

VILLAGE OF PORT CHESTER JUSTICE COURT
COUNTY OF WESTCHESTER

-----X
THE PEOPLE OF THE STATE OF NEW YORK

-against-

LARRY DOMINGUEZ, EVELIO ELLEDIAS,
and LEED INDUSTRIES CORP.

Defendants.
-----X

FELONY COMPLAINT

Dkt. No. _____
(AAG Rachel Gold)

Public Work Wage Investigator Jean Messier, shield #61 of the New York State Department of Labor Bureau of Public Work, being duly sworn, deposes and says:

That during a period from on or about April 5, 2007 to on or about November 27, 2008, in the locations listed below, defendants LARRY DOMINGUEZ, EVELIO ELLEDIAS, and LEED INDUSTRIES CORP., located at 114 Pearl Street, Port Chester, New York, committed the offenses of:

Penal Law § 155.42 Grand Larceny in the First Degree (class B felony)

1 Count

in that defendants stole property with a value in excess of one million dollars by false pretenses.

Labor Law § 220(3)(d)(4) (class C felony)

1 Count

in that defendants willfully failed to pay or provide the prevailing rate of wage resulting in underpayments with an aggregate amount of more than five hundred thousand dollars.

Penal Law § 175.10 Falsifying Business Records in the First Degree (class E felony)

290 counts

in that defendants, with intent to defraud, including an intent to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise and omitted to make a true entry in the business records of an enterprise in violation of a duty to do so which they knew to be imposed upon them by law or the nature of their position.

Penal Law § 175.35 Offering a False Instrument for Filing in the First Degree (class E felony)

290 Counts

in that defendants, knowing that a written instrument contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation of the state, offered and caused such instruments to be offered and presented to a public office, public servant, public authority and public benefit corporation with the knowledge and belief that it would be filed with, registered and recorded and otherwise

become a part of the records of such public office, public servant, public authority and public benefit corporation.

Labor Law § 191-a Failure to Pay Wages (class A misdemeanor)

20 Counts

in that defendants, as an employer of labor under the provisions of the Labor Law of the State of New York, and while doing business as and operating a business under the laws of New York State did fail to pay all of the wages earned for manual work performed weekly and not later than seven days after the end of each week in which they were earned.

Defendants committed these crimes as follows:

1. I have been an Investigator in the Bureau of Public Works in the New York State Department of Labor for more than 10 years and am familiar with the processes for bidding and letting contracts, contractor payment, certified payroll submission and review, and the laws governing prevailing wage payments regarding public work contracts.
2. Pursuant to New York State Labor Law section 220, which governs the labor standards on all public work projects in New York State, the New York State Department of Labor Bureau of Public Work has statewide jurisdiction to investigate and enforce the provisions of Labor Law 220 regarding public work projects.
3. I have reviewed records made and maintained in the regular course of business by the New York State Department of State. The records state that:
 - a. The defendant Larry Dominguez is the President and CEO, and defendant Evelio Elledias is the Vice President of defendant Leed Industries Corp.
 - b. Leed Industries Corp. ("Leed") is a foreign business corporation created under the laws of the State of Delaware on or about January 2, 2004, with its principal place of business located at 114 Pearl Street, Port Chester, New York.
4. According to Department of Labor records, Leed is a roofing contractor that bids for and performs work on public work projects in New York State, including 18 projects sponsored by local school districts and other local government entities in Westchester, Dutchess, and Putnam counties during 2007 and 2008.
5. I have reviewed the records made and maintained in the regular course of business by the New York State Department of Labor and various local government entities that contracted with defendant Leed. The records state that the defendant Leed was awarded contracts to perform construction work on the following public works projects:
 - a. Roofing at Somers High School located at 120 Primrose Drive; Lincolndale, New York in the Somers Central School District from on or about April 5, 2007 to on or about November 20, 2008; Prevailing Wage Rate Case No. ("PRC No.") 2006004869 ;

- b. Roofing at Park Avenue Elementary School located at 113 Bowman Avenue; Port Chester, New York in the Port Chester – Rye School District, from on or about May 3, 2007 to on or about December 13, 2007; PRC No. 2006005810 ;
- c. Roofing at Pequenakonck Elementary School located at 173 June Road; North Salem, New York in the North Salem Central School District, from on or about May 10, 2007 to on or about November 22, 2007; PRC No. 2007000760 ;
- d. Roofing at Pawling Elementary School located at 7 Haight Street; Pawling, New York in the Pawling Central School District, from on or about August 8, 2007 to on or about December 13, 2007; PRC No. 2010000419;
- e. Roofing at Mt. Kisco Elementary School located at 632 South Bedford Road; Bedford, New York in the Bedford Central School District, from on or about July 19, 2007 to on or about November 1, 2007; PRC No. 2007001437 ;
- f. Roofing at North Salem High School located at 230 June Road; North Salem, New York in the North Salem Central School District, from on or about July 26, 2007 to on or about November 22, 2007; PRC No. 2007000756;
- g. Roofing at Town of Kent Recreation Building located at 770 NYS Route 52; Kent, New York, from on or about April 10, 2008 to on or about July 17, 2008; PRC No. 2007006519 ;
- h. Roofing at Yonkers Third Precinct Police Station located at 435 Riverdale Avenue; Yonkers, New York, from on or about April 17, 2008 to on or about November 6, 2008; PRC No. 2007007824 ;
- i. Roofing at Jefferson Elementary School located at 131 Weyman Avenue; New Rochelle, New York in the New Rochelle City School District, from on or about May 29, 2008 to on or about October 30, 2008; PRC No. 2007002440 ;
- j. Roofing at Claremont Elementary School located at Claremont Road; Ossining, New York in the Ossining UF School District, from on or about June 12, 2008 to on or about October 23, 2008; PRC No. 2007007432;
- k. Roofing at Greenville Elementary School located at 100 Glendale Road; Scarsdale, New York in the Edgemont UF School District, from on or about June 19, 2008 to on or about November 6, 2008; PRC No. 2008002503; .
- l. Roofing at New Rochelle High School located at 265 Clove Road; New Rochelle, New York in the New Rochelle School District, from on or about June 19, 2008 to on or about November 6, 2008; PRC No. 2007002440;
- m. Roofing at Pawling High School located at 30 Wagner Road; Pawling, New York in

the Pawling Central School District from on or about June 26, 2008 to on or about October 16, 2008; PRC No. 2008000920;

n. Roofing at Lakeview Elementary School located at 112 Lakeview Drive; Mahopac, New York in the Mahopac Central School District from on or about July 17, 2008 to on or about October 23, 2008; PRC No. 2008002396;

o. Roofing at Horace Greeley High School and Robert Bell Middle School located at 66 Roaring Brook Road; Chappaqua, New York in the Chappaqua Central School District, from on or about August 7, 2008 to on or about November 13, 2008; PRC No. 2007007346;

p. Roofing at John Jay Historic House located at 400 Jay Street; Katonah, New York, from on or about September 25, 2008 to on or about November 27, 2008; PRC No. 200802112;

q. Roofing at Irvington High School located at 40 North Broadway; Irvington, New York in the Irvington UF School District, from on or about June 5, 2008 to on or about June 26, 2008; PRC No. 2009005367;

r. Roofing at Seven Bridges Elementary School located at 222 Seven Bridges Road; Chappaqua, New York in the Chappaqua Central School District, from on or about April 17, 2008 to on or about September 25, 2008; PRC No. 2009005377;

6. I am informed by 20 witnesses known to the Office of the Attorney General that they were employed as workers at all or some of the public work projects listed above during the period beginning on or about April 5, 2007 and ending on or about November 27, 2008. The witnesses are referred to as Employees 1 through 20 (E-1 through E-20) and worked in the locations stated above as follows:

E-1: Somers High School, Park Avenue Elementary School, Pequenkonck Elementary School, Pawling Elementary School, Mt. Kisco Elementary School, North Salem High School, and Town of Kent Recreation Building, Jefferson Elementary School, Claremont Elementary School, Greenville Elementary School, New Rochelle High School, Lakeview Elementary School, John Jay Historic House, Irvington High School, and Seven Bridges Elementary School, from on or about April 5, 2007 to on or about November 27, 2008. E-1 worked up to 70 hours per week while employed on each of these public works projects. While on site, defendants paid E-1 \$37.50 per hour for every hour up to 40 and then \$22.00 per hour after 40 hours, on holidays, and weekends. E-1 received benefits or supplemental payments for only a portion of the hours worked on these public work sites. E-1 was never paid any overtime as required by the New York State Labor Law.

E-2: Somers High School, Park Avenue Elementary School, Mt. Kisco Elementary School, North Salem High School, Yonkers Third Precinct Police Station, Jefferson Elementary School, New Rochelle High School, Pawling High School, Irvington High

School, and Seven Bridges Elementary School, from on or about April 5, 2007 to on or about November 27, 2008. E-2 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-2 \$32.50 per hour for the first 40 hours while on the public works sites in 2007 and \$37.00 per hour for the first 40 hours while on the public works sites in 2008. Defendants paid E-2 \$18.00 per hour for all other hours, including holidays and weekends. E-2 received benefits or supplemental payments for only a portion of the hours worked on these public work sites. E-2 was never paid any overtime as required by the New York State Labor Law.

E-3: Somers High School, Pawling Elementary School, Claremont Elementary School, Greenville Elementary School, Lakeview Elementary School, Horace Greeley High School and Robert Bell Middle School, from on or about April 5, 2007 to on or about November 27, 2008. E-3 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-3 \$37.00 or \$32.00 per hour for the first 40 hours while on the public works sites in 2007 and \$32.00 per hour for the first 40 hours while on the public works sites in 2008. Defendants paid E-3 \$16.00 per hour for all other hours, including holidays and weekends in 2007 and \$17.00 per hour for all other hours, including holidays and weekends, in 2008. E-3 received benefits or supplemental payments for only a portion of the hours worked on these public work sites. Defendants never paid E-3 overtime as required by the New York State Labor Law.

E-4: Somers High School, Park Avenue Elementary School, Pawling Elementary School, Mount Kisco Elementary School, Town of Kent Recreation Building, Yonkers Third Precinct Police Station, Lakeview Elementary School, Horace Greeley High School, and John Jay Historic House, from on or about from on or about April 5, 2007 to on or about November 27, 2008. E-4 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-4 \$37.50 per hour for the first 40 hours while on the public works. Defendants paid E-4 \$15.00 per hour for all other hours, including holidays and weekends. E-4 received benefits or supplemental payments for only a portion of the hours worked on these public work sites. Defendants never paid E-4 overtime as required by the New York State Labor Law.

E-5: Somers High School, Park Avenue Elementary School, Pawling Elementary School, Mt. Kisco Elementary School, North Salem High School, Yonkers Third Precinct Police Station, Jefferson Elementary School, Claremont Elementary School, Greenville Elementary School, New Rochelle High School, Pawling High School, Lakeview Elementary School, Horace Greeley High School and Robert Bell Middle School, and John Jay Historic House, from on or about April 5, 2007 to on or about November 27, 2008. E-5 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-5 \$33.00 per hour for the first 40 hours while on the public works sites in 2007 and \$37.00 per hour for the first 40 hours while on the public works sites in 2008. Defendants paid E-5 \$16.00 per hour for all other hours, including holidays and weekends. E-5 received benefits or supplemental payments for only a portion of the hours worked on these public work sites. Defendants never paid E-5 overtime as required by the New York State Labor Law.

E-6: Somers High School, Pawling Elementary School, Claremont Elementary School, Greenville Elementary School, Pawling High School, Lakeview Elementary School, Horace Greeley High School and Robert Bell Middle School, John Jay Historic House, from on or about April 5, 2007 to on or about November 27, 2008. E-6 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-6 \$32.00 per hour for the first 40 hours while on the public works sites. Defendants paid E-6 \$17.00 per hour for all other hours, including holidays and weekends. E-6 received benefits or supplemental payments for only a portion of the hours worked on these public work sites. Defendants never paid E-6 overtime as required by the New York State Labor Law.

E-7: Somers High School, Park Avenue Elementary School, Pawling Elementary School, Mt. Kisco Elementary School, Yonkers Third Precinct Police Station, Jefferson Elementary School, Claremont Elementary School, New Rochelle High School, Pawling High School, Horace Greeley High School and Robert Bell Middle School, from on or about April 5, 2007 to on or about November 27, 2008. E-7 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-7 \$15.00 per hour for all hours worked by E-7, including holidays and weekends in 2007. In 2008, defendants paid E-7 \$32.00 per hour while on the public work sites for up to 40 hours. Defendants paid E-7 \$17.00 per hour for all other hours, including holidays and weekends. E-7 received benefits or supplemental payments for only a portion of the hours worked on these public work sites. Defendants never paid E-7 overtime as required by the New York State Labor Law.

E-8: Somers High School, Park Avenue Elementary School, Pequenkonck Elementary School, Mt. Kisco Elementary School, North Salem High School, Yonkers Third Precinct Police Station, Jefferson Elementary School, New Rochelle High School, and Pawling High School, from on or about April 5, 2007 to on or about November 27, 2008. E-8 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-8 \$12.00 per hour for all hours worked by E-8, including holidays and weekends. E-8 received no benefits or supplemental payments while employed on these public work sites. Defendants never paid E-8 overtime as required by the New York State Labor Law.

E-9: Somers High School, Park Avenue Elementary School, Pawling Elementary School, Mt. Kisco Elementary School, Yonkers Third Precinct Police Station, Jefferson Elementary School, Claremont Elementary School, New Rochelle High School, Lakeview Elementary School, Horace Greeley High School and Robert Bell Middle School, John Jay Historic House, from on or about April 5, 2007 to on or about April 1, 2008. E-9 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-9 \$17.00 or \$18.00 per hour for all hours worked by E-9, including holidays and weekends in 2007. In 2008, defendants paid E-9 \$37.00 per hour while on the public work sites for up to 40 hours. Defendants paid E-9 \$18.00 per hour for all other hours, including holidays and weekends, in 2008. E-9 received benefits or supplemental payments for only a portion of the hours worked on these public work sites. Defendants never paid E-9 overtime as required by the New York State Labor Law.

E-10: Somers High School, Park Avenue Elementary School, Pequenkonck Elementary School, Pawling Elementary School, North Salem High School, Claremont Elementary School, Greenville Elementary School, New Rochelle High School, Pawling High School, from on or about April 5, 2007 to on or about September 1, 2008. E-10 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-10 \$11.00 per hour for all hours worked by E-10, including holidays and weekends. E-10 received no benefits or supplemental payments while employed on these public work sites. Defendants never paid E-10 overtime as required by the New York State Labor Law.

E-11: Somers High School, Pawling Elementary School, New Rochelle High School, Pawling High School, Horace Greeley High School and Robert Bell Middle School, Irvington High School, from on or about April 5, 2007 to on or about November 27, 2008. E-11 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-11 \$16.00 per hour for all hours worked by E-11, including holidays and weekends in 2007. In 2008, defendants paid E-11 \$32.00 per hour while on the public work sites for up to 40 hours. Defendants paid E-11 \$16.00 per hour for all other hours, including holidays and weekends, in 2008. E-11 received no benefits or supplemental payments while employed on these public work sites. Defendants never paid E-11 overtime as required by the New York State Labor Law.

E-12: Somers High School, Claremont Elementary School, Greenville Elementary School, Pawling High School, Lakeview Elementary School, Horace Greeley High School and Robert Bell Middle School, from on or about May 1, 2007 to on or about September 4, 2008. E-12 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-12 \$10.00 per hour for all hours worked by E-12, including holidays and weekends. E-12 received no benefits or supplemental payments while employed on these public work sites. Defendants never paid E-12 overtime as required by the New York State Labor Law.

E-13: Somers High School, Pawling Elementary School, Mt. Kisco Elementary School, from on or about April 5, 2007 to on or about November 30, 2007. E-13 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-13 \$32.00 per hour for all hours worked by E-13 on the public work sites up to 40 hours per week. Defendants paid E-13 \$17.00 per hour until June 7, 2007 at which time defendants started to pay E-13 \$18.00 per hour for all other hours, including holidays and weekends. E-13 received benefits or supplemental payments for only a portion of the hours worked on these public work sites. Defendants never paid E-13 overtime as required by the New York State Labor Law.

E-14: Somers High School, Pequenkonck Elementary School, Pawling Elementary School, North Salem High School, Jefferson Elementary School, New Rochelle High School, Pawling High School, Lakeview Elementary School, Horace Greeley High School and Robert Bell Middle School, from on or about May 1, 2007 to on or about September 11, 2008. E-14 worked up to 70 hours per week while employed on each of

these public work sites. Defendants paid E-14 \$12.00 per hour for all hours worked by E-14, including holidays and weekends. E-14 received no benefits or supplemental payments while employed on these public work sites. Defendants never paid E-14 overtime as required by the New York State Labor Law.

E-15: Somers High School, Claremont Elementary School, Greenville Elementary School, Horace Greeley High School, and John Jay Historic House, from on or about June 1, 2008 to on or about June 1, 2009. E-15 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-15 \$11.00 per hour for all hours worked by E-15, including holidays and weekends. E-15 received no benefits or supplemental payments while employed on these public work sites. Defendants never paid E-15 overtime as required by the New York State Labor Law.

E-16: Somers High School, Park Avenue Elementary School, Pequenkonck Elementary School, Pawling Elementary School, Yonkers Third Precinct Police Station, Jefferson Elementary School, Claremont Elementary School, Greenville Elementary School, New Rochelle High School, Pawling High School, Lakeview Elementary School, Horace Greeley High School and Robert Bell Middle School, from on or about April 5, 2007 to on or about November 27, 2008. E-16 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-16 \$32.00 per hour for the first 40 hours while on the public works sites. Defendants paid E-16 \$16.00 per hour for all other hours, including holidays and weekends. E-16 received benefits or supplemental payments for only a portion of the hours worked on these public work sites. Defendants never paid E-16 overtime as required by the New York State Labor Law.

E-17: Somers High School, Jefferson Elementary School, Claremont Elementary School, Greenville Elementary School, New Rochelle High School, Pawling High School, John Jay Historic House, Seven Bridges Elementary School, from on or about May 1, 2008 to on or about November 27, 2008. E-17 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-17 \$16.00 per hour for all hours worked, including holidays and weekends. E-17 received no benefits or supplemental payments while employed on these public work sites. Defendants never paid E-17 overtime as required by the New York State Labor Law.

E-18: Somers High School, Park Avenue Elementary School, Pequenkonk Elementary School, North Salem High School, Town of Kent Recreation Building, Yonkers Third Precinct Police Station, Jefferson Elementary School, Claremont Elementary School, Greenville Elementary School, New Rochelle High School, Pawling High School, Lakeview Elementary School, Horace Greeley High School, and John Jay Historic House, from on or July 1, 2007 to on or about November 27, 2008. E-18 worked up to 70 hours per week while employed on each of these public work sites. Defendants paid E-18 \$37.50 per hour for the first 40 hours on public works sites, and \$16.00 per hour for all other hours, including nights and weekends. E-18 received benefits or supplemental payments for only a portion of the hours worked on these public work sites. E-18 was never paid any overtime as required by the New York State Labor Law.

E-19: Somers High School, Jefferson Elementary School, Claremont Elementary School, New Rochelle High School, Pawling High School, from on or about May 8, 2008 to on or about September 4, 2008. E-19 worked up to 70 hours per week while employed on each of these public works projects. While on site, defendants paid E-19 \$10.00 per hour for every hour worked, including holidays and weekends. E-19 received no benefits or supplemental payments while employed on these public work sites. E-19 was never paid any overtime as required by the New York State Labor Law.

E-20: Park Avenue Elementary School, Pequenkonck Elementary School, Pawling High School, from on or about July 5, 2007 to on or about December 11, 2008. E-20 worked up to 70 hours per week while employed on each of these public work projects. Defendants paid E-20 \$14.00 per hour for every hour worked, including holidays and weekends. E-20 received benefits or supplemental payments for only a portion of the hours worked on these public work sites. E-20 was never paid any overtime as required by the New York State Labor Law.

7. Certified weekly payroll records ('CWPs') are submitted by contractors as a request for reimbursement for wages paid to their workers pursuant to their contracts with the contracting government entity, known as the "agency of jurisdiction".

8. Pursuant to New York State Labor Law section 220, the New York State Department of Labor has jurisdiction over all public works projects in the State of New York, including but not limited to all oversight and compliance regarding CWPs, prevailing wage payments, and all public works projects reporting requirements.

9. All CWPs are required to contain the following certification, signed under penalty of perjury by the public works project contractor. The agency of jurisdiction will not pay the amount requested without a certification. As a result, the following language appears above the signature line on each CWP:

I, _____, do hereby state:

(1) That I pay or supervise the payment of the persons employed by (Contractor or Subcontractor), that during the payroll period commencing on the ___ day of ___, 20__ and ending on the ___ day ___ 20__ all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said (Contractor or Subcontractor) from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person...

(2) That any payrolls submitted for the above period are correct and complete; that the wages for laborers, workers, or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract....

(4) That:

....In addition to the basic hourly wage rates paid to each laborer, worker or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made....(or)

Each laborer, worker, or mechanic listed in the above-referenced payroll had been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage plus the amount of the required fringe benefits as listed in the contract.....

10. I have reviewed the CWP's that the defendants submitted to the Department of Labor and the departments of jurisdiction.

11. All CWP's are signed by defendant Larry Dominguez as President or Evelio Elledias as Vice President.

12. The CWP's submitted for these contracts allege that employees on the sites were paid the contractually mandated prevailing wage as follows:

a. For Somers High School, wages plus benefits totaling \$60.34 per hour for an 8-hour day; wages plus benefits amounting to \$77.84 for each hour worked over 40 in a single week for all hours worked while the 2007 wage schedule was in effect; wages plus benefits totaling \$62.84 per hour for an 8-hour day; wages plus benefits amounting to \$81.59 for each hour worked over 40 in a single week for all hours worked while the 2008 rate schedule was in effect.

b. For Park Avenue Elementary School, wages plus benefits totaling \$60.34 per hour for an 8-hour day; wages plus benefits amounting to \$77.84 for each hour worked over 40 in a single week.

c. For Pequenakonck Elementary School, wages plus benefits totaling \$60.34 per hour for an 8-hour day; wages plus benefits amounting to \$77.84 for each hour worked over 40 in a single week.

d. For Pawling Elementary School, wages plus benefits totaling \$60.34 per hour for an 8-hour day; wages plus benefits amounting to \$77.84 for each hour worked over 40 in a single week for all hours worked while the 2007 wage schedule was in effect; wages and benefits totaling \$62.84 per hour for each hour worked in an 8-hour day; wages plus benefits amounting to 81.59 for each hour worked over 40 in a single week for all hours worked while the 2008 wage schedule was in effect.

e. For Mt. Kisco Elementary School, wages plus benefits totaling \$60.34 per hour, for an 8-hour day; wages plus benefits amounting to \$77.84 for each hour worked over 40 in a single week.

f. For North Salem High School, wages plus benefits totaling \$62.84 per hour, for an 8-hour day; wages plus benefits amounting to \$81.59 for each hour worked over 40 in a single week.

- g. For the Town of Kent Recreation Building, wages plus benefits totaling \$60.34 per hour for an 8-hour day; wages plus benefits amounting to \$77.84 for each hour worked over 40 in a single week.
- h. For the Yonkers Third Precinct Police Station, wages plus benefits totaling \$60.34 per hour for an 8-hour day; wages plus benefits amounting to \$77.84 for each hour worked over 40 in a single week.
- i. For Jefferson Elementary School, wages plus benefits totaling \$62.84 per hour for an 8-hour day; wages plus benefits amounting to \$81.59 for each hour worked over 40 in a single week.
- j. For Claremont Elementary School, wages plus benefits totaling \$60.34 per hour for an 8-hour day; wages plus benefits amounting to \$77.84 for each hour worked over 40 in a single week for all hours worked while the 2007 wage schedule was in effect; wages and benefits totaling \$62.84 per hour for each hour worked in an 8-hour day; wages plus benefits amounting to 81.59 for each hour worked over 40 in a single week for all hours worked while the 2008 wage schedule was in effect.
- k. For Greenville Elementary School, wages plus benefits totaling \$60.34 per hour for an 8-hour day; wages plus benefits amounting to \$77.84 for each hour worked over 40 in a single week for all hours worked while the 2007 wage schedule was in effect; wages and benefits totaling \$62.84 per hour for each hour worked in an 8-hour day; wages plus benefits amounting to 81.59 for each hour worked over 40 in a single week for all hours worked while the 2008 wage schedule was in effect.
- l. For New Rochelle High School, wages plus benefits totaling \$62.84 per hour for an 8-hour day; wages plus benefits amounting to \$81.59 for each hour worked over 40 in a single week.
- m. For Pawling High School, wages plus benefits totaling \$62.84 per hour for an 8-hour day; wages plus benefits amounting to \$81.59 for each hour worked over 40 in a single week.
- n. For Lakeview Elementary School, wages plus benefits totaling \$62.84 per hour for an 8-hour day; wages plus benefits amounting to \$81.59 for each hour worked over 40 in a single week.
- o. For Horace Greeley High School, wages plus benefits totaling \$62.84 per hour for an 8-hour day; wages plus benefits amounting to \$81.59 for each hour worked over 40 in a single week.
- p. For the John Jay Historic House, wages plus benefits totaling \$62.84 per hour for an 8-hour day; wages plus benefits amounting to \$81.59 for each hour worked over 40 in a single week.

q. For Irvington High School, wages plus benefits totaling at least \$55.94 per hour for an 8-hour day; wages plus benefits amounting to \$73.44 for each hour worked over 40 in a single week.

r. For Seven Bridges Elementary School, wages plus benefits totaling \$67.10 per hour for an 8-hour day; wages plus benefits amounting to \$88.82 for each hour worked over 40 in a single week for all hours worked while the 2007 wage schedule was in effect; wages and benefits totaling \$78.74 per hour for each hour worked in an 8-hour day; wages plus benefits amounting to 100.66 for each hour worked over 40 in a single week for all hours worked while the 2008 wage schedule was in effect.

13. The total amount reimbursed to defendant Leed for work performed on all 17 contracts is \$10,945,521.08.

14. The difference between what Leed was reimbursed for work performed by E1-20 and what Leed paid E1-20 is \$2,275,521.30.

False statements made herein are punishable
as a class A misdemeanor pursuant to § 210.45 of the Penal Law.


PUBLIC WORK WAGE INVESTIGATOR JEAN MESSIER

Dated: May 13, 2010
New York, New York