

IN THE MATTER OF

CENTRAL CITY ROOFING CO., INC.,
and
JAMES T. PIPINES, STELLA Y. PIPINESS, WILLIAM A.
PIPINES, TOM PIPINES, TISHA PIPINES, JAMES HANAVAN,
and
MARK J. LOUNSBURY
as officers and/or shareholders of
CENTRAL CITY ROOFING CO., INC.,
and its successors or substantially owned-affiliated entities
PYRAMID ROOFING & SHEET METAL CO., INC.,
and
CENTRAL CITY ENTERPRISES, LTD.

Prime Contractor

for a determination pursuant to Article 8 of the Labor Law
as to whether prevailing wages and supplements were paid to or
provided for the laborers, workers, and mechanics employed on a
public work project for Altmar-Parish-Williamstown Central School
District

DETERMINATION
&
ORDER

ON REMAND

Prevailing Rate Case
PRC No. 2007007692
Case ID: 06 20100013988
Oswego County

WHEREAS a Determination and Order dated April 10, 2015, was issued and filed
in the above-captioned matter on April 13, 2015; and

WHEREAS that Determination and Order adopted the findings of fact,
conclusions of law and recommended determinations and orders contained in a Hearing
Officer's annexed Report and Recommendations dated April 6, 2015; and

WHEREAS the Respondent's appealed that Determination and Order to the
Appellate Division of the New York State Supreme Court, Third Department (hereinafter
"Appellate Division"); and

WHEREAS the Appellate Division issued a Memorandum and Judgment dated
February 18, 2016, which modified the aforesaid Determination and Order by annulling
so much thereof as imposed a civil penalty of 25% and remitted the matter for
reconsideration of a civil penalty not inconsistent with the Court's decision; and

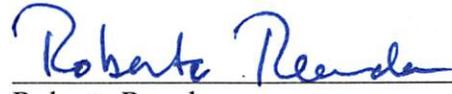
WHEREAS the Court's decision found that, although Respondent's
underpayment of prevailing wages based on its use of an expired wage schedule and the

misclassification of an employee's work as a forklift operator constituted serious violations, the imposition of the maximum 25% civil penalty when (1) it was found that the involved individuals had no actual knowledge of the violations; (2) the record demonstrated no bad faith; and (3) there were no prior violations, despite Respondent having performed public work projects since 1979 so shocks its sense of fairness that the maximum penalty was annulled and the matter remitted for reconsideration of the civil penalty;

NOW, upon review of the entire record, and upon reading the Appellate Division's Memorandum and Judgment and cases cited therein, and due deliberation having been had thereon, it is

ORDERED that the Determination and Order in this matter dated April 10, 2015, is hereby modified solely to assess a civil penalty in the amount of Ten Percent (10%) of the total underpayment found due therein rather than the maximum 25% previously recommended and imposed.

Dated: 7/19, 2016
Albany, New York



Roberta Reardon
Commissioner of Labor
State of New York