

Settlement Agreement between the Maine Department of Labor and Hyde Park Burgers, LLC. D/B/A Five Guys Burger and Fries, Inspection #451638

This Agreement is entered into by and between the Maine Department of Labor, Bureau of Labor Standards and Hyde Park Burgers, LLC D/B/A Five Guys Burgers and Fries (hereinafter called "Employer") to address and resolve violations of Title 26 set forth in the attached citation letter dated August 9, 2021, Inspection # 451638.

RECITALS

Hyde Park Burgers, LLC is a corporation in good standing authorized to do business in Maine. Greg Vasey is the managing partner and he is authorized to bind the corporation and enter into this Settlement Agreement.

TERMS

Compliance Monitoring

For two (2) years following the execution of this Agreement by the Director, the employer shall provide The Maine Department of Labor, hereinafter called "Agency", access to EMPLOYER'S place(s) of business, records necessary to establish compliance with state and federal wage & hour laws and this Agreement and contact information for employees upon request. EMPLOYER shall submit records to AGENCY within five (5) calendar days of a request for records under this Paragraph.

Internal complaint and investigatory procedure

EMPLOYER agrees that within sixty (60) days of the full execution of this Agreement, EMPLOYER shall create and implement procedures, subject to the AGENCY'S approval,

- A. For employees to complain to EMPLOYER regarding violations of this Agreement or violations of any of the laws enforced by AGENCY; and
- B. For the investigation and resolution of any complaints regarding such alleged violations.

EMPLOYER agrees to maintain a written log of all formal or informal complaints by employees or their representatives that shall include a written record of at least the following information:

- (a) name of the complainant;**
- (b) nature of the complaint;**
- (c) person to whom the complaint was made;**
- (d) date of complaint,**
- (e) nature of the investigation into the complaint;**
- (f) resolution of the complaint;**
- (g) date of the resolution of the complaint; and**
- (h) date the resolution was communicated to the complainant.**

EMPLOYER agrees to maintain these records for a period of at least three (3) years after the Agreement is executed by the Director and to produce such documents to the AGENCY on the first day of each calendar quarter until January 1, 2024.

Employer training (given by agency)

Within ninety (90) days of the Director's execution of this Agreement, EMPLOYER shall contact the AGENCY'S Chief Labor & Safety Inspector, Bartlett Hutchinson, at 207-623-7951 to schedule training.

Within Nine (9) months of the Director's execution of this Agreement, EMPLOYER and all management staff shall attend training hosted by the AGENCY. Management includes each individual who supervises or will supervise any of EMPLOYER'S employees in Maine. EMPLOYER shall count training as hours worked for anyone in management that may attend.

Acknowledgement and Admission of violations

Employer acknowledges and admits to the violations of 26 MRS §621-A, §774 (1), and §774 (2) identified on the citation letter dated August 9, 2021, attached to this agreement.

Technical assistance

Offer of technical assistance

AGENCY invites EMPLOYER to contact Chief Labor & Safety Inspector, Bartlett Hutchinson, at 207-623-7951 for confidential technical assistance.

COMPROMISE OF PENALTIES

EMPLOYER agrees to pay liquidated damages totaling twice the amount of wages owed to each employee identified on the citation letter dated August 9, 2021 by November 1, 2021. EMPLOYER agrees to pay \$3,280.00 of the assessed penalty upon execution of this Agreement. AGENCY agrees to suspend the remaining balance of \$29,520.00 if EMPLOYER complies with the terms of this Agreement and has no additional violations of 26 MRS sections §621-A, §774 (1), and §774 (2) for two years from the date of the Agreement.

By entering into this Settlement Agreement, EMPLOYER waives its right to appeal the findings of the violations set forth in the attached citation letter.

In the event of any breach of this Settlement Agreement, AGENCY may enforce the entire amount of the penalties set forth in the attached citation letter, along with penalties for any additional violations subsequent to the date of this Agreement in State of Maine Superior Court.

Signature(s)



Michael Roland, Bureau Director

Date: 10/7/21



Greg Vasey, Managing Partner

Date: 10/7/21