

IN THE MATTER OF

TRI-RAIL CONSTRUCTION, INC.

Prime Contractor

and

CBI CONTRACTING, INCORPORATED

Subcontractor

and

NICOLE SPELLMAN

Individually as an Officer and as one who own or control
ten percent of the stock of

CBI CONTRACTING, INCORPORATED

**AMENDED
DEFAULT
DETERMINATION
&
ORDER**

Prevailing Rate Case
2008-002181 Suffolk County

A proceeding pursuant to Article 8 of the Labor Law to determine whether a contractor paid the rates of wages or provided the supplements prevailing in the locality to workers employed on a public work project.

WHEREAS a hearing was held in the above-captioned matter; and

WHEREAS the Hearing Officer submitted the annexed Default Report & Recommendation dated June 3, 2010:

NOW, THEREFORE, upon review of the Hearing Officer's Default Report & Recommendation, the Notice of Hearing and evidence submitted in support thereof, and upon the CBI Contracting, Incorporated's failure to appear to controvert any of the allegations set forth in the Notice of Hearing, or to serve an Answer raising any denials or defenses thereto, or to tender any evidence contesting any of the foregoing, and upon the entire record of this proceeding, it is

ORDERED that the Hearing Officer's findings and conclusions be, and hereby are, adopted; and it is further

ORDERED that the Hearing Officer's recommended determinations and orders be, and hereby are, adopted, and they shall constitute the final **Determination & Order** of the Commissioner of Labor as if fully set forth herein.

Dated: June 3, 2010
Albany, New York

Colleen C. Gardner

Colleen C. Gardner
Commissioner of Labor
State of New York