



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
45 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0045

LAURA A. FORTMAN
COMMISSIONER

MICHAEL ROLAND
DIRECTOR

REVISED NOVEMBER 22, 2021

Joshua A. Randlett, Esq
The Graham Building
84 Harlow Street
P.O. Box 1401
Bangor, Maine 04402

RE: Violations of title 26, Inspection #448072
Certified Mail: 70151520000109628607 8744

Dear Zhui Chen
D/B/A Ninja House Inc., Teriyaki Ninja House Inc., and Bouzu Steakhouse Inc.

When our Inspector, Stephanie Harfoush, completed an audit on your places of business on May 20, 2021 the following violations of Maine Labor Law were found:

26 MRS §621-A Timely and full payment of wages requires that employees be paid in full, on an established day or date, at regular intervals made known to the employee. The intervals may not exceed 16 days and must include all wages earned to within 8 days of the payment date.

In this case, the employer failed to pay [REDACTED] in full on 30 separate pay dates between 05/07/2017 and 07/22/2018.

The employer failed to pay an additional 21 employees in full on 46 separate occasions in 2019.

26 MRS §626-A PENALTIES Whoever violates any of the provisions of sections 621-A to 623 or section 626, 628, 629 or 629-B is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation.

Each employee is counted as a separate violation, each pay cycle.

- 76 violations of §621-A

26 MRS §664 (3) Overtime Rate requires that employees be paid time-and-one-half their regular hourly rate for all hours worked in excess of 40 hours per week.

*In this case, the employer failed to pay overtime wages to [REDACTED] on 30 separate occasions between 05/07/2017 and 07/22/2018 (see attached Excel spreadsheet). [REDACTED] is owed overtime wages in the amount of \$2039.86. *Please provide this office proof of payment.*



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In addition, the employer failed to pay the correct overtime rate for 21 employees on 54 separate occasions in 2019. The employees listed below are owed overtime wages totaling \$877.60.

**Please provide this office proof of payment.*

[REDACTED]	\$66.29
[REDACTED]	\$5.47
[REDACTED]	\$23.52
[REDACTED]	\$22.90
[REDACTED]	\$0.40
[REDACTED]	\$7.39
[REDACTED]	\$6.01
[REDACTED]	\$0.24
[REDACTED]	\$0.96
[REDACTED]	\$9.64
[REDACTED]	\$24.61
[REDACTED]	\$31.08
[REDACTED]	\$0.77
[REDACTED]	\$48.41
[REDACTED]	\$44.73
[REDACTED]	\$149.04
[REDACTED]	\$14.66
[REDACTED]	\$44.87
[REDACTED]	\$26.09
[REDACTED]	\$326.09
[REDACTED]	\$24.43

26 MRS §671 PENALTIES Any employer who violates this subchapter shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$200. In the event of the violation of any of the provisions of this subchapter, the Attorney General may institute injunction proceedings in the Superior Court to enjoin further violation thereof.

- 84 Violations of §664

The total penalty for the above violation(s) is \$11,800.00.

Make checks payable to the “Treasurer, State of Maine”

The violations identified above will become a final order within fifteen (15) business days from the day it was received unless you request a penalty discussion or file an appeal (see employer options) within the specified time frame listed above.



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Employer options (within 15 business days):

If you intend to correct all violations identified and wish to work with the Wage & Hour Division to possibly reduce the penalty amount, you may request a “Penalty Discussion”. This discussion will pertain only to the penalty(s) and not the violation(s). All proposed penalties will be stayed until after the penalty discussion.

Or

You may file a formal appeal of any violation or penalty within fifteen (15) days of receipt of this citation. Please be specific as to what violation(s) or penalty you wish to appeal. If a request for a formal appeal is received, the Director will set a time and date for a “hearing”. The Director will serve as the hearing officer or may assign the appeal to the Administrative Hearings Division within the Department of Labor. The hearing will be at the headquarters of the Bureau or at a place mutually agreeable to the parties. All proposed penalties will be stayed until after the formal appeal is heard.

As the employer, you must respond in writing to the Director of the Bureau, at the address above, within fifteen (15) business days of receipt of this report stating what option you intend to choose. If no response is received within that time frame you accept all citations and any penalties assessed. The citation will become a final order and payment will be due at that time, made payable to **“Treasurer, State of Maine” and mailed to the address at the top of this citation.**

We strongly recommend that any correspondence be sent by certified mail. Failure to correct violations may result in additional penalties for each violation that is not corrected.

If you have questions regarding this citation, you may contact the Bureau of Labor Standards, Wage & Hour Division at (207) 623-7900.

Dates to remember:

Respond in writing, to the Director of the Bureau within fifteen (15) business days of receipt of this citation indicating what option you choose.

Respectfully,

Scott Cotnoir, Director
Wage and Hour Division
Inspection # 448072