

STATE OF NEW YORK: DEPARTMENT OF LABOR

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In the Matter of

MILESTONE ENVIRONMENTAL CORPORATION,
and GABRIEL FRASSETTI, as an officer and/or
shareholder of MILESTONE ENVIRONMENTAL
CORPORATION,

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 Dormitory
Authority – State of New York.

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In the Matter of

MILESTONE ENVIRONMENTAL CORPORATION,
and GABRIEL FRASSETTI, as an officer and/or
shareholder of MILESTONE ENVIRONMENTAL
CORPORATION,

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 Rondout Valley
High School.

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SECOND DEFAULT
REPORT
&
RECOMMENDATION

Prevailing Rate Case
PRC No. 2008001524
Case ID: PW01 2010018080
Bronx County

Prevailing Rate Case
PRC No. 2008008505
Case ID: PW01 2012004529
Ulster County

Pursuant to a Notice of Hearing issued on February 21, 2019, a hearing was held on April 1, 2019, in Albany, New York. The purpose of the hearing was to provide all parties an opportunity to be heard on the issues raised in the Notice of Hearing and to establish a record from which the Hearing Officer could prepare this Report and Recommendation for the Commissioner of Labor.

A hearing in this matter was previously held on May 16 and November 30, 2017, and Respondent Milestone Environmental Corporation failed to appear. As a result, the Hearing Officer issued a Default Report and Recommendation on November 30, 2017. The Commissioner of Labor then issued a Determination and Order accepting the Report and

Recommendation, and the Determination and Order and Report and Recommendation were filed on December 8, 2017.

On January 8, 2018 Respondent, through its counsel, made a Motion to Reopen the proceeding. The Commissioner granted the Motion on September 11, 2018, and the new hearing date of April 1, 2019, was established.

After the issuance of the new Notice of Hearing, the Hearing Officer received a telephone call from Gabriel Frasseti, a principal of Milestone Environmental Corporation, on February 20, 2019. The Hearing Officer confirmed the hearing dates and informed Mr. Frasseti that he had the option to appear in New York City at the Department of Labor's Varick Street Office. Mr. Frasseti stated that he would do so.

Upon opening the hearing on April 1, 2019, the Hearing Officer noted that Respondent had failed to appear at the scheduled time. After waiting one-half hour, the Hearing Officer closed the hearing, stating that Respondent would be deemed in default absent an appearance later in the day and an explanation of the failure to make a timely appearance.

Later the same day, the Hearing Officer received a telephone call from an individual who identified herself as the daughter of Gabriel Frasseti. Ms. Frasseti stated that the Respondent "didn't think" the hearing was "today." She also stated that Respondent had no records and had nothing to say.

Based upon the events as described, I find Respondent to once again be in default in this proceeding. As there has been no change to the record created in this matter, I recommend that the Commissioner of Labor adopt the prior Report and Recommendation of the Hearing Officer issued on November 30, 2017, attached hereto, and made a part hereof, and make the determinations and orders recommended therein.

Dated: April 5, 2019
Albany, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerome Tracy", with a long horizontal line extending to the right.

Jerome Tracy, Hearing Officer