

STATE OF NEW YORK      DEPARTMENT OF LABOR

IN THE MATTER OF

JAMES L. NUGENT,  
Individually as an Officer of ROOFCARE, INC.

and

KEVIN ELMES  
Individually as an Officer of  
ROOFCARE, INC.

**DETERMINATION  
&  
ORDER**

Prevailing Rate Case  
99-05286 Westchester 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 Report & Recommendation dated January 14, 2010:

NOW, upon review of the entire record, and upon reading the Hearing Officer's Report & Recommendation, and due deliberation having been had thereon, it is

ORDERED that the Hearing Officer's findings of fact and conclusions of law 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: January 21, 2010  
Albany, New York

A handwritten signature in black ink that reads "M Patricia Smith". The signature is written in a cursive style with a horizontal line underneath it.

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M. Patricia Smith  
Commissioner of Labor  
State of New York