New Jersey Department of Labor and Workforce Development,
Petitioner,

v.

Ultra Construction, LLC, and Christopher Zimmermann, Manager and Individually; and, Suzanne Zimmermann, Member and Individually,
Respondents.

OAL DKT. NO. LID 13278-2017S
LWD DKT. NO. PC-336-0615-CIR
PC-338-0615-CIR
PC-342-0615-CIR
PC-343-0615-CIR

STATE OF NEW JERSEY
DEPARTMENT OF LABOR
AND
WORKFORCE DEVELOPMENT

FINAL ADMINISTRATIVE ACTION OF THE COMMISSIONER

Issued: January 11, 2018

The New Jersey Department of Labor and Workforce Development (the Department) served notice upon Ultra Construction, LLC, Christopher Zimmermann, Manager and Individually, and Suzanne Zimmermann, Member and Individually (Ultra or respondents), finding violations of N.J.S.A. 34:11-4.2 (unpaid wages/late payment), N.J.S.A. 34:11-56.27 (failure to pay prevailing wage), N.J.S.A. 34:11-56.29 and N.J.A.C. 12:60-2.1 (records – inaccurate certified payroll), N.J.S.A. 34:11-56.31 (records/obstruction), and N.J.S.A. 34:11-56.35 (obstruction/hindering). On the basis of the violations listed, the Department sought debarment and the collection of wages in the amount of $15,605.04, an administrative fee in the amount of $1,560.50, and penalties in the amount of $139,000.00.

Respondents requested a hearing with regard to the debarment and the assessment for wages, an administrative fee and penalties. The matter was transmitted to the Office of Administrative Law (OAL) for determination as a contested case, pursuant to N.J.S.A. 52:14F-1 et seq. The record indicates that the matter was scheduled for a hearing on November 20, 2017 before Administrative Law Judge Joseph S. Ascione (ALJ). The record also reflects that respondents did not appear at the hearing and have not offered any explanation for their non-appearance. Thus, pursuant to N.J.A.C. 1:1-3.3(b), the ALJ returned the matter to the Department of Labor and Workforce Development for appropriate disposition.

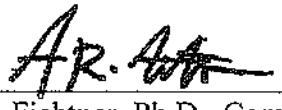
A review of the Department of Labor and Workforce Development's records indicates that respondents have, to date, failed to offer any explanation for their failure to appear at the scheduled OAL hearing. As a result, I find that the appeal of this matter should be dismissed.

ORDER

Therefore, it is hereby ordered that respondents pay to the Department $15,605.04 for wages, $1,560.50 for the administrative fee, and $139,000.00 in penalties. It is also ordered that Ultra Construction, LLC, Christopher Zimmermann and Suzanne Zimmermann be placed on the debarment list pursuant to N.J.S.A. 34:11-56.37.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum

DECISION RENDERED BY THE
COMMISSIONER, DEPARTMENT OF
LABOR AND WORKFORCE DEVELOPMENT



Aaron R. Fichtner, Ph.D., Commissioner
Department of Labor and Workforce Development

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