



VIA EMAIL – myasutake@folsom.ca.us

September 10, 2025

Marcus Yasutake
City of Folsom
50 Natoma Street
Folsom, CA 95630

RE: BID ADVISORY
Low Bidder: Abide Builders, Inc.
Awarding Agency: City of Folsom
Project: Water System Flow Control Facilities Rehabilitation Project
FFC Case No.: 1786SAC

Dear Marcus Yasutake:

The Foundation for Fair Contracting (FFC) is a nonprofit organization which has been serving the public interest since 1985. The objective of the FFC is to monitor for compliance with prevailing wage and other public contracting laws relevant to the public works construction industry to ensure a fair and level playing field for all contractors. As part of this effort, we focus on informing and educating industry stakeholders when issues are identified. Unbalanced bids raise questions in regard to performance and compliance with the rules and regulations for the payment of prevailing wages and the safety and well-being of the workforce. It further opens the question of excessive future change orders, the fairness to and rights of other bidders in the bidding process, and the intent of the competitive bidding process in general.

In deference to all bidders and in order for the public interest to best be served, please enter this formal bid advisory against the above-noted contractor as a matter of public record. We respectfully request that Abide Builders, Inc. (Abide) be found non-responsible as defined by Public Contract Code §1103 and that their bid be rejected for the following reasons:

- **ONGOING VIOLATIONS OF PREVAILING WAGE LAWS RESULTING IN WAGE THEFT**

Abide has numerous infractions/violations which have resulted in willful circumvention of the Laws and Regulations Governing the Payment of Prevailing Wages, including, but not limited to, violations resulting in wage theft and non-compliance with apprenticeship laws. Abide has engaged in this pattern of unlawful activity on various public works prevailing wage projects. Civil Wage and Penalty Assessments have been issued to Abide by the State of California, Division of Labor Standards Enforcement (DLSE), Labor Commissioner's office. We have provided supporting documentation for your review.

Furthermore, Abide is currently under investigation by our offices and the State of California, Division of Labor Standards Enforcement (DLSE), Labor Commissioner's office in connection with issues provided below. We have provided supporting documentation for your review.

Marcus Yasutake
City of Folsom
September 10, 2025
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- Misclassifications resulting in underpayments.
 - Failure to comply with overtime requirements.
 - Failure to comply with apprenticeship requirements.
 - Failing to report all workers on certified payrolls.
- **FAILURE TO COMPLY WITH WORKFORCE DEVELOPMENT AND FORMAL APPRENTICESHIP PROGRAMS**
Abide has not made a good faith effort to participate and invest in Local Workforce Development, nor have they participated in local hiring of workers in the community through formal and recognized pre-apprenticeship programs and formal apprenticeship programs for specific apprenticeable crafts. They have failed to request, employ, train, and pay the proper prevailing wages to apprentices.

Please contact our office with questions, comments, or clarifications.

Sincerely,



Jesse Jimenez
Executive Director

Case: 1786SAC

cc: Awarding Agency – Mayor and City Councilmembers
Sarah Aquino – Email: saquino@folsom.ca.us
Justin Raithel – Email: jraithel@folsom.ca.us
Mike Kozlowski – Email: mkozlowski@folsom.ca.us
Barbara Leary – Email: bleary@folsom.ca.us
Anna Rohrbough – Email: annar@folsom.ca.us

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement 464 W Fourth Street, Room 348 San Bernardino, CA 92401 TEL: 909-743-9502 EMAIL: Aalmanza@dir.ca.gov	Gavin Newsom, Governor  RECEIVED JUL 14 2025
Foundation for Fair Contracting 3807 Pasadena Ave, Suite 150 Sacramento, CA 95821 Mario Rodriguez- rodriguez@ffccalifornia.com	In Reply Refer to Case No: 40-81221-872

Foundation for Fair Contracting

NOTICE OF COMPLAINT CLOSED

Project Name Abide Builders, Castori ES-Kindergarten Play Area	Project No 426591
Prime Contractor Abide Builders, Inc.	1651 SAC
Subcontractor	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.

There is insufficient evidence to confirm California Public Work Law was violated.

Subject firm was not within the jurisdiction of California Public Work Law on this project.

Other: _____

COLLECTION
\$13,970.13

STATE LABOR COMMISSIONER

By *A. Almanza*
 Antonio Almanza
 Deputy Labor Commissioner I



Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works TEL: 909-743-9502 Aalmanza@dir.ca.gov	Gavin Newsom, Governor 
DATE: November 12, 2024	In Reply Refer to Case No: 40-81221

CIVIL WAGE AND PENALTY ASSESSMENT

Awarding Body Twin Rivers Unified School District eff 6-18-18	Work Performed in County of Sacramento County		
Project Name Abide Builders, Castori ES-Kindergarten Play Area	Project No. 096-22-610	Bond No.	DIR Project ID No. 426591
Prime Contractor ABIDE BUILDERS, INC., a California corporation	CSLB License No. 891745	Contractor Registration (PWCR) No. 1000003318	
Subcontractor(s)	CSLB License No.	Contractor Registration (PWCR) No.	
Second or Third-tier Subcontractor, if applicable	CSLB License No.	Contractor Registration (PWCR) No.	

After an investigation concerning the payment of wages to workers employed in the execution of the contract for the above-named public works project, compliance with the apprenticeship standards found in Labor Code section 1777.5, compliance with the registration requirements set forth in Labor Code section 1725.5, compliance with the electronic submission of payroll records requirement set forth in Labor Code Section 1771.4, or compliance with the skilled and trained work force requirements found in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code the Labor Commissioner has determined that violations of the Labor Code or Public Contracts Code have been committed by the contractor or subcontractor(s) identified above.

In accordance with Labor Code section 1741, the Labor Commissioner hereby issues this Civil Wage and Penalty Assessment.

TOTAL ASSESSMENT:	\$13,970.13
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The nature of the violations of the Labor Code and the basis for the assessment are as follows:

Wage Violations: Abide Builders, Inc. failed to pay required prevailing wage rate to Operator Engineers workers
per Labor Code §§1771 and 1774.

The attached Audit Summary further details the basis for this Assessment and itemizes the calculation of wages and penalties due under Labor Code sections 1775 and 1813, if applicable.

The Labor Commissioner has determined the total amount of wages due is:	<u>\$1,170.13</u>
The Labor Commissioner has determined the total amount of training fund due is:	<u>\$0.00</u>
The Labor Commissioner has determined the amount of penalties assessed under Labor Code section 1775 is:	<u>\$12,800.00</u>
The Labor Commissioner has determined the amount of penalties assessed under Labor Code section 1813 is:	<u>\$0.00</u>

STATE LABOR COMMISSIONER

By A. Almanza
 Antonio Almanza
 Deputy Labor Commissioner I

assessment is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties, including interest on all due and unpaid wages pursuant to Labor Code section 1741(b), must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite 100
Sacramento, CA 95825-0196

(Please DO NOT send check for escrow deposit to this address)

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made.

Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to Antonio Almanza at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit

PO BOX 32889
Long Beach, CA 90832

(Please DO NOT send request for review to this address)

(continued on next page)

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and

due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$1,170.13</u>
Training Funds Due:	<u>\$0.00</u>
Penalties Due Under Labor Code section 1775:	<u>\$12,800.00</u>
Penalties Due Under Labor Code section 1813:	<u>\$0.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$0.00</u>
Penalties Due Under Labor Code section 1776(h):	<u>\$0.00</u>
Penalties Due Under Labor Code section 1771.1:	<u>\$0.00</u>
Penalties Due Under Labor Code section 1771.4	<u>\$0.00</u>
Penalties Due Under Public Contract Code section 2603:	<u>\$0.00</u>
Total Withholding Amount:	\$ 13,970.13

Distribution: Awarding Body, Surety(s) on Bond, Prime Contractor, Subcontractor(s)

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works TEL: (916) 518-2432 laltamirano@dir.ca.gov	RECEIVED AUG - 5 2024 Foundation for Fair Contracting	Gavin Newsom, Governor  In Reply Refer to Case No: 40-74888-865
DATE: July 31, 2024		

CIVIL WAGE AND PENALTY ASSESSMENT

1432 SAC

Awarding Body City of Roseville - Parks, Recreation & Libraries Department	Work Performed in County of Placer		
Project Name Four Corners Park	Project No. 500042/9008694	Bond No.	DIR Project ID No. 386547
Prime Contractor ABIDE BUILDERS, INC., a California Corporation	CSLB License No. 891745		Contractor Registration (PWCR) No. 1000003318
Subcontractor(s) 0	CSLB License No. 0		Contractor Registration (PWCR) No. 0
Second or Third-tier Subcontractor, if applicable	CSLB License No.		Contractor Registration (PWCR) No.

After an investigation concerning the payment of wages to workers employed in the execution of the contract for the above-named public works project, compliance with the apprenticeship standards found in Labor Code section 1777.5, compliance with the registration requirements set forth in Labor Code section 1725.5, compliance with the electronic submission of payroll records requirement set forth in Labor Code Section 1771.4, or compliance with the skilled and trained work force requirements found in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code the Labor Commissioner has determined that violations of the Labor Code or Public Contracts Code have been committed by the contractor or subcontractor(s) identified above.

In accordance with Labor Code section 1741, the Labor Commissioner hereby issues this Civil Wage and Penalty Assessment.

TOTAL ASSESSMENT:	<u>\$432,137.87</u>
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The nature of the violations of the Labor Code and the basis for the assessment are as follows:

Wage Violations: Violated Labor Code Section 1774 for failure to pay the required prevailing wage rate to workers employed in the execution of this public works contract. In addition, workers were misclassified, and wages (OT, Holiday and fringe benefits) were underpaid.
Pursuant to Labor Code section 1775, penalties are assessed and approved by the senior deputy at \$100 per violation.

The attached Audit Summary further details the basis for this Assessment and itemizes the calculation of wages and penalties due under Labor Code sections 1775 and 1813, if applicable.

The Labor Commissioner has determined the total amount of wages due is:	<u>\$349,812.87</u>
The Labor Commissioner has determined the total amount of training fund due is:	<u>\$0.00</u>
The Labor Commissioner has determined the amount of penalties assessed under Labor Code section 1775 is:	<u>\$80,500.00</u>
The Labor Commissioner has determined the amount of penalties assessed under Labor Code section 1813 is:	<u>\$1,825.00</u>

STATE LABOR COMMISSIONER
 By *Leticia Altamirano*
 Leticia Altamirano
 Deputy Labor Commissioner I

Apprenticeship Violations: _____

The Labor Commissioner has determined the amount of penalties assessed under Labor Code section **1777.7** is: \$0.00

Labor Code Section 1776 Violations: _____

The Labor Commissioner has determined the amount of penalties assessed under Labor Code section **1776(h)** against _____ \$0.00

The Labor Commissioner has determined the amount of penalties assessed under Labor Code section 1771.1 against	
General contractor	<u>\$0.00</u>
Subcontractor	<u>\$0.00</u>
Second-tier subcontractor	<u>\$0.00</u>
Third-tier subcontractor, if applicable	<u>\$0.00</u>

The Labor Commissioner has determined the total amount of penalties assessed under Chapter 2.9 (commencing section 2600) Part 1 of Division 2 of the Public Contract Code is: \$0.00

Other Violations: _____

Other Penalties:
 The Labor Commissioner has determined the amount of penalties assessed under Labor Code section 1771.4 \$0.00

Please refer to page 4 for specific withholding obligations pertaining to these amounts.

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment.

To obtain a hearing, a written Request for Review must be transmitted to the following address:

Labor Commissioner - State of California
 Civil Wage and Penalty Assessment Review Office
 PO BOX 255809
 2801 Arden Way
 Sacramento, CA 95825

(continued on next page)

A Request for Review either shall clearly identify the Civil Wage and Penalty Assessment from which review is sought, including the date of the assessment, or it shall include a copy of the assessment as an attachment, and shall also set forth the basis upon which the assessment is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties, including interest on all due and unpaid wages pursuant to Labor Code section 1741(b), must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
Attn: **Case No. 40-74888-865**
2031 Howe Avenue, Suite 100
Sacramento, CA 95825-0196

(Please DO NOT send check for escrow deposit to this address)

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made.

Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to **Leticia Altamirano** at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
PO BOX 255809
2801 Arden Way
Sacramento, CA 95825

(Please DO NOT send request for review to this address)

(continued on next page)

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid.

Notwithstanding the above, in accordance with Labor Code section 1742.1(b), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the Assessment or Notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

The full amount of the assessment that should be deposited is: **\$432,137.87**

Deposits must be made by check or money order payable to the Department of Industrial Relations with a cover letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

Department of Industrial Relations
Attention Cashiering Unit
Case No.: **40-74888-865**
P.O. Box 420603
San Francisco, CA 94142

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations:

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	\$349,812.87
Training Funds Due:	\$0.00
Penalties Due Under Labor Code section 1775:	\$80,500.00
Penalties Due Under Labor Code section 1813:	\$1,825.00
Penalties Due Under Labor Code section 1777.7:	\$0.00
Penalties Due Under Labor Code section 1776(h):	\$0.00
Penalties Due Under Labor Code section 1771.1:	\$0.00
Penalties Due Under Labor Code section 1771.4	\$0.00
Penalties Due Under Public Contract Code section 2603:	\$0.00
Total Withholding Amount:	\$432,137.87

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2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$349,812.87</u>
Training Funds Due:	<u>\$0.00</u>
Penalties Due Under Labor Code section 1775:	<u>\$80,500.00</u>
Penalties Due Under Labor Code section 1813:	<u>\$1,825.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$0.00</u>
Penalties Due Under Labor Code section 1776(h):	<u>\$0.00</u>
Penalties Due Under Labor Code section 1771.1:	<u>\$0.00</u>
Penalties Due Under Labor Code section 1771.4:	<u>\$0.00</u>
Penalties Due Under Public Contract Code section 2603:	<u>\$0.00</u>
Total Withholding Amount:	<u>\$432,137.87</u>

Distribution: Awarding Body, Surety(s) on Bond, Prime Contractor, Subcontractor(s)

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

**CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013a) OR CERTIFIED MAIL**

I, Leticia Altamirano, do hereby certify that I am a resident of or employed in the County of Sacramento, over 18 years of age, and not a party to the within action, and that I am employed at and my business address is:

Division of Labor Standards Enforcement
Bureau of Field Enforcement
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

On July 31, 2024, I served the within: (1) Civil Wage and Penalty Assessment

by placing a true copy thereof in an envelope addressed as follows:

City of Roseville - Parks, Recreation
& Libraries Department
311 Vernon Street
Roseville, CA 95678
Attn: Jason Shykowski, Public
Works Director

ABIDE BUILDERS, INC., a
California Corporation
825 RIVERSIDE PKWY STE 120
WEST SACRAMENTO, CA 95605
Attn: Mr. Philip Joseph Pizzo

FFC
3807 Pasadena Ave., Ste 150
Sacramento, CA95821
Attn: Mario Rodriguez

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid,
and then depositing it in the United States mail in Sacramento by:

- Ordinary first class mail
- Certified mail
- Registered mail

I certify under penalty of perjury that the foregoing is true and correct

Executed on July 31, 2024, at Sacramento, County of Sacramento, California


SIGNATURE

STATE CASE NO.
40-74888-865
PW 34

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works broberts@dir.ca.gov TEL: (916) 263-8853 FAX: (916) 263-2906	Edmund G. Brown Jr., Governor  RECEIVED
DATE: June 14, 2018 1217SAC	In Reply Refer to Case No: 40-55998 JUN 15 2018

CIVIL WAGE AND PENALTY ASSESSMENT

Foundation for Fair Contracting

Awarding Body City Of Sacramento - Parks & Recreation	Work Performed in County of Sacramento
Project Name Valley Hi Park Improvements	Project No. L19101000
Prime Contractor Abide Builders, Inc., a California Corporation	
Subcontractor Abide Builders, Inc., a California Corporation	

After an investigation concerning either the payment of wages to workers employed in the execution of the contract for the above-named public works project or compliance with the apprenticeship standards found in Labor Code section 1777.5, or both, the Division of Labor Standards Enforcement (the "Division") has determined that violations of the California Labor Code have been committed by the contractor and/or subcontractor identified above. In accordance with Labor Code section 1741, the Division hereby issues this Civil Wage and Penalty Assessment.

The nature of the violations of the Labor Code and the basis for the assessment are as follows:

Wage Violations: Violation of Labor Code Section 1774 for failure to pay prevailing wage pursuant to determination Cement Mason NC-23-203-1-2016-1; Laborer Area 2 Group 1 NC-23-102-1-2015-2; Operating Engineer Landscape II NC-63-3-75--2016-1; misclassification of worker; failure to pay training fund contributions for all utilized classifications. Pursuant to Labor Code Section 1775, penalty is assessed at \$80 per violation.

Apprenticeship Violations: Violation of Labor Code Section 1777.5 for failure to submit Public Works Contract Award Information form DAS 140 and Request for Dispatch of An Apprentice form DAS 142 to all DAS approved apprenticeship programs; and failure to employ apprentices in compliance with apprentice to journeyman ratio for Laborer, Cement Mason and Iron Worker classifications, Alameda County. Pursuant to Labor Code Section 1777.7, penalty is assessed at \$40 per violation.

The attached Audit Summary further details the basis for this Assessment and itemizes the calculation of wages and penalties due under Labor Code sections 1775 and 1813.

The Division has determined that the total amount of wages due is: \$18,693.45

The Division has determined that the total amount of penalties assessed under Labor Code sections 1775 and 1813 is: \$14,720.00

The Division has determined that the amount of penalties assessed under Labor Code section 1777.7 is: \$1,360.00

The Division has determined that the amount of penalties assessed under Labor Code section 1776 against is: \$0.00

Please refer to page 5 for specific withholding obligations pertaining to these amounts.

STATE LABOR COMMISSIONER

By 
 Breanna Roberts
 Industrial Relations Representative

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code Section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment.

To obtain a hearing, a written Request for Review must be transmitted to the following address:

State of California - Labor Commissioner
Civil Wage and Penalty Assessment Review Office
PO Box 255809
2801 Arden Way
Sacramento, CA 95825

A Request for Review either shall clearly identify the Civil Wage and Penalty Assessment from which review is sought, including the date of the assessment, or it shall include a copy of the assessment as an attachment, and shall also set forth the basis upon which the assessment is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

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Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made.

Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to Breanna Roberts at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

(continued on next page)

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the Assessment or Notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

Deposits must be made by check or money order payable to the Department of Industrial Relations with a letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is: \$18,693.45

(continued on next page)

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	<u>\$18,693.45</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$14,720.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$1,360.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$34,773.45

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$18,693.45</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$14,720.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$1,360.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$34,773.45

Distribution:

Awarding Body
Surety(s) on Bond
Prime Contractor
Subcontractor

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

**CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013a) OR CERTIFIED MAIL**

I, Breanna Roberts, do hereby certify that I am a resident of or employed in the County of
Sacramento, over 18 years of age, and not a party to the within action, and that I am employed at
and my business address is:

Division of Labor Standards Enforcement
Bureau of Field Enforcement
2031 Howe Ave. Suite 100
Sacramento, CA. 95825

On June 14, 2018, I served the within: (1) Civil Wage and Penalty Assessment

by placing a true copy thereof in an envelope addressed as follows:

City Of Sacramento - Parks &
Recreation
915 I Street, 3rd Flr.
Sacramento, CA 95814
Kirsten Wise

Indemnity Company of California
516 Gibson Dr., Ste. 240
Roseville, CA 95675
Warren G. Bender

Abide Builders, Inc., a California
Corporation
825 Riverside Parkway, Ste.120
West Sacramento, CA 95605
Philip Pizzo

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid,
and then depositing it in the United States mail in Sacramento by:

- Ordinary first class mail
- Certified mail
- Registered mail

I certify under penalty of perjury that the foregoing is true and correct

Executed on June 14, 2018, at Sacramento, County of Sacramento, California


SIGNATURE

STATE CASE NO.
40-55998

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Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works 1515 Clay St., Suite 1190 Oakland, CA 94612-1440 TEL: 510-926-1371 EMAIL: jdayao@dir.ca.gov	Gavin Newsom, Governor 
FFC 3807 PASADENA AVE STE 150 SACRAMENTO CA 95821	
DATE: August 26, 2025	In Reply Refer to Case No: 40-85424-332

CASE ASSIGNMENT LETTER

Project Name Weber Park Renovation	Awarding Body City of Roseville - Parks, Recreation & Libraries Department	Project No. 0	DIR Project ID 20240330739
Prime Contractor Abide Builders, Inc., a California corporation			
Subcontractor			

Please be advised that I have been assigned to investigate your complaint against the above named contractor.

Any additional information should be directed to my attention, in writing. Please reference the case number on all correspondence.

You will be kept advised of the progress of this investigation as needed and of the final disposition in this matter.

RECEIVED
 AUG 29 2025
 Foundation for Fair Contracting

STATE LABOR COMMISSIONER

By Johnny Dayao
 Johnny Dayao
 Deputy Labor Commissioner

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works 2031 Howe Ave. Ste 100 Sacramento, CA 95825-0196 TEL: 916-263-3305 EMAIL: srust@dir.ca.gov	Gavin Newsom, Governor  <i>1611 SAC</i>
FOUNDATION FOR FAIR CONTRACTING 3807 PASADENA AVE SUITE 150 SACRAMENTO CA 95821	
DATE: April 29, 2025	In Reply Refer to Case No. 40-84579-678

CASE ASSIGNMENT LETTER

Project Name 3019651 BID 23000R CRC BEACH VOLLEYBALL	Awarding Body LOS RIOS COMMUNITY COLLEGE DISTRICT	Project No. 3019651	DIR Project ID 496978
Prime Contractor ABIDE BUILDERS INC			
Subcontractor			

Please be advised that I have been assigned to investigate your complaint against the above named contractor.

Any additional information should be directed to my attention, in writing. Please reference the case number on all correspondence.

You will be kept advised of the progress of this investigation as needed and of the final disposition in this matter.

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MAY -5 2025

Foundation for Fair Contracting

STATE LABOR COMMISSIONER

By *Susan Rust*
 Susan Rust
 Deputy Labor Commissioner



STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT
CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013a) OR CERTIFIED MAIL

PLEASE MAIL / EMAIL RESPONSIVE RECORDS TO:

Susan Rust
srust@dir.ca.gov
2031 Howe Ave. Ste 100
Sacramento, CA 95825-0196

40-84579-678
LOS RIOS COMMUNITY
COLLEGE DISTRICT
1919 SPANOS COURT
SACRAMENTO CA 95825

Documents 1, 2 and 6 only

40-84579-678
ABIDE BUILDERS INC
825 RIVERSIDE PKWY STE 120
WEST SACRAMENTO, CA 95605

Documents 1, 3, 4, 5 and 6 only

Documents 1, 3, 4, 5 and 6 only

I, Cindy Truong, do hereby certify that I am a resident of or employed in the County of Los Angeles, over 18 years of age, and not a party to the within action, and that I am employed at and my business address is:

Division of Labor Standards Enforcement
Public Works Unit
1500 Hughes Way Ste C202
Long Beach, CA 90810-1882

On April 29, 2025, I served the within: (1) Notice of Investigation; (2) Request for Information, Awarding Body; (3) Request for Payroll Records; (4) Statement of Employer Payments; (5) Public Works Payroll Reporting Form A1-131; and (6) Notice of Apprenticeship Compliance by placing a true copy thereof in an envelope addressed to the above boxes as follows, and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid, and then depositing it in the United States mail in Long Beach by:

- Ordinary first class mail
- Certified mail
- Registered mail

I certify under penalty of perjury that the foregoing is true and correct

Executed on April 29, 2025, at Long Beach, County of Los Angeles, California

Cindy Truong
SIGNATURE

STATE CASE NO.
40-84579-678

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works 2031 Howe Ave. Ste 100 Sacramento, CA 95825-0196 TEL: 916-263-8853 EMAIL: broberts@dir.ca.gov	Gavin Newsom, Governor 
FOUNDATION FOR FAIR CONTRACTING 3807 PASADENA AVE SUITE 150 SACRAMENTO CA 95821	
DATE: February 28, 2025	In Reply Refer to Case No: 40-84149-343

CASE ASSIGNMENT LETTER

Project Name CAMPUS OAKS PARK	Awarding Body BBC ROSEVILLE OAKS LLC	Project No. 18-082022	DIR Project ID 431954
Prime Contractor ABIDE BUILDERS INC			
Subcontractor			

Please be advised that I have been assigned to investigate your complaint against the above named contractor.

Any additional information should be directed to my attention, in writing. Please reference the case number on all correspondence.

You will be kept advised of the progress of this investigation as needed and of the final disposition in this matter.

RECEIVED

MAR - 3 2025

Foundation for Fair
Contracting

STATE LABOR COMMISSIONER

By *Breanna Roberts*
 Breanna Roberts
 Deputy Labor Commissioner



STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT
CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013a) OR CERTIFIED MAIL

PLEASE MAIL / EMAIL RESPONSIVE RECORDS TO:

Breanna Roberts
broberts@dir.ca.gov
2031 Howe Ave. Ste 100
Sacramento, CA 95825-0196

40-84149-343

BBC ROSEVILLE OAKS LLC
2200 DOUGLAS BLVD #160-B
ROSEVILLE CA 95661

Documents 1, 2 and 6 only

40-84149-343

ABIDE BUILDERS INC
825 RIVERSIDE PKWY STE 120
WEST SACRAMENTO CA 95605

Documents 1, 3, 4, 5 and 6 only

Documents 1, 3, 4, 5 and 6 only

I, Cindy Truong, do hereby certify that I am a resident of or employed in the County of Los Angeles, over 18 years of age, and not a party to the within action, and that I am employed at and my business address is:

Division of Labor Standards Enforcement
Public Works Unit
1500 Hughes Way Ste C202
Long Beach, CA 90810-1882

On February 28, 2025, I served the within: (1) Notice of Investigation; (2) Request for Information, Awarding Body; (3) Request for Payroll Records; (4) Statement of Employer Payments; (5) Public Works Payroll Reporting Form A1-131; and (6) Notice of Apprenticeship Compliance by placing a true copy thereof in an envelope addressed to the above boxes as follows, and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid, and then depositing it in the United States mail in Long Beach by:

- Ordinary first class mail
- Certified mail
- Registered mail

I certify under penalty of perjury that the foregoing is true and correct

Executed on February 28, 2025, at Long Beach, County of Los Angeles, California

Cindy Truong

SIGNATURE

STATE CASE NO.
40-84149-343

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works 1500 Hughes Way Ste C202 Long Beach, CA 90810-1882 TEL: 424-450-2595 EMAIL: dkleifield@dir.ca.gov	Gavin Newsom, Governor 
FFC 3807 PASADENA AVE STE 150 SACRAMENTO CA 95821	RECEIVED OCT 31 2024 1692-SAC
DATE: October 29, 2024	In Reply Refer to Case No: 40-83022-861 Foundation for Fair

CASE ASSIGNMENT LETTER

Project Name Pioneer ES-Kindergarten Play Area	Awarding Body Twin Rivers Unified School District	Project No. 0	DIR Project ID 444459
Prime Contractor ABIDE BUILDERS, INC., a California corporation			
Subcontractor			

Please be advised that I have been assigned to investigate your complaint against the above named contractor.

Any additional information should be directed to my attention, in writing. Please reference the case number on all correspondence.

You will be kept advised of the progress of this investigation as needed and of the final disposition in this matter.

40-83022-861

STATE LABOR COMMISSIONER

By *Dana Kleifield*
 Dana Kleifield
 Industrial Relations Representative

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement 320 W. 4th St. Ste 450 Los Angeles, CA 90013-2479 TEL: 213-897-9495 EMAIL: sbrown@dir.ca.gov	Gavin Newsom, Governor  RECEIVED OCT 25 2024
Foundation for Fair Contracting 3807 Pasadena Ave, Suite 150 Sacramento, CA 95821 Mario Rodriguez-rodriquez@ffccalifornia.com	
DATE: October 22, 2024	In Reply Refer to Case No: Foundation for Fair Contracting 40-82225-687

NOTICE OF COMPLAINT CLOSED

1678 SAC

Project Name Abide Builders, Woodridge ES - Kindergarten Play Area & Shade Structure	Project No. 0	DIR Project ID No. 396722
Prime Contractor Abide Builders, Inc.		
Subcontractor		

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of *Tippett v Terich* (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the *Tippett v Terich* decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: _____

STATE LABOR COMMISSIONER

By *Sara Brown*
 Sara Brown
 Deputy Labor Commissioner



Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works 320 W. 4th St. Ste 450 Los Angeles, CA 90013-2479 TEL: 213-620-6468 EMAIL: vdamaraju@dir.ca.gov	Gavin Newsom, Governor 
Foundation for Fair Contracting 3807 Pasadena Ave, Suite 150 Sacramento, CA 95821	
DATE: August 27, 2024	In Reply Refer to Case No: 40-82259-810

CASE ASSIGNMENT LETTER

Project Name Abide Builders, Strauch ES-Kindergarten Play Area & Shad	Awarding Body Twin Rivers Unified School District	Project No. 0	DIR Project ID 434186
Prime Contractor Abide Builders, Inc.			
Subcontractor			

Please be advised that I have been assigned to investigate your complaint against the above named contractor.

Any additional information should be directed to my attention, in writing. Please reference the case number on all correspondence.

You will be kept advised of the progress of this investigation as needed and of the final disposition in this matter.



 Foundation for Fair Contracting

STATE LABOR COMMISSIONER

By *Vijay Damaraju*
 Vijay Damaraju
 Deputy Labor Commissioner

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works 1500 Hughes Way, Suite C-202 Long Beach, CA 90810 TEL: 213-655-4848 EMAIL: dkleifield@dir.ca.gov	Gavin Newsom, Governor  <i>1647SAZ</i>
Foundation for Fair Contracting 3807 Pasadena Avenue, Suite 150 Sacramento, CA 95821	
DATE: May 31, 2024	In Reply Refer to Case No: 40-81185-861

CASE ASSIGNMENT LETTER

Project Name Abide Builders, Joyce ES-Kindergarten Play Area	Awarding Body Twin Rivers Unified School District eff 6-18-18	Project No. 0	DIR Project ID 434132
Prime Contractor Abide Builders, Inc.			
Subcontractor			

Please be advised that I have been assigned to investigate your complaint against the above named contractor.

Any additional information should be directed to my attention, in writing. Please reference the case number on all correspondence.

You will be kept advised of the progress of this investigation as needed and of the final disposition in this matter.

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 JUN - 4 2024

 Foundation for Fair Contracting



STATE LABOR COMMISSIONER

By *Dana Kleifield*
 Dana Kleifield
 Industrial Relations Representative

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works 7575 Metropolitan Dr., Room 210 San Diego, CA 92108 TEL: 510-507-9309 EMAIL: carceo@dir.ca.gov	Gavin Newsom, Governor  <i>1666 SAC</i>
Foundation for Fair Contracting 3807 Pasadena Avenue, Suite 150 Sacramento, CA 95821	
DATE: May 31, 2024	In Reply Refer to Case No: 40-81415-838

CASE ASSIGNMENT LETTER

Project Name Las Palmas West-Kindergarten Play Area and Shade Structure	Awarding Body Twin Rivers Unified School District	Project No. 0	DIR Project ID 433600
Prime Contractor Abide Builders, Inc.			
Subcontractor Abide Builders, Inc.			

Please be advised that I have been assigned to investigate your complaint against the above named contractor.

Any additional information should be directed to my attention, in writing. Please reference the case number on all correspondence.

You will be kept advised of the progress of this investigation as needed and of the final disposition in this matter.

RECEIVED

JUN - 4 2024

Foundation for Fair
Contracting



STATE LABOR COMMISSIONER

By *Catalina Arceo*
 Catalina Arceo
 Industrial Relations Representative