



**pennsylvania**  
DEPARTMENT OF GENERAL SERVICES

January 14, 2016

**Via Certified Mail**

Tomlyn Construction  
5895 Heckert Road, Suite 103  
Bakerstown, PA. 15007

**Re: Violation Notice/Warning Letter  
Public Works Employment Verification Act  
Project: Contract No#: DGS 963-57.1 Phase 1  
Rehabilitate Greensburg Readiness Center**

Dear Tomlyn Construction:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, Tomlyn 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. Two certified letters, the most recent dated November 19, 2015, were mailed to Tomlyn Construction by the Department requesting Tomlyn Construction to provide specific information establishing compliance with the Act. Tomlyn Construction failed to provide any information requested by the Department. While the Department's files contain a copy of Tomlyn's Public Works Employment Verification Form, this alone is not sufficient for the Department to conduct a compliance review. Since Tomlyn Construction did not respond to the audit, it is the Department's conclusion that Tomlyn Construction did not properly utilize the Federal E-Verify Program. Therefore, Tomlyn Construction is in violation of Section 5(1) of the Act.

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

If Tomlyn 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, 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 Tomlyn 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