



## **Crum School in Wayne County**

- County stuck with repairs to damaged gym floors due to improper concrete pours
- Project bid in 2016 still isn't complete
- County officials threaten "Contractor Default" against contractor Swope Construction for failing to complete work
- Winning bidder Swope Construction hired subcontractors from out of the area who brought in workers from Honduras and Mexico
- Engineering firm for the project **REJECTED** Swope's work on ICF walls and anchor bolts.

**Click on items below for documentation:**

<b>Engineering Firm Rejection Letters . . . . .</b>	<b>2</b>
<b>Payroll Records</b>	
<b>Set In Stone, Inc. . . . .</b>	<b>5</b>
<b>Greystar Construction, Inc. . . . .</b>	<b>9</b>
<b>Crum PK8 WWTP Issue Documents . . . . .</b>	<b>18</b>



September 30, 2016

Ms. Hollie R. Massie  
Swope Construction Co.  
100 Price Industrial Lane  
Huntington, WV 25705

**Subject: Crum Pre K-8 School – ICF Walls**

Dear Ms. Massie:

This letter is to inform you that we are rejecting the installation of the ICF walls due to voids within the concrete walls. Swope Construction needs to verify the extent of all the voids in the ICF walls in a manner approved by the ICF manufacturer. After the extents of voids are determined, provide an engineered design by a professional engineer licensed in the state of West Virginia to repair the problem areas. This design needs to be stamped and signed by the engineer and approved by both the ICF manufacturer and ZMM prior to implementation.

Please contact this office with any questions.

Respectfully submitted,  
**ZMM, Inc.**



Nathaniel H Spencer, AIA

cc: Lee Turley  
David Ferguson  
Matt Stanley  
Michael Hall



September 30, 2016

Ms. Hollie R. Massie  
Swope Construction Co.  
100 Price Industrial Lane  
Huntington, WV 25705

**Subject: Crum Pre K-8 School - Anchor Bolts**

Dear Ms. Massie:

This letter is to inform you that we are rejecting the installation of the column anchor bolts in area 'C'. Anchor bolts need to be plumb and the nuts need to be square with the base plate. The nuts are to be two threads minimum below the top of the bolt. Swope Construction needs to propose a solution to ZMM for approval.

Please contact this office with any questions.

Respectfully submitted,  
**ZMM, Inc.**

A handwritten signature in blue ink, appearing to read "N. Spencer".

Nathaniel H Spencer, AIA

cc: Lee Turley  
David Ferguson  
Matt Stanley  
Michael Hall



September 30, 2016

Ms. Hollie R. Massie  
Swope Construction Co.  
100 Price Industrial Lane  
Huntington, WV 25705

**Subject: Crum Pre K-8 School – ICF Feature Wall**

Dear Ms. Massie:

This letter is to inform you that we are rejecting the installation of the ICF feature wall running the length of Corridor 103 and Vestibule 101. The finish of this wall does not match the finish at the sample mockup panel. Swope Construction needs to propose a solution to ZMM for approval.

Please contact this office with any questions.

Respectfully submitted,  
**ZMM, Inc.**

A handwritten signature in blue ink, appearing to read "Nathaniel H. Spencer". The signature is stylized with a large loop and a long horizontal stroke.

Nathaniel H Spencer, AIA

cc: Lee Turley  
David Ferguson  
Matt Stanley  
Michael Hall

**PAYROLL**

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm))  
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U.S. Wage and Hour Division  
Rev. Dec. 2008

OMB No.: 1235-0008  
Expires: 02/28/2018

NAME OF CONTRACTOR  OR SUBCONTRACTOR  **Set In Stone Inc** ADDRESS **3615 Sunrise Ave  
Roanoke, VA 24012**

PAYROLL NO. **1** FOR WEEK ENDING **05/22/2016** PROJECT AND LOCATION **Crum Pra K-8 School  
Crum, WV 25689** PROJECT OR CONTRACT NO. **15-20**

p.2  
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(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT OR ST	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS				(9) NET WAGES PAID FOR WEEK	
				Mon	Tue	Wed	Thu	Fri	Sat	Sun				FICA	WITH-HOLDING TAX	OTHER	TOTAL DEDUCTIONS		
				05/16	05/17	05/18	05/19	05/20	05/21	05/22				HOURS WORKED EACH DAY					
Miguel M Ledezma	3	Laborer Class III	O	7.00	7.00	8.50	8.50					31.00	\$22.23	\$1,106.08	\$84.62	\$140.61		\$225.23	\$880.85
			E	7.00	7.00	8.50	8.50				31.00	13.45	\$1,106.08						
Seraldo Munoz Munoz	6	Laborer Class III	O	7.00	7.00	8.50	8.50					31.00	\$22.23	\$1,106.08	\$84.61	\$102.48		\$187.09	\$918.99
			B	7.00	7.00	8.50	8.50				31.00	13.45	\$1,106.08						
Victor M Munoz	5	Laborer Class III	O	7.00	7.00	8.50	8.50					31.00	\$22.23	\$1,106.08	\$84.62	\$142.28		\$226.90	\$879.18
			B	7.00	7.00	8.50	8.50				31.00	13.45	\$1,106.08						
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and Federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

**Public Burden Statement**  
We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210

Date 05/25/2016

I, Marla A Muniz Secretary  
(Name of Signatory Party) (Title)  
do hereby state:

(1) That I pay or supervise the payment of the persons employed by  
Set In Stone Inc on the  
(Contractor or Subcontractor)  
Crum Pra K-8 School; that during the payroll period commencing on the  
(Building or Work)  
16 day of May 2016 and ending the 22 day of May 2016  
all persons employed on said project have been paid the full weekly wages earned, that no rebates have  
been or will be made either directly or indirectly to or on behalf of said  
Set In Stone Inc  
(Contractor or Subcontractor) from the full

weekly wages earned by any person and that no deductions have been made either directly or indirectly  
from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part  
3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948,  
63 Stat. 108, 72 Stat. 867; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are  
correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the  
applicable wage rates contained in any wage determination incorporated into the contract; that the classifications  
set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship  
program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and  
Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered  
with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That  
(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

- in addition to the basic hourly wage rates paid to each laborer or mechanic listed in  
the above referenced payroll, payments of fringe benefits as listed in the contract  
have been or will be made to appropriate programs for the benefit of such employees,  
except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- Each laborer or mechanic listed in the above referenced payroll has been paid,  
as indicated on the payroll, an amount not less than the sum of the applicable  
basic hourly wage rate plus the amount of the required fringe benefits as listed  
in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE  
Marla A Muniz Secretary  
SIGNATURE  
Marla A Muniz  
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR  
SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1009 OF TITLE 18 AND SECTION 231 OF TITLE  
31 OF THE UNITED STATES CODE.

p.3

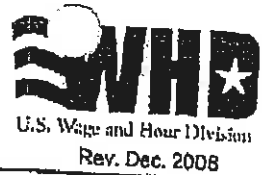
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PAYROLL

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm))  
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NAME OF CONTRACTOR  OR SUBCONTRACTOR  **Set In Stone Inc** ADDRESS **3615 Sunrise Ave  
Roanoke VA 24012**

PAYROLL NO. **2** FOR WEEK ENDING **05/28/2016** PROJECT AND LOCATION **Crum Pre K-8 School  
Crum, WV 25868** PROJECT OR CONTRACT NO. **15-20**

OMB No.: 1235-0008  
Expires: 02/28/2018

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITH-HOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT, DR, ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS				(9) NET WAGES PAID FOR WEEK					
				Mon	Tue	Wed	Thu	Fri	Sat	Sun				FICA	WITH- HOLDING TAX	OTHER	TO-TAL DEDUCTIONS						
				05/23	05/24	05/25	05/26	05/27	05/28	05/29													
Luis A Cadillo	1	Laborer Class III	O	7.00	10.00						17.00	\$35.68	\$606.56					\$65.91	\$115.29		\$181.20	\$680.36	
Juan I Hernandez	3	Laborer Class III	O		10.00						10.00	\$35.68	\$356.80					\$62.39	\$107.45		\$169.84	\$645.84	
Miguel M Ledezma	3	Laborer Class III Cement Mason	O	7.00							7.00	\$35.68	\$249.68					\$77.04	\$120.09		\$197.13	\$810.03	
Jose M Muniz	4	Cement Mason	O		10.00						10.00	\$41.74	\$417.40					\$66.69	\$79.27		\$145.96	\$725.76	
Juan D Muniz	3	Laborer Class III	O	7.00	10.00						17.00	\$35.68	\$606.56					\$99.51	\$181.01		\$280.52	\$1,020.28	
Senaldo Munoz Munoz	6	Laborer Class III	O	7.00	10.00						17.00	\$35.68	\$606.56					\$69.81	\$66.11		\$135.92	\$776.64	
Victor M Munoz	5	Laborer Class III	O	3.00	13.00						16.00	\$35.68	\$570.88					\$117.31	\$268.62		\$385.93	\$1,147.51	
Sebastian Rodriguez	2	Laborer Class III Cement Mason	O	3.00							3.00	\$35.68	\$107.04					\$123.34	\$258.35		\$381.69	\$1,230.53	
			S		13.00						13.00	\$41.74	\$542.62										
													\$1,612.22										

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(b). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210

Public Burden Statement

Date 06/01/2016

I, Maria A Muniz Secretary  
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

Set In Stone Inc

(Contractor or Subcontractor)

on the

Crum Pre K-8 School

(Building or Work)

; that during the payroll period commencing on the

23 day of May, 2016, and ending the 29 day of May, 2016

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Set In Stone Inc

(Contractor or Subcontractor)

from the full

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

- In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE  
Marla A Muniz Secretary

SIGNATURE

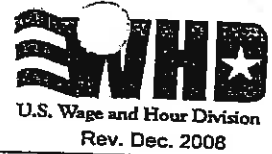
*M. A. Muniz*

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.



**PAYROLL**

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm))



Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

NAME OF CONTRACTOR  OR SUBCONTRACTOR  Greystar Construction Inc. ADDRESS 1757 Granby St. NE Suite B Roanoke, VA 24012

PAYROLL NO. 6 FOR WEEK ENDING 05/10/2016 PROJECT AND LOCATION 16002-Crum PK-8 School 150 School St. Crum, WV 25669 PROJECT OR CONTRACT NO.

OMB No.: 1235-0008 Expires: 01/31/2015

(1) Name and Individual Identifying number (e.g. last four digits of Social Security number) of worker	(2) # of W/H Expmp.	(3) Work Classification	(4) DAY AND DATE							(5) Earm Code	(6) Rate of Pay	(7) Gross Amount Earned	(8) DEDUCTIONS				(9) Net Wages Paid For Week		
			WED	THU	FRI	SAT	SUN	MON	TUE				FICA	Fed W/H Tax	State & Local W/H Tax	Union Deductions		Other	Total Deductions
HOURS WORKED EACH DAY																			
											Total Hours	Non-Hourly*							
Cedillo, Manuel A 180 Huntington Blvd NE Roanoke, VA 24012-3624	M3	GENERAL LABORER	REG	11.98	8.11				10.50	9.12	39.71	22.23/13.07	1,401.76	107.23	132.72	69.25		309.20	1,092.56
Cyracks, Zachary M 4 Dressler Drive Jacksonville, NC 28540	S8	GENERAL LABORER	REG	12.02	8.01				10.52	9.13	39.68	22.23/13.28	1,409.04	107.79	104.35	68.00		280.14	1,128.90
DeiCid, Feliciano 1716 Empress Dr. NW Roanoke, VA 24012-7246	S3	GENERAL LABORER	REG	12.04	8.05				10.52	9.17	39.78	22.23/12.70	1,389.52	106.30	196.83	68.54		371.67	1,017.85
DeiCid, Lucio 1716 Empress Dr. Apt. 8F Roanoke, VA 24012	S4	GENERAL LABORER	REG	11.97	8.05				10.49	9.17	39.68	22.23/13.11	1,402.29	107.28	180.55	68.25		356.08	1,046.21
Denuzzo, Raymond A 92 Camden Hill Hts. Sutton, WV 26601	S0	GENERAL LABORER	REG	11.97	8.06				10.51	9.13	39.67	22.23/13.45	1,415.42	108.28	261.72	67.87		437.87	977.55
Denuzzo, Raymond L 92 Camden Hill Sutton, WV 26601	M1	CARPENTER	REG	12.02	7.90				10.43	9.30	39.65	29.04/18.30	1,877.04	143.59	246.04	106.53	97.50	593.66	1,283.38
Friend, Matthew W 979 Chapel Rd. Gassaway, WV 26624	M1	GENERAL LABORER	REG	12.04	7.97				10.45	9.25	39.71	22.23/13.27	1,409.70	107.84	157.27	78.65		343.76	1,065.94

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 33.53(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(i) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

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**PAYROLL**

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm))



U.S. Wage and Hour Division  
Rev. Dec. 2008

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NAME OF CONTRACTOR  OR SUBCONTRACTOR  Greystar Construction Inc. ADDRESS 1757 Granby St. NE Suite B Roanoke, VA 24012

OMB No.: 1235-0008  
Expires: 01/31/2015

PAYROLL NO 6 FOR WEEK ENDING 05/10/2016 PROJECT AND LOCATION 16002-Crum PK-8 School 150 School St. Crum, WV 25669 PROJECT OR CONTRACT NO

(1) Name and Individual Identifying number (e.g. last four digits of Social Security number) of worker	(2) # of W/H Exmp	(3) Work Classification	(4) DAY AND DATE							(5) Total Hours	(6) Rate of Pay Non-Hourly*	(7) Gross Amount Earned	(8) DEDUCTIONS				(9) Net Wages Paid For Week		
			WED	THU	FRI	SAT	SUN	MON	TUE				FICA	Fed W/H Tax	State & Local W/H Tax	Union Deduc- tions		Other	Total Deductions
			Earn Code	05/04	05/05	05/06	05/07	05/08	05/09	05/10									
			HOURS WORKED EACH DAY																
Nettles, Codie A 231 1/2 Vine St. Beckley, WV 25801	S1	GENERAL LABORER	REG	11.90	8.00				10.50	9.08	39.48	22.23/13.30	1,402.72	107.31	239.07	67.04		413.42	989.30
											1,402.72								
Nolasco, Nelson J 3323 Trinkle Avenue NW Roanoke, VA 24012	S0	CARPENTER	REG	11.98	16.07			2.50	9.17	39.72	29.04/17.79	1,860.09	142.30	374.80	98.69		615.79	1,244.30	
											1,860.09								
Samples, Phillip L 121 Camden Hill Heights Sutton, WV 26601	S0	GENERAL LABORER	REG	11.95	8.02				10.51	9.07	39.55	22.23/13.27	1,404.03	107.41	308.87	69.63		485.91	918.12
											1,504.03								

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Date 05. 16

I, Cheryl Rader  
(Name of signatory party)

Payroll Department  
(Title)

do hereby state:

(1) That I pay or supervise payment of the persons employed by

Greystar Construction Inc.  
(Contractor or Subcontractor)

on the

Crum PK-8 School  
(Building or Work)

; that during the payroll period commencing on the

4th day of May, 2016, and ending the 10th day of May 2016,

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Greystar Construction Inc.  
(Contractor or Subcontractor)

from the full

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. 3145), and described below:

FICA, Medicare, Federal/State Withholding Taxes, NEW YORK STATE CHILD SUPPORT

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4 (c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)

EXPLANATION

Fringe

vacation benefit deducted

REMARKS:

NAME AND TITLE  
Cheryl Rader  
Payroll Department

SIGNATURE

Cheryl Rader

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE

**PAYROLL**

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm))



U.S. Wage and Hour Division  
Rev. Dec. 2008

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

NAME OF CONTRACTOR  OR SUBCONTRACTOR   
 Greystar Construction Inc. ADDRESS 1757 Granby St. NE Suite B  
 Roanoke, VA 24012

PAYROLL NO 7 FOR WEEK ENDING 05/17/2016 PROJECT AND LOCATION 16002-Crum PK-8 School  
 150 School St.  
 Crum, WV 25669

OMB No.: 1235-0008  
 Expires: 01/31/2015

(1) Name and Individual Identifying number (e.g. last four digits of Social Security number) of worker	(2) # of W/H Exmp	(3) Work Classification	(4) DAY AND DATE							(5) Total Hours	(6) Rate of Pay Non-Hourly*	(7) Gross Amount Earned	(8) DEDUCTIONS				(9) Net Wages Paid For Week			
			Earn Code	WED 05/11	THU 05/12	FRI 05/13	SAT 05/14	SUN 05/15	MON 05/16				TUE 05/17	FICA	Fed W/H Tax	State & Local W/H Tax		Union Deduc- tions	Other	Total Deductions
HOURS WORKED EACH DAY																				
Cedillo, Manuel A 180 Huntington Blvd NE Roanoke, VA 24012-3624	M3	GENERAL LABORER	REG	12.00	8.00				12.03	7.97	40.00	22.23/13.07	1,412.00	108.02	139.49	70.60			318.11	1,093.89
													1,514.24							
Cynacks, Zachary M 4 Dressler Drive Jacksonville, NC 28540	S8	GENERAL LABORER	REG	12.00	8.00				12.00	8.00	40.00	22.23/13.28	1,420.40	108.66	107.19	69.00			284.85	1,135.55
													1,420.40							
DelCid, Feliciano 1716 Empress Dr. NW Roanoke, VA 24012-7246	S3	GENERAL LABORER	REG	12.00	8.00				12.00	8.00	40.00	22.23/12.70	1,397.20	106.89	211.90	69.97			388.76	1,008.44
													1,710.94							
DelCid, Lucio 1716 Empress Dr. Apt. 8F Roanoke, VA 24012	S4	GENERAL LABORER	REG	12.00	8.00				12.00	8.00	40.00	22.23/13.11	1,413.60	108.14	189.19	69.32			366.65	1,046.95
													1,463.60							
Denuzzo, Raymond A 92 Camden Hill Hts. Sutton, WV 26601	S0	GENERAL LABORER	REG	12.00	8.00				12.00	8.00	40.00	22.23/13.45	1,427.20	109.18	264.66	68.63			442.47	984.73
													1,427.20							
Denuzzo, Raymond L 92 Camden Hill Sutton, WV 26601	M1	CARPENTER	REG	12.00	8.00				12.00	8.00	40.00	29.04/18.30	1,893.60	144.86	250.18	107.60		97.50	600.14	1,293.46
													1,993.60							
Friend, Matthew W 979 Chapel Rd. Gassaway WV 26624	M1	GENERAL LABORER	REG	12.00	8.00				12.00	8.00	40.00	22.23/13.27	1,420.00	108.63	158.82	79.32			346.77	1,073.23
													1,470.00							

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, ESA, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**PAYROLL**

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm))



Rev. Dec. 2008

OMB No.: 1235-0008  
Expires: 01/31/2015

NAME OF CONTRACTOR  OR SUBCONTRACTOR  **Greystar Construction Inc.** ADDRESS **1757 Granby St. NE Suite B Roanoke, VA 24012**

PAYROLL NO **7** FOR WEEK ENDING **05/17/2016** PROJECT AND LOCATION **16002-Crum PK-8 School 150 School St. Crum, WV 25669** PROJECT OR CONTRACT NO.

(1) Name and Individual Identifying number (e.g. last four digits of Social Security number) of worker	(2) # of W/H Exmpl	(3) Work Classification	(4) DAY AND DATE							(5) Total Hours (Non-Hourly)	(6) Rate of Pay	(7) Gross Amount Earned	(8) DEDUCTIONS				(9) Net Wages Paid For Week			
			WED 05/11	THU 05/12	FRI 05/13	SAT 05/14	SUN 05/15	MON 05/16	TUE 05/17				FICA	Fed W/H Tax	State & Local W/H Tax	Union Deduc- tions		Other	Total Deductions	
Nettles, Codie A 231 1/2 Vine St. Beckley, WV 25801	S1	GENERAL LABORER	REG	12.00	8.00				12.00	8.00	40.00	22.23/13.30	1,421.20	108.72	243.69	68.24			420.65	1,000.55
Nolasco, Nelson J 3323 Trinkle Avenue NW Roanoke, VA 24012	S0	CARPENTER	REG	12.00	8.00				12.00	8.00	40.00	29.04/17.79	1,873.20	143.30	386.28	99.88			629.46	1,243.74
Samples, Phillip L 121 Camden Hill Heights Sutton, WV 26601	S0	GENERAL LABORER	REG		12.00	8.00			12.00	8.00	40.00	22.23/13.27	1,420.00	108.63	312.86	70.67			492.16	927.84

White completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 33.55(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week - U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

**Public Burden Statement**  
We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, ESA, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Date Oct. 16/16

I, Cheryl Rader  
(Name of signatory party)

Payroll Department  
(Title)

do hereby state:

(1) That I pay or supervise payment of the persons employed by

Greystar Construction Inc.  
(Contractor or Subcontractor)

on the

Crum PK-8 School  
(Building or Work)

; that during the payroll period commencing on the

11th day of May, 2016, and ending the 17th day of May, 2016.

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Greystar Construction Inc.  
(Contractor or Subcontractor)

from the full

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. 3145), and described below:

FICA, Medicare, Federal/State Withholding Taxes, NEW YORK STATE CHILD SUPPORT

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4 (c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)

EXPLANATION

Fringe

vacation benefit deducted

REMARKS:

NAME AND TITLE

Cheryl Rader

Payroll Department

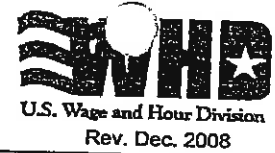
SIGNATURE

Cheryl Rader

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE

**PAYROLL**

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm))



Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input checked="" type="checkbox"/>		ADDRESS	
Greystar Construction Inc.		1757 Granby St. NE Suite B Roanoke, VA 24012	
PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION	PROJECT OR CONTRACT NO
8	05/24/2016	16002-Crum PK-8 School 150 School St. Crum, WV 25669	OMB No.: 1235-0008 Expires: 01/31/2015

(1) Name and Individual Identifying number (e.g. last four digits of Social Security number) of worker	(2) # of W/H 'Exmp	(3) Work Classification	(4) DAY AND DATE							(5) Total Hours	(6) Rate of Pay Non-Hourly*	(7) Gross Amount Earned	(8) DEDUCTIONS				(9) Net Wages Paid For Week		
			Eam Code	WED	THU	FRI	SAT	SUN	MON				TUE	FICA	Fed W/H Tax	State & Local W/H Tax		Union Deductions	Total Deductions:
				05/18	05/19	05/20	05/21	05/22	05/23				05/24						
Cedillo, Manuel A 180 Huntington Blvd NE Roanoke, VA 24012-3624	M3	GENERAL LABORER	REG	12.00	9.81				9.99	8.20	40.00	22.23/13.07	1,412.00	108.02	134.25	69.84		312.11	1,099.89
Cyriacks, Zachary M 4 Dressler Drive Jacksonville, NC 28540	S8	GENERAL LABORER	REG	12.00	9.75				10.00	8.25	40.00	22.23/13.28	1,420.40	108.66	107.19	69.00		284.85	1,135.55
DelCid, Feliciano 1716 Empress Dr. NW Roanoke, VA 24012-7246	S3	GENERAL LABORER	REG	12.00	10.00				10.00	8.00	40.00	22.23/12.70	1,397.20	106.89	198.75	68.98		374.62	1,022.58
DelCid, Lucio 1716 Empress Dr. Apt. 8F Roanoke, VA 24012	S4	GENERAL LABORER	REG	12.00	10.00				10.00	8.00	40.00	22.23/13.11	1,413.60	108.14	183.38	68.90		360.42	1,053.18
Denuzzo, Raymond A 92 Camden Hill Hts. Sutton, WV 26601	S0	GENERAL LABORER	REG	12.00	9.50				10.00	8.50	40.00	22.23/13.45	1,427.20	109.18	264.66	68.63		442.47	984.73
Denuzzo, Raymond L 92 Camden Hill Sutton, WV 26601	M1	CARPENTER	REG	12.00	10.00				9.00	9.00	40.00	29.04/18.30	1,893.60	144.86	250.18	107.60	97.50	600.14	1,293.46
Friend, Matthew W 979 Chapel Rd. Gassaway, WV 26624	M1	GENERAL LABORER	REG	12.00	10.00				9.00	9.00	40.00	22.23/13.27	1,420.00	108.63	158.82	79.32		346.77	1,073.23

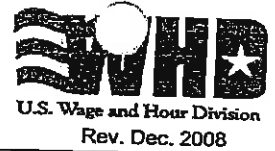
While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

**Public Burden Statement**

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**PAYROLL**

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm))



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NAME OF CONTRACTOR  OR SUBCONTRACTOR   
Greystar Construction Inc. ADDRESS 1757 Granby St. NE Suite B  
Roanoke, VA 24012

PAYROLL NO. 8 FOR WEEK ENDING 05/24/2016 PROJECT AND LOCATION 16002-Crum PK-8 School  
150 School St.  
Crum, WV 25669 PROJECT OR CONTRACT NO.

OMB No.: 1235-0008  
Expires: 01/31/2015

(1) Name and Individual Identifying number (e.g. last four digits of Social Security number) of worker	(2) # of W/H Exmp	(3) Work Classification	(4) DAY AND DATE							(5) Total Hours	(6) Rate of Pay Non-Hourly*	(7) Gross Amount Earned	(8) DEDUCTIONS				(9) Net Wages Paid For Week			
			Earn Code	WED 05/18	THU 05/19	FRI 05/20	SAT 05/21	SUN 05/22	MON 05/23				TUE 05/24	FICA	Fed W/H Tax	State & Local W/H Tax		Union Deductions	Other	Total Deductions
Nettles, Codie A 231 1/2 Vine St. Beckley, WV 25801	S1	GENERAL LABORER	REG	12.00	10.00				9.00	9.00	40.00	22.23/13.30	1,421.20	108.72	243.69	68.24			420.65	1,000.55
Nolasco, Nelson J 3323 Trinkle Avenue NW Roanoke, VA 24012	S0	CARPENTER	REG	12.00	10.00				10.00	8.00	40.00	29.04/17.79	1,873.20	143.30	378.47	99.44			621.21	1,251.99
Samples, Phillip L 121 Camden Hill Heights Sutton, WV 26601	S0	GENERAL LABORER	REG	12.29	9.83				9.73	31.85	22.23/13.27	1,130.68	86.50	240.53	51.98			379.01	751.67	

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employe during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

**Public Burden Statement**

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Date 05/21/16

I, Cheryl Rader  
(Name of signatory party)

Payroll Department  
(Title)

do hereby state:

(1) That I pay or supervise payment of the persons employed by

Greystar Construction Inc. on the  
(Contractor or Subcontractor)

Crum PK-8 School ; that during the payroll period commencing on the  
(Building or Work)

18th day of May, 2016, and ending the 24th day of May 2016,  
all persons employed on said project have been paid the full weekly wages earned, that no rebates have  
been or will be made either directly or indirectly to or on behalf of said

Greystar Construction Inc. from the full  
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly  
from the full wages earned by any person, other than permissible deductions as defined in Regulations,  
Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48  
Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. 3145), and described below:

FICA, Medicare, Federal/State Withholding Taxes, NEW YORK STATE CHILD SUPPORT

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

✓ Each laborer or mechanic listed in the above referenced payroll has been paid,  
as indicated on the payroll, an amount not less than the sum of the applicable  
basic hourly wage rate plus the amount of the required fringe benefits as listed  
in the contract, except as noted in Section 4 (c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)

EXPLANATION

Fringe

vacation benefit deducted

REMARKS:

(2) That any payrolls otherwise under this contract required to be submitted for the above period  
are correct and complete; that the wage rates for laborers or mechanics contained therein are not less  
than the applicable wage rates contained in any wage determination incorporated into the contract; that  
the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide appren-  
ticeship program registered with a State apprenticeship agency recognized by the Bureau of Appren-  
ticeship and Training, United States Department of Labor, or if no such recognized agency exists in a  
State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

In addition to the basic hourly wage rates paid to each laborer or mechanic listed in  
the above referenced payroll, payments of fringe benefits as listed in the contract  
have been or will be made to appropriate programs for the benefit of such  
employees, except as noted in Section 4(c) below.

NAME AND TITLE

Cheryl Rader  
Payroll Department

SIGNATURE

Cheryl Rader

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR  
SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF  
TITLE 31 OF THE UNITED STATES CODE



August 2, 2019

Mr. Todd Alexander, Superintendent  
Wayne County Board of Education  
Post Office Box 70  
Wayne, WV 25570

RE: Response to letter dated July 24, 2019 – Notice of Contractor Default

Dear Mr. Alexander,

Swope Construction Co. ("SCC") received your certified letter late last week in which the Wayne County Board of Education gave notice it is considering declaring SCC in default of its contract to build the New Crum PreK-8 School. Your notice is entirely misplaced because, as we addressed in our letter to you dated July 15, 2019:

- SCC fully and successfully installed the package wastewater treatment plant designed and specified by the architect; and the project was accepted, and this project closed nearly two years ago.
- The specific allegations that SCC performed incorrect work, again documented, detailed and refuted in our July 15, 2019 letter are, in fact, false. More importantly, none of the false allegations made against our work concern any cause why your plant is not working.

SCC completed its contract with Wayne County and thus neither SCC nor its surety have any responsibility or liability to Wayne County for what has proven to be a poor selection and design of a package wastewater treatment plant by the project architect, ZMM, Inc. It appears the Board of Education would be better served in seeking a solution and compensation for its wastewater treatment problems from the architect who selected and specified the plant.

SCC did not select this product or design or manufacture it. ZMM worked closely with APPTech on design, and ultimately required the specific product and specific design developed in concert by ZMM and APPTech to be installed in your school. Neither SCC nor its surety has any responsibility or liability for the architect's selection of the product.

In addition to all of these reasons why SCC fully satisfied its contract, it is also clear:

- The system has not been properly operated or maintained for over two years. At our recent inspection of the facility, we discovered the Operations and Maintenance Manual, essential to know how to operate and maintain, was not even retained by Wayne County's designated operator for the plant.

- Critical controls of this system, which were installed, tested and operational when we left, are now, in some instances, inoperable or even disconnected or missing altogether.
- Significant changes have been made by the operator with how the design process is intended to work, while understandable as an ad hoc attempt to make it work, have placed the school in the position that its plant is no longer even what was specified by the architect or what we installed.

Neither SCC nor its surety are responsible or liable for a failure to properly operate or maintain.

I understand the Board has asked for a conference with our surety. I understand our surety has asked the Board for dates and times and has asked the Board for a significant body of information to prepare. We will coordinate with you and our surety on these matters. However, we are not in default and have no responsibility or liability. We are confident our surety will agree.

Sincerely,



Ron Mallory  
President

Cc: David E. Ferguson, AIA, REFP, ZMM, Inc.  
Mike Hall, West Virginia School Building Authority  
Megan Burke, Travelers Bond & Specialty Insurance Claim

## Hall, Michael R (WVSBA)

---

**From:** Ron Mallory <rmallory@swopeco.com>  
**Sent:** Tuesday, August 6, 2019 4:30 PM  
**To:** Todd Alexander  
**Cc:** Burke, Megan M; Hall, Michael R (WVSBA); 'Dave Ferguson'  
**Subject:** [External] Certified Letter 9945  
**Attachments:** Response to Wayne County Letter.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are expecting the content. -- WV Office of Technology

Mr. Alexander

Please find attached our response to the certified letter received on August 1, 2019 declaring contractor default related to the WWTP at the Crum Elementary School. A paper copy of this document will be placed in the US mail today.

***Ron Mallory***

*President*



**Swope Construction Co.**

**1325 Bluefield Ave.**

**Bluefield WV, 24701**

[www.swopeco.com](http://www.swopeco.com)

**(P) 304.325.8146**

**(F) 304.327.9444**

**Hall, Michael R (WVSBA)**

---

**From:** Carol Prince <wprince@k12.wv.us>  
**Sent:** Wednesday, July 24, 2019 10:47 AM  
**To:** bsiclaims@travelers.com; ferguson@zmm; Hall, Michael R (WVSBA)  
**Cc:** Todd Alexander  
**Subject:** [External] Letter Addressed to Swope Construction and Travelers Bond & Specialty  
**Attachments:** wprince@k12.wv.us\_20190724\_103316.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are expecting the content. -- WV Office of Technology

Good Morning,

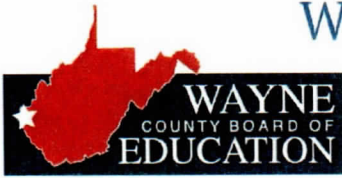
Please open the attached letter from Superintendent Todd Alexander addressed to Ron Mallory, President of Swope Construction and to Travelers Bond & Specialty Insurance Claims regarding the Crum PK-8 School.

Thank you.

*Carol Prince*  
*Executive Secretary*  
*Wayne County Board of Education*  
*Phone: 304-272-5116 Extension 349*  
*Fax: 304-272-6500*



# Wayne County Board Of Education



Post Office Box 70  
Wayne, West Virginia 25570

Todd Alexander  
Superintendent

Telephone: (304) 272-5116

<http://boe.wayn.k12.wv.us/>

Fax: (304) 272-6500

July 24, 2019

*Via Certified Mail*

Ron Mallory, President  
Swope Construction Company  
1325 Bluefield Ave.  
Bluefield, WV 24701

*Via email to [BSIClaims@travelers.com](mailto:BSIClaims@travelers.com) and Certified Mail*

Travelers Bond & Specialty Insurance Claim  
One Travelers Square, S202A  
Hartford, CT 06183

RE: Contractor: Swope Construction Company  
Contract: New Crum PreK-8 School  
Performance Bond No.: 106318274  
Notice of Contractor Default

Dear Gentlemen:

Pursuant to section 3.1 of the above-referenced performance bond, notice is hereby given to Swope Construction Company (Contractor) and Travelers Casualty and Surety Company of America (Surety) that the Wayne County Board of Education (Owner) is considering declaring a contractor default related to the wastewater treatment plant at the project referenced above. The Owner requests a conference among the Owner, Contractor and Surety to discuss the Contractor's performance.

Owner requests a meeting within five (5) business days of receipt of this letter to discuss what measures Surety intends to make to cure the following failure by Contractor that are a part of this finding of Default:

- Inoperable wastewater treatment plant which is resulting in direct discharge of wastewater into the Tug Fork River.

Owner takes this step after unsuccessful attempts to induce Contractor to correct the deficient work and comply with Contract requirements.

I look forward to hearing from you in this regard.

Very Truly Yours,

Todd A. Alexander  
Superintendent

cc: David E. Ferguson, AIA, REFP  
ZMM, Inc.  
Mike Hall, School Building Authority

## Hall, Michael R (WVSBA)

---

**From:** Hollie Massie <hmassie@swopeco.com>  
**Sent:** Monday, July 15, 2019 11:51 AM  
**To:** 'Todd Alexander'  
**Cc:** Hall, Michael R (WVSBA); Perry, FaLena  
**Subject:** [External] Crum PK-8 School - WWTP Response Letter  
**Attachments:** Swope Crum PK-8 WWTP Letter.pdf

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Mr. Alexander –

As requested, please see our attached response regarding the WWTP.

### Hollie R. Massie

*Vice President – Huntington Division*

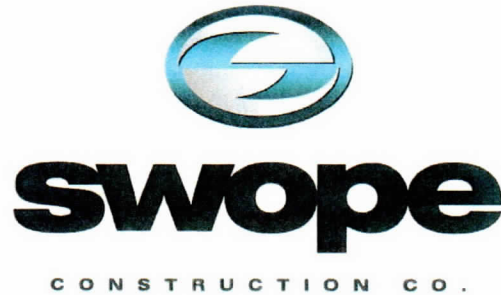
## Swope Construction Co.

100 Price Industrial Lane

Huntington, WV 25705

office: 304-525-9958 / Bluefield Fax: 304-327-9444

cell: 304-812-7702



July 15, 2019

Mr. Todd Alexander  
Wayne County Board of Education  
Post Office Box 70  
Wayne, WV 25570

Mr. Alexander,

After the meeting held at ZMM's office in Charleston, WV on June 17<sup>th</sup>, and upon being accused of installing items that were not in accordance with ZMM's specifications, drawings, and approved submittals; Swope Construction Co. (SCC) was asked to report back to the owner as to what SCC was going to do to get the WWTP back into operation.

We have examined the plant, reviewed our performance and responsibilities and report the following:

- SCC successfully installed the specific, sole-source AppTech Solutions, LLC package plant specified in the plans and specifications.
- The plant was commissioned, approved and operational at the time of final completion.
- We achieved final completion and the project closed on September 5, 2017. SCC's warranty expired on September 5, 2018.
- The few calls for small warranty repairs requested during our one-year warranty we promptly made.
- The plant has not been well maintained or serviced, either generally or as required in the O&M manual prepared and provided by AppTech. In that regard, we do point out that the School's maintenance and operations person has repeatedly expressed a preference for a simpler and more conventional plant. It appears neglect has caused harm to components of the plant and the treatment process. All written and implied warranties are likely null and void as a result of poor management.
- It is a reasonable inquiry whether the product specified by the architect is a workable solution for your needs, the waste treatment demands of the School and your maintenance and operations resources. An example would be after the system was placed into operation, the manufacturer recommended a trash interceptor be installed to improve performance, but was never added to the scope of work.



- It is unclear whether the wise solution to your problems is an attempt to modify the existing system or replace it with the simpler conventional system your operator prefers. SCC, having fully satisfied its contract and its post-completion warranty obligations, has no obligation or authority to make modifications or to install a new system.

Further, our report on the specific allegations made at the meeting that SCC failed to install what the architect specified is as follows:

- **Pump Station Wetwell was to be 4' diameter / SCC installed a 3' Wetwell.**  
SCC verified the Wetwell installed is a 4' diameter wetwell as specified, submitted and approved.
- **The Control Panel is not working and appears foggy, has moisture inside.**  
Control Panel was functional and working properly and was not foggy or laden with moisture at time of our recent examination. The Owner has not installed a modem connection as previously identified for remote monitoring capability; the one-year cellular service had expired. It was apparent that a relay had been removed from one location and placed in another. One pump relay for the Pump Station was damaged, possibly by the pump running dry, trash in the pump, or a surge. At the time of the visit, there were no control schematics in the panel; they had been removed.
- **The parts in the Pump Station are not stainless steel as specified.**  
Specified items in the Wetwell appear to be Stainless Steel (rails, chains, braces between the rails, etc.) Some appurtenances not designed to be submerged in the top of the wetwell do appear to have some corrosion. Since the system is not operational, it's likely that continual flooding and exposure to untreated sewage is the cause of corrosion. SCC was not notified and thus unaware of any rust and/or corrosion before the June 17 meeting, which far exceeds the one-year warranty period.
- **The Pump Size was wrong, SCC installed residential ½ HP pumps.**  
AppTech's product included pumps PS-P1 and PS-P2 as submitted and approved in the shop drawings. ZMM's specification identified a "recommended" pump, which listed the 1.25 HP pump, the drawings also showed this pump. However, ZMM pointed out that the design was ultimately the responsibility of the WWTP Manufacturer. AppTech Solutions designed this system to work with a ½ HP pump, which was approval by ZMM on 4-25-16. For ZMM to recommend an arbitrary change to a 1.25 HP pump would negate its own specified Basis for Design for the plant package and cause issue with existing controls, control panel, power requirements, etc.

- **The tank is still leaking.**

A leak was identified and repaired on (12-28-17). No leaks were reported since the repair was made...until the mention of a pipe leaking in your March 14, 2019 letter to ZMM. Any extended warranties would be by the manufacturer AppTech.

**Conclusion:**

SCC fully performed its contract and warranty obligations for this project and the requirements and scope of work of the plans and specifications. The accusations that specific details of the plant are not as specified are false. More relevant to the School's needs is that none of those accusations concerned any cause for why your plant is not working. It is not working because it is either a poor product selected for this project or persistent failure to maintain and service this complex system. It appears the School would be best served by retaining a WWTP consultant to advise as to modifications to simplify the system if that is your preference, additional operator training specific to this WWTP, or hire a WWTP Operator who is familiar with this system and controls.

Sincerely,



Hollie R. Massie  
Vice President

Cc: Mike Hall, WV School Building Authority  
FaLena Perry, ZMM, Inc.

## Hall, Michael R (WVSBA)

---

**From:** Hall, Michael R (WVSBA)  
**Sent:** Monday, July 1, 2019 8:45 AM  
**To:** Hollie Massie; 'Todd Alexander'  
**Cc:** Ferguson, Dave; Ron Mallory; Perry, FaLena  
**Subject:** RE: [External] Crum PK-8 School - Exterior Door at Gym

Hollie, for clarification I wanted to point out some differences in my personal observation and your description below. There were three tests performed by your crew on the door. One with a rug at your request and two without. Those tests are described below as I noted them.

1. The first test was done without the rug and water was sprayed directly on the concrete in front of the door and directly on the door itself (i.e. driving rain). This test resulted in water infiltration in less than a minute.
2. The second tests were done with the rug. I agree completely that a rug in front of the door creates a damming effect that made the water pool at the threshold. In discussions with Mr. Alexander it was determined that no rug would be placed there at any time.
3. The final test was performed at my request and the water was sprayed above the door and not directly on it to simulate a longer steady rain, not a blowing rain. It took longer for the water to penetrate the door around the sweeps but it did come through.

All of these tests resulted in water entering the building and ponding on the gym floor causing swelling and potential damage to that area, which is yet to be determined. Considering the fact that there was obvious light under the door as well as gaps between the door and the mullion (nearly a ¼+ in some areas) I would expect the use of all of the items that you described below as solutions.

I do want to thank you and your crew for spending time with us and helping to resolve these issues and I look forward to hearing from you on the field and sewer plant corrections.

Thank you

*Mike Hall*  
WVSBA

**From:** Hollie Massie <hmassie@swopeco.com>  
**Sent:** Friday, June 28, 2019 5:23 PM  
**To:** 'Todd Alexander' <talexand@k12.wv.us>  
**Cc:** Ferguson, Dave <ferguson@zmm.com>; Ron Mallory <rmallory@swopeco.com>; Perry, FaLena <perryf@zmm.com>; Hall, Michael R (WVSBA) <Michael.R.Hall@wv.gov>  
**Subject:** [External] Crum PK-8 School - Exterior Door at Gym

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Mr. Alexander –

Per our onsite review of the exterior gym door, it has been determined that during a driving rain water can penetrate the door by coming over the threshold and under the door sweeps.

Swope will investigate with our door supplier alternative materials from what was specified to help seal the door. Items we will review with our supplier are new door sweeps, gasket material for the mullion, and possibly a new threshold with a higher lip. Once we have materials in place, we will schedule with you for installation.

As a reminder, please make sure no rugs are in place outside of this door.

**Hollie R. Massie**

*Vice President - Huntington Division*

**Swope Construction Co.**

100 Price Industrial Lane

Huntington, WV 25705

office: 304-525-9958 / Bluefield Fax: 304-327-9444

cell: 304-812-7702

STATE OF WEST VIRGINIA  
DEPARTMENT OF ADMINISTRATION  
BOARD OF RISK AND INSURANCE MANAGEMENT



Allan L. McVey  
Cabinet Secretary

Mary Jane Pickens  
Executive Director  
Deputy Cabinet Secretary  
MaryJane.Pickens@wv.gov

March 25, 2019

Wayne County Board of Education

**ATTENTION:** Michael Hart

P.O. Box 70

Wayne, WV 25570

RE: Claim No.: 2019-01184  
Loss Date: 12/24/18

Dear Mr. Hart:

Let me clarify my letter to you dated February 11, 2019. In that letter I indicated the damages were less than your deductible, and as such, there could be no payment made on the claim. I should have indicated in that letter that this was not a covered loss and that's why no payment would be issued on the claim.

The damage to the gym floor appears to be coming from rain that is gathering at the exit door and coming in through the threshold at that exit door. It would appear the concrete pad outside that exit door was improperly poured, which is allowing water to flow into the building as opposed to flowing away from it. The concrete slab will need to be replaced in order to help alleviate this problem.

In any event, this is not a covered loss. As such, the WV Board of Risk and Insurance Management must respectfully deny your claim.

Should you have any questions or wish to discuss this matter, please feel free to call me.

Sincerely,

John Fernatt  
Claims Representative  
(304) 766-2646



## Hall, Michael R (WVSBA)

---

**From:** Hollie Massie <hmassie@swopeco.com>  
**Sent:** Sunday, May 12, 2019 4:46 PM  
**To:** talexand@k12.wv.us  
**Cc:** Hall, Michael R (WVSBA); ferguson@zmm.com; Ron Mallory  
**Subject:** Fwd: Damage to Crum Gym Floor  
**Attachments:** Insurance Letter - Crum Gym Floor.doc; ATT00001.htm

Mr. Alexander -

A letter with a reference date of 2/11/19 was not attached. Could you please also forward that letter?

Regarding the attached letter, there is reference that it "appears" the concrete is not sloped correctly. Please clarify how the concrete was tested or how this determination was made?

As previously state in prior emails, Swope did a water test with ZMM on site and determined that the concrete was sloped correctly and the water damage was caused by an exterior rug that was creating a "dam effect" up against the building.

Has the exterior rug been permanently removed?

Swope does not believe this has been caused be the concrete, as the building was functional for almost a year with no issue at the door. Only after the rug was added, was there a water problem.

Sent from my iPhone  
Hollie Massie

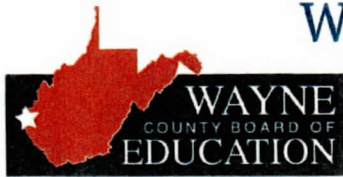
Begin forwarded message:

**From:** Todd Alexander <[talexand@k12.wv.us](mailto:talexand@k12.wv.us)>  
**Date:** May 12, 2019 at 2:00:54 PM EDT  
**To:** Hollie Massie <[hmassie@swopeco.com](mailto:hmassie@swopeco.com)>  
**Cc:** "[ferguson@zmm.com](mailto:ferguson@zmm.com)" <[ferguson@zmm.com](mailto:ferguson@zmm.com)>, Mike Hall <[michael.r.hall@wv.gov](mailto:michael.r.hall@wv.gov)>  
**Subject:** Damage to Crum Gym Floor

Hollie,

As indicated in previous communication, our insurance adjuster indicates that the damage to the gym floor at Crum was caused by the slope of the concrete outside of the exit door. When I notified you of the insurance companies claim, you asked to see the report. We received the attached letter this past week. We had our own crew check the insurance companies claim and they have also indicated that the slope of the concrete runs to the building. We are asking that you please respond to the concerns which includes the existing damage to the gym floor and what will be an ongoing concern with the slope of the concrete.

Thank you,



# Wayne County Board Of Education

Post Office Box 70  
Wayne, West Virginia 25570

Todd Alexander  
Superintendent

Telephone: (304) 272-5116

<http://boe.wayn.k12.wv.us/>

Fax: (304) 272-6500

March 14, 2019

Dave Ferguson  
ZMM, Inc.  
222 Lee Street W.  
Charleston, WV 25302

Mr. Ferguson,

We continue to have significant issues with the Sewage Plant at the Crum PreK-8 Facility and due to Apptech being out of business it is vitally important that we address these issues as soon as possible. I am seeking your assistance and guidance in ensuring that we have a suitable sewage plant facility for the coming years.

Here are the issues that are of the utmost concern:

- The two pumps are currently down and inoperable. We have contacted the manufacturer as the pumps are under warranty. The manufacturer will not respond to the warranty unless Apptech is involved. I also want to point out that the two pumps that are now inoperable are not the original pumps that were placed in the storage plant. Last year, both original pumps broke down resulting in us having to contract to have the sewage plant emptied by truck. The original pumps were rebuilt and then broke down again. Two new pumps were installed this year and are now inoperable. The manufacturer indicated by phone today that the two new pumps are residential pumps and should not have been installed in our plant.
- 1 out of 2 UV Light Assemblies are working. We were instructed to order the UV assembly and it was delivered to us Spring 2018. We were instructed that the UV assembly had to be installed by the contractor. It has yet to be installed.
- The Soda Ash Tank is installed but not connected. We are still hand feeding Soda Ash.
- The Scum Skimmer is broken and not operating properly. Engineers from Apptech indicated that it would be repaired. It remains inoperable.
- Issues with the settling tank continue and it is believed that the tank is too small for the school.
- The Operations Manual was removed from the site by Apptech and has not been returned.
- The alarm system is not working when the pumps fail. There is no audible alarm and the email notification system is not working.
- A pipe exiting the settling tank to the other chamber is leaking and pouring raw sewage back in to the settling tank.
- The menu option on the control panel is not working.

I am requesting a written response to these concerns. I have also requested the manufacturing papers on the sewage plant with a date of manufacture on multiple occasions and have not received a response. Once again, I am asking for documentation for the date of manufacture for the plant.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Alexander". The signature is fluid and cursive, with a long horizontal stroke at the end.

Todd Alexander  
Superintendent

Cc: Mike Hall, WV School Building Authority  
Hollie Massie, Swope Construction Co.