



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

August 17, 2023

Resurrection Golf/Old Marsh Country Club
Attn. Sean McCarthy-Owner
20 Federal Street
Brunswick, Maine 04011

RE: Violations of 26 MRS. Inspection #472124

Dear Sean McCarthy:

When the Wage and Hour Division investigated a complaint at your place of business on October 31, 2022, 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 within 8 days of the payment date.

In this case, the employer failed to pay the following employees on the established pay dates noted:

- ██████████ on 07/29/2022. This check was returned due to insufficient funds.
- ██████████ on 08/12/2022 and 10/21/2022. These checks were returned due to insufficient funds.
- ██████████ on 08/12/2022. This check was returned due to insufficient funds.
- ██████████ on 08/12/2022. This check was returned due to insufficient funds.
- ██████████ on 08/12/2022 and 10/07/2022. These checks were returned due to insufficient funds.
- ██████████ on 10/07/2022, 10/21/2022, and 01/27/2023. These checks were returned due to insufficient funds.
- ██████████ on 10/07/2022. This check was returned due to insufficient funds.
- ██████████ on 10/07/2022. This check was returned due to insufficient funds.
- ██████████ on 10/07/2022. This check was returned due to insufficient funds.
- ██████████ on 12/16/2022 and 01/27/2023. These checks were returned due to insufficient funds.

██████████ on 02/10/2023. This check was returned due to insufficient funds.

██████████ on 04/07/2023. This check was returned due to insufficient funds.

██████████ on 04/07/2023. This check was returned due to insufficient funds.

18 violations

26 MRS §626-A PENALTIES Whoever violates any of the provisions of sections 621-A to 623 or sections 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, in each pay cycle.

BLS Rules, Chapter 9, Rules Governing Administrative Civil Money Penalties for Labor Law Violations, sections II and III defines terms and how penalties are calculated respectively, including multipliers.

Pay date 07/29/2022 1 violation of §621-A = **\$100.00**

Pay date 08/12/2022 4 violations of §621-A x \$100.00 = **\$400.00**

Pay date 10/07/2022 5 violations of §621-A x \$100.00 = **\$500.00**

Pay date 10/21/2022 2 violations of §621-A x \$100.00 = **\$200.00**

Pay date 12/16/2022 1 violation of §621-A = \$100.00 x 2 multiplier for willful = **\$200.00**

Pay date 01/27/2023 2 violations of §621-A x \$100.00 = \$200.00 x 2 multiplier for willful = **\$400.00**

Pay date 02/10/2023 1 violation of §621-A = \$100.00 x 2 multiplier for willful = **\$200.00**

Pay date 04/07/2023 2 violations of §621-A x \$100.00 = \$200.00 x 2 multiplier for willful = **\$400.00**

The total penalty for the above violation(s) is \$2,400.00.

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.

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 # 472124