

KATHLEEN M. PHILLIPS
MARK RICHARD *
OSNAT K. RIND
CHRISTINA GORNAIL
LUCIA PIVA
HOLLY OLIVA-VAN HORSTEN **
*Also Admitted in DC & NY
**Board Certified Labor And Employment Law

OF COUNSEL:
LIBBY HERRERA-NAVARRETE, P.A.



PHILLIPS, RICHARD & RIND, P.A.
ATTORNEYS AT LAW

IUOE LOCAL 487 FRINGE BENEFIT TRUST FUNDS

Revised Trustees' Report¹

Thursday, May 11, 2023

COLLECTIONS²

Zeiger Crane Rental

Referenced for service fees

The Administrators sent a demand letter on December 28, 2022 and a subsequent letter on January 23, 2023 for the unpaid service fees assessed for late payment of contributions for the period of December 2022. A collection letter was sent by the fund counsel on February 1, 2023 via Certified Mail for the total amount of \$3,552.66. On January 9, 2023, employer sent a letter requesting a waiver for the period, claiming technical issues with the accounting software and a delay in their receivables. **It was determined that Zeiger Crane Rental does not qualify for the waiver of the November 2022 late fees, as a waiver had been previously granted for the period of March 2020 and waivers can only be granted once in a three (3) year rolling period. The employer was notified. The administrators confirmed that payment was received on March 10, 2023.**

Berkel & Company, Contractors, Inc.

Referenced for service fees

The Administrators sent a demand letter on March 20, 2023 and a subsequent letter on April 5, 2023 for the unpaid service fees assessed for late payment of contributions for the period of January and February 2023. A collection letter was sent by the fund counsel on April 21, 2023 via Certified Mail for the total amount of \$688.68, inclusive of attorney's fees in the amount of \$310. On May 2, 2023, the employer contacted fund counsel's office requesting a waiver of the fees. **On May 8, 2023 administrator's office confirmed that both payments have been received. Your consideration of the fee waiver is requested.**

¹ **Confidentiality:** *The information contained in this report is intended for the use of the Trustees of the above-designated Funds. It is an attorney-client communication and, as such, is privileged and confidential. Review by anyone other than a designated Trustee is prohibited, as is dissemination, distribution or copying of this report.*

² **Collection Policy:** *Per the policy of this board, the threshold for collection of service fees is \$250. Waivers of service fees per the board policy are allowed if the following is requirements have been met: 1) Waivers are not granted automatically. Employers must show they qualify and are eligible for the waiver; 2) The Employer must be current in its contribution payments and must have timely made all other contribution payments within the last 12 months; 3) Waivers may only be granted once in a three (3) year rolling period upon request; 4) Waivers can only be granted for a two (2) month consecutive period within the three-year period; 5) All other fees remain due and owing and must be paid in full prior to the waiver of the fees; 6) Current economic conditions will be considered.*

United Excavations, Inc. **Referenced for service fees & delinquent contributions**

The Administrators sent a demand letter on March 17, 2023 and a subsequent letter on April 17, 2023 for payment of contributions for the period of May 2022 as well as late fees. A collection letter was sent by the fund counsel on April 21, 2023 for the total amount owed plus \$310.00 incurred in fees and costs. **The Administrators has confirmed receipt of the late contributions for May 2023, but United Excavations failed to pay the service fee assessed. On May 4, 2023, the Administrators sent a demand letter for the for the unpaid service fees \$764.51. To date, no payment has been received.**

Malcolm Drilling **Referenced for delinquent contributions**

The Administrators sent a demand letter on April 17, 2023 for payment of contributions owed for the period of February 2023. **The administrators confirmed that no payment has been received to-date from the employer.**

North American Crane & Rigging, LLC **Referenced for delinquent contributions**

The Administrators sent a demand letter on March 17, 2023 and a subsequent letter on April 17, 2023 for the payment of contributions for the periods of November 2022, January and February 2023. **A demand letter was sent by the fund counsel on April 21, 2023 requesting reports and contributions for the total amount owed plus \$310.00 incurred in fees and costs. To-date, no payment has been received.**

Keller North America, Inc. **Referenced for delinquent contributions**

The Administrators sent a demand letter on March 17, 2023 and a subsequent letter on April 17, 2023 for the payment of contributions for the periods of March, May, July, October, November and December 2022, and January and February 2023. **A collection letter was sent by the fund counsel on April 21, 2023 requesting reports and contributions for the total amount owed plus \$310.00 incurred in fees and costs. To-date, no payment has been received.**

RANDOM SHOP AUDITS

On November 10, 2022, the administrators identified these five employers for random shop audit: 1) Sims Crane & Equipment, 2) Laney Directional Drilling, 3) PreCon Construction, 4) Williams Specialty Service, and 5) Zeiger Crane Rental. Correspondence dated November 21, 2022 was mailed to these employers advising of the payroll audit being conducted by Bellows Associates in accordance with the Agreement and Declaration of Trust and Collection Procedures.

On May 10, 2023 the Auditors provided us with the following update:

- Sims Crane & Equipment: still pending documents from contractor.
- Laney Directional Drilling: reviewing documents received in April.
- PreCon Construction: still pending documents from contractor.
- Williams Specialty Service: still pending documents from contractor.
- Zeiger Crane Rental: still pending documents from contractor.