



pennsylvania
DEPARTMENT OF GENERAL SERVICES

May 13, 2016

Via Certified Mail

Mr. Brian Saeler
Hudson Construction, Inc
1625 Dutch Lane
Hermitage, PA 16148

**Re: Violation Notice/Warning Letter
Public Works Employment Verification Act
Project: Warren Area High School Alterations & Additions
Warren County School District**

Dear Mr. Saeler:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, Hudson Construction, Inc ("Hudson 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 was effective January 1, 2013, and requires every public works contractor and subcontractor 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. Public works contractors and subcontractors must be in compliance with the Act prior to the award of the contract. Employees hired after the award of the public works contract must be verified within 5 business days of his or her start date.

By letter dated April 22, 2016, the Department requested Hudson Construction to provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that Hudson Construction was awarded a public works contract by the Warren County School District on February 8, 2016. According to the information submitted in response to the audit, Hudson Construction hired a total of approximately eleven (11) employees after the award of the contract. Hudson Construction submitted a Public Works Employment Verification Form acknowledging that it was in compliance with the Act as of February 4, 2016, prior to the award of the contract, However, Hudson Construction did not enroll into EVP until April 25, 2016 and did not initiate verification of the eleven new employees until on or after May 3, 2016, more than five business days after the employees' respective start dates. Therefore, it is the Department's conclusion that Hudson Construction did not properly enroll into nor 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 Hudson 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 Hudson

Construction fails to comply with the Act or commits subsequent violations thereof, Hudson Construction may be subject to civil penalties as well as debarment by the Department as provided for in Section 5.

If Hudson 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 Procurement, Department of General Services, 6th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA, 17101. 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 Hudson 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: Janice Pistor, Chief, Strategic Support & Audits Division
Kristen A. Weber, Assistant Counsel