



JANET T. MILLS  
GOVERNOR

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

WAGE & HOUR DIVISION

LAURA A. FORTMAN  
COMMISSIONER

MICHAEL ROLAND  
DIRECTOR

August 1, 2023

Legacy CP Maine, LLC  
DBA – Wendy’s  
Attn: Josh Blanche  
187 High Street  
Ellsworth, ME 04605

RE: Violations of 26 MRS. Inspection #474442  
Certified Mail:

Dear Josh Blanche,

When the Wage and Hour Division investigated a complaint at your place of business on February 02, 2023, and followed up at points thereafter, 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 employee I.P. in full on the established pay date of 01/17/2023. The employer paid the wages on 01/23/2023.

The employer failed to pay employee B.S. in full on the established pay date of 01/23/2023. The employer paid the wages on 02/06/2023.

The employer failed to pay employee B.S. in full on the established pay date of 01/30/2023. The employer paid the wages on 02/06/2023.

**3 violations**

**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.

**3 violations of §621-A x \$100.00 = \$300.00.**

**The total penalty for the above violation(s) is \$300.00.**

**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 within 15 business days.

(see employer options below)

**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 style with a large initial 'S'.

Scott Cotnoir, Director  
Wage and Hour Division  
Inspection # 474442