



DEPARTMENT OF LABOR  
BUREAU OF LABOR STANDARDS  
45 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0045

LAURA A. FORTMAN  
COMMISSIONER

JANET T. MILLS  
GOVERNOR

WAGE & HOUR DIVISION

MICHAEL ROLAND  
DIRECTOR

May 20, 2021

AH Custom Builders  
Attn. Joe Fenderson  
37 Kennedy DR  
Waterboro, ME 04061

RE: Violations of Title 26, Inspection #453282  
*Certified Mail:* 70151520000109628348

Dear Joe Fenderson,

When our Inspector, Stephanie Harfoush, investigated a complaint of unpaid wages and pay statements not received against your business the following violations of Maine Labor Law were found:

**26 MRS §621-A Timely and Full Payment of Wages** requires that employees be paid in full, on an established day or date, at regular intervals made known to the employee. The intervals may not exceed 16 days and must include all wages earned to within 8 days of the payment date.

*In this case, the employer established a weekly pay cycle with Friday as the pay date.*

- [REDACTED] was not paid on 03/05/21 for work performed between 02/22/21 and 02/26/21.
- [REDACTED] was not paid on 03/12/21 for work performed on 03/01/21.

[REDACTED] received a check on 03/18/21, however, no itemized pay statement was provided.

The employer was cited on 01/26/21 for a prior violation of this statute and informed that continued noncompliance would result in penalties being assessed.

**26 MRS §622 Records** requires that employers keep a true record showing the date and amount paid to each employee. Every employer shall keep a daily record of the time worked by each such employee. Records required to be kept by this section must be accessible to any representative of the department at any reasonable hour.

*In this case, the employer did not comply with multiple written requests and a verbal request to provide this department all payroll records and time records for [REDACTED] from 12/14/2020 to 03/03/2021.*

**26 MRS §626-A PENALTIES** Whoever violates any of the provisions of sections 621-A to 623 or section 626, 628, 629 or 629-B is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation. Each employee is counted as a separate violation, each pay cycle.

- 2 violations of §621
- 2 violations of §622

**26 MRS §665 (1) Pay Statement** requires that employers provide to the employee with each payment of wages a statement which clearly shows the date of the pay period, hours worked, total earnings and itemized deductions.

*In this case, the employer did not provide detailed pay statements for each of the 12 weeks between 12/14/2020 and 03/03/2021.*

**26 MRS §671 PENALTIES** Any employer who violates this subchapter shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$200. In the event of the violation of any of the provisions of this subchapter, the Attorney General may institute injunction proceedings in the Superior Court to enjoin further violation thereof.

- 12 violations of §665

**The total penalty for the above violation(s) is \$1,100.00.**

**Make checks payable to the “Treasurer, State of Maine”**

The violations identified above will become a final order within fifteen (15) business days from the day it was received unless you request a penalty discussion or file an appeal (see employer options) within the specified time frame listed above.

**Employer options (within 15 business days):**

If you intend to correct all violations identified and wish to work with the Wage & Hour Division to possibly reduce the penalty amount, you may request a “Penalty Discussion”. This discussion will pertain only to the penalty(s) and not the violation(s). All proposed penalties will be stayed until after the penalty discussion.

Or

You may file a formal appeal of any violation or penalty within fifteen (15) days of receipt of this citation. Please be specific as to what violation(s) or penalty you wish to appeal. If a request for a formal appeal is received, the Director will set a time and date for a “hearing”. The Director will serve as the hearing officer or may assign the appeal to the Administrative Hearings Division within the Department of Labor. The hearing will be at the headquarters of the Bureau or at a place mutually agreeable to the parties. All proposed penalties will be stayed until after the formal appeal is heard.

As the employer, you must respond in writing to the Director of the Bureau, at the address above, within fifteen (15) business days of receipt of this report stating what option you intend to

choose. If no response is received within that time frame you accept all citations and any penalties assessed. The citation will become a final order and payment will be due at that time, made payable to **“Treasurer, State of Maine”** and mailed to the address at the top of this citation.

We strongly recommend that any correspondence be sent by certified mail. Failure to correct violations may result in additional penalties for each violation that is not corrected.

If you have questions regarding this citation, you may contact the Bureau of Labor Standards, Wage & Hour Division at (207) 623-7900.

**Dates to remember:**

Respond in writing, to the Director of the Bureau within fifteen (15) business days of receipt of this citation indicating what option you choose.

Respectfully,



Scott Cotnoir, Director  
Wage and Hour Division  
Inspection # 453282