

1 DIVISION OF LABOR STANDARDS ENFORCEMENT
Department of Industrial Relations
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LABOR STANDARDS ENFORCEMENT
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8 **BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT**
9 **DEPARTMENT OF INDUSTRIAL RELATIONS**
10 **STATE OF CALIFORNIA**
11

12 In the matter of the
Debarment Proceeding Against,

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15 FAST DEMOLITION, INC.; ROGELIO
MEDINA VAZQUEZ, an individual and in his
16 capacity as Responsible Managing Officer of
FAST DEMOLITION, INC.
17

18 Respondents.
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Case No.: LB 5345

ORDER OF THE LABOR
COMMISSIONER ON STIPULATION
TO DEBARMENT

20 Whereas, Respondents stipulated to debarment as follows:

21 1. Respondent FAST DEMOLITION, INC. is the holder of California
22 Contractor's license number 796802.
23

24 2. Respondent ROGELIO MEDINA VAZQUEZ is the Responsible
25 Managing Officer of FAST DEMOLITION, INC. and owns ten percent or more of the
26 voting stock/equity of said corporation.
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1 3. Respondents entered into the attached STIPULATION FOR
2 DEBARMENT.

3 4. Based on the STIPULATION FOR DEBARMENT, see Paragraph 6,
4 subsection B of the attached SETTLEMENT AGREEMENT AND RELEASE,
5 Respondents shall be ineligible for a period of three years, beginning April 1, 2015, to do
6 either of the following:
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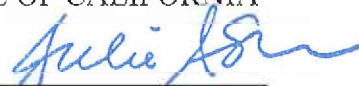
8 A) Bid on or be awarded a contract for a public works project; or

9 B) Perform work as a subcontractor on a public works project as defined
10 as Labor Code sections 1720, 1720.2, and 1720.3.
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13 IT IS HEREBY ORDERED.

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15 DIVISION OF LABOR STANDARDS
16 DEPARTMENT OF INDUSTRIAL RELATIONS
17 STATE OF CALIFORNIA

18 Dated: 3/27/2015

19 By: 
20 Julie A. Su
21 State Labor Commissioner
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SETTLEMENT AGREEMENT AND RELEASE

PARTIES

The parties to this Agreement, which was made in principle as of the 17th day of February, 2015, consist of the DIVISION OF LABOR STANDARDS ENFORCEMENT, Department of Industrial Relations, State of California (hereafter "DLSE"); FAST DEMOLITION INC. a California corporation registered with the Secretary of State as entity number C2556420 and a contractor licensed by the Contractors State Licensing Board (hereafter "CSLB") under license number 792729 (hereafter "FAST DEMOLITION"); ROGELIO MEDINA VAZQUEZ (hereafter "ROGELIO VAZQUEZ"), an individual who is listed with the CSLB as the Responsible Managing Officer of FAST DEMOLITION; and is intended to bind any other officers or directors FAST DEMOLITION in his or her position as officer or director of FAST DEMOLITION. DLSE, FAST DEMOLITION, ROGELIO VAZQUEZ and the officers or directors of FAST DEMOLITION are hereinafter collectively referred to as "PARTIES."

RECITALS

1. On June 27, 2014, DLSE served a Civil Wage and Penalty Assessment (hereafter "CWPA") (attached as Exhibit "1") in DLSE Case No. 40-37919-139, to TURNER/PCL/FLATIRON, a Joint Venture consisting of TURNER CONSTRUCTION COMPANY, PCL CONSTRUCTION SERVICES, INC., and FLATIRON WEST INC. (hereafter "JOINT VENTURE"); GRAHOVAC CONSTRUCTION COMPANY, INC. (hereafter "GRAHOVAC"), "FAST DEMOLITION", the SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY (hereafter "AIRPORT AUTHORITY" and/or "AWARDING BODY"), TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA (hereafter "TRAVELERS"), FEDERAL INSURANCE COMPANY (hereafter "FIC"), FIDELITY AND DEPOSIT COMPANY OF MARYLAND (hereafter "FDCM"), ZURICH AMERICAN INSURANCE COMPANY (hereafter "ZURICH"), and THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA (hereafter "ICSP") claiming wages and training funds due

in the amount of \$39,717.49; penalties in the amount of \$27,000.00; and potential liquidated damages in the amount of \$39,717.49; said amounts alleged to be due and owing by the JOINT VENTURE, GRAHOVAC and FAST DEMOLITION as a result of violations of the prevailing wage laws of the State of California involving workers employed by FAST DEMOLITION on a public works project known as TERMINAL DEVELOPMENT PROGRAM, TERMINAL 2 WEST BUILDING AND AIRSIDE EXPANSION, SAN DIEGO INTERNATIONAL AIRPORT (hereafter "PROJECT"), awarded by the AIRPORT AUTHORITY as the AWARDING BODY, to the JOINT VENTURE, as the general contractor; with TRAVELERS, FIC, FDCM, ZURICH and/or ICSP as bonding companies that issued the bond(s) securing payment of wages for the PROJECT, and/or as sureties on said bond(s); GRAHOVAC, as the first tier subcontractor and FAST DEMOLITION as its second tier subcontractor.

2. Pursuant to the provisions of Labor Code section 1743, subdivision (a), and by operation of law, the JOINT VENTURE, GRAHOVAC and FAST DEMOLITION could potentially be jointly and severally liable for all amounts found due on the CWPA and/or a final order and/or judgment based thereon.

3. To the extent that the AWARDING BODY has withheld any funds in response to the CWPA, the AWARDING BODY is duty bound to promptly transmit withheld funds with respect to the amount found due on the CWPA and/or any final order(s) and/or judgment(s) based thereon, if any, to DLSE pursuant to Labor Code sections 1727 and/or 1742(f).

4. FAST DEMOLITION is a California corporation registered with the Secretary of State as entity number C2556420 and a contractor licensed by the Contractors State Licensing Board (hereafter "CSLB") under license number 792729. During all times mentioned herein, "ROGELIO VAZQUEZ", was listed with the CSLB as the Responsible Managing Officer of FAST DEMOLITION. As of the date of this Agreement, FAST DEMOLITION is not associated with any other CSLB license. In entering this Agreement, FAST DEMOLITION and

ROGELIO VAZQUEZ expressly confirm that the information in this paragraph is true and complete to the best of his/its knowledge.

5. On or about July 24, 2014, FAST DEMOLITION timely submitted its Request for Review of the CWPA, which resulted in the Director of the Department of Industrial Relations (“DIRECTOR”) appointing as the DIRECTOR’S Hearing Officer, Richard T. Hsueh, an attorney employed by Department of Industrial Relations, Office of the Director, Legal Unit, to preside over a hearing on the FAST DEMOLITION’S Request for Review of the CWPA. This matter is now pending before the DIRECTOR entitled In the Matter of the Request for Review of: FAST DEMOLITION, INC., Case No. 14-0350-PWH (hereafter “THE LITIGATION”).

SETTLEMENT AGREEMENT

6. DLSE and FAST DEMOLITION agree to resolve all disputes between them concerning the CWPA identified in Paragraph 1 above and THE LITIGATION identified in Paragraph 5 above, as follows:

- A. FAST DEMOLITION will *forthwith* submit to Hearing Officer Hsueh a letter withdrawing its Request for Review referenced in paragraph 5 above and hereafter refrain from requesting reinstatement of said Request for Review;
- B. FAST DEMOLITION and ROGELIO VAZQUEZ, as an individual and in his capacity as the Responsible Managing Officer of FAST DEMOLITION also stipulate as follows (these terms are hereafter referred to as the terms of the “DEBARMENT STIPULATION”):

- 1) FAST DEMOLITION is the holder of California Contractor’s license number 792729;
- 2) FAST DEMOLITION is the SOLE OWNER of this license number;

3) ROGELIO VAZQUEZ is the Responsible Managing Officer of FAST DEMOLITION and he owns 10 percent or more of the voting stock/equity of FAST DEMOLITION;

4) FAST DEMOLITION and ROGELIO VAZQUEZ, as an individual and in his capacity as Responsible Managing Officer of FAST DEMOLITION stipulate to debarment pursuant to Labor Code section 1777.1, subdivision (a) for a period of 3 years beginning on April 1, 2015, following the filing of the Determination and Order of the Labor Commissioner in this matter. During that 3 year period, FAST DEMOLITION; ROGELIO VAZQUEZ, as an individual and in his capacity as Responsible Managing Officer of FAST DEMOLITION; any officer or director of FAST DEMOLITION; and any firm, corporation, partnership, or association in which any of said persons has any interest as defined in Labor Code section 1777.1, subdivision (f), or any substantial interest as defined in California Code of Regulations, Title 8, section 16800, shall be ineligible to do either of the following:

- (a) Bid on or be awarded a contract for a public works project; or,
- (b) Perform work as a subcontractor on a public works project.

A. In return for the successful completion of the foregoing, DLSE will release FAST DEMOLITION from further liability on the CWPA identified in Paragraph 1 above.

7. DLSE and FAST DEMOLITION agree that in the event FAST DEMOLITION; ROGELIO VAZQUEZ as an individual or in his capacity Responsible Managing Officer of FAST DEMOLITION; any officer or director of FAST DEMOLITION; or any firm, corporation, partnership, or association in which any of said persons have any interest as defined in Labor Code section 1777.1, subdivision (f), or any substantial interest as defined in California Code of Regulations, Title 8, section 16800, fail to abide by the terms of their debarment, the CWPA will be deemed to be final and no longer subject to judicial review and may be filed as

such with the Clerk of the Superior Court in the County of San Diego pursuant to Labor Code section 1742, subdivision (d).

8. The PARTIES agree that signatures to this agreement may be effective upon electronic transmission whether by email, facsimile transmission, or as a PDF attachment to email; that all signatures need not be affixed to a single document to be effective as to the PARTY whose signature is affixed so long as each PARTY signs this Settlement Agreement and Release; that the signatures are valid even if they are not dated; and that where this Settlement Agreement and Release is signed by counsel and/or other agent for the PARTY, such counsel and/or agent warrants that he/she/they are expressly authorized by their client or principal to execute this document on their client's or principal's behalf.

RELEASES

9. DLSE agrees that, conditioned upon FAST DEMOLITION's immediate submission of its letter withdrawing its Request for Review as set forth in Paragraph 6 (A) of this agreement; and the successful completion of the terms of the DEBARMENT STIPULATION in paragraph 6 (B), DLSE does hereby release FAST DEMOLITION, their employees, officers, stockholders, successors and assigns, attorneys and agents from all CLAIMS arising out of DLSE Case No. 40-37919/139. This is a full release of all such CLAIMS against FAST DEMOLITION arising out of said CWPA whether known or unknown, suspected or unsuspected. DLSE agrees that upon FAST DEMOLITION's timely submission of its withdrawal letter as set forth in Paragraph 6 (A) of this agreement; and the successful completion of the terms of the DEBARMENT STIPULATION in paragraph 6 (B), DLSE will issue a Release of Civil Wage and Penalty Assessment as to FAST DEMOLITION.

SIGNATURES

I certify that I have read this Settlement Agreement and Release and fully understand and agree to it, and in witness I have executed this Release on this 26TH day of March, 2015, at Long Beach, California. The undersigned represents and warrants that he has full authority to execute this Settlement Agreement and Release on behalf of the Division of Labor Standards Enforcement, Department of Industrial Relations, State of California, and that no legislative act or judicial act or approval is necessary to give effect to this Release.

DIVISION OF LABOR STANDARDS ENFORCEMENT
Department of Industrial Relations State of California

By: William A Snyder
WILLIAM A. SNYDER, Esq.
Attorney for the Labor Commissioner

I hereby certify that I have read this Settlement Agreement and Release and fully understand and agree to it, and on behalf of myself as an individual and as the Responsible Managing Officer of FAST DEMOLITION INC., I agree to be bound by the terms of this Agreement including the DEBARMENT STIPULATION. In witness thereof, I have executed this Agreement this 24 day of March, 2015, at CHULA VISTA CA., California.

By: Rogelio Medina
ROGELIO MEDINA VAZQUEZ