



DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
45 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0045

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WAGE & HOUR DIVISION

MICHAEL ROLAND
DIRECTOR

October 12, 2021

Taylor Perkins
D/B/A York Beach Surf Club
A/K/A Howdy Hospitality
P.O. Box 1122
York Harbor, ME 03911

RE: Violations of 26 MRS, Inspection #458608
Certified Mail: 7015 1520 0001 0962 8645

Dear Taylor Perkins,

When our Inspector, Stephanie Harfoush, contacted your place of business on July 6, 2021 the following violations of Maine Labor Law were found:

26 MRS §621-A Timely and Full Payment of Wages requires that employees be paid in full, on an established day or date, at regular intervals made known to the employee. The intervals may not exceed 16 days and must include all wages earned to within 8 days of the payment date.

In this case, the employer failed to pay [REDACTED] and [REDACTED] on the established pay dates of 06/23/2021, 07/07/2021, and 07/21/2021. Payment was made on 07/27/2021. In addition, [REDACTED] was not paid in full on 07/27/2021 because \$15.00 was deducted from her pay as a wire transfer fee.

26 MRS §622 Records requires that employers keep a true record showing the date and amount paid to each employee. Every employer shall keep a daily record of the time worked by each such employee. Records required to be kept by this section must be accessible to any representative of the department at any reasonable hour.

In this case, the employer failed to provide the department representative access to payroll records and time records in accordance with this statute. Requests for records were made on 07/08/2021, 07/12/2021 and 07/22/2021.

Quarterly reports filed by the employer identify four employees in the first quarter of 2021 and 28 employees in the second quarter of 2021.

26 MRS §626-A PENALTIES Whoever violates any of the provisions of sections 621-A to 623 or section 626, 628, 629 or 629-B is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation. Each employee is counted as a separate violation, each pay cycle.

- 7 violations of §621-A
- 32 violations of §622

26 MRS §663 (5) Wages. "Wages" paid to any employee includes compensation paid to the employee in the form of legal tender of the United States and checks on banks convertible into cash on demand and includes the reasonable cost to the employer who furnishes the employee board or lodging. "Wages" also includes compensation paid through a direct deposit system, automated teller machine card or other means of electronic transfer as long as the employee either can make an initial withdrawal of the entire net pay without additional cost to the employee or the employee can choose another means of payment that involves no additional cost to the employee.

In this case, [REDACTED] had a \$15.00 wire transfer fee deducted from her final pay. [REDACTED] was not given the option to choose another means of payment that would have involved no additional cost to her.

26 MRS §665 (1) Pay Statement requires that employers provide to the employee with each payment of wages a statement which clearly shows the date of the pay period, hours worked, total earnings and itemized deductions.

In this case, the employer failed to provide detailed pay statements with each payment of wages to [REDACTED] on 04/14/2021, 04/28/2021, 05/12/2021, 05/26/2021, 06/09/2021, and 07/27/2021.

The employer failed to provide a detailed pay statement with the payment of wages to [REDACTED] on 07/27/2021.

26 MRS §671 PENALTIES Any employer who violates this subchapter shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$200. In the event of the violation of any of the provisions of this subchapter, the Attorney General may institute injunction proceedings in the Superior Court to enjoin further violation thereof.

- 1 violation of §663
- 7 violations of §665

The total penalty for the above violation(s) is \$4,300.00.

Make checks payable to the "Treasurer, State of Maine"

The violations identified above will become a final order within fifteen (15) business days from the day it was received unless you request a penalty discussion or file an appeal (see employer options) within the specified time frame listed above.

Employer options (within 15 business days):

If you intend to correct all violations identified and wish to work with the Wage & Hour Division to possibly reduce the penalty amount, you may request a “Penalty Discussion”. This discussion will pertain only to the penalty(s) and not the violation(s). All proposed penalties will be stayed until after the penalty discussion.

Or

You may file a formal appeal of any violation or penalty within fifteen (15) days of receipt of this citation. Please be specific as to what violation(s) or penalty you wish to appeal. If a request for a formal appeal is received, the Director will set a time and date for a “hearing”. The Director will serve as the hearing officer or may assign the appeal to the Administrative Hearings Division within the Department of Labor. The hearing will be at the headquarters of the Bureau or at a place mutually agreeable to the parties. All proposed penalties will be stayed until after the formal appeal is heard.

As the employer, you must respond in writing to the Director of the Bureau, at the address above, within fifteen (15) business days of receipt of this report stating what option you intend to choose. If no response is received within that time frame you accept all citations and any penalties assessed. The citation will become a final order and payment will be due at that time, made payable to **“Treasurer, State of Maine” and mailed to the address at the top of this citation.**

We strongly recommend that any correspondence be sent by certified mail. Failure to correct violations may result in additional penalties for each violation that is not corrected.

If you have questions regarding this citation, you may contact the Bureau of Labor Standards, Wage & Hour Division at (207) 623-7900.

Dates to remember:

Respond in writing, to the Director of the Bureau within fifteen (15) business days of receipt of this citation indicating what option you choose.

Respectfully,



Scott Cotnoir, Director
Wage and Hour Division
Inspection # 458608