

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.



IUOE LOCAL 487 FRINGE BENEFIT TRUST FUNDS

Revised Trustees' Report¹

Thursday, August 10, 2023

COLLECTIONS²

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. **On May 11, 2023 trustees considered Berkel's request for a waiver of the additional fees of \$310.00, and voted to deny such request. On May 23, 2023, counsel's office received Berkel's additional payment and forward it to the administrator's office.**

Florida Rigging & Crane Company

Referenced for service fees

The Administrators sent a demand letter on July 19, 2023 in the amount of \$499.69 for the late payment of March and April 2023 contributions (\$218.21 and \$281.48, respectively). Fund counsel's office sent a subsequent demand letter on July 24, 2023 via Certified Mail for the total amount of \$809.69, inclusive of attorney's fees in the amount of \$310. On 8/9/2023, Administrators confirmed that a payment of \$499.69 was received on 8/3/2023, but employer did not include the \$310 assessed in attorney's fees. A letter will be sent to the employer for that amount.

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 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. On May 4, 2023, the Administrators sent another demand letter for the for the unpaid service fees \$764.51. **On July 24, 2023, fund counsel's office sent a second collection letter via Certified Mail for the total amount outstanding of \$1,074.51 (\$764.51 in late fees and \$310 in fees and costs). On August 4, 2023, counsel's office received communication from the employer with copies of payments made and reports corresponding to the above-referenced period, and requesting a waiver of the \$1,074.51 assessed. They claimed that a first payment of contributions was made on 6/12/2022 but check did not clear; therefore, check was voided and payment reissued on 4/10/2023, which it cleared their bank on 4/21/2023. Administrator's office confirmed that the contributions payment was received and no further contributions/reports are due. Last waiver granted to United Excavations was for the period of 9/2019 in the amount of \$799.57, which was approved on 12/18/2019.**

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 under a Key Man agreement. **On July 20, 2023, the administrators confirmed that Key Man agreement was closed out; no payments are due.**

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

This is a project on which there is one operator working. 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. We were advised that there were no hours worked for November 2022. A second letter was sent on August 7, 2023 for the months of January, February and a portion of March, 2023. 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. **On July 20, 2023, the administrators confirmed that the Key Man agreement was closed out; no payments are due.**

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 August 1, 2023 the Auditors provided us with the following update:

- Sims Crane & Equipment: still pending documents from contractor.
- Laney Directional Drilling: in review.
- PreCon Construction: still pending documents from contractor. Per the request of the auditor, a letter was sent to this employer reminding them of their obligations under the CBA and Trust document to comply with payroll audit requests; the employer has agreed to provide certain additional information but has not fully complied. Further follow up is required.
- Williams Specialty Service: in review. On 7/22/23, the employer, along with its affiliated entities, filed for Chapter 11 bankruptcy protection. So, any amounts that might be owed would have to go through the bankruptcy procedure. The deadline for filing a proof of claim with the bankruptcy court has not yet been set.
- Zeiger Crane Rental: in review.

