

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 17 February 2022

CASE NO.: 2020-DBA-00004

In the Matter of:

Disputes concerning the payment of prevailing
wage rates and fringe benefits by,

JA-RA, INC. d/b/a AJ PLUMBING,
(Subcontractor to Knutson Construction Services Midwest, Inc.),
First-Tier Subcontractor,

With respect to laborers and mechanics employed by
First-Tier Subcontractor, JA-RA, INC. d/b/a AJ PLUMBING on
Contract No. HUD # 074-35287 at the Nexus at
Gray's Landing Apartments, Des Moines, IA

**ORDER APPROVING CONSENT FINDINGS AND
SETTLEMENT AGREEMENT**

This matter arises under the Davis-Bacon Act ("DBA"), 40 U.S.C. §§ 3141-48, and its implementing regulations, 29 C.F.R. Parts 5 and 6. This matter was assigned to me and a formal hearing was scheduled on February 15, 2022. However, the parties notified the court of settlement and accordingly the formal hearing was cancelled.

On January 28, 2022, the parties filed their Motion for Entry of Consent Findings ("Motion") and Consent Findings (together, "Agreement"). The Consent Findings were signed by counsel for both parties and by the President of JA-RA, Inc. d/b/a AJ Plumbing. As required under 29 C.F.R. § 6.32(b)(1)-(2), (4)-(5), the parties agree to the following provisions:

1. An Order based upon these findings shall have the same force and effect as an order made after full hearing.
2. The entire record on which any order may be based shall consist solely of the Complaint and this Agreement.
3. The parties to this agreement hereby waive any further procedural steps before the Administrative Law Judges and the Administrative Review Board regarding the matters which are the subject of these Consent Findings.

4. The parties waive any right to challenge or contest the validity of any order entered in accordance with these Consent Findings.

The DBA rules of procedure for administrative proceedings are set forth at 29 C.F.R. § 6.32(c) and provide that the presiding Administrative Law Judge shall accept any agreement containing consent findings if he or she “is satisfied with its form and substance.” After reviewing the terms of the Consent Findings, I am satisfied that the agreement conforms to this requirement and is a satisfactory resolution of the contested issues. The terms of the Consent Findings are hereby *adopted* and *incorporated in full* into this Order and attached hereto. I have carefully reviewed the parties’ Agreement and have determined that it constitutes a fair, adequate and reasonable settlement of the complaint.

Accordingly, **IT IS HEREEBY ORDERED** that that Consent Findings are **ADOPTED** and **APPROVED**.

SO ORDERED.

NORAN J. CAMP
Administrative Law Judge

Boston, Massachusetts

CONSENT FINDINGS

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
WASHINGTON, D.C.

IN THE MATTER OF: *
*
Disputes concerning the payment of *
prevailing wage rates and fringe benefits by, *
*
JA-RA, INC. d/b/a AJ PLUMBING, *
(Subcontractor to Knutson Construction Services Midwest, Inc.), *
First-tier Subcontractor, *
* No. 2020-DBA-00004
With respect to laborers and mechanics *
employed by First-Tier Subcontractor Ja-Ra, Inc. *
d/b/a AJ Plumbing on Contract No. HUD #074-35287 *
at the Nexus at Gray's Landing apartments, Des Moines, Iowa *
*

CONSENT FINDINGS

The Administrator of the Wage and Hour Division and Respondent, pursuant to 29 C.F.R. § 6.32, hereby stipulate and agree to the following Consent Findings:

1. Any order issued which is consistent with these Consent Findings shall have the same force and effect as an order made after full hearing.
2. The entire record on which any order may be based shall consist solely of the complaint and this agreement.
3. The parties waive any further procedural steps before the Administrative Law Judge and Administrative Review Board regarding those matters which are the subject of the agreement.
4. The parties waive any right to challenge or contest the validity of any order entered into which is consistent with these findings.
5. Funds are currently being held by the Wage and Hour Division, from contract

number HUD #074-35287, in the amount of \$150,371.30. From that amount, \$105,999.76 shall be disbursed by Wage and Hour to the employees whose names are listed on Appendix A attached hereto in the amounts listed opposite their names as their interests might appear. Wage and Hour shall return the remaining \$44,371.54 of the withheld funds to General Contractor Knutson Construction.

6. Within 30 days of the entry of these consent findings, Respondent shall furnish to Wage and Hour Division, P.O. Box 2638, Chicago, Illinois 60690-2638 the following information:

- a. The federal tax identification number for Respondent;
- b. The Social Security Number, last known address, last known telephone number and last known e-mail address of each person listed in Appendix A hereto;

8. Respondent understands that it remains responsible for the employer's share of F.I.C.A.

9. Neither Respondent nor anyone on its behalf shall directly or indirectly solicit or accept the return or refusal of any sums paid under this agreement. If back wages have not been claimed by the employee or the employee's estate within three years of the entry of these consent findings, the Secretary shall deposit such money with the Treasury.

10. The signing of these consent findings waives any claims either party has to costs, attorney fees and other expenses incurred by such party in connection with any stage of this proceeding.

11. Respondent represents that it is currently in compliance with all applicable provisions of The Davis Bacon Act, 40 U.S.C. § 3141 et seq., the National Housing Act, and pertinent regulations and contract requirements and will continue to comply in the

future.

Dated this 25th day of Jan 2022 ~~December, 2021~~

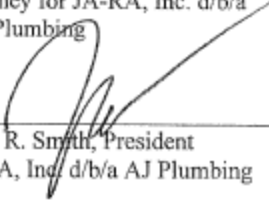
Seema Nanda
Solicitor of Labor

Christine Z. Heri
Regional Solicitor

Evert H. Van Wijk
Associate Regional Solicitor

/s/Deborah M. Tharnish
Deborah M. Tharnish
DENTONS DAVISBROWN PC
215 10th Street, Suite 1300
Des Moines, IA 50309
(515) 246-7862
deborah.tharnish@dentons.com

Attorney for JA-RA, Inc. d/b/a
AJ Plumbing


Jarod R. Smith, President
JA-RA, Inc. d/b/a AJ Plumbing

/s/Dana M. Hague
Dana M. Hague
2300 Main St., Suite 1020
Kansas City, MO 64108
(816) 285-7260
(816) 285-7287 (fax)
hague.dana.m@dol.gov

Attorney for WH Administrator
U.S. Department of Labor

APPENDIX A

Employee	Davis-Bacon Back Wages
Gabe Bower	\$6,392.74
Brandon Brown	\$1,302.62
Trey Bush	\$448.33
Robert Campbell	\$224.16
Raymond Chavez-Correa	\$657.17
Luke Dennis	\$268.99
Tyler Derrickson	\$18,296.27
Jeff Dishman	\$5,768.42
Donald Duff	\$5,192.58
Forest Garcia Lepe	\$3,796.62
Fransisco Garcia-Melendez	\$9,839.99
Roger Good	\$1,885.72
Onela Ho	\$10,367.53
Donovan Howard	\$250.90
Christopher Jimenez	\$4,283.53
Matthew Jordan	\$12.12
Richard Keul	\$131.70
Cynthia King	\$198.95
Raymond Koontz	\$403.49
Janice Kranovich	\$117.69
Javier Lopez	\$606.19
Gary Mahan	\$4,361.45
Joshua Miller	\$2,578.52
Troy Parsons	\$3,143.57
Brian Patton	\$1,104.01
Corey Rattray	\$1,212.05
Tyler Schell	\$1,227.30
Michael Schroeder	\$976.42
Scott Shipp	\$12,637.60
Gary Smith	\$4,450.42
Steven Vail	\$1,161.99
Cody Vandel	\$358.66
Jason VanderWeide	\$2,039.44
Tyler Young	\$302.62
TOTAL	\$105,999.76

SERVICE SHEET

Case Name: In_re_JA-RA_INC_d-b-a_AJ_P_

Case Number: **2020DBA00004**

Document Title: **ORDER APPROVING CONSENT FINDINGS AND SETTLEMENT AGREEMENT**

I hereby certify that a copy of the above-referenced document was sent to the following this 17th day of February, 2022:

Lorena F. Quiroz
LEGAL ASSISTANT

zzWHD-ALJ-Orders@dol.gov
Administrator
Wage and Hour Division
U. S. Dept. of Labor
Room S-3502, FPB
200 Constitution Ave., N.W.
WASHINGTON DC 20210
{Electronic - Regular Email}

Regional Solicitor
U. S. Department of Labor
Room 844
230 South Dearborn Street
CHICAGO IL 60604
{Electronic - Regular Email}

FLS-Filings@dol.gov
Counsel for Trial Litigation
Division of Fair Labor Standards
U. S. Department of Labor
Room N-2716, FPB
200 Constitution Ave., N.W.
WASHINGTON DC 20210
{Electronic - Regular Email}

Becky S Knutson, Esq.
BeckyKnutson@davisbrownlaw.com
Davis Brown Law Firm
215 10th Street, Suite 1300
DES MOINES IA 50309
{Electronic - Regular Email}

Michael Lazzeri
Regional Administrator
Wage and Hour Division
230 S. Dearborn Street, Room 530
CHICAGO IL 60604-1591
{Electronic - Regular Email}

Dana Hague
hague.dana.m@dol.gov
Office of the Solicitor, Kansas City
2300 Main Street
Suite 1020
KANSAS CITY MO 64108
{Electronic - Regular Email}

