

U.S. Department of Labor

Administrative Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



IN THE MATTER OF:

**ADMINISTRATOR, WAGE AND
HOUR DIVISION, UNITED STATES
DEPARTMENT OF LABOR,**

PROSECUTING PARTY,

v.

**PARADIGM CONSTRUCTION &
ENGINEERING, INC., KENT
GLESENER, and CHRISTIE
GLESENER,**

RESPONDENTS.

ARB CASE NO. 2023-0054

**ALJ CASE NO. 2017-DBA-00010
ALJ PATRICK M. ROSENOW**

DATE: March 5, 2026

Appearances:

For the Prosecuting Party, Administrator, Wage and Hour Division:

**Seema Nanda, Esq., Jennifer S. Brand, Esq., Sarah K. Marcus, Esq.,
Jonathan T. Rees, Esq., Dean A. Romhilt, Esq.; U.S. Department of
Labor, Office of the Solicitor; Washington, District of Columbia**

For the Respondents:

**Jeffrey S. Fowler, Esq., and Marron A. Mahoney, Esq.; Laner Muchin,
LTD; Chicago, Illinois**

**Before JOHNSON, Chief Administrative Appeals Judge, and KAPLAN,
BURRELL, and KIKO, Administrative Appeals Judges**

NOTICE OF NON-REFERRAL TO THE SECRETARY

This matter arises under the Davis-Bacon Act (DBA)¹ and the Davis-Bacon Related Acts (DBRA), including the Contract Work Hours and Safety Standards Act

¹ 40 U.S.C. § 3141 et seq.

(CWHSSA),² and their implementing regulations.³ Administrative Law Judge (ALJ) Patrick M. Rosenow found that Paradigm Construction & Engineering, Inc., Kent Glesener, and Christie Glesener (Respondents) falsified certified payroll reports, failed to pay workers weekly, misclassified skilled workers as laborers, failed to include independent contractor Ronald Barnes on payroll, and failed to cooperate with the Department of Labor’s Wage and Hour Division (WHD).⁴ The ALJ ordered Respondents to pay \$14,058.08 to eighteen employees, and debarred Respondents for three years.⁵ Respondents appealed to the Administrative Review Board (Board). On January 30, 2026, the Board issued a Decision and Order affirming the ALJ. On February 13, 2026, Respondents filed a petition seeking review by the Secretary of Labor. On February 23, 2026, the Administrator for the WHD filed a response in opposition.

A party to a case before the Board may, within 14 calendar days after the Board issues its decision, request that the Board refer the case for further review by the Secretary of Labor.⁶ However, the circumstances under which we may refer the case to the Secretary are extremely narrow. Per the Secretary’s delegation of authority to the Board, we may only refer the case to the Secretary if a majority of the Board determines that the case involves: (1) a question of law, (2) that is of “exceptional importance,” and (3) that warrants Secretary review.⁷ If the Board refers the matter to the Secretary, the Secretary retains the discretion to decline, accept, or take no action on the Board’s referral, as the Secretary deems appropriate.⁸

None of the arguments that Respondents set forth involve a question of law that is of exceptional importance and warrants review by the Secretary of Labor. Thus, we deny Respondents’ petition.

² *Id.* § 3701.

³ 29 C.F.R. Parts 1, 3, 5-7 (2023). In addition to the DBA, many federal statutes providing federal funding for construction projects incorporate the DBA’s requirements. 29 C.F.R. § 5.1(a). The CHWSSA, as one of the many Davis-Bacon Related Acts, requires application of the labor standards provisions of the DBA.

⁴ Decision and Order at 23-24.

⁵ *Id.*

⁶ Secretary’s Order No. 01-2020 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board (Secretary’s discretionary review of ARB decisions)), 85 Fed. Reg. 13186, 13188, ¶6(b)(1) (Mar. 6, 2020).

⁷ *Id.*

⁸ *Id.*

Therefore, unless the Secretary directs the Board to refer this matter to her, the Board's decision will become the final action of the Department on March 13, 2026 (after the passage of 28 calendar days from the date on which the petition was filed).⁹

SO ORDERED.

RANDEL K. JOHNSON
Chief Administrative Appeals Judge

ELLIOT M. KAPLAN Administrative
Appeals Judge

THOMAS H. BURRELL
Administrative Appeals Judge

PHILIP G. KIKO
Administrative Appeals Judge

⁹ *Id.* at 13187, ¶6(a)(2) (“In the case of a decision for which a petition has been filed under subsection (b)(1), but that the Board has not referred to the Secretary for review, such decision shall become the final action of the Department after the passage of 28 calendar days from the date on which the petition was filed.”).