

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 LAW DIVISION

PEOPLE OF THE STATE OF ILLINOIS)	
<i>ex rel.</i> ILLINOIS DEPARTMENT OF LABOR,)	
)	
Plaintiff,)	No.
)	
v.)	
)	
FORUM FOR FULFILLING OUR)	Amount Claimed: \$72,436.74
RESPONSIBILITY UNTO MANKIND,)	
an Illinois corporation,)	
)	
Defendant.)	

VERIFIED COMPLAINT

Plaintiff, People of the State of Illinois *ex rel.* Illinois Department of Labor, by and through its attorney, LISA MADIGAN, Attorney General of the State of Illinois, for its Verified Complaint against Defendant FORUM FOR FULFILLING OUR RESPONSIBILITY UNTO MANKIND states as follows:

1. FORUM FOR FULFILLING OUR RESPONSIBILITY UNTO MANKIND ("FORUM"), is an Illinois not-for-profit corporation and is registered at 200 E. 75th Street in Chicago, Cook County, Illinois.
2. Plaintiff, Illinois Department of Labor ("IDOL"), is an agency of the State of Illinois. 20 ILCS 5/5-15 (2014). IDOL is authorized by statute to investigate alleged violations and enforce the provisions of the Illinois Prevailing Wage Act (IPWA). 820 ILCS 130/1 *et seq.*
3. The IPWA applies to "the wages of all laborers, mechanics and other workers employed in any public works . . . by any public body and to anyone under contracts for public works." 820 ILCS 130/2.

ELECTRONICALLY FILED
4/27/2017 11:31 AM
2017-L-004267
PAGE 2 of 25

4. The IDOL has a right of action on behalf of any individual who has a right of action under the IPWA. 820 ILCS 130/6.

5. On information and belief, the relevant times with respect to this complaint are September 2, 2014 through November 11, 2014.

6. Defendant FORUM entered into a contract agreement with the Illinois Department of Commerce and Economic Opportunity to perform construction as part of the Urban Weatherization Project. The IPWA includes as public works “all fixed works constructed or demolished by any public body, or paid for wholly or in part out of public funds.” 820 ILCS 130/2.

7. Pursuant to said agreement defendant FORUM undertook and performed construction of a fixed work for public use by a public body and was paid in whole or in part with public funds as defined by the IPWA. 820 ILCS 130/2.

8. At all relevant times, Jose Hernandez, Derek Broenille, Robert Wright, Kenneth Bell, Michelle Hart Ben, Yehudah Whitfield, Roland Barbour, Christopher Holt, Erik Cruz, Shteeya Blanchard, Jesse Foster, Freddie Golden, Phillip Bradley, DeShaun White, Eric Jones, Gregory Bloodsaw, Jason McKinley, and Rodney Burns (“employees”) were employed by FORUM.

9. Pursuant to statutory authority and relative to the aforementioned employment, IDOL investigated FORUM for claims of violations of the IPWA. 820 ILCS 130/6.

10. As a result of its investigation the IDOL found that, at all relevant times, Defendant FORUM was an employer subject to the IPWA and legally responsible for payment of the general prevailing rate of hourly wages pursuant to the IPWA. 820 ILCS 130/3.

11. The IDOL further found that FORUM failed to comply with the provisions of the IPWA and underpaid the employees the applicable prevailing wage rate in an amount of FIFTY-

SEVEN THOUSAND THREE HUNDRED SEVEN DOLLARS AND FIFTY-FIVE CENTS (\$57,307.55). (See October 19, 2015, IDOL Audit demand letter and audit attached hereto as Exhibit A.)

12. The aforesaid amount remains unpaid.

13. The IPWA provides in part that an employer who fails to pay the prevailing wage shall be liable for the *amount of wages* underpaid and for a *penalty* of 20% of such under payments, and shall be additionally liable to each of the underpaid employees for *punitive damages* in the amount of 2% of the amount of any such penalty for each month following the date of payment during which such underpayments remain unpaid. 820 ILCS 130/11.

WHEREFORE, Plaintiff prays for the following:

a) Judgment against Defendant FORUM FOR FULFILLING OUR RESPONSIBILITY UNTO MANKIND, in the amount of FIFTY-SEVEN THOUSAND THREE HUNDRED SEVEN DOLLARS AND FIFTY-FIVE CENTS (\$57,307.55) as compensatory damages payable to the employees;

b) Judgment against FORUM FOR FULFILLING OUR RESPONSIBILITY UNTO MANKIND, in the amount of 20% of the underpayment, amounting to the penalty of ELEVEN THOUSAND FOUR HUNDRED SIXTY-ONE DOLLARS AND FIFTY-ONE CENTS (\$11,461.51);

c)

ELECTRONICALLY FILED
4/27/2017 11:31 AM
2017-L-004267
PAGE 3 of 25

Judgment against defendant FORUM FOR FULFILLING OUR RESPONSIBILITY UNTO MANKIND, for punitive damages in the amount of 2% of the 20% penalty, or \$229.23 assessed monthly (since November 18, 2015 to March 18, 2017 totals \$3,667.68);

- d) Costs; and
- e) Any other relief the Court deems proper.

Respectfully submitted,

LISA MADIGAN
Illinois Attorney General
Cook County #99000

PEOPLE OF THE STATE OF ILLINOIS
ex rel. **ILLINOIS DEPARTMENT OF LABOR**

By: 

~~GERRE ANNE HARTE~~
Assistant Attorney General
General Law Bureau
100 W. Randolph, 13th Floor
Chicago, Illinois 60601
(312) 814-3131; gharte@atg.state.il.us

ELECTRONICALLY FILED
4/27/2017 11:31 AM
2017-L-004267
PAGE 4 of 25