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Department of Justice

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District of New Hampshire

FOR IMMEDIATE RELEASE

Tuesday, May 1, 2018

Resident of Nashua Sentenced to Six Months in Prison for Obstructing U.S. Department of Labor Investigation and Civil Lawsuit

CONCORD - Kevin Corriveau, 43, of Nashua, New Hampshire, and the owner of Kevin Corriveau Painting, Inc., was sentenced to serve six months in prison and pay a \$25,000 fine for obstruction of justice in connection with an investigation and litigation by the U.S. Department of Labor, United States Attorney Scott W. Murray announced.

According to court documents, from 2007 through April 2011, Corriveau directed the company's painters and carpenters to report only non-overtime work on payroll records and employee timecards to avoid detection by government investigators of his intentional and ongoing failure to pay the overtime premium required by the federal Fair Labor Standards Act (FLSA).

Corriveau pled guilty to obstruction of justice on December 15, 2017. He admitted that he concealed the extent to which employees of the company worked overtime hours, in part, by causing an employee of the company to provide false information to the Department of Labor during investigations by the Department's Wage and Hour Division in 2009 and 2011. In 2009 and 2011, Corriveau himself also provided false information to investigators about the extent of his employees' overtime work. This included, in 2011, when Corriveau falsely told investigators that his employees did not work overtime on a construction project in Needham, Massachusetts, and provided false documents to investigators to support his assertion.

In 2013, in connection with a civil suit filed against him by the Department of Labor for alleged violations of the FLSA's overtime wage requirements, Corriveau knowingly created and provided fraudulent invoices and an altered change order to Department's attorneys that falsely stated that his employees did not work overtime on the Needham project.

After serving his prison sentence, Corriveau will be on supervised release for two years.

“Those who make false statements or create false documents undermine the integrity of our legal system,” said U.S. Attorney Murray. “The defendant’s actions here were unacceptable. Employers should be on notice that they face potential criminal penalties if they do not comply with their legal obligations under the FLSA.”

“The Labor Department’s agencies stand ready to refer to the U.S. Attorney’s offices cases in which employers lie to investigators and fabricate records as part of a scheme to cover up their violations,” said Michael Felsen, Regional Solicitor of Labor in Boston. “We greatly appreciate the New Hampshire U.S. Attorney’s Office’s efforts to bring to justice such an individual in this matter.”

“This prosecution, conviction, and sentence send a message to all employers that knowingly providing false information or falsified documents to the Department of Labor can put their individual liberty at risk,” stated Northern New England District Director Daniel Cronin.

“Kevin Corriveau solicited his employees to make false statements to investigators during a Wage & Hour Division investigation which uncovered over \$200,000 in unpaid wages. The Office of Inspector General will continue to investigate those who obstruct the Department’s efforts to ensure the integrity of its programs,” said Peter Nozka, Acting Special Agent-in-Charge, New York Region, U.S. Department of Labor Office of Inspector General.

This is believed to be the first federal criminal prosecution arising from a Labor Department wage and hour investigation in New Hampshire. The U.S. Department of Labor’s Office of the Inspector General investigated the criminal case with assistance from the Department’s Employee Benefits Security Administration. It was prosecuted by Assistant U.S. Attorney Robert M. Kinsella and Special Assistant U.S. Attorney Scott Miller, who is a Senior Trial Attorney at the Labor Department’s Office of the Solicitor in Boston, Massachusetts.

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