

State of California  
Department of Industrial Relations  
**Labor Commissioner's Office**

**WAGE CITATION**

Case Number: 35-CM-860475-21

Citation Number: WA 720348

1. Date of Issue <b>01/24/2024</b>	2. Time <b>10:00 AM</b>	3. Day of Week <b>Wednesday</b>	4. License / Registration Number		
5. Legal Entity <b>Ruben Coronado, an Individual dba Studio Ruben Coronado Builders and/or Ruben Coronado dba SRC Builders; SRC BUILDERS INC., a corporation; Clayco Construction Company, Inc., a corporation; Puertos 21 USA LLC, a Limited Liability Company, Jean David Guanique Azuaje, an Individual, aka Jean Azuaje, Jean D. Azuaje Guanique; Jean David Guanique Azuaje, an Individual, aka. Jean David Azuaje, Jean Azuaje, Jean D. Azuaje Guanique dba Puertos 21 USA LLC; United Contractor Services LLC, a Limited Liability Company; Clayco Inc., a corporation, each jointly and severally liable</b>					
6. Doing Business As (DBA)					
7. Business Address <small>1111 WILSHIRE BLVD #432, LOS ANGELES, CA 90017; PO BOX 741449, LOS ANGELES, CA 90004; 2199 INNERBELT BUSINESS CENTER DR., ST LOUIS, MO 63114; 4013 PUCOLO WAY, DAVENPORT, FL 33897; 1169 OLSON AVE TRACY, CA 95391; 2065 BAKER WAY, KENNESAW, GA 30144; 2199 INNERBELT BUSINESS CENTER DR., ST LOUIS, MO 63114</small>		City	State	Zip	
8. Name of Person Served <b>See Attached POS</b>			9. Title of Person Served		
10. Place Served, if different from item 7 above					
11. Location of Violation, if different from item 7 above <b>1500 E Grant Line Rd, Tracy, CA 95304</b>					
12. Date/Period of Violation for Civil Penalty Assessment <b>1/24/2022-4/10/2022</b>			13. Date/Period of Wage, Premium, or Damages Unpaid <b>5/24/2021-4/10/2022</b>		
14. <b>VIOLATION AND CIVIL PENALTY</b> (See attached for details on applicable L.C. and/or IWC Section) The investigation revealed the following violation(s) of California Labor Code Section(s) (L.C.) and/or Industrial Welfare Commission Order (IWC) and Section(s).					
Violation of Labor Code or IWC Order Section(s)	Description	Penalty Section <small>Corresponding Penalty Assessment Issued on Citation Number WA720351</small>	Total Penalty Assessed	Interest Assessed	Total Wage/Damage/Premium Assessed
<b>A L.C. 1197</b>	<b>Violation of Minimum Wage Provision</b>	<b>L.C. 1197.1</b>	<b>\$0.00</b>	<b>\$67,656.57</b>	<b>\$288,923.75</b>
Penalty Calculation: Corresponding Penalty Assessment Issued on Citation Number WA720351. Number of employees impacted: 176					
<b>B L.C. 1197.1(b)</b>	<b>Non-payment of contract wages</b>	<b>L.C. 1197.1(b)</b>	<b>\$0.00</b>	<b>\$17,289.56</b>	<b>\$70,903.51</b>
Penalty Calculation: N/A					
<b>C L.C. 510 or L.C. 511 or IWC Order, Section 3</b>	<b>Violation of Overtime Provision</b>	<b>L.C. 558(a)</b>	<b>\$0.00</b>	<b>\$65,513.57</b>	<b>\$284,996.87</b>
Penalty Calculation: Corresponding Penalty Assessment Issued on Citation Number WA720351. Number of employees impacted: 285					
<b>D L.C. 226.7 and IWC Order section for Meal periods</b>	<b>Violation of Meal Period Provision</b>	<b>L.C. 558(a)</b>	<b>\$0.00</b>	<b>\$15,242.12</b>	<b>\$95,165.97</b>
Penalty Calculation: Corresponding Penalty Assessment Issued on Citation Number WA720351. Number of employees impacted: 251					
<b>E L.C. 226.7 and IWC Order section for Rest Periods</b>	<b>Violation of Rest Period Provision</b>	<b>L.C. 558(a)</b>	<b>\$0.00</b>	<b>\$51,146.30</b>	<b>\$320,428.08</b>
Penalty Calculation: Corresponding Penalty Assessment Issued on Citation Number WA720351. Number of employees impacted: 290					
<b>Total Civil Penalty Amount Assessed:</b>			<b>\$0.00</b>		
<b>Total Interest to Employees:</b>				<b>\$216,848.12</b>	
<b>Total Due to Employees:</b>					<b>\$1,060,418.18</b>
<b>GRAND TOTAL = \$0.00 + \$216,848.12 + \$1,060,418.18 = \$1,277,266.30</b>					
15. You may appeal by requesting in writing a hearing on this Wage and Penalty Assessment within the time limit as shown on the next page.					
16. Issued by (Name) <b>Vanessa Fregoso</b>			17. Title <b>Deputy Labor Commissioner</b>		

State of California  
Department of Industrial Relations  
**Labor Commissioner's Office**

	Authorized Delegee of the Director of Industrial Relations
18. District Office Address <b>1515 Clay St, Ste 301, Oakland, CA 94612</b>	
19. Telephone <b>(510) 622-3252</b>	Fax Number
20. Service <b>See Attached Proof Of Service</b>	

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**APPEAL RIGHTS**

If a person desires to contest a citation or proposed assessment of civil penalty in its entirety or any specific part(s), he or she shall **WITHIN 15 BUSINESS DAYS** after service of the citation, notify (in writing) the office of the Labor Commissioner which appears on box 18 of the citation of his or her request for an informal hearing. The request for informal hearing **must be received** at the office of the Labor Commissioner by the appeal deadline indicated on box 15 of the citation. The Labor Commissioner or his or her deputy or agent shall, within **30** days of receipt of the petition objecting to the citation, hold a hearing at the conclusion of which the citation or proposed assessment of a civil penalty shall be affirmed, modified, or dismissed.

The decision of the Labor Commissioner shall consist of a notice of findings, findings and order which shall be served on all parties to the hearing within **15** days after the hearing by regular first-class mail at the last known address of the party on file with the Labor Commissioner. Service shall be completed pursuant to Section 1013 of the Code of Civil Procedure. Any amount found due by the Labor Commissioner as a result of a hearing shall become due and payable **45** days after notice of the findings and written findings and order have been mailed to the party assessed. A writ of mandate may be taken from this finding to the appropriate superior court, as long as the party agrees to pay any judgment and costs ultimately rendered by the court against the party for the assessment. The writ shall be taken within **45** days of service of the notice of findings, findings, and order thereon. Failure to file a writ of mandate within the **45** day period will result in the entry of a judgment in the appropriate superior court in the amount shown on the order.

If no petition objecting to the citation is filed with the Labor Commissioner as outlined above, a certified copy of the citation may be filed by the Labor Commissioner in the office of the appropriate superior court and the clerk of that court shall enter judgment against the person assessed in the amount shown on the citation or proposed assessment of civil penalty.

Citation hearings are governed by Chapter 4.5 of the Administrative Procedures Act commencing at Government Code §11400, with the exception of Articles 10, 15 & 16.

**PREJUDGMENT INTEREST**

Employees are entitled to recover prejudgment interest at the rate of 10% per annum on wages from the date the wages were due until paid. (C.C. §3289; L.C. §218.6) Interest continues to accrue until wages are paid and the amounts assessed on this citation are only inclusive to the date the citation was issued. Additional interest may be added prior to entry of any judgment, and such a judgment will accrue interest at the rate of 10% per annum until paid.

A person to whom a citation has been issued shall, in lieu of contesting the citation as outlined above, transmit to the office of the Labor Commissioner as indicated on the right, the amount specified for the violation(s) with a copy of this citation within **15** business days after the issuance of the citation.

**Payment(s) shall be sent to:**

**State of California  
Department of Industrial Relations  
Labor Commissioner's Office  
Bureau of Field Enforcement Cashiering Unit  
2031 Howe Ave., Suite 100  
Sacramento, CA 95825**

**LABOR CODES AND INDUSTRIAL WELFARE COMMISSION ORDERS(S) AND SECTION(S)**

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| <b>L.C. 1197</b>   | Employer is required to pay employee wages for all hours worked at a rate of no less than the California State mandated minimum rate.  |
| <b>L.C. 1197.1(b)</b>                                    | Violation of payment of contract wages   |
| <b>L.C. 510 or L.C. 511 or IWC Order, Section 3</b>      | Employer is required to pay employee the proper California State mandated daily or weekly overtime wages.  |
| <b>L.C. 226.7 and IWC Order section for Meal periods</b> | Employer is required to provide employee the required meal or rest period mandated by applicable orders of the Industrial Welfare Commission section for Meal Periods or Rest Periods. Employer shall pay the employee one additional hour of pay at the employee's regular rate of compensation for each workday that the meal or rest period is not provided.<br><br>IWC Order 1,2,3, 4,5, 6,7,8,9,10,11,13,15: Section 11(A) and or 11(B): No employee shall work for a work period of more than five (5) hours without a meal period of not less than 30 minutes. 2nd meal period of not less than 30 minutes must be given for a work period of more than ten (10) hours. |

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Section 11 (C) or (D): Employer shall pay the employee one additional hour of pay at the employee's regular rate of pay for each workday that the required meal period is not provided.

IWC Order 14: Section 11; Employer shall provide and permit all employees to take a meal period of not less than 30 minutes for a work period of not more than five (5) hours.

IWC Order 16: Section 10 (A) and 10 (B): No employee shall work for a work period of more than five (5) hours without a meal period of not less than 30 minutes. 2nd meal period of not less than 30 minutes must be given for a work period of more than ten (10) hours.

Section 10 (F): Employer shall pay the employee one additional hour of pay at the employee's regular rate of pay for each workday that the required meal period is not provided.

**L.C. 226.7 and  
IWC Order  
section for Rest  
Periods**

L.C. 226.7(a) and (b) : Employer is required to provide employee the required meal or rest period mandated by applicable orders of the Industrial Welfare Commission section for Meal Periods or Rest Periods. Employer shall pay the employee one additional hour of pay at the employee's regular rate of compensation for each workday that the meal or rest period is not provided.

IWC Orders 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15: Section 12(A) and or (B): Employer shall provide and permit all employees to take a net rest period of not less than 10 minutes for every four (4) hours worked; Employer shall pay the employee one additional hour of pay at the employee's regular rate of pay for each workday that the required rest period is not provided.

IWC Order 14: Section 12: Employer shall authorize and permit all employees to take a rest period of not less than 10 minutes for every four (4) hours worked.

IWC Order 16 Section 11(A) and (D): Employer shall authorize and permit all employees to take a rest period of not less than 10 minutes for every four (4) hours worked; Employer shall pay the employee one additional hour of pay at the employee's regular rate of pay for each workday that the required rest period is not provided.