



**pennsylvania**  
DEPARTMENT OF GENERAL SERVICES

December 18, 2015

**Via Certified Mail**

Mr. Brian Palmer  
Palmer Waterproofing, Inc.  
2175 Bennett Road  
Philadelphia, PA. 19116

**Re: Violation Notice/Warning Letter  
Public Works Employment Verification Act  
Project: Contract No#: DEI Project No.90097  
Cecelia Snyder Middle School Masonry Repairs**

Dear Mr. Palmer:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, Palmer Waterproofing, Inc (Palmer Waterproofing) 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 October 23, 2015, the Department requested Palmer Waterproofing to provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that Palmer Waterproofing was awarded a public works contract by the Bensalem Township School District on September 1, 2015. According to the information submitted in response to the audit, Palmer Waterproofing hired a total of approximately five (5) employees after the award of the contract. Although Palmer Waterproofing submitted a Public Works Employment Verification Form acknowledging that it was in compliance with the Act as of August 31, 2015, Palmer Waterproofing did not enroll into EVP until November 10, 2015 and did not initiate verification of the 5 new employees until November 16, 2015. Therefore, it is the Department's conclusion that Palmer Waterproofing 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 Palmer Waterproofing'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 Palmer Waterproofing fails to comply with the Act or commits subsequent violations thereof, Palmer Waterproofing may be subject to civil penalties as well as debarment by the Department as provided for in Section 5.

If Palmer Waterproofing 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, 3<sup>rd</sup> 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](http://www.dgs.state.pa.gov) for additional information on the requirements of the Act as well as the appeal procedures to be followed if Palmer Waterproofing 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