



**pennsylvania**  
DEPARTMENT OF GENERAL SERVICES

September 1, 2015

**Via Certified Mail**

Mr. James Kofskie  
Mariano Construction, Inc.  
72 Edwards Drive  
Bloomsburg, PA. 17815

**Re: Violation Notice/Warning Letter  
Public Works Employment Verification Act  
Project: Contract No#: DGS A961-24.4 Phase 4  
Major Rehab of Existing Facility**

Dear Mr. Kofskie:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, Mariano Construction, Inc. ("Mariano") 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 1, 2015, the Department requested Mariano to provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that Mariano was awarded a public works contract by the Department of General Services on November 21, 2014. According to the information submitted in response to the audit, Mariano hired a total of approximately one (1) employee after the award of the contract. Although Mariano submitted a Public Works Employment Verification Form acknowledging that it was in compliance with the Act as of November 10, 2014, Mariano did not enroll into EVP until July 6, 2015 and did not initiate verification of the 1 new employee until August 7, 2015. Therefore, it is the Department's conclusion that Mariano 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.

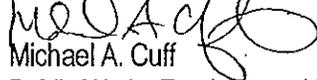
This is Mariano's first violation under the Act. As required by Section 5(D) (1), this first violation warning letter will be posted to the Department's publicly accessible website. If Mariano fails to comply with the Act or commits subsequent violations thereof, Mariano may be subject to civil penalties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

If Mariano 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 Mariano 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