

IN THE MATTER OF

GBE CONTRACTING CORP.
 And
 MATSOS CONTRACTING CORPORATION
 as an alter-ego of,
 GBE CONTRACTING CORP.,
 And
 SHINAS CONTRACTING CORP.,
 now known as
 DTM CONSTRUCTION CORP.
 as a substantially-owned affiliated entity and/or alter ego of
 GBE CONSTACTING CORP.
 And
 GEORGE SHINAS,
 as an officer of
 GBE CONTRACTING CORP., GEORGE SHINAS,
 GREGORIOS DEMETRULACOS, JOHN RUSIN
 And
 WILLIAM TZIVELEKIS
 as four of the top five shareholders of
 GBE CONTRACTING CORP.,
 ILIAS MATSOPOULOS
 And
 EMELIA SHINAS
 as two of the top five shareholders of
 MATSOS CONTRACTING CORPORATION,
 Prime Contractor

**DETERMINATION
&
ORDER**

Prevailing Rate Cases
 98-8178 Monroe & Genesee,
 Counties
 98-8177 Erie 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 February 1, 2010:

NOW, THEREFORE, upon review of the Hearing Officer's Default Report & Recommendation, the Notice of Hearing and evidence submitted in support thereof, the Answers served by or on behalf of Respondents GBE Contracting Corp (Hearing Officer Ex. 5) and John

Rusin (Hearing Officer Ex. 9) raising general denials thereto, the notice to the department that Respondents GBE Contracting Corp. and John Rusin would not appear at the Hearing and the consent of the attorneys for GBE Contracting Corp. and Matsos Contracting Corporation that the hearing proceed as a default (T. 9; Hearing Officer Ex. 9), and upon the failure of GBE Contracting Corp., Matsos Contracting Corporation, Shinas Contracting Corp., DTM Contracting Corp., George Shinas, Gregorios Demetrulacos, John Rusin, William Tzivelekis, Ilias Matsopoulos, and Emelia Shinas, all of the Respondents named herein, to appear at the Hearing to controvert any of the allegations set forth in the Notice of Hearing, 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: February 2, 2010
Albany, New York



M. Patricia Smith
Commissioner of Labor
State of New York