



pennsylvania
DEPARTMENT OF GENERAL SERVICES

June 10, 2016

Via Certified Mail

Mr. Bernard C. Banks Jr
American Asphalt Paving Co
500 Chase Road
Shavertown, PA 18708

**Re: Violation Notice/Warning Letter
Public Works Employment Verification Act
Project: 2015 Blakely Borough
Blakely Borough**

Dear Mr. Banks:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, American Asphalt Paving Co ("American Asphalt ") has been found to be in violation of Section 5(1) of the Public Works Employment Verification Act (the "Act"), 43 P.S. §§167.1, *et seq.* 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. An employee 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 May 5, 2016 the Department requested American Asphalt provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that American Asphalt was awarded a public works contract by the Blakely Borough on May 6, 2015. According to the information submitted in response to the audit, Blakely Borough hired a total of approximately two (2) employees after the award of the contract. American Asphalt did not submit a Public Works Employment Verification form nor did they enroll into EVP, prior to the award of the contract. American Asphalt did not initiate verification of the two new employees to date, which has been more than five business days after the employees' start dates. Therefore, American Asphalt did not properly utilize the EVP system to verify new employees in accordance with the Act and is in violation of Section 5(1) of the Act, 43 P.S. § 167.5(1).

This is American Asphalt's first violation under the Act. As required by Section 6(d)(1) of the Act, 43 P.S. § 167.6(d)(1), this first violation warning letter will be posted to the Department's publicly accessible website at www.dgs.pa.gov. If American Asphalt fails to comply with the Act or commits subsequent violations thereof, American Asphalt may be subject to civil penalties as well as debarment by the Department as provided for in Section 6 of the Act.

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, www.dgs.pa.gov, for additional information on the requirements of the Act and the appeal procedures to be followed if, American Asphalt 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