

**Office of Civil Rights & Wage Enforcement  
Wage Commission  
Minutes  
November 3, 2016**

Present at the meeting were Commissioners Sheryl R. Wood (Chair), and via phone conference were John Barber, David T. Clements and Joseph R. Jackson. Also present were Kisha Brown (Director), Larry Ennels (Compliance Officer II), Andrea Williams (Compliance Office I), and Sallie Pressley (Wage Assistant).

**I. Welcome**

Chair Wood welcomed everyone to the meeting.

**II. Approval of Minutes**

The October 6, 2016 Minutes were approved as written.

**III. Prevailing Wage Hearing**

Mr. Ennels stated that Case #16-140 listed on the Prevailing Wage Hearings Summary was paid before the hearing; therefore this case will not be heard by the Board.

At the beginning of each Wage Hearing, introductions were made and Chair Wood administered the oath.

**Case # 16-134**

Prime Contractor: Allan Myers MD, Inc

Sub-Contractor: Native Terrain Restoration Services, Inc.

Contract# / Project: WC-1173R / Guilford Water Reservoir Imp.

Violation: 2 Late Payrolls                      W/E- 8/20/16- 24 days  
                                                                                                                 9/03/16- 10 days

Penalty: \$340.00

Previous payroll violations on WC-1173R: 0

Representative: Ashley Van Pelt (President, Native Terrain Restoration services, Inc.)

**Decision:** The Commissioners agreed to make a decision at the next meeting.

**Case # 15-001 thru 15-011**

Prime Contractor: Spiniello Companies

Sub-Contractor: Shekinah, LLC

Contract# / Project: SC875, 902, 905, WC1223, 1244, 1245, 1261, 1262,  
1263, 1268, 1294/ Various City Locations

W/E – Various

Violation: 307 Late Payrolls

Penalty: \$\$271,880.00  
Previous payroll violations: 0

Representative: Mary Ellen Scalera, Vice President and General Counsel, Spiniello Companies.

**Decision:** Commissioners voted to reduce the penalties by 50 percent leaving a penalty of \$135,000 for Case #15-001 thru 15-011.

There was a discussion regarding the possibility of appeal. Chair Wood asked the Commissioners to state their reasons for the decision and fine. Commissioner Barber stated that Spiniello claimed to be contracted with Baltimore City which means they knew the rules for the City. In addition, the Vice President of Spiniello agreed that it was their fault; therefore, it should be no reason why their payrolls were not submitted.

Commissioner Jackson said he supports John's rationale.

Commissioner Clements stated that if the rules are on the books and we allow this contractor with such a large fine to escape responsibility, then how can we handle this for others.

Director Brown talked about the statute regarding the prevailing and minimum wage laws and how they are different. However, for penalties the law is specific to "intentional" violations.

The Commission voted to have a conference call on November 9, 2016 at 2:00 P.M. to discuss the next steps should there be an appeal by Spiniello.

#### **IV. Other Business**

There was no other business.

There being no further business, the meeting was adjourned at 5:00 P.M.

Respectfully submitted,

Robin Drummond  
Secretary III