



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

LAURA A. FORTMAN  
COMMISSIONER

JANET T. MILLS  
GOVERNOR

WAGE & HOUR DIVISION

MICHAEL ROLAND  
DIRECTOR

July 21, 2022

Hi-Hat Pancake House Inc.  
Attn: Benjamin Laflin  
PO BOX 248  
Hallowell, ME 04347

RE: Violations of 26 MRS. Inspection #460166  
Certified Mail: 7015 1520 0001 0962 8973

Dear Mr. Benjamin Laflin,

When our Inspector, [REDACTED], contacted your place of business on 09/07/2021 the following violations of Maine Labor Law were found:

**26 MRS §771 Minors Under 14 Years of Age.** A minor under 14 years of age may not be employed, permitted, or suffered to work in nonagricultural employment, except for agricultural employment in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances as long as the employment is in accordance with rules adopted pursuant to section 772 and in accordance with 29 Code of Federal Regulations, Part 570.

In this case, the manager, [REDACTED], allowed [REDACTED] to work in the kitchen on 31 separate days between 05/04/2021 and 08/15/2021.

**26 MRS §774 (7) Record of work hours of minors.** Every employer shall keep a time book or record for every minor employed in any occupation, except household work or the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances, stating the number of hours worked by each minor on each day of the week. The time book or record must be open at all reasonable hours to the inspection of the director, a deputy of the director or any authorized agent of the bureau. An employer who fails to keep the time book or record required by this subsection or who makes any false entry to the time book or record, refuses to exhibit the time book or record or makes any false statement to the director, a deputy of the director or any authorized agent of the bureau in reply to any question in carrying out this section is liable for a violation of this section and is subject to penalties specified in section 781.

In this case, the employer did not keep time records on [REDACTED] in accordance with this statute. The schedules that were used as time records do not have an end

time or state the number of hours worked, they only state CL, meaning the minor worked until the close of business on each of those days. No record of the actual time of day that [REDACTED] stopped working on 31 separate days between 05/04/2021 and 08/15/2021.

**26 MRS §781 PENALTIES.** An employer who employs, permits or suffers any minor to be employed or to work in violation of this article or Title 20-A, section 5054 is subject to the following forfeiture or civil penalty, payable to the State and recoverable in a civil action:

- A. For the first violation or a violation not subject to an enhanced sanction under paragraph B or C, a forfeiture or penalty of not less than \$250 nor more than \$5,000
- B. For a 2nd violation occurring within 3 years of a prior adjudication, a forfeiture or penalty of not less than \$500 nor more than \$5,000; or
- C. For a 3rd and subsequent violation occurring within 3 years of 2 or more prior adjudications, a penalty of not less than \$2,000 nor more than \$10,000.

- 31 violations for §771 x \$250 = \$7,750.00
- 31 violations for §774 (7) x \$250 = \$7,750.00

**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 established a bi-weekly pay cycle with an established pay date of every other Friday. The employer failed to pay [REDACTED] for work performed between 05/04/2021 and 08/15/2021 for a total of 9 separate pay days.

**26 MRS §629 Unfair Agreements** prohibits an employer from requiring or allowing an employee to work without monetary compensation or from having an agreement with the employee that a part of the employee's compensation be returned to the employer except for the payment of a debt as defined.

In this case, the employer allowed [REDACTED] to work 31 separate days without monetary compensation between 05/04/2021 and 08/15/2021.

**26 MRS §626-A PENALTIES** Whoever violates any of the provisions of sections 621-A to 623 or section 626, 628, 628-A, 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.

- 9 violations of §621-A x \$100 = \$900.00
- 31 violations of §629 x \$100 = \$3,100.00

**26 MRS §664 (1) Minimum Wage** requires that employees be paid at least the minimum wage.

In this case, the employer failed to pay at least minimum wage to [REDACTED] on 9 separate pay cycles between 05/04/2021 and 08/15/2021.

**26 MRS §665 (1) True and Accurate Records** requires that employers shall keep a true and accurate record of the hours worked by each employee and of the wages paid, such records to be preserved by the employer for a period of at least 3 years.

In this case the employer failed to keep a true and accurate record of the hours worked for [REDACTED] on 31 separate days between 05/04/2021 and 08/15/2021.

**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.

- 9 violations of §664 (1) x \$50 = \$450.00
- 31 violations of §665 (1) x \$50 = \$1,550.00

**The total penalty for the above violation(s) is \$21,500.00.**

**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.

**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,

A handwritten signature in black ink that reads "Scott R. Cotnoir". The signature is written in a cursive, slightly slanted style.

Scott Cotnoir, Director  
Wage and Hour Division  
Inspection # 460166