

STATE OF NEW YORK: DEPARTMENT OF LABOR

-----X

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
NOTICE
OF
FILING

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

-----X

PLEASE TAKE NOTICE that annexed hereto are true copies of the final
Determination & Order and the Report & Recommendation duly filed in the Office of the
Commissioner of Labor on September 12, 2023.

Labor Law § 220 (8) provides that any party aggrieved by this Determination &
Order may, pursuant to Article 78 of the Civil Practice Law and Rules, commence a
proceeding for review directly in the Appellate Division of the Supreme Court within 30
days from this Notice of Filing.



Dated: September 13, 2023
Albany, New York

Marshall Day, Hearing Officer
NYSDOL Office of Administrative Adjudication
SOB Campus Bldg 12 Room 266C
Albany NY 12240

TO:

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED
& FIRST-CLASS MAIL

CNY Excavating & Concrete, LLC
8682 Soule Road
Holland Patent, New York 13354

CNY Excavating & Concrete, LLC
259 Oriskany Blvd
Whitesboro, New York 13492

Michael T. Helmer
CNY Excavating & Concrete, LLC
8682 Soule Road
Holland Patent, New York 13354

Michael T. Helmer
CNY Excavating & Concrete, LLC
259 Oriskany Blvd
Whitesboro, New York 13492

Celeste Witchley
CNY Excavating & Concrete, LLC
8682 Soule Road
Holland Patent, New York 13354

Celeste Witchley
CNY Excavating & Concrete, LLC
259 Oriskany Blvd
Whitesboro, New York 13492

Saunders Kahler
Meritt S. Locke
Attorney of Counsel
185 Genesee Street
Utica, NY 13501

CNY Excavating & Concrete LLC
c/o United States Corporation Agents, Inc.
7014 13th Avenue, Suite 202
Brooklyn, New York 11228

Mohawk Valley Water Authority
1 Kennedy Plaza, Third Floor
Utica, New York 13502

Western Surety Company
South Dakota Corporation
151 North Franklin, 17th Floor
Chicago, IL 60606

**ALL EMPLOYEES
Via Email**

Shaun McCready, Director
Bureau of Public Work
Bldg 12- Rm. 130
Albany, NY 12226

Jenette Lazelle
Deputy Commissioner of Worker Protection
New York State Department of Labor
State Office Building Campus, Building 12
Albany, New York 12240

John Scott, Hearing Officer
Administrative Adjudication Unit
New York State Department of Labor
State Office Building Campus
Building 12, Room 266 C
Albany, New York 12240

Robert Szatanek, Supervising Investigator
Bureau of Public Work
New York State Department of Labor
State Office Building Campus
207 Genesee Street, Room 603B
Utica, New York 13501

Benjamin Little, Senior Investigator
Bureau of Public Work
New York State Department of Labor
State Office Building Campus
207 Genesee Street, Room 603B
Utica, New York 13501

Mark Metott, Public Work Wage Investigator
Bureau of Public Work
New York State Department of Labor
State Office Building Campus
207 Genesee Street, Room 603B
Utica, New York 13501

For the Department

Jill Archambault
Department of General Counsel
Elina Matot, Senior Attorney, of Counsel
New York State Department of Labor
State Office Building Campus
Building 12, Room 509
Albany, NY 12240-0005