

STATE OF NEW YORK: DEPARTMENT OF LABOR

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In the Matter of

CNY Excavating & Concrete, LLC., and MICHAEL T. HELMER and CELESTE WITCHLEY, as officers and/or managing members of CNY Excavating & Concrete, LLC.,

**DEFAULT
DETERMINATION
&
ORDER**

Prime Contractor,

for a determination pursuant to Article 8 of the Labor Law as to whether prevailing wages and supplements were paid to or provided for the laborers, workers and mechanics employed on a public work project for the Mohawk Valley Water Authority

Prevailing Wage Rate
PRC No. 2019016087
Case ID: PW072020003809
Oneida County

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

WHEREAS the Hearing Officer submitted the annexed Default Report & Recommendation dated August 9, 2023:

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 failure of CNY Excavating & Concrete, LLC., and MICHAEL T. HELMER 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: 9/12/2023
Albany, New York



Roberta Reardon
Commissioner of Labor
State of New York