

1 DIVISION OF LABOR STANDARDS ENFORCEMENT
2 Department of Industrial Relations
3 By Johanna Hsu, Assistant Chief Counsel, SB# 164247
4 605 W. Santa Ana Blvd., Bldg. 28, Room 625
5 Santa Ana, California 92701
6 Telephone: (714) 558-4914
7 Fax: (714) 558-4564

8 Attorney for the Labor Commissioner

9 **BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT**
10 **DEPARTMENT OF INDUSTRIAL RELATIONS**
11 **STATE OF CALIFORNIA**

12 In the matter of the
13 Debarment Proceeding Against,

14 WORTHINGTON CONSTRUCTION, INC.;
15 DALE WORTHINGTON, an individual and
16 CEO/RMO of Worthington Construction, Inc.;
17 and, HOLI JEANNE WORTHINGTON, an
18 individual and Officer of WORTHINGTON
19 CONSTRUCTION,

20 Respondents.

Case No.: LB 5267

**ORDER OF THE LABOR
COMMISSIONER ON STIPULATION
TO DEBARMENT**

21 Whereas, Respondent stipulated to debarment as follows:

22 1. Respondent WORTHINGTON CONSTRUCTION, INC. is the holder of
23 California Contractor's license number 714836.

24 2. Respondent DALE GREGORY WORTHINGTON is an individual who is
25 and was at all relevant times the "RMO" of WORTHINGTON CONSTRUCTION, INC.
26
27
28

- 1 C) Ponderosa Park
2 Awarded by City of Anaheim
3 Estimated Completion: August 2017
4 D) Hill Middle School
5 Awarded by Long Beach USD
6 Estimated Completion: July 2017
7 E) Mt. SAC Modular Building
8 Awarded by Mt. SAC Community College District
9 Estimated Completion: July 2017
10 F) South East High School aka Orange Vista High School
11 Awarded by Val Verde Unified School District
12 Estimated Completion: July 2017
13 G) Wilson High School Stadium
14 Awarded by Hacienda-La Puente USD
15 Estimated Completion: February 2017
16 H) Santa Monica High School
17 Awarded by Santa Monica-Malibu USD
18 Estimated Completion: August 2017


19 6. On June 13, 2018, Attorney for Respondents gave notice to DLSE that the
20 ENUMERATED PROJECTS were to be completed on June 15, 2018.

21 7. Thus, the 15 month Debarment stipulated to in the SETTLEMENT
22 AGREEMENT began on **June 15, 2018 and will run through September 16, 2019.**

23 IT IS HEREBY ORDERED.

24 DIVISION OF LABOR STANDARDS
25 DEPARTMENT OF INDUSTRIAL RELATIONS
26 STATE OF CALIFORNIA

27 Dated: 06/20/18

28 By: 
Julie A. Su
State Labor Commissioner

SETTLEMENT AGREEMENT AND RELEASE

PARTIES

The parties to this Agreement, which was made as of the 28th day of November, 2016, consist of the DIVISION OF LABOR STANDARDS ENFORCEMENT, Department of Industrial Relations, State of California (hereafter "DLSE"), WORTHINGTON CONSTRUCTION, INC. (hereafter "WORTHINGTON CONSTRUCTION"), DALE GREGORY WORTHINGTON ("DALE WORTHINGTON") an individual and RMO of WORTHINGTON CONSTRUCTION, and HOLLI JEANNE WORTHINGTON (hereafter "HOLLI WORTHINGTON") an individual and Officer of WORTHINGTON CONSTRUCTION, hereinafter jointly referred to as the "PARTIES."

RECITALS

1. On August 9, 2016, DLSE served both a Notice of Hearing, and a Statement of Alleged Violations pursuant to 8 C.C.R. section 16801 upon WORTHINGTON CONSTRUCTION, DALE WORTHINGTON and HOLLI WORTHINGTON, ("RESPONDENTS") initiating proceedings *In the Matter of Debarment Proceedings Against WORTHINGTON CONSTRUCTION, INC.; DALE GREGORY WORTHINGTON, an individual and RMO of WORTHINGTON CONSTRUCTION, INC.; and, HOLI JEANNE WORTHINGTON, an individual and Officer of WORTHINGTON CONSTRUCTION, INC.*, in which DLSE sought to debar Respondents from bidding or performing work on Public Works projects pursuant to Labor Code section 1777.1 for a period of 3 years. The Statement of Alleged Violations (a copy is attached as Exhibit "1") fully encapsulates the CLAIMS brought against RESPONDENTS, including which Civil Wage and Penalty Assessments (hereafter "CWPA") and Determination of Civil Penalties (hereafter "DCP") DLSE relied upon in alleging said CLAIMS as basis for the 3

year Debarment Order sought. Thus "CLAIMS" is limited to the Projects, CWPAs, DCP and factual allegations listed in the Statement of Alleged Violations (see Exhibit 1).

2. WORTHINGTON CONSTRUCTION holds the California Contractor's license number 714836. Mr. DALE GREGORY WORTHINGTON holds the position of "RMO" within WORTHINGTON's corporate structure. HOLLI WORTHINGTON holds the position of "Officer" within WORTHINGTON's corporate structure. There are no other corporate officers besides this within WORTHINGTON's corporate structure.

3. DALE WORTHINGTON represented to DLSE on November 28, 2016 that as of that date WORTHINGTON had a letter of intent to award, was awarded or was currently under contract to perform work on eight (8) specific Public Works projects, and only those projects, known as:

- a. Eastwood Elementary School – Awarded by Irvine Unified School District;
- b. Oceanside High School Performing Arts Building – Awarded by Oceanside Unified School District;
- c. Ponderosa Park – Awarded by City of Anaheim;
- d. Hill Middle School - Awarded by Long Beach USD;
- e. Mt. SAC Modular Building – Awarded by Mt. SAC Community College District;
- f. South East High School aka Orange Vista High School – Awarded by Val Verde Unified School District;
- g. Wilson High School Stadium – Awarded by Hacienda-La Puente USD; and,

- h. Santa Monica High School – Awarded by Santa Monica-Malibu USD;

(this group of projects hereafter “ENUMERATED PROJECTS”).

4. On November 28, 2016, a hearing in this matter was commenced pursuant to Labor Code section 1777.1(c) and 8 CCR 16801. Prior to the conclusion of the hearing, the PARTIES agreed that the following terms were to be adopted as the Determination of the Hearing Officer and by the Labor Commissioner. The following terms in the “SETTLEMENT AGREEMENT” portion of this Agreement were mutually agreed upon by DLSE and RESPONDENTS by and through their counsel and read into the hearing record, subject to enforcement by the Hearing Officer and Labor Commissioner.

SETTLEMENT AGREEMENT

5. PARTIES agree to resolve all disputes concerning the CLAIMS brought by DLSE *In the Matter of Debarment Proceedings Against WORTHINGTON CONSTRUCTION, INC.; DALE GREGORY WORTHINGTON, an individual and RMO of WORTHINGTON CONSTRUCTION, INC.; and, HOLI JEANNE WORTHINGTON, an individual and Officer of WORTHINGTON CONSTRUCTION, INC.* as follows:

(a) WORTHINGTON CONSTRUCTION, INC.; by its authorized corporate officer, MR. DALE GREGORY WORTHINGTON; MR. DALE GREGORY WORTHINGTON, in his individual capacity; and, MS. HOLI JEANNE WORTHINGTON, in her individual capacity, stipulate as follows (these terms are hereafter referred to as the terms of the “DEBARMENT STIPULATION”):

- i. WORTHINGTON holds the California Contractor’s license number 714836.

- A. MR. DALE GREGORY WORTHINGTON holds the position of "RMO" within WORTHINGTON's corporate structure.
- B. MS. HOLLI JEANNE WORTHINGTON holds the position of "Officer" within WORTHINGTON's corporate structure.
- C. There are no other corporate officers besides MR. DALE GREGORY WORTHINGTON and MS. HOLLI JEANNE WORTHINGTON within WORTHINGTON's corporate structure.
- D. WORTHINGTON CONSTRUCTION, INC., DALE GREGORY WORTHINGTON in his individual capacity, and HOLLI JEANNE WORTHINGTON in her individual capacity, do hereby stipulate to a Debarment against each of them pursuant to Labor Code section 1777.1, for a period of 15 months following the filing of the Order on Stipulation to Debarment of the Labor Commissioner in this matter.
- (1) During that 15 month period, WORTHINGTON CONSTRUCTION, INC., DALE GREGORY WORTHINGTON in his individual capacity, and HOLLI JEANNE WORTHINGTON in her individual capacity, and any firm, corporation, partnership, or association in it has any interest in 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 contractor or subcontractor on a public works project.

E. The PARTIES agree that WORTHINGTON, through its RMO DALE GREGORY WORTHINGTON (and/or their attorney) will provide the following to DLSE within 30 days of the execution of this Agreement or receipt of the contract by WORTHINGTON:

(1) Copies of all of the Public Works Contracts and Subcontracts with WORTHINGTON CONSTRUCTION INC. of the ENUMERATED PROJECTS; and

(2) Estimated dates of completion of each of the ENUMERATED PROJECTS.

F. The PARTIES AGREE that WORTHINGTON will report to DLSE to notify it of the date on which all contractually obligated work on the ENUMERATED PROJECTS has been completed within 15 days of such time. This Notice shall be in writing and sent by USPS Certified Mail to:

Division of Labor Standards Enforcement
Attn: Max D. Norris
300 Oceangate, Suite 850
Long Beach, CA 90802

G. The PARTIES AGREE that the 15 month Debarment period stipulated to by Respondents herein will begin to run on the first day after the date reported by WORTHINGTON pursuant to paragraph F. above.

H. The PARTIES AGREE that during the time period between November 28, 2016 and the last day worked by WORTHINGTON

on the ENUMERATED PROJECTS (hereafter "RESTRICTED GRACE PERIOD") WORTHINGTON CONSTRUCTION, INC., Mr. DALE GREGORY WORTHINGTON, in his an individual capacity; and, Ms. HOLLI JEANNE WORTHINGTON, in her individual capacity, will not bid or perform work on any other public works projects (as defined by Title 8 C.C.R. section 16000) not listed above in the ENUMERATED PROJECTS.

- ii. In return for the successful completion of the foregoing DEBARMENT STIPULATION for a period of 15 months to commence after the RESTRICTED GRACE PERIOD ends, DLSE will release WORTHINGTON CONSTRUCTION, INC., DALE GREGORY WORTHINGTON in his individual capacity and HOLLI JEANNE WORTHINGTON in her individual capacity from further liability relating to the CLAIMS and the debarment will cease, and all rights and privileges restored to WORTHINGTON CONSTRUCTION, INC., DALE GREGORY WORTHINGTON, and/or HOLLI JEANNE WORTHINGTON.
- iii. THE PARTIES agree that in the event WORTHINGTON CONSTRUCTION, INC., DALE GREGORY WORTHINGTON, and/or HOLLI JEANNE WORTHINGTON, in any capacity, or any firm, corporation, partnership, or association in which WORTHINGTON CONSTRUCTION, INC., DALE GREGORY WORTHINGTON, and HOLLI JEANNE WORTHINGTON 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, fail to abide by the terms of the DEBARMENT STIPULATION, DLSE,

WORTHINGTON CONSTRUCTION, INC., DALE GREGORY WORTHINGTON, and/or HOLLI JEANNE WORTHINGTON hereby agree and stipulate that the 15 month debarment period stipulated to above will be extended to a three year debarment to be served after the RESTRICTED GRACE PERIOD if a final determination is made by the Hearing Officer that there was a failure to abide by the terms of the DEBARMENT STIPULATION, subject to the following procedures:

A. The PARTIES specifically agree that the following shall be considered material breaches of this Agreement by RESPONDENTS, resulting in a three year debarment period, which includes the 15 month period, per paragraph iii. above:

- (1) Failure to report completion of the work on the ENUMERATED PROJECTS according to paragraph F. above;
and,
- (2) Bidding or working on any California Public Works project other than the ENUMERATED PROJECTS during the RESTRICTED GRACE PERIOD.

B. If DLSE alleges a breach of this Agreement, it must provide written notice to WORTHINGTON that includes a detailed description of the allegations and provide all supporting evidence. Upon receipt of the written notice from the DLSE to WORTHINGTON of an alleged breach of the terms of the DEBARMENT STIPULATION, WORTHINGTON shall have an opportunity to respond in writing and present evidence in response to the allegations from the DLSE. A determination of whether a breach of this Agreement has occurred will be decided by the Hearing

Officer and that decision is subject to a petition for a writ of administrative mandate to set aside the decision.

6. DLSE agrees to not initiate contact or initiate any proceeding with the California Contractors State License Board regarding this Agreement or the CLAIMS or initiate any further proceedings or investigation with the CLSB related to this Agreement or attempt in any way to impact WORTHINGTON's contractor license.

7. 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; and that where this Settlement Agreement and Release is signed by counsel for the PARTY, such counsel warrants that they are expressly authorized by their client to execute this document on their client's behalf.

RELEASE


8. DLSE agrees that, conditioned upon successful completion by RESPONDENTS of the terms of the DEBARMENT STIPULATION in paragraph 5, subsection (a), and only upon said completion and the full execution of all terms thereof, DLSE does hereby release WORTHINGTON CONSTRUCTION, INC., DALE GREGORY WORTHINGTON, and/or HOLLI JEANNE WORTHINGTON from all CLAIMS arising out of *In the Matter of Debarment Proceedings Against WORTHINGTON CONSTRUCTION, INC.; DALE GREGORY WORTHINGTON, an individual and RMO of WORTHINGTON CONSTRUCTION, INC.; and, HOLI JEANNE WORTHINGTON, an individual and Officer of WORTHINGTON CONSTRUCTION, INC.* DLSE Case No. LB5267 and the debarment shall immediately cease with all rights and privileges restored. Nothing in this Agreement releases WORTHINGTON CONSTRUCTION, INC. from any liability for wages and/or penalties pursuant to Labor Code

sections 1775, 1813, 1777.7 and/or debarment penalties pursuant to Labor Code section 1777.1, on any project, enumerated above or not, past or present, but instead only settles debarment liability in regards to *In the Matter of Debarment Proceedings Against WORTHINGTON CONSTRUCTION, INC.; DALE GREGORY WORTHINGTON, an individual and RMO of WORTHINGTON CONSTRUCTION, INC.; and, HOLI JEANNE WORTHINGTON, an individual and Officer of WORTHINGTON CONSTRUCTION, INC.* DLSE Case No. LB5267.

SIGNATURES

I certify that I have read this Settlement Agreement and Release and fully understand it, and in witness I have executed this Release on this 4^m day of January, 2017, 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

By: 
MAX D. NORRIS, Esq.
Attorney for the Labor Commissioner

I hereby certify that I have read this Settlement Agreement and Release and fully understand it, and on behalf of WORTHINGTON CONSTRUCTION, INC., as its "RMO", I agree to be bound by the terms of the Agreement and the DEBARMENT STIPULATION. In witness thereof, I have executed this Agreement on this day of January, 2017, at _____, California.

WORTHINGTON CONSTRUCTION, INC.

By: _____
DALE GREGORY WORTHINGTON
Its RMO

I hereby certify that I have read this Settlement Agreement and Release and fully understand it, and on behalf of myself as an individual, I agree to be bound by the terms of the Agreement and the DEBARMENT STIPULATION. In witness thereof, I have executed this Agreement on this ___ day of January, 2017, at _____, California.

DALE GREGORY WORTHINGTON
an individual

By: _____
DALE GREGORY WORTHINGTON

I hereby certify that I have read this Settlement Agreement and Release and fully understand it, and on behalf of myself as an individual, I agree to be bound by the terms of the Agreement and the DEBARMENT STIPULATION. In witness thereof, I have executed this Agreement on this ___ day of January, 2017, at _____, California.

HOLLI JEANNE WORTHINGTON
an individual


By: _____
HOLLI JEANNE WORTHINGTON

sections 1775, 1813, 1777.7 and/or debarment penalties pursuant to Labor Code section 1777.1, on any project, enumerated above or not, past or present, but instead only settles debarment liability in regards to *In the Matter of Debarment Proceedings Against WORTHINGTON CONSTRUCTION, INC.; DALE GREGORY WORTHINGTON, an individual and RMO of WORTHINGTON CONSTRUCTION, INC.; and, HOLI JEANNE WORTHINGTON, an individual and Officer of WORTHINGTON CONSTRUCTION, INC.* DLSE Case No. LB5267.

SIGNATURES

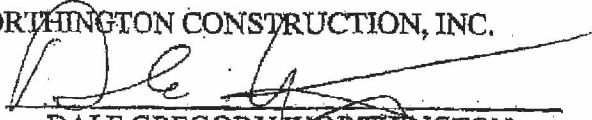
I certify that I have read this Settlement Agreement and Release and fully understand it, and in witness I have executed this Release on this 4th day of January, 2017, at Long Beach, California. The undersigned represents and warrants that he has full authority to execute this Settlement Agreement and 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

By: 
MAX D. NORRIS, Esq.
Attorney for the Labor Commissioner

I hereby certify that I have read this Settlement Agreement and Release and fully understand it, and on behalf of WORTHINGTON CONSTRUCTION, INC., as its "RMO", I agree to be bound by the terms of the Agreement and the DEBARMENT STIPULATION. In witness thereof, I have executed this Agreement on this 10th day of January, 2017, at Carona, California.

WORTHINGTON CONSTRUCTION, INC.

By: 
DALE GREGORY WORTHINGTON
Its RMO

I hereby certify that I have read this Settlement Agreement and Release and fully understand it, and on behalf of myself as an individual, I agree to be bound by the terms of the Agreement and the DEBARMENT STIPULATION. In witness thereof, I have executed this Agreement on this 10th day of January, 2017, at Corona, California.

DALE GREGORY WORTHINGTON
an individual

By: 
DALE GREGORY WORTHINGTON

I hereby certify that I have read this Settlement Agreement and Release and fully understand it, and on behalf of myself as an individual, I agree to be bound by the terms of the Agreement and the DEBARMENT STIPULATION. In witness thereof, I have executed this Agreement on this 10 day of January, 2017, at Corona, California.

HOLLI JEANNE WORTHINGTON
an individual

By: 
HOLLI JEANNE WORTHINGTON

EXHIBIT "1"

STATEMENT OF ALLEGED VIOLATIONS

*In the Matter of Debarment Proceedings Against WORTHINGTON
CONSTRUCTION, INC.; DALE GREGORY WORTHINGTON, an
individual and RMO of WORTHINGTON CONSTRUCTION, INC.;*
*and, HOLI JEANNE WORTHINGTON, an individual and Officer of
WORTHINGTON CONSTRUCTION, INC.*

DLSE Case No. LB5267

1 DIVISION OF LABOR STANDARDS ENFORCEMENT

2 Department of Industrial Relations
3 State of California

4 BY: MAX D. NORRIS, SBN 284974
5 300 Oceangate, Suite 850
6 Long Beach, CA 90802
7 Telephone: (562) 590-5461
8 Fax: (562) 499-6438

9 Attorney for the Labor Commissioner

10

11 BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT

12 DEPARTMENT OF INDUSTRIAL RELATIONS

13 STATE OF CALIFORNIA

14

15 In the matter of the
16 Debarment Proceeding Against,

Case No.: LB5627

17

18 WORTHINGTON CONSTRUCTION, INC.;
19 DALE GREGORY WORTHINGTON, an
20 individual and CEO/RMO of Worthington
21 Construction, Inc.; and, HOLIJEANNE
22 WORTHINGTON, an individual and Officer of
23 WORTHINGTON CONSTRUCTION,

STATEMENT OF ALLEGED
VIOLATIONS

24

25 Respondents.

Hearing Dates: September 26 & 27, 2016
Time: 10:00 a.m.
Hearing Officer: Patricia Salazar

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28 Complainant, as causes for Respondents' debarment pursuant to Labor Code
section 1777.1, alleges:

1. Complainant, Julie A. Su, makes and files this statement of alleged
violations in her official capacity as the State Labor Commissioner and Chief of the
Division of Labor Standards Enforcement, Department of Industrial Relations, and not
otherwise.

1 2. Respondent Worthington Construction, Inc. (hereafter
2 "WORTHINGTON") was at all relevant times mentioned a contractor licensed by the
3 Contractors State License Board under license number 714836, and a corporation duly
4 organized and existing under and by virtue of the State of California.

5 3. Respondent Dale Gregory Worthington was at all relevant times
6 mentioned listed as RMO of WORTHINGTON with the Contractors State License
7 Board.
8

9 4. Respondent Holli Jeanne Worthington was at all relevant times mentioned
10 listed as Officer of WORTHINGTON with the Contractors State License Board.

11 **WAGE VIOLATIONS**

12 5. In performing work as a subcontractor on the Heritage High School
13 Building F job in Riverside County, California from February 2014 through June, 2014,
14 pursuant to a public works project awarded by the Perris Union High School District,
15 Respondents willfully violated Labor Code section 1774 by failing to pay the proper
16 prevailing rates to employees, willfully violated Labor Code sections 1773.1 and 1774 by
17 willfully misclassifying workers as Landscape/Irrigation Tenders, thus purposefully
18 paying them a significantly lower wage rate than was clearly required for the work
19 performed, that of a Landscape/Irrigation Laborer. The underpaid wages totaled
20 approximately \$11,049.49. A Civil Wage and Penalty Assessment was issued for this
21 violation on July 29, 2014.
22

23 6. In performing work as a subcontractor on the Mission Elementary School
24 Modernization and New Construction job in San Diego County, California from
25 December, 2012 through August, 2013, pursuant to a public works project awarded by
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1 the Oceanside Unified School District, Respondents: willfully violated Labor Code
2 section 1774 by failing to pay the prevailing rate to employees, willfully violated Labor
3 Code section 1774 by improperly reporting workers as apprentices on Certified Payroll
4 Reports (hereafter "CPRs") and paying significantly less than the required base hourly
5 journeyman rate, willfully violating Labor Codes 1774 and 1778 by issuing checks
6 designed to appear as restitution for underpayment of prevailing wages and demanding
7 workers immediately return the earned wages as kickbacks, intentionally violating Labor
8 Code section 1774 by intentionally misclassifying an Operating Engineer as a lower paid
9 classification to avoid paying the correct prevailing wage rate, willfully violated Labor
10 Code sections 1773.1 and 1774 by failing to make employer payments (often referred to
11 as "fringe benefits") for amounts up to \$15.42 per hour for which credit was taken
12 towards the required prevailing wage, failing to report all workers and hours on the
13 CPRs, willfully violated Labor Code section 1815 by failing to pay overtime and holiday
14 premium prevailing wage rates, intentionally violating Labor Code section 1776 by
15 falsifying CPRs and other documents submitted to DLSE, and willfully violated Labor
16 Code sections 1773.1 and 1774 by failing to make required training fund contributions.
17 The underpaid wages totaled approximately \$85,816.83. A Civil Wage and Penalty
18 Assessment was issued for these violations on February 7, 2014 and an Amended Civil
19 Wage and Penalty Assessment was issued for this violation on February 11, 2014 to
20 correct a clerical error in the CWPA.
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25 APPRENTICE VIOLATIONS

26 9. In performing work as a subcontractor on the Mission Elementary School
27 Modernization and New Construction job in San Diego County, California from
28 December, 2012 through August, 2013, pursuant to a public works project awarded by

1 the Oceanside Unified School District, Respondents, willfully violated Labor Code
2 section 1777.5 by not employing apprentices and improperly classifying two veteran
3 workers as apprentices that had been employed by WORTHINGTON for over ten years
4 and who were clearly not indentured apprentices dispatched by an approved
5 apprenticeship program, willfully violated Labor Code section 1777.5 by failing to
6 submit contract award information and request for dispatch/hire registered apprentices to
7 all of the required apprentice programs in a timely manner, failing to meet the minimum
8 required ratio of Laborer apprentices and failing to pay required training funds. The
9 penalties for these violations totaled \$24,100.00. A Determination of Civil Penalty was
10 issued for this violation on February 7, 2014.

11 15. The violations listed above demonstrate a continued pattern and practice
12 of falsifying certified payroll records, defrauding employees by failing to pay the
13 required prevailing wage and correct prevailing overtime rates including demanding
14 kickbacks, failing to pay required training fund contributions, and failing to comply with
15 apprenticeship requirements.

16 16. Respondents Dale Gregory Worthington and Holli Jeanne Worthington
17 both knew that WORTHINGTON submitted false certified payroll records as set forth
18 above.

19 17. Respondents committed each of the violations of Labor Code sections
20 1773.1, 1774, 1776, 1777.5, and 1815 with the intent to defraud the affected employees,
21 the general contractors, the awarding bodies, and enforcement agencies including the
22 State Labor Commissioner.

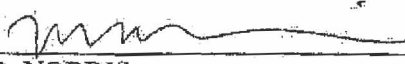
23 18. By having committed the above-described violations, Respondents are
24 subject to debarment pursuant to Labor Code section 1777.1(a), (b) and (d).

25 WHEREFORE, Complainant prays that Respondents and each of them, and any
26 firm, corporation, partnership, or association in which Respondents have any interest as
27 defined in Labor Code section 1777.1(f), or any substantial interest as defined in the
28 California Code of Regulations, Title 8, section 16800, be debarred so as to be ineligible

1 to bid on or be awarded any public works contract, or perform work as a contractor or
2 subcontractor on a public works project, for a period of three years from the date of the
3 Determination in this proceeding.

4 Dated: 08/09/16

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

7 By: 
8 MAX D. NORRIS
9 Attorney for the Labor Commissioner

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CERTIFICATION OF SERVICE
(C.C.P. 1013)

In the matter of the Debarment Proceeding Against Worthington Construction, Inc.; Dale Worthington, an individual and CEO/RMO of Worthington Construction, Inc.; and, Holi Jeanne Worthington, an individual and Officer of Worthington Construction, Inc.

Case No: LB5627

I, Ferez Khavarian, hereby certify that I am employed in the County of Los Angeles, over 18 years of age, not a party to the within action, and that I am employed at and my business address is: DIVISION OF LABOR STANDARDS ENFORCEMENT, Legal Unit, 300 Oceangate, Suite 850, Long Beach, California 90802.

On August 9, 2016, I served the following documents:

STATEMENT OF ALLEGED VIOLATIONS

A. First Class Mail - I caused each such envelope, with first-class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. mail in Sacramento, California, for collection and mailing to the office of the addressee on the date shown below following ordinary business practices.

B. By Facsimile Service - I caused a true copy thereof to be transmitted on the date shown below from telecopier (562) 499-6438 to the telecopier number published for the addressee.

C. By Overnight Delivery - I caused each document identified herein to be picked up and delivered by Federal Express (FEDEX), for collection and delivery to the addressee on the date shown below following ordinary business practices.

D. By Personal Service - I caused, by personally delivering, or causing to be delivered, a true copy thereof to the person(s) and at the address(es) set forth below.

E. By Certified Mail

A and E	Worthington Construction, Inc. Attn.: Dale Worthington, RMO 1325 Pico St., Suite 104 Corona, CA 92881.	Holi Jeanne Worthington 1325 Pico St., Suite 104 Corona, CA 92881
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Dale Worthington
1325 Pico St., Suite 104
Corona, CA 92881.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 9, 2016, at Long Beach, California.

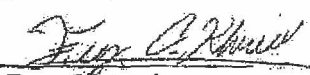

Ferez Khavarian
Legal Secretary

EXHIBIT "2"

California Secretary of State – Business Entity Detail
ENTITY NAME: WORTHINGTON CONSTRUCTION, INC.
ENTITY NUMBER: C1943301



Secretary of State Main Website Business Programs Notary & Authentications Elections Campaign & Lobbying

Business Entities (BE)

- Online Services
 - E-File Statements of Information for Corporations
 - Business Search
 - Processing Times
 - Disclosure Search
- Main Page
- Service Options
- Name Availability
- Forms, Samples & Fees
- Statements of Information (annual/biennial reports)
- Filing Tips
- Information Requests (certificates, copies & status reports)
- Service of Process
- FAQs
- Contact Information
- Resources
 - Business Resources
 - Tax Information
 - Starting A Business
- Customer Alerts
 - Business Identity Theft
 - Misleading Business Solicitations

Business Entity Detail

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Tuesday, November 29, 2016. Please refer to **Processing Times** for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	WORTHINGTON CONSTRUCTION, INC.
Entity Number:	C1943301
Date Filed:	07/07/1995
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	1325 PICO ST STE 104
Entity City, State, Zip:	CORONA CA 92881
Agent for Service of Process:	DALE WORTHINGTON
Agent Address:	1325 PICO ST STE 104
Agent City, State, Zip:	CORONA CA 92881

- * Indicates the information is not contained in the California Secretary of State's database.
- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code **section 2114** for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to **Name Availability**.
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to **Information Requests**.
- For help with searching an entity name, refer to **Search Tips**.
- For descriptions of the various fields and status types, refer to **Field Descriptions and Status Definitions**.

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EXHIBIT "3"

California Contractors State License Board

Contractor's License Detail – License # 714836

Entity Name: WORTHINGTON CONSTRUCTION, INC.

Contractor's License Detail for License # 714836

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.
 Per B&P 7071.17, only construction related civil judgments reported to the CSLB are disclosed.
 Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.
 Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

Business Information

WORTHINGTON CONSTRUCTION INC
 1325 PICO STREET SUITE 104
 CORONA, CA 92881
 Business Phone Number:(951) 734-4950

Entity Corporation
 Issue Date 11/06/1995
 Expire Date **11/30/2017**

License Status

This license is current and active.

All information below should be reviewed.

Classifications

B - GENERAL BUILDING CONTRACTOR
 C27 - LANDSCAPING
 A - GENERAL ENGINEERING CONTRACTOR
 C-8 - CONCRETE

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with INDEMNITY COMPANY OF CALIFORNIA.
Bond Number: 194393C
Bond Amount: \$15,000
Effective Date: 01/01/2016
 Contractor's Bond History

Bond of Qualifying Individual

The qualifying individual DALE GREGORY WORTHINGTON certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.
Effective Date: 04/08/2011
 BQI's Bond History

Workers' Compensation

This license has workers compensation insurance with the STATE COMPENSATION INSURANCE FUND
Policy Number: 9142059
Effective Date: 09/15/2015
Expire Date: 09/15/2017
 Workers' Compensation History

[Home](#) | [Online Services](#) | [License Detail](#) | Personnel List

Contractor's License Detail (Personnel List)

Contractor License # 714836

Contractor Name WORTHINGTON CONSTRUCTION INC

Click on the person's name to see a more detailed page of information on that person

Personnel Currently Associated with License

Name [DALE GREGORY WORTHINGTON](#)
Title RMO
Association Date 11/06/1995
Classification B
Additional Classification [There are additional classifications that can be viewed by selecting this link.](#)
Name [HOLLI JEANNE WORTHINGTON](#)
Title OFFICER
Association Date 09/26/2001

Personnel No Longer Associated with License

Name [JOANNE MARIE SMITH](#)
Title OFFICER
Association Date 11/06/1995
Disassociation Date 09/26/2001