



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

LAURA A. FORTMAN
 COMMISSIONER

JANET T. MILLS
 GOVERNOR

WAGE & HOUR DIVISION

MICHAEL ROLAND
 DIRECTOR

August 8, 2022

Shannon's Best Buds LLC
 c/o Jill G. Polster, Esq.
 Managing Partner
 Cohen Law Maine PLLC
 P.O. Box 5404
 Portland, ME 04101

RE: Violations of 26 MRS. Inspection #462279
 Certified Mail: 7015 1520 0001 0962 9642

Dear Michael Shannon,

When our inspector investigated a complaint against your place of business on February 18, 2022 and thereafter, the following violations of Maine Labor Law were found:

26 MRS §622 Records Every employer shall keep a true record showing the date and amount paid to each employee pursuant to section 621-A. Every employer shall keep a daily record of the time worked by each such employee unless the employee is paid a salary that is fixed without regard for the number of hours worked. 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 give the department representative access to the time records for the below named employees in accordance with this statute. The employer only provided bi-weekly payroll records and stated that the time records were unreliable and therefore unavailable.

<u>Name of Employee</u>	<u>Dates of employment</u>	<u># of weeks worked</u>
[REDACTED]	10/18/2021 to 02/06/2022	8
[REDACTED]	08/23/2021 to 02/06.2022	12
[REDACTED]	11/14/2021 to 02/06/2022	6
[REDACTED]	08/23/2021 to 11/28/2021	7
[REDACTED]	10/18/2021 to 11/28/2021	3
[REDACTED]	01/01/2021 to 02/06/2022	29
[REDACTED]	09/06/2021 to 02/06/2022	13
[REDACTED]	10/18/2021 to 02/06/2022	8
[REDACTED]	04/19/2021 to 05/30/2021	3
[REDACTED]	10/18/2021 to 12/26/2021	5



01/01/2021 to 11/28/2021	23
01/01/2021 to 02/06/2022	29
01/25/2021 to 02/06/2022	27

Total number of time record violations 173

26 MRS §626-A. Penalties Whoever violates any of the provisions of section 600-A, sections 621-A to 623 or section 626, 628, 628-A, 629 or 629-B is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation.

- **173 violations of 26 MRS §622 x \$100 = \$17,300.00**

The total penalty for the above violation(s) is \$17,300.00.

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 # 462279