

1 **STATE OF CALIFORNIA**  
2 Department of Industrial Relations  
3 Division of Labor Standards Enforcement  
4 EDNA GARCIA EARLEY, State Bar No. 195661  
5 320 W. 4<sup>th</sup> Street, Suite 430  
6 Los Angeles, California 90013  
7 Tel.:(213) 897-1511  
8 Fax: (213)897-2877

9 Attorney for the Labor Commissioner

10 **BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT**  
11 **DEPARTMENT OF INDUSTRIAL RELATIONS**  
12 **FOR THE STATE OF CALIFORNIA**

13 In the matter of the ) Case No.: SAC 1064  
14 Debarment Proceeding Against: )  
15 ) **ORDER RE DEBARMENT OF**  
16 ) **RESPONDENTS FROM PUBLIC**  
17 ) **WORKS PROJECTS**

18 SOO DONG KIM, an individual dba SOO )  
19 KIM ELECTRIC COMPANY; and HYO )  
20 NAM JUNG, an individual dba LUCID )  
21 ELECTRIC, )

22 Respondents. )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

24 The attached Proposed Statement of Decision of Hearing Officer Edna Garcia  
25 Earley, debarring Respondents SOO DONG KIM, an individual dba SOO KIM  
26 ELECTRIC COMPANY and HYO.NAM JUNG, an individual dba LUCID ELECTRIC,  
27 from working on public works projects in the State of California for three years, is hereby  
28 adopted by the Division of Labor Standards Enforcement as the Decision in the above-

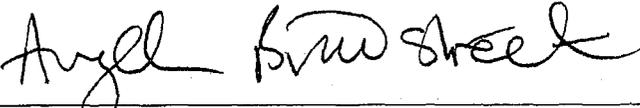
1 captioned matter.

2 This Decision shall become effective April 19, 2010.

3 IT IS SO ORDERED

4  
5 Dated: March <sup>4</sup> \_\_, 2010

DIVISION OF LABOR STANDARDS ENFORCEMENT  
Department of Industrial Relations  
State of California

6  
7  
8 By: 

9 ANGELA BRADSTREET  
10 State Labor Commissioner

PROOF OF SERVICE

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to this action. My business address is Division of Labor Standards Enforcement, Department of Industrial Relations, 320 West Fourth Street #430, Los Angeles, CA 90013.

On March 4, 2010, I served the foregoing document described as Order re Debarment of Respondents from Public Works Projects on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope, addressed as follows:

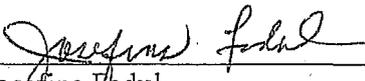
David D. Cross  
Division of Labor Standards Enforcement  
State of California  
2031 Howe Avenue, Suite 100 Legal  
Sacramento, CA 95825

Soo Dong Kim  
Soo Kim Electric Company  
16224 Ridgeview Lane  
La Mirada, CA 90638

Hyo Nam Jung  
Lucid Electric  
18621 Well Street  
Rowland Heights, CA 91748

By Mail: I am readily familiar with the firm's business practices of collection and processing of correspondence for mailing with the United States Postal Service and said correspondence is deposited with the United States Postal Service the same day with postage fully prepaid thereon.

Executed this 4<sup>th</sup> day of March 2010, at Los Angeles, California, I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
Josefina Fadul

1 **STATE OF CALIFORNIA**  
2 Department of Industrial Relations  
3 Division of Labor Standards Enforcement  
4 EDNA GARCIA EARLEY, State Bar No. 195661  
5 320 W. 4<sup>th</sup> Street, Suite 430  
6 Los Angeles, California 90013  
7 Tel.:(213) 897-1511  
8 Fax: (213) 897-2877

9 Attorney for the Labor Commissioner

10 **BEFORE THE DIVISION OF LABOR STANDARDS ENFORCEMENT**  
11 **DEPARTMENT OF INDUSTRIAL RELATIONS**  
12 **FOR THE STATE OF CALIFORNIA**

13 In the matter of the ) Case No.: SAC 1064  
14 Debarment Proceeding Against: )  
15 ) **PROPOSED STATEMENT OF**  
16 ) **DECISION RE DEBARMENT OF**  
17 ) **RESPONDENTS FROM PUBLIC**  
18 ) **WORKS PROJECTS**  
19 SOO DONG KIM, an individual dba SOO )  
20 KIM ELECTRIC COMPANY; and HYO )  
21 NAM JUNG, an individual dba LUCID ) **[Labor Code §1777.1]**  
22 ELECTRIC, )  
23 ) Hearing Date: March 2, 2010  
24 ) Time: 10:00 a.m.  
25 Respondents. ) Hearing Officer: Edna Garcia Earley  
26 )  
27 )  
28 )

29 Debarment proceedings pursuant to Labor Code §1777.1 were initiated by the  
30 Division of Labor Standards Enforcement, State Labor Commissioner ("DLSE") on  
31 December 29, 2009, by the filing of a *Statement of Alleged Violations* against the  
32 following named Respondents: SOO DONG KIM, an individual dba SOO KIM  
33 ELECTRIC COMPANY; and HYO NAM JUNG, an individual dba LUCID ELECTRIC.

34 Respondents were duly served with the Notice of Hearing, Statement of Alleged

1 Violations and Notice of Hearing. However, only Respondent SOO DONG KIM, an  
2 individual dba SOO KIM ELECTRIC COMPANY, appeared at the hearing. Respondent  
3 HYO NAM JUNG, an individual dba LUCID ELECTRIC failed to appear at the hearing.

4 The hearing on the alleged violations was held on March 2, 2010, in Los Angeles,  
5 California. Edna Garcia Earley served as the Hearing Officer. David D. Cross appeared  
6 on behalf of Complainant Labor Commissioner Angela Bradstreet, Chief of the Division  
7 of Labor Standards Enforcement, Department of Industrial Relations, State of California.  
8 Respondent SOO DONG KIM, an individual dba SOO KIM ELECTRIC COMPANY  
9 appeared in pro per. Present as witnesses for Complainant were worker Jose Guerra and  
10 Deputy Labor Commissioners Lorna Espiritu and Elsa Jenabi.

11 The hearing was tape recorded. The witnesses took the oath and evidence was  
12 received. At the conclusion of the hearing, the matter was taken under submission.

### 13 FINDINGS OF FACT

14 Respondent SOO DONG KIM, an individual dba SOO KIM ELECTRIC  
15 COMPANY is a contractor licensed by the Contractor's State Licensing Board under  
16 license number 568103. SOO DONG KIM is the Sole Owner of SOO KIM ELECTRIC  
17 COMPANY. Respondent HYO NAM JUNG, an individual dba LUCID ELECTRIC, is a  
18 contractor licensed by the Contractor's State Licensing Board under license number  
19 914692. HYO NAM JUN is the Sole Owner of LUCID ELECTRIC.

20 Deputy Labor Commissioners Lorna Espiritu and Elsa Jenabi are both assigned to  
21 the Public Works Unit and are responsible for investigating public works complaints.

### 22 Central Kitchen Expansion at Stacey/Clegg Schools Project,

### 23 Westminster School District (March 2007-April 2008)

24 In 2008, Deputy Labor Commissioner Lorna Espiritu conducted an investigation  
25 of a public works project known as Central Kitchen Expansion at Stacey/Clegg Schools  
26 in Westminster School District. Angeles Contractor, Inc. served as the Prime Contractor  
27 on this project. Respondent SOO KIM ELECTRIC COMPANY served as a  
28 Subcontractor and Respondent HYO NAM JUNG dba LUCID ELECTRIC served as a

1 Second tier subcontractor. On January 30, 2009, Deputy Espiritu issued a Civil Wage  
2 and Penalty Assessment ("CWPA") to Respondents SOO DONG KIM dba SOO KIM  
3 ELECTRIC COMPANY and HYO NAM JUNG dba LUCID ELECTRIC for "non-  
4 payment of prevailing wages to workers in violation of Labor Code §1774." The CWPA  
5 has since been paid by Respondents.

6 Deputy Espiritu testified that her investigation of this project revealed that workers  
7 Jose Guerra, Vicente Velasco and Carlos Santiago, were not reported on the Certified  
8 Payroll Records ("CPRs") submitted by SOO KIM ELECTRIC COMPANY even though  
9 said workers were working on the project the entire time work was being performed and  
10 had been issued paychecks from Respondents SOO KIM ELECTRIC COMPANY and  
11 LUCID ELECTRIC for their work. Copies of paychecks were submitted into evidence at  
12 the hearing for worker Jose Guerra, showing he was paid by both Respondents on this  
13 project. Copies of the CPRs were also submitted as evidence to show that workers Jose  
14 Guerra, Vicente Velasco and Carlos Santiago were not reported on any of the CPRs  
15 submitted by SOO KIM ELECTRIC COMPANY for this project.

16 Worker Jose Guerra testified that on those weeks during which work was  
17 performed on this project, he worked 40 hours per week. Mr. Guerra also testified that he  
18 occasionally worked overtime, but was paid on the same straight hourly rate of \$16.25.  
19 Additionally, Mr. Guerra testified that he was hired by Respondent HYO NAM JUNG  
20 who is also known as Brian Young. Mr. Guerra testified that Mr. Young instructed him  
21 and all the other workers on the project that if anyone inspected the job site and asked  
22 how much they were earning per hour, they were to say they were being paid \$51.00 per  
23 hour. Copies of the paychecks given to Mr. Guerra by Respondents SOO KIM  
24 ELECTRIC COMPANY and HYO NAM JUNG dba LUCID ELECTRIC support  
25 Mr. Guerra's testimony that he was paid only \$16.25 per hour.

26 Respondent SOO DONG KIM testified that he had a subcontract with LUCID  
27 ELECTRIC to take care of areas on the project that SOO KIM ELECTRIC COMPANY  
28 was not able to complete. Additionally, Respondent SOO DONG KIM testified that

1 Mr. Guerra was not his employee, but instead, Respondent HYO NAM JUNG'S  
2 employee and that he was told by Respondent HYO NAM JUNG that Mr. Guerra worked  
3 part time. As such, Respondent SOO DONG KIM did not think he needed to report part  
4 time workers on the CPRs. Respondent SOO DONG KIM also testified that he never  
5 received any complaints from Mr. Guerra or any of the other workers regarding their pay  
6 and felt that if they accepted the paycheck, then they accepted the hourly rate.  
7 Respondent SOO DONG KIM admitted that he was not fully managing or overseeing  
8 LUCID ELECTRIC and that he only now was recognized what his scope of  
9 responsibility is with regard to subcontractors he hires to perform on public works  
10 projects.

11 **Fountain Valley High School Modernization Project,**

12 **Huntington Beach Union High School District (September 2007-March 2008)**

13 In 2008, Deputy Labor Commissioner Elsa Jenabi conducted an investigation of a  
14 public works project known as Fountain Valley High School Modernization Project in  
15 Huntington Beach Union High School District. Angeles Contractor, Inc. served as the  
16 Prime Contractor on this project. Respondents SOO DONG KIM dba SOO KIM  
17 ELECTRIC COMPANY and HYO NAM JUNG dba LUCID ELECTRIC served as  
18 Subcontractors. On September 8, 2009, Deputy Jenabi issued a CWPA to Respondents  
19 SOO DONG KIM dba SOO KIM ELECTRIC COMPANY and HYO NAM JUNG dba  
20 LUCID ELECTRIC for "failure to pay the correct prevailing wage rate in violation of  
21 Labor Code §1774." The CWPA has since been paid by Respondents.

22 Deputy Jenabi's investigation revealed that worker Jose Guerra, who was listed on  
23 CPRs submitted by Respondent SOO KIM ELECTRIC COMPANY as performing  
24 Electric Inside Wireman work at \$51.00 per hour and having worked part time, was  
25 actually paid only \$16.25 per hour and worked full time (at least 40 hours per week).  
26 Copies of the CPRs were submitted reporting Mr. Guerra as working only a couple of  
27 days per week and only 4 hours on each day reported.

28 Mr. Guerra testified that he never worked only a couple of days per week or part

1 time hours. Rather, Mr. Guerra credibly testified that on the weeks he worked on the  
2 project, he worked at least 40 hours per week and was paid only \$16.25, even on days  
3 when he worked more than eight hours. Moreover, Mr. Guerra testified that as in the  
4 Stacey Clegg Schools project, on this project, Respondent HYO NAM JUNG, known to  
5 Mr. Guerra as Brian Young, also demanded that he tell anyone who was inspecting the  
6 project and who asked his rate of pay, that he received \$51.00 per hour. Mr. Guerra was  
7 shown copies of the CPRs for this project and was asked whether other workers reported  
8 on the CPRs also worked part time hours as indicated on the records. In response, Mr.  
9 Guerra testified that all the workers on the project worked full time, five days a week, 40  
10 hours per week and not part time, as Respondent SOO DONG KIM falsely reported.

11 Respondent SOO DONG KIM testified that he relied on information his workers  
12 gave him for the CPRs and did not verify whether the information was correct. With  
13 regard to Mr. Guerra, Respondent SOO DONG KIM testified that the hours and rate of  
14 pay for Mr. Guerra were given to him by Respondent HYO NAM JUNG (Brian Young).

15 Copies of checks issued to Mr. Guerra by LUCID ELECTRIC for this project  
16 support Mr. Guerra's testimony that he was paid \$16.25 per hour only and worked full  
17 time.

### 18 CONCLUSIONS OF LAW

19 Labor Code §1777.1 provides:

20 (a) whenever a contractor or subcontractor performing a  
21 public works project pursuant to this chapter is found  
22 by the Labor Commissioner to be in violation of this  
23 chapter **with intent to defraud**, except Section 1777.5,  
24 the contractor or subcontractor or a firm, corporation,  
25 partnership, or association in which the contractor, or  
26 subcontractor has any interest is ineligible for a period  
27 of not less than one year or more than three years to do  
28 either of the following:

- 1 (1) bid or be awarded a contract for a public  
2 works project.  
3 (2) Perform work as a subcontractor on a public works  
4 project.

5 (b) whenever a contractor or subcontractor performing a  
6 public works project pursuant to this chapter is found by  
7 the Labor Commissioner to be **in willful violation** of this  
8 chapter, except Section 1777.5, the contractor or subcon-  
9 tractor or a firm corporation, partnership, or association  
10 in which the contractor or subcontractor has any interest  
11 is ineligible for a period up to three years for each second  
12 and subsequent violation occurring within three years of  
13 a separate and previous willful violation of this chapter to  
14 do either of the following:

- 15 (1) Bid on or be awarded a contract for a public  
16 works project.  
17 (2) Perform work as a subcontractor on a public  
18 works project.

19 The evidence presented at the hearing established that Respondents SOO DONG  
20 KIM, an individual dba SOO KIM ELECTRIC COMPANY, and HYO NAM JUNG, an  
21 individual dba LUCID ELECTRIC, were joint employers on the Stacey Clegg and  
22 Fountain Valley High School Modernization projects. The evidence established that  
23 Mr. Guerra, a worker on both projects, received paychecks from both Respondents.  
24 Additionally, while Respondent HYO NAM JUNG hired and directed Mr. Guerra's daily  
25 work, Respondent SOO KIM ELECTRIC COMPANY submitted CPRs for both projects.  
26 Finally, the evidence established that both Respondents were issued CWPAs for  
27 violations of the public works laws committed on both projects.

28 ///

1 The evidence also established that as joint employers, Respondents SOO DONG  
2 KIM, an individual dba SOO KIM ELECTRIC COMPANY and HYO NAM JUNG, an  
3 individual dba LUCID ELECTRIC violated the public works laws “willfully” and with  
4 “intent to defraud” on both projects investigated by DLSE Public Works deputies.

5 **“Willful” Violation of the Public Works Laws**

6 The evidence supports a finding of “willfulness” of the violations. Labor Code  
7 §1777.1 defines when a Labor Code violation may be deemed “willful” and includes a  
8 “deliberate failure or refusal to comply with the law.” Moreover, under Labor Code  
9 §1771.1(c), “a willful violation occurs when the contractor or subcontractor knew or  
10 reasonably should have known of his or her obligations under the public works law and  
11 deliberately fails or refuses to comply with its provisions.” A person’s knowledge of the  
12 law is imputed to him and an unlawful intent may be inferred from the doing of an  
13 unlawful act. *People v. McLaughlin* (1952) 111 Cal.App.2d 781.

14 Respondent SOO DONG KIM, an individual dba SOO KIM ELECTRIC  
15 COMPANY, “willfully” violated Labor Code §1776 by submitting false CPRs under  
16 penalty of perjury on both the Stacey/Clegg Schools project and the Fountain Valley  
17 High School Modernization project. Labor Code §1776(a) provides as follows:

18 Each contractor and subcontractor shall keep accurate payroll  
19 records, showing the name, address, social security number, work  
20 classification, straight time and overtime hours worked each day  
21 and week, and the actual per diem wages paid to each journeyman,  
22 apprentice, worker, or other employee employed by him or her in  
23 connection with the public work. Each payroll record shall contain  
24 or be verified by a written declaration that it is made under penalty  
25 of perjury.

26 On the Stacey/Clegg Schools project, Respondent SOO DONG KIM failed to  
27 report Mr. Guerra and other workers on the CPRs despite issuing Mr. Guerra checks for  
28 work performed on the project. Respondent SOO DONG KIM testified that he was not

1 aware that he needed to report part time workers on the CPRs. As a subcontractor on a  
2 public works project, however, Respondent SOO DONG KIM knew or reasonably should  
3 have known of his reporting obligations under Labor Code §1774 and failed to comply  
4 with said obligations. At the very least, Respondent SOO DONG KIM should have  
5 known that he was required to report all work being performed on the project.  
6 Nevertheless, Respondent SOO DONG KIM submitted CPRs under penalty of perjury  
7 claiming the workers on the CPRs were the only workers that performed work on the  
8 project knowing this was not accurate.

9         Likewise, on the Fountain Valley High School Modernization Project, Respondent  
10 SOO DONG KIM “willfully” submitted false certified payroll records in violation of  
11 Labor Code §1774 . Specifically, Respondent SOO DONG KIM reported Mr. Guerra on  
12 the project but reported the wrong hours and days worked as well as the wrong rate of  
13 pay. Respondent SOO DONG KIM testified that he relied on information given to him  
14 by his Subcontractor, Respondent HYO NAM JUNG, without verifying the information.  
15 Again, Respondent SOO DONG KIM knew or reasonably should have known that  
16 information he was submitting on the CPRs should have been verified especially since he  
17 was submitting the CPRs under penalty of perjury. Respondent SOO DONG KIM also  
18 knew or reasonably should have known that the hours and rate of pay he was reporting  
19 for Mr. Guerra and others on the CPRs were not accurate especially in light of the fact  
20 that Respondent SOO DONG KIM previously paid Mr. Guerra a significantly lower rate  
21 of pay for 40 hours of work on the Stacey/Clegg School project, as evidenced by the  
22 checks submitted. As such, Respondent SOO DONG KIM knew or reasonably should  
23 have known that he was underreporting hours actually worked and wages actually paid.

24         The uncontested evidence produced at the hearing established that Respondent  
25 HYO NAM JUNG, an individual dba LUCID ELECTRIC, knew that he was underpaying  
26 Mr. Guerra by paying him only \$16.25 per hour when the type of work he was  
27 performing required payment of a much higher prevailing wage rate. Labor Code §1771  
28 requires that “all workers” employed on public works must be paid at no less than the

1 “general prevailing rate of per diem wages.” Respondent HYO NAM JUNG deliberately  
2 and “willfully” paid Mr. Guerra and other workers significantly lower rates than the  
3 applicable prevailing rates as evidenced by Mr. Guerra’s testimony that Respondent HYO  
4 NAM JUNG demanded the workers on the Stacey/Clegg School project and Huntington  
5 High School Modernization project to lie and state they were paid \$51.00 per hour, if  
6 asked by any inspectors. Accordingly, Respondent HYO NAM JUNG, an individual dba  
7 LUCID ELECTRIC “willfully” violated the prevailing wage rates by failing to pay  
8 prevailing wage rates and overtime, as required.

9 In sum, the uncontested evidence presented at the hearing, established that  
10 Respondents SOO DONG KIM, an individual dba SOO KIM ELECTRIC COMPANY  
11 and HYO NAM JUNG, an individual dba LUCID ELECTRIC “willfully” violated the  
12 public works laws.

13 **Violation of the Public Works Laws with an Intent to Defraud**

14 The uncontested evidence also supports a finding that Respondents SOO DONG  
15 KIM, an individual dba SOO KIM ELECTRIC COMPANY and HYO NAM JUNG, an  
16 individual dba LUCID ELECTRIC violated the public works laws with “intent to  
17 defraud.” California Code of Regulations, Title 8, Section 16800 defines “Intent to  
18 Fraud” as “the intent to deceive another person or entity, as defined in this article, and to  
19 induce such other person or entity, in reliance upon such deception, to assume, create,  
20 transfer, alter or terminate a right, obligation or power with reference to property of any  
21 kind.” Intent to deceive or defraud can be inferred from the facts. *People v. Kiperman*  
22 (1977) 69 Cal.App.Supp. 25. Additionally, an unlawful intent can be inferred from the  
23 doing of an unlawful act. *People v. McLaughlin, supra*.

24 Respondents SOO DONG KIM, an individual dba SOO KIM ELECTRIC  
25 COMPANY and HYO NAM JUNG, an individual dba LUCID ELECTRIC both violated  
26 the public works laws with intent to defraud the awarding bodies and the DLSE.  
27 Specifically, both Respondents intentionally paid workers such as Mr. Guerra,  
28 significantly lower hourly rates in an attempt to skirt the prevailing wage rate

1 requirements. Respondent SOO KIM ELECTRIC COMPANY issued checks to  
2 Mr. Guerra that show Mr. Guerra was paid \$16.25 per hour for full time work despite  
3 Respondent SOO DONG KIM falsely reporting that Mr. Guerra was paid \$51.00 per  
4 hour and worked part time. Respondent SOO DONG KIM's actions can be described  
5 only as intentionally attempting to defraud the awarding bodies and the DLSE. Similarly,  
6 Respondent HYO NAM JUNG violated the public works laws with intent to defraud as  
7 evidenced by his repeated instruction to his workers that they were to lie about their  
8 hourly rate of pay. Clearly Respondent HYO NAM JUNG knew that \$16.25 was not the  
9 amount he should have been paying Mr. Guerra for the type of work Mr. Guerra was  
10 performing on both public work projects. Accordingly, Respondent HYO NAM JUNG's  
11 actions can be described only as intentionally attempting to defraud the awarding bodies  
12 and the DLSE into believing the proper prevailing wage rates were being paid for the  
13 amount of hours workers such as Mr. Guerra, actually worked on both projects.

14 Under these circumstances, the evidence established that Respondents SOO  
15 DONG KIM, an individual dba SOO KIM ELECTRIC COMPANY and HYO NAM  
16 JUNG, an individual dba LUCID ELECTRIC violated the public works laws with "intent  
17 to defraud."

### 18 Debarment

19 "Although debarment can have a severe economic impact on contractors, it 'is not  
20 intended as punishment. It is instead, a necessary means to enable the contracting  
21 governmental agency to deal with irresponsible bidders and contractors, and to administer  
22 its duties with efficiency.'" *Southern California Underground Contractors, Inc. v. City of*  
23 *San Diego* (2003) 108 Cal.App.4<sup>th</sup> 533, 542. The evidence established that Respondents  
24 SOO DONG KIM, an individual dba SOO KIM ELECTRIC COMPANY and HYO  
25 NAM JUNG, an individual dba LUCID ELECTRIC repeatedly acted irresponsibly.  
26 Additionally, the evidence established that Respondents "willfully" and with "intent to  
27 defraud," violated the public works laws. Accordingly, debarment is appropriate. The  
28 proper period of debarment for purposes of the sanctions mandated by Labor Code

1 §1777.1 and California Code of Regulations, Title 8, Section 16802(a), is three (3) years.  
2 The debarment applies to Respondents SOO DONG KIM, an individual dba SOO KIM  
3 ELECTRIC COMPANY and HYO NAM JUNG, an individual dba LUCID ELECTRIC.

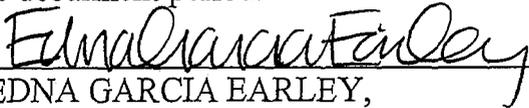
#### 4 ORDER OF DEBARMENT

5 In accordance with the foregoing, it is hereby ordered that Respondents SOO  
6 DONG KIM, an individual dba SOO KIM ELECTRIC COMPANY and HYO NAM  
7 JUNG, an individual dba LUCID ELECTRIC, shall be ineligible to, and shall not, bid on  
8 or be awarded a contract for a public works project, and shall not perform work as a  
9 subcontractor on a public work as defined by Labor Code §§1720, 1720.2 and 1720.3, for  
10 a period of three (3) years, effective April 19, 2010. A three year period is appropriate  
11 under these circumstances where Respondents SOO DONG KIM, an individual dba SOO  
12 KIM ELECTRIC COMPANY and HYO NAM JUNG, an individual dba LUCID  
13 ELECTRIC, an individual, deliberately and with complete disregard of the public works  
14 laws failed to comply with the public works laws by submitting false CPRs, failing to pay  
15 prevailing wage rates, failing to report all workers on the CPRs and instructing workers  
16 to lie about the actual hourly wages they were being paid.

17 This debarment shall also apply to any other contractor or subcontractor in  
18 which Respondents SOO DONG KIM, an individual dba SOO KIM ELECTRIC  
19 COMPANY and HYO NAM JUNG, an individual dba LUCID ELECTRIC, act as  
20 responsible managing employees, responsible managing officers, general partners,  
21 managers, supervisors, owners, partners, officers, employees, agents, consultants, or  
22 representatives. As defined under Labor Code §1777.1(f), “ ‘Any interest’ includes, but  
23 is not limited to, all instances where the debarred contractor or subcontractor  
24 [Respondents] receive payments, whether cash or any other form of compensation, from  
25 any entity bidding or performing work on the public works project, or enters into any  
26 contracts or agreements with the entity bidding or performing work on the public works  
27 project for services performed or to be performed for contracts that have been or will be  
28 assigned or sublet, or for vehicles, tools, equipment or supplies that have been or will be

1 sold, rented or leased during the period of from the initiation of the debarment  
2 proceedings until the end of the term of the debarment period.”

3 Dated: March 3, 2010

  
4 EDNA GARCIA EARLEY,  
5 Hearing Officer  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PROOF OF SERVICE

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to this action. My business address is Division of Labor Standards Enforcement, Department of Industrial Relations, 320 West Fourth Street #430, Los Angeles, CA 90013.

On March 4, 2010, I served the foregoing document described as Proposed Statement of Decision re Debarment of Respondents from Public Works Projects on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope, addressed as follows:

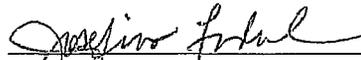
David D. Cross  
Division of Labor Standards Enforcement  
State of California  
2031 Howe Avenue, Suite 100 Legal  
Sacramento, CA 95825

Soo Dong Kim  
Soo Kim Electric Company  
16224 Ridgeview Lane  
La Mirada, CA 90638

Hyo Nam Jung  
Lucid Electric  
18621 Well Street  
Rowland Heights, CA 91748

By Mail: I am readily familiar with the firm's business practices of collection and processing of correspondence for mailing with the United States Postal Service and said correspondence is deposited with the United States Postal Service the same day with postage fully prepaid thereon.

Executed this 4<sup>th</sup> day of March 2010, at Los Angeles, California, I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
Josefina Fadul