment Verification Act
Project: Contract No#: DGS A571-37.4
Replace Sallyport Vehicle Gates**

Dear Mr. Nastase:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, John Nastase Construction (Nastase Construction) 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 3, 2015, the Department requested Nastase Construction to provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that Nastase Construction was awarded a public works contract by the Department of General Services on March 23, 2015. According to the information submitted in response to the audit, Nastase Construction hired a total of approximately nine (9) employees after the award of the contract. Although Nastase Construction submitted a Public Works Employment Verification Form acknowledging that it was in compliance with the Act as of March 12, 2015, Nastase Construction did not enroll into EVP until July 30, 2015 and did not initiate verification of the 9 new employees until September 3, 2015. Therefore, it is the Department's conclusion that Nastase Construction 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 Nastase Construction'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 Nastase Construction fails to comply with the Act or commits subsequent violations thereof, Nastase Construction may be subject to civil penalties as well as debarment by the Department as provided for in Section 5.

If Nastase Construction 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 Nastase Construction 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
Kristen A. Lopko, Assistant Counsel