

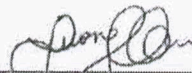
STATE OF CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS DIVISION OF LABOR STANDARDS ENFORCEMENT By: Luong Chau (SBN 293381) 1500 Hughes Way, Suite C-202 Long Beach, CA 90810 Telephone No.: (424) 450-2585	LB8260	FOR COURT USE ONLY
SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF ORANGE PLAINTIFF: DIVISION OF LABOR STANDARDS ENFORCEMENT		
DEFENDANTS: Bonadiman Water, Inc. AND Martinez Concrete, Inc.		CASE NUMBER: 30-2022-01277001-CL-EN-CJC

STATE CASE NUMBER 40-74185-833	REQUEST THAT CLERK ENTER JUDGMENT AND JUDGMENT ON THE FINAL CIVIL WAGE AND PENALTY ASSESSMENT
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REQUEST THAT CLERK ENTER JUDGMENT

The Civil Wage and Penalty Assessment has become final and the clerk is requested to enter judgment immediately in accordance with Labor Code section 1742(d).

LABOR COMMISSIONER, STATE OF CALIFORNIA
 DATED: August 19, 2022

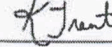
By: 
 Luong Chau, Attorney for Plaintiff,
 DIVISION OF LABOR STANDARDS ENFORCEMENT

JUDGMENT


A certified copy of a final Civil Wage and Penalty Assessment has been filed with this court. Judgment therefore is entered as follows: **Plaintiff to recover from Defendants.**

- | | |
|------------------|---|
| (1) \$ 0.00 | for wages; |
| (2) \$ 0.00 | for penalties pursuant to Labor Code Section 1775 and 1813; |
| (3) \$ 900.00 | for penalties pursuant to Labor Code Section 1777.7; |
| (4) \$ 0.00 | for penalties pursuant to Labor Code Section 1776(h); |
| (5) \$ 0.00 | for penalties pursuant to Labor Code Section 1771.1; |
| (6) \$ 900.00 | Total Amount of Plaintiff's Award |
| (7) \$ 0.00 | for liquidated damages pursuant to Labor Code Section 1742.1; |
| (8) \$ 0.00 | interest pursuant to Labor Code Section 1741(b); |
| (9) \$ 225.00 | for filing fee, pursuant to Labor Code Section 101, et. seq. |
| (10) \$ 1,125.00 | Total Amount of Judgment |

I certify this to be a true copy of the judgment entered on 08/19/2022; in Judgment Book XXXXXXXX at page XXXXXXXXXXXXXXXX or microfilm, pursuant to Code of Civil Procedure section 668.5.

David H. Yamasaki Clerk, by , Deputy Clerk
 Clerk of the Court K Trent

**REQUEST THAT CLERK ENTER JUDGMENT AND JUDGMENT ON THE
 FINAL CIVIL WAGE AND PENALTY ASSESSMENT**

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works TEL: (909) 383-7408	Gavin Newsom, Governor 
DATE: May 12, 2022	In Reply Refer to Case No: 40-74185-833

CIVIL WAGE AND PENALTY ASSESSMENT

Awarding Body City of Fullerton	Work Performed in County of Orange	
Project Name Victoria D Infrastructure Improvements Phase 2	Project No. 44039-1A	DIR Project ID No.
Prime Contractor Bonadiman Water, Inc.	CSLB License No. 1045913	Contractor Registration (PWCR) No. 1000061821
Subcontractor(s) Martinez Concrete, Inc.	CSLB License No. 394471	Contractor Registration (PWCR) No. 100006160
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, or compliance with the registration requirements set forth in Labor Code section 1725.5, the Labor Commissioner has determined that violations of the California Labor Code have been committed by the contractor and/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>\$900.00</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: N/A

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: \$0.00

The Labor Commissioner has determined the amount of penalties assessed under Labor Code section 1775 is: \$0.00

The Labor Commissioner has determined the amount of penalties assessed under Labor Code section 1813 is:

I hereby certify ~~that~~ ^{\$0.00} the herein document is a full, true, and correct copy of the original document contained in the files of the Labor Commissioner served on the parties herein.

(continued on next page)

STATE LABOR COMMISSIONER

By Carli Wood
 Caroline Wood
 Industrial Relations Representative

Executed on this 4th day of August, 2022
 at San Bernardino, California.

PW 331 (Revised - 12-18-19)

STATE LABOR COMMISSIONER

By Carli Wood

Apprenticeship Violations: Martinez Concrete Inc, subcontractor to Bonadiman Water INC. failed to employ apprentice at the minimum ratio requirement in violation of Labor Code section 1777.5. The applicable penalty for the violation is \$900.00 at a penalty rate of \$100.00 per violation for 9 days.

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

\$900.00

Labor Code Section 1776 Violations: N/A

The Labor Commissioner has determined the amount of penalties assessed under Labor Code section 1776(h) against Martinez Concrete, Inc. is: \$0.00

Public Works Contractor Registration Violations: N/A

The Labor Commissioner has determined the amount of penalties assessed under Labor Code section 1771.1 against

General contractor is: \$0.00

Subcontractor is: \$0.00

Second-tier subcontractor is: \$0.00

Third-tier subcontractor, if applicable is: \$0.00

Please refer to page 6 for specific withholding obligations pertaining to these amounts.

I hereby certify that the herein document is a full, true, and correct copy of the original document contained in the files of the Labor Commissioner served on the parties herein.

(continued on next page) Executed on the 4th day of August, 2022 at San Bernardino, California.

STATE LABOR COMMISSIONER
By Carla Wood
Deputy

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 32889
Long Beach, CA 90832

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.

I hereby certify that the herein document is a full, true, and correct copy of the original document contained in the files of the Labor Commissioner served on the parties herein.

Executed on the 4th day of August, 2022

(continued on next page) at San Bernardino, California.

STATE LABOR COMMISSIONER

By Carole Wood
Deputy

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

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 Caroline Wood at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
464 W. Fourth Street, Room 348
San Bernardino, CA 92401

I hereby certify that the herein document is a full, true, and correct copy of the original document contained in the files of the Labor Commissioner served on the parties herein.

(continued on next page)

Executed on the 4th day of August, 2022
at San Bernardino, California.

STATE LABOR COMMISSIONER

By Caroline Wood
Deputy

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:

\$900.00

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
P.O. Box 420603
San Francisco, CA 94142

I hereby certify that the herein document is a full, true, and correct copy of the original document contained in the files of the Labor Commissioner served on the parties herein.

(continued on next page)

Executed on the 9th day of August, 2022
at San Bernardino, California.

STATE LABOR COMMISSIONER

By Carol Wood

Deputy

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>\$0.00</u>
Training Funds Due:	<u>\$0.00</u>
Penalties Due Under Labor Code section 1775:	<u>\$0.00</u>
Penalties Due Under Labor Code section 1813:	<u>\$0.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$900.00</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>
Total Withholding Amount:	<u>\$900.00</u>

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>\$0.00</u>
Training Funds Due:	<u>\$0.00</u>
Penalties Due Under Labor Code section 1775:	<u>\$0.00</u>
Penalties Due Under Labor Code section 1813:	<u>\$0.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$900.00</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>
Total Withholding Amount:	<u>\$0.00</u>

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

~~I hereby certify~~ I hereby certify that the herein document is a full, true, and correct copy of the original document contained in the files of the Labor Commissioner served on the parties herein.

Executed on the 4th day of August, 19
at San Bernardino, California.

STATE LABOR COMMISSIONER

By Carl [Signature]

Deputy

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, Bricia Salazar, do hereby certify that I am a resident of or employed in the County of San Bernardino, 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
464 W. Fourth Street, Room 348
San Bernardino, CA 92401

On May 12, 2022, I ser (1) Civil Wage and 1(1) Civil Wage and Penalty Assessment

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

City of Fullerton 303 W. Commonwealth Avenue Fullerton, CA 92832 Maricela Carrillo	Martinez Concrete, Inc. 920 W. Foothill Boulevard Azusa, CA 91702 Miguel Aguirre Martinez	Bonadiman Water, Inc. P O Box 52298 Riverside, CA 92517 William Joseph Bonadiman
	I hereby certify that the herein document is a full, true, and correct copy of the original document contained in the files of the Labor Commissioner served on the parties herein.	
	Executed on the <u>14th</u> day of <u>August</u> , 20 <u>22</u> at <u>San Bernardino</u> , California.	STATE LABOR COMMISSIONER By <u>Carlin Wood</u> Deputy

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 San Bernardino by:

- Ordinary first class mail
 Certified mail
 Registered mail

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

Executed on May 12, 2022, at San Bernardino, County of San Bernardino, California

Bricia Salazar

SIGNATURE

STATE CASE NO.

40-74185-833

PW 34

(Revised 4-29-02)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bonadiman Water, Inc.
 P O Box 52298
 Riverside, CA 92517
 40-74185-833



9590 9402 6817 1074 1914 36

2. Article Number (Transfer from service label)

7021 1970 0001 3871 8838

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) Hector V C. Date of Delivery 5-23-89

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Registered Mail
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com
 OFFICIAL USE

Certified Mail Fee \$
 Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postmark Here

Postage \$
 Total Postage \$ Bonadiman Water, Inc.
 Sent To P O Box 52298
 Street and Apt Riverside, CA 92517
 City, State, Zip 40-74185-833

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7021 1970 0001 3871 8838

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com
 OFFICIAL USE

Certified Mail Fee \$
 Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postmark Here

Postage \$
 Total Postage \$ City of Fullerton
 Sent To 303 W. Commonwealth Avenue
 Street and Apt Fullerton, CA 92832
 City, State, Zip 40-74185-833

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7021 1970 0001 3871 8821

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

City of Fullerton
 303 W. Commonwealth Avenue
 Fullerton, CA 92832
 40-74185-833



9590 9402 6817 1074 1924 95

2. Article Number (Transfer from service label)

7021 1970 0001 3871 8821

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) Kathleen Perreault C. Date of Delivery 5-17-72

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Registered Mail
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

(Acceby authority and the herein copy of the is a full, true, and correct copy of the original document contained in the file of the Labor Commissioner's served on parties herein.

Executed on the 4th day of August 1972

at San Bernardino, California.

STATE LABOR COMMISSIONER

By Carl Wood Deputy

7021 1970 0001 3871 8845


U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee		Postmark Here
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____	
<input type="checkbox"/> Return Receipt (electronic)	\$ _____	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____	
<input type="checkbox"/> Adult Signature Required	\$ _____	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____	
Postage		
Total Postage	Martinez Concrete, Inc.	
Sent To	920 W. Foothill Boulevard	
Street and Ap	Azusa, CA 91702	
City, State, Zi	40-74185-833	

PS Form 3800, April 2015 PSN 7530-02-000-9947. See Reverse for Instructions.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature</p> <p>X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Martinez Concrete, Inc. 920 W. Foothill Boulevard Azusa, CA 91702 40-74185-833</p> <p> 9590 9402 6817 1074 1925 01</p>	<p>B. Received by (Printed Name)</p> <p><i>Martinez</i></p>	<p>C. Date of Delivery</p> <p><i>5/16</i></p>
	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7021 1970 0001 3871 8845</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery (red Mail red Mail Restricted Delivery (\$500))</p>	
PS Form 3811, July 2020 PSN 7530-02-000-9053	Domestic Return Receipt	

I hereby certify that the herein document is a full, true, and correct copy of the original document contained in the files of the Labor Commissioner served on the parties herein.

Executed on the 4th day of August, 2022
 at San Bernardino, California.
 STATE LABOR COMMISSIONER
 By Caleb Wood
 Deputy