

1 DIVISION OF LABOR STANDARDS ENFORCEMENT
2 Department of Industrial Relations
3 State of California

4 BY: SUSAN DOVI, SBN 145543
5 1515 Clay Street, #801
6 Oakland, CA 94612
7 Telephone: (510) 622-3246
8 Fax: (510) 622-3258

9 Attorney for the Labor Commissioner

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

13 In the matter of the
14 Debarment Proceeding Against,

Case No.: SC 6390

ORDER OF THE LABOR
COMMISSIONER ON
STIPULATION TO DEBARMENT

15 JOSEPH BROTHERS ENTERPRISE, INC.;
16 KEN JOSEPH INDIVIDUALLY AND AS CEO,

17 Respondents.
18

19
20 Whereas, Respondent Joseph Brothers Enterprise, Inc. stipulated to debarment as follows:

- 21 1. Respondent Joseph Brothers Enterprise, Inc. is a corporation organized and
22 existing under the laws of the State of California.
- 23 2. Respondent Ken Joseph is the CEO of Joseph Brothers Enterprise, Inc.
- 24 3. Respondent Joseph Brothers Enterprise, Inc. is the holder of California
25 Contractor's license number 849169.
- 26 4. Respondent Joseph Brothers Enterprise, Inc. entered into the attached
27 Settlement Agreement and Release and Stipulation for Debarment.
28

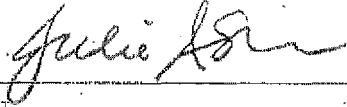
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. Based on the Stipulation for Debarment, Respondent Joseph Brothers Enterprise, Inc. and any firm, corporation, or association in which Respondent has any interest as defined in Labor Code section 1777.1(h), or any substantial interest as defined in the California Code of Regulations, Title 8, section 16800, shall be ineligible for a period of eighteen months, effective thirty (30) days following the date of signature of this order, to do either of the following:
- a. Bid on or be awarded a contract for a public works project as defined by Labor Code sections 1720, 1720.2, and 1720.3; or
 - b. Perform work as a subcontractor on a public works project as defined by Labor Code sections 1720, 1720.2, and 1720.3.

This order is effective thirty (30) days after it is signed.

IT IS HEREBY ORDERED.

Dated: 4/2/10

By: 
JULIE A. SU
Labor Commissioner and
Chief of the California Division of
Labor Standards Enforcement

1 DIVISION OF LABOR STANDARDS ENFORCEMENT

2 Department of Industrial Relations

3 State of California

4 BY: DAVID CROSS, SBN 097203

2031 Howe Avenue, Suite 100

Sacramento, CA 95825

Telephone: (916) 263-2915

Fax: (916) 263-2920

6 Attorney for the Labor Commissioner

8 **BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT**

9 **DEPARTMENT OF INDUSTRIAL RELATIONS**

10 **STATE OF CALIFORNIA**

12 In the matter of the
13 Debarment Proceeding Against,

Case No.: SC 6390

SETTLEMENT AGREEMENT
AND RELEASE AND
STIPULATION FOR
DEBARMENT

17 JOSEPH BROTHERS ENTERPRISE, INC.;

18 KEN JOSEPH INDIVIDUALLY AND AS CEO,

19 Respondents.

21 Respondent Joseph Brothers Enterprise, Inc. and the Division of Labor Standards
22 Enforcement ("DLSE") agree as follows:

- 23 1. Respondent Joseph Brothers Enterprise, Inc. is a corporation organized and existing
24 under the laws of the state of California.
- 25 2. Respondent Ken Joseph is the CEO of Joseph Brothers Enterprise, Inc.
- 26 3. Joseph Brothers Enterprise, Inc. is the holder of California Contractor's license No.
27 849169.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Respondent Joseph Brothers Enterprise, Inc. was served with the attached Statement of Alleged Violations in Debarment proceedings before the Labor Commissioner. The allegations in the Statement of Alleged Violations are incorporated by reference.
5. Respondent Joseph Brothers Enterprise, Inc. stipulates to debarment pursuant to Labor Code section 1777.1 (a) for a period of eighteen months, effective thirty (30) days following the filing of the Determination and Order of the Labor Commissioner in this matter or sixty (60) days following Respondent's signature on this Agreement, whichever occurs first. During that eighteen month period, Respondent, and any firm, corporation, partnership, or association in which Respondent has any interest as defined Labor Code section 1777.1(h), or any substantial interest as defined in the 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 as defined by Labor Code sections 1720, 1720.2, and 1720.3; or
 - b. Perform work as subcontractor on a public works project as defined by Labor Code sections 1720, 1720.2, and 1720.3.
6. DLSE agrees that, conditioned upon the successful completion of the terms of the stipulation on paragraph 5, DLSE does upon said completion of the debarment hereby release Respondent Joseph Brothers Enterprises, Inc., its employees, officers, stockholders, successors and assigns, attorneys and agents from all claims for debarment arising out of DLSE case No. SC 6390. This is a full release of all such

///
///
///
///
///
///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

claims for debarment against Respondent arising out of said case whether known or unknown, suspected or unsuspected.

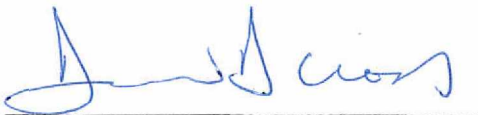
Dated: 2-2-18

Joseph Brothers Enterprise, Inc.

By: 
Ken Joseph, CEO

Dated: 3/08/18

Division of Labor Standards Enforcement

By: 
DAVID D. CROSS
Attorney for the Labor Commissioner

1 DIVISION OF LABOR STANDARDS ENFORCEMENT
2 Department of Industrial Relations
3 State of California

4 BY: DAVID CROSS, SBN 097203
5 2031 Howe Avenue, Suite 100
6 Sacramento, CA 95825
7 Telephone: (916) 263-2915
8 Fax: (916) 263-2920

9 Attorney for the Labor Commissioner

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

13 In the matter of the
14 Debarment Proceeding Against,

15 JOSEPH BROTHERS ENTERPRISE, INC.;
16 KEN JOSEPH, INDIVIDUALLY AND AS CEO,

17 Respondents.

Case No.: SC 6390

STATEMENT OF ALLEGED
VIOLATIONS

Hearing Date: November 29, 2017

Time: 10:00 a.m.

Hearing Officer: Susan Dovi

18
19 Complainant, as causes for Respondents' debarment pursuant to Labor Code
20 section 1777.1, alleges:

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

25
26 2. Respondent Joseph Brothers Enterprise, Inc. was at all relevant times
27 mentioned a corporation duly organized and existing under and by virtue of the State of
28

1 California and a contractor licensed by the Contractors State License Board under license
2 number 849169.

3 3. Respondent Ken Joseph was at all relevant times mentioned listed as CEO
4 of Joseph Brothers Enterprise, Inc. with the Contractors State License Board.

5 4. In performing work as a subcontractor on the CSOD Admin/Crew &
6 Warehouse Facility Improvements job in Contra Costa County, California from
7 December, 2010 through March, 2013, pursuant to a public works project awarded by the
8 Central Contra Costa Sanitary District Respondents willfully violated Labor Code section
9 1774 by failing to pay the prevailing rates to employees, willfully violated Labor Code
10 section 1815 by failing to pay the prevailing overtime rate to employees for overtime
11 hours worked, willfully violated Labor Code sections 1773.1 and 1774 by failing to make
12 required training fund contributions, and willfully violated Labor Code section 1776 by
13 failing to maintain accurate certified payrolls. The underpaid wages totaled
14 approximately \$248,539.47. An Amended Civil Wage and Penalty Assessment was
15 issued for this violation on March 21, 2012.

16 5. In performing work as a subcontractor on the Twin Cities Police Station
17 Job in Marin County, California from April, 2011 through June, 2011, pursuant to a
18 public works project awarded by the Kitchell/Twin Cities Police Authority, Respondents
19 willfully violated Labor Code section 1774 by failing to pay the prevailing rate to
20 employees, willfully violated Labor Code section 1815 by failing to pay the prevailing
21 overtime rate to employees for overtime hours worked, willfully violated Labor Code
22 sections 1773.1 and 1774 by failing to make required training fund contributions, and
23 willfully violated Labor Code section 1776 by failing to maintain accurate certified
24
25
26
27
28

1 payroll records. The underpaid wages totaled approximately \$77,706.39. A Civil Wage
2 and Penalty Assessment was issued for this violation on September 12, 2012. Judgment
3 was entered against Respondent Joseph Brothers Enterprise, Inc. on April 30, 2013.

4
5 6. In performing work as a subcontractor on the Harmon Gardens Studio
6 Apartment Housing Job in Alameda County, California from March, 2011 through
7 October, 2012, pursuant to a public works project awarded by Affordable Housing
8 Associates, Respondents willfully violated Labor Code section 1774 by failing to pay the
9 prevailing rate to employees, willfully violated Labor Code sections 1773.1 and 1774 by
10 failing to make required training fund contributions, and willfully violated Labor Code
11 section 1776 by failing to maintain accurate certified payroll records. The underpaid
12 wages totaled approximately \$86,116.84. A Civil Wage and Penalty Assessment was
13 issued for this violation on June 7, 2012. Judgment was entered against Respondent
14 Joseph Brothers Enterprise, Inc. on May 13, 2013.

15 7. The violations listed above demonstrate a continued pattern and practice
16 of falsifying certified payroll records, defrauding employees by failing to pay the
17 required prevailing wage and correct prevailing overtime rates, and failing to pay
18 required training fund contributions.

19 8. Respondent Ken Joseph knew that Joseph Brothers Enterprise, Inc.
20 submitted false certified payroll records as set forth above.

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


25 10. By having committed the above-described violations, Respondents are
26 subject to debarment pursuant to Labor Code section 1777.1(a) and (b).

27 WHEREFORE, Complainant prays that Respondents and each of them, and any
28 firm, corporation, partnership, or association in which Respondents have any interest as

1 defined in Labor Code section 1777.1(f), or any substantial interest as defined in the
2 California Code of Regulations, Title 8, section 16800, be debarred so as to be ineligible
3 to bid on or be awarded any public works contract, or perform work as a contractor or
4 subcontractor on a public works project, for a period of three years from the date of the
5 Determination in this proceeding.

6 Dated: 9/22/17

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

8
9 By: 
10 DAVID D. CROSS
11 Attorney for the Labor Commissioner

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In the matter of the Debarment Proceeding Against Joseph Brothers Enterprise, Inc.; Ken Joseph, individually and as CEO
Case No: SC 6390

I, Ramina German, hereby certify that I am employed in the County of Sacramento, 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, 2031 Howe Avenue, Suite 100, Sacramento, California 95825.

On September 22, 2017, 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 (916) 263-2920 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 Joseph Brothers Enterprise, Inc.
Attn.: Ken Joseph, CEO
2320 109th Avenue
Oakland, CA 94603

A and E Ken Joseph
2320 109th Avenue
Oakland, CA 94603

I declare under penalty of perjury that the foregoing is true and correct. Executed on Sept. 22, 2017, at Sacramento, California.



Ramina German
Legal Secretary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In the matter of the JOSEPH BROTHERS ENTERPRISE, INC.; KEN JOSEPH INDIVIDUALLY AND AS CEO
Case No: SC 6390

I, Ramina German, hereby certify that I am employed in the County of Sacramento, 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, 2031 Howe Avenue, Suite 100, Sacramento, California 95825.

On April 4, 2018, I served the following documents:

ORDER OF THE LABOR COMMISSIONER ON STIPULATION TO DEBARMENT

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 (916) 263-2920 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.

A	Brian Bertossa COOK BROWN 2407 J Street, Second Floor Sacramento, CA 95816
---	---

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 4, 2018, at Sacramento, California.



Ramina German
Legal Secretary