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

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BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT
DEPARTMENT OF INDUSTRIAL RELATIONS
STATE OF CALIFORNIA

Case No.: SC 6390
ORDER OF THE LABOR COMMISSIONER ON STIPULATION TO DEBARMENT

In the matter of the
Debarment Proceeding Against,

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

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

1. Respondent Joseph Brothers Enterprise, Inc. is a corporation organized and existing under the laws of the State of California.
2. Respondent Ken Joseph is the CEO of Joseph Brothers Enterprise, Inc.
3. Respondent Joseph Brothers Enterprise, Inc. is the holder of California Contractor’s license number 849169.
4. Respondent Joseph Brothers Enterprise, Inc. entered into the attached Settlement Agreement and Release and Stipulation for Debarment.
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: 4/2/18

By: [Signature]

JULIE A. S.
Labor Commissioner and
Chief of the California Division of
Labor Standards Enforcement
BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT
DEPARTMENT OF INDUSTRIAL RELATIONS
STATE OF CALIFORNIA

In the matter of the
Debarment Proceeding Against,

Case No.: SC 6390

SETTLEMENT AGREEMENT
AND RELEASE AND
STIPULATION FOR
DEBARMENT

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

Respondents.

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

1. Respondent Joseph Brothers Enterprise, Inc. is a corporation organized and existing under the laws of the state of California.
2. Respondent Ken Joseph is the CEO of Joseph Brothers Enterprise, Inc.
3. Joseph Brothers Enterprise, Inc. is the holder of California Contractor’s license No. 849169.
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
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: [Signature]
Ken Joseph, CEO

Dated: 3/08/18

Division of Labor Standards Enforcement

By: [Signature]
DAVID D. CROSS
Attorney for the Labor Commissioner
DIVISION OF LABOR STANDARDS ENFORCEMENT
Department of Industrial Relations
State of California
BY: DAVID CROSS, SBN 097203
2031 Howe Avenue, Suite 100
Sacramento, CA 95825
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Attorney for the Labor Commissioner

BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT
DEPARTMENT OF INDUSTRIAL RELATIONS
STATE OF CALIFORNIA

In the matter of the
Debarment Proceeding Against,

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

Respondents.

Case No.: SC 6390

STATEMENT OF ALLEGED VIOLATIONS

Hearing Date: November 29, 2017
Time: 10:00 a.m.
Hearing Officer: Susan Dovi

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.

2. Respondent Joseph Brothers Enterprise, Inc. was at all relevant times mentioned a corporation duly organized and existing under and by virtue of the State of
California and a contractor licensed by the Contractors State License Board under license number 849169.

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

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

5. In performing work as a subcontractor on the Twin Cities Police Station Job in Marin County, California from April, 2011 through June, 2011, pursuant to a public works project awarded by the Kitchell/Twin Cities Police Authority, Respondents willfully violated Labor Code section 1774 by failing to pay the prevailing rate to employees, willfully violated Labor Code section 1815 by failing to pay the prevailing overtime rate to employees for overtime hours worked, willfully violated Labor Code sections 1773.1 and 1774 by failing to make required training fund contributions, and willfully violated Labor Code section 1776 by failing to maintain accurate certified...
payroll records. The underpaid wages totaled approximately $77,706.39. A Civil Wage and Penalty Assessment was issued for this violation on September 12, 2012. Judgment was entered against Respondent Joseph Brothers Enterprise, Inc. on April 30, 2013.

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

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

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

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

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

WHEREFORE, Complainant prays that Respondents and each of them, and any firm, corporation, partnership, or association in which Respondents have any interest as
defined in Labor Code section 1777.1(f), or any substantial interest as defined in the
California Code of Regulations, Title 8, section 16800, be debarred so as to be ineligible
to bid on or be awarded any public works contract, or perform work as a contractor or
subcontractor on a public works project, for a period of three years from the date of the
determination in this proceeding.

Dated: 9/22/17

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

By: DAVID D. CROSS
Attorney for the Labor Commissioner
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 September 22, 2017, at Sacramento, California.

Ramina German
Legal Secretary
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 telexcopier (916) 263-2920 to the telexcopier 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