

All Proof of Claim Forms MUST be FILED by September 18, 2018. Failure to timely file this form with supporting documents will result in a waiver of your right to file a claim. Objections must be filed by October 2, 2018. All claims will come before the court for hearing on October 29, 2018, at 9:00 a.m. at the court.

In the Court of Common Pleas of Auglaize County, Ohio  
Civil Division

Paul Mastronardi,

Plaintiff,

-vs-

Luis Chibante, et al.,

Defendants.

Case No. 2017-CV-144

PROOF OF CLAIM

With Supporting Documents Attached

1. JEAN HECKSTROTH  
CLERK OF COURTS

2018 SEP 18 PM 4:08

AUGLAIZE COUNTY  
COMMON PLEAS COURT  
FILED

This form is for making a claim for payment from entities that have been dissolved and the affairs of which are being wound up pursuant to a lawsuit filed in this case. The entities that have been dissolved and no longer exist, but whose affairs are being wound up, are:

Golden Fresh Farms Holdings, Inc., an Ohio corporation, and  
Golden Fresh Farms Enterprises, L.P., an Ohio limited partnership.

\* Filers must attach copies of any documents that support the claim, such as promissory notes, leases, purchase orders, invoices, itemized statements of accounts (including the account history showing all invoices and payments since the account's inception), contracts, judgments, mortgages and security agreements. Do not attach original documents; the copies you attach may be destroyed after scanning. If the documents are not available, attach an explanation in detail.

Distribution of the assets of the entities will be a final distribution, after determination of the validity of all secured and unsecured claims.

1. (a) Who is the current creditor? US Department of Labor Wage + Hour Division  
(Legal Name of the current claimant/creditor (the person or entity to be paid for this claim))

Other names the creditor used with the Golden Fresh entities \_\_\_\_\_

(b) Has this claim been acquired from someone else?  NO  YES If yes, from whom? \_\_\_\_\_  
(Attach documents of assignment)

2. Where should notices to this claimant/creditor be sent? (List address.)  
US DOL - Wage + Hour  
550 Main St. Suite 10-409  
Cincinnati, OH 45202

3. Where should payments to this claimant/creditor be sent? (List address.)  
US DOL Wage + Hour  
200 N. High St. Rm. 641e  
Columbus, OH 43215

4. Does this claim amend one already filed?  NO  YES If yes, date filed: \_\_\_/\_\_\_/\_\_\_

5. Do you know if anyone else has filed a proof of claim for this claim?  NO  YES If yes, who? \_\_\_\_\_

6. Do you have a number you use  NO  
to identify the Golden Fresh entity?  YES-- Last 4 digits of account number you use: \_\_\_\_\_

All Proof of Claim Forms MUST be FILED by September 18, 2018. Failure to timely file this form with supporting documents will result in a waiver of your right to file a claim. Objections must be filed by October 2, 2018. All claims will come before the court for hearing on October 29, 2018, at 9:00 a.m. at the court.

7. How much did the entities owe you on September 29, 2017? \$ 48,7105.64

8. What is the total value of everything you provided to the entities after September 29, 2017? \$ 0

9. How much were you paid by the entities after September 29, 2017? \$ 0

10. What is the difference between the amounts in Line 8 and Line 9? \$ 0

11. How much is the claim? \$ 48,7105.64 (Should equal Line 7 plus Line 10. If not, please explain.) Does this amount include interest or other charges?  NO  YES If so, attach statement itemizing interest, fees, expenses or other charges, and explaining the basis for the interest or other charges to this page, and initial each page.

12. What is the basis of the claim? Examples: goods sold, money loaned, services performed, lease, etc. Back wages due employees plus Civil Monetary Penalti  
Attach copies of all supporting documents (as listed on page 1) and initial each page submitted.

13. Is all or part of the claim secured?  NO  YES, the claim is secured by a lien on property, as follows:  
 Real estate. If the claim is secured by a lien on real estate, attach a copy of the mortgage, certificate of judgment, or other lien documents showing date perfected; also attach prior payment history showing all payments you received from the Golden Fresh entity, which Golden Fresh entity your claim is against, and showing how all payments you have received were applied to principal, to interest, to fees or otherwise.  
 Motor Vehicle. If the claim is secured by a lien on a motor vehicle(s), attach a copy of the memorandum of title and all documents supporting the lien validity and the date it was perfected; also attach prior payment history showing all payments you received from the Golden Fresh entity, which Golden Fresh entity your claim is against, and showing how all payments you have received were applied to principal, to interest, to fees or otherwise.  
 Other. Describe property encumbered by your lien: (Use additional pages if necessary.) \_\_\_\_\_

Attach a copy of security agreement and filed financing statement; also attach prior payment history showing all payments you received from the Golden Fresh entity, which Golden Fresh entity your claim is against, and showing how all payments you have received were applied (principal, interest, fees or other.)

Value of the property securing the debt: \$ \_\_\_\_\_

Amount of the claim that is secured:\* \$ \_\_\_\_\_ \*(Should not exceed the value of the property securing the debt.)

Amount of the claim that is unsecured: \$ \_\_\_\_\_  
(The sum of the secured and unsecured amounts should match the amount of the claim in item 7, above.)

14. Is this claim subject to a right of setoff?  NO  YES. Identify the property. \_\_\_\_\_

All Proof of Claim Forms MUST be FILED by September 18, 2018. Failure to timely file this form with supporting documents will result in a waiver of your right to file a claim. Objections must be filed by October 2, 2018. All claims will come before the court for hearing on October 29, 2018, at 9:00 a.m. at the court.

15. Is any of this claim for attorney fees?  NO  YES. If so, explain why you are entitled to attorney fees, and attach a complete listing of all hours and all charges showing with specificity the work performed identified on the invoice sufficient to support your claim.

Use extra pages if needed to support your claim or any of your answers in this proof of claim form.

Note—The Receiver or any interested person may timely challenge whether a claim is valid, whether the security interest is valid and enforceable, the priority of any secured claim, whether a claim is an administrative claim, and whether the fees, expenses and charges listed are required to be paid, or other pertinent issues, by filing an objection to any claim filed.

Time for Filing. A proof of claim shall be deemed timely if it is filed with supporting documents not later than 4:30 p.m. on September 18, 2018. All claims filed are open for inspection by the public and all interested parties at the Clerk of Court's office during normal business hours. Objections shall be deemed timely if filed not later than 4:30 p.m. on October 2, 2018.

The person completing this form must sign and date it, initial each page attached to it, and it must be filed with the Auglaize County Clerk of Courts, Auglaize County Courthouse, 201 South Willipie Street, Room 043, P.O. Box 409, Wapakoneta, OH 45895, whose hours are: Monday thru Friday, 8 a.m. until 4:30 p.m. A proof of claim is deemed filed only when received and file-stamped by the Clerk.

A person who submits a fraudulent claim may be subject to prosecution for such fraud or attempt under the appropriate criminal code sections. Such person may also be subject to punishment for contempt of court of up to 10 days in jail and up to \$500 fine, or both.

I hereby certify that the undersigned is the:

creditor;  creditor's attorney;  creditor's authorized agent; (check one)

and I understand that my signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt. I certify that I have examined the information in this Proof of Claim and attachments and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct, at WANE HOW OFFICES, this 18 day of SEPTEMBER, 2018.

(X) [Signature] (Signature is mandatory)  
Print the name of the person who is completing and signing this claim:  
Full Name: JAVIER IRIARTE Title: ASSISTANT DISTRICT DIRECTOR  
Company: US DOL WANE AND HOW DIVISION  
Address: 550 MAIN ST, RM 10-409  
CINCINNATI, OH 45202  
Contact Phone: (513) 448-3088 Email: IRIARTE.JAVIER@DOL.HOV

**Attachment to Proof of Claim of the U.S. Department of Labor**

This Proof of Claim is filed to set out the amount of claim for the U.S. Department of Labor, Wage & Hour Division. An investigation was conducted by the Wage & Hour Division of Golden Fresh Farms LP, Golden Fresh Farms Enterprises LP and d/b/a Golden Fresh Farms ("GFF"), businesses owned by Paul Mastronardi, 1797540 Ontario, Inc., and Golden Fresh Farms Holdings, Inc.<sup>1</sup> GFF is now in receivership. The investigation, which covered the period October 19, 2016 – May 5, 2018, related to the requirements applicable to the employment of H-2A and other workers under the Immigration and Nationality Act (INA) as amended by the Immigration Reform and Control Act (IRCA) (8 U.S.C. Section 1101(a)(15)(H)(ii)(a), 1184(c) and 1188).

As a result of the investigation, it was determined this employer failed to pay \$14,248.84 in back wages to 67 employees at varying times from October 19, 2016 through September 29, 2017. The WH-56, Summary of Unpaid Wages, is attached identifying the employees and the amounts each is owed in back wages. The WH-56 is attached as supporting documentation to the Secretary's claim.

In addition, pursuant to Section 218(g)(2) of the INA and its implementing regulations at 29 C.F.R. Part 501, the Department assessed civil money penalties in the amount of \$34,516.80. An explanation of these violations and civil money penalties is found in the attached Notice of Determination of Wages Owed, Assessing Civil Money Penalties dated September 18, 2018. This Notice is attached as supporting documentation to the Secretary's claim.

Any payment of back wages and civil money penalties should be sent, in two separate certified checks, to:

U.S. Department of Labor  
Wage and Hour Division  
550 Main Street, Room 10-409  
Cincinnati, Ohio 45202

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<sup>1</sup> Paul Mastronardi and Luis Chibante owned Golden Fresh Farms Holding, Inc.

Summary of Unpaid Wages

U.S. Department of Labor  
Wage and Hour Division



<b>Office Address:</b> Cincinnati OH A0 U.S. Department of Labor 550 Main Street Room 10-409 Cincinnati, OH 45202 513-684-2909	<b>Investigator:</b> Danielle Clifton	<b>Date:</b> 09/18/2018
	<b>Employer Fed Tax ID Number:</b> 81-2680401	

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
CYNTHIA ANN ANDERSON		04/01/2017 to 07/22/2017	H2A	\$634.79 <hr/> \$634.79	\$634.79 <hr/> \$634.79
KARLI AYERS		04/01/2017 to 07/22/2017	H2A	\$43.55 <hr/> \$43.55	\$43.55 <hr/> \$43.55
ANDREW BENDELE		04/01/2017 to 07/22/2017	H2A	\$46.46 <hr/> \$46.46	\$46.46 <hr/> \$46.46
CYNTHIA BERRY-MESSMER		04/01/2017 to 07/22/2017	H2A	\$277.75 <hr/> \$277.75	\$277.75 <hr/> \$277.75
DANIEL BOGAN		04/01/2017 to 07/22/2017	H2A	\$86.36 <hr/> \$86.36	\$86.36 <hr/> \$86.36
BETHANY BORHO		04/01/2017 to 07/22/2017	H2A	\$329.77 <hr/> \$329.77	\$329.77 <hr/> \$329.77

I agree to pay the listed employees the amount due shown above by  Signed: _____  Date: _____	<b>Employer Name and Address:</b> Golden Fresh Farms Golden Fresh Farms LP 1902 Progress Dr. Wapakoneta OH 45895	<b>Subtotal:</b> \$1,418.68	\$1,418.68

Form WH-56

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Summary of Unpaid Wages

U.S. Department of Labor  
Wage and Hour Division



Office Address: Cincinnati OH A0 U.S. Department of Labor 550 Main Street Room 10-409 Cincinnati, OH 45202 513-684-2909	Investigator: Danielle Clifton	Date: 09/18/2018
	Employer Fed Tax ID Number: 81-2680401	

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
TIFFANY BOWER		04/01/2017 to 07/22/2017	H2A	\$716.60 <hr/> \$716.60	\$716.60 <hr/> \$716.60
RHYS IDIOMA BOWERS		04/01/2017 to 07/22/2017	H2A	\$677.21 <hr/> \$677.21	\$677.21 <hr/> \$677.21
ALFRED CAPELLE JR.		04/01/2017 to 07/22/2017	H2A	\$12.12 <hr/> \$12.12	\$12.12 <hr/> \$12.12
MICHELLE CARR		04/01/2017 to 07/22/2017	H2A	\$727.20 <hr/> \$727.20	\$727.20 <hr/> \$727.20
STEPHANIE CARTER		04/01/2017 to 07/22/2017	H2A	\$63.63 <hr/> \$63.63	\$63.63 <hr/> \$63.63
DAMIEN CORSO		04/01/2017 to 07/22/2017	H2A	\$52.02 <hr/> \$52.02	\$52.02 <hr/> \$52.02

I agree to pay the listed employees the amount due shown above by  Signed: _____  Date: _____	Employer Name and Address: Golden Fresh Farms Golden Fresh Farms LP 1902 Progress Dr. Wapakoneta OH 45895	Subtotal: \$2,248.78	\$2,248.78

Form WH-56

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Summary of Unpaid Wages

U.S. Department of Labor  
Wage and Hour Division



Office Address: Cincinnati OH A0 U.S. Department of Labor 550 Main Street Room 10-409 Cincinnati, OH 45202 513-584-2909	Investigator: Danielle Clifton	Date: 09/18/2018
Employer Fed Tax ID Number: 81-2680401		

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
Jacob Lee Craft		04/01/2017 to 07/22/2017	H2A	\$106.56  \$106.56	\$106.56  \$106.56
Aaron Crouch		04/01/2017 to 07/22/2017	H2A	\$531.26  \$531.26	\$531.26  \$531.26
DEBRA Sue CREEK		04/01/2017 to 07/22/2017	H2A	\$21.72  \$21.72	\$21.72  \$21.72
DAVID ALEN DELAP		04/01/2017 to 07/22/2017	H2A	\$17.04  \$17.04	\$17.04  \$17.04
MICHAEL DETISCH		04/01/2017 to 07/22/2017	H2A	\$0.87  \$0.87	\$0.87  \$0.87
AUSTIN DRAKE		04/01/2017 to 07/22/2017	H2A	\$77.07  \$77.07	\$77.07  \$77.07

I agree to pay the listed employees the amount due shown above by	Employer Name and Address: Golden Fresh Farms Golden Fresh Farms LP 1902 Progress Dr. Wapakoneta OH 45895	Subtotal: \$754.52	\$754.52
	Signed: _____  Date: _____		

Form WH-56

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# Summary of Unpaid Wages

## U.S. Department of Labor Wage and Hour Division



<b>Office Address:</b> Cincinnati OH A0 U.S. Department of Labor 550 Main Street Room 10-409 Cincinnati, OH 45202 513-684-2909	<b>Investigator:</b> Danielle Clifton	<b>Date:</b> 09/18/2018
<b>Employer Fed Tax ID Number:</b> 81-2680401		

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
MICHELLE EVANS		04/01/2017 to 07/22/2017	H2A	\$24.75 <hr/> \$24.75	\$24.75 <hr/> \$24.75
JOSHUA HANSON		04/01/2017 to 07/22/2017	H2A	\$237.86 <hr/> \$237.86	\$237.86 <hr/> \$237.86
ERICA Nicole HUBER		09/23/2017 to 09/30/2017	H2A	\$38.89 <hr/> \$38.89	\$38.89 <hr/> \$38.89
CHARITY HUGHES		04/01/2017 to 07/22/2017	H2A	\$13.13 <hr/> \$13.13	\$13.13 <hr/> \$13.13
LAURIE HUGHES		04/01/2017 to 07/22/2017	H2A	\$59.59 <hr/> \$59.59	\$59.59 <hr/> \$59.59
DAMON JENKINS		04/01/2017 to 07/22/2017	H2A	\$25.76 <hr/> \$25.76	\$25.76 <hr/> \$25.76

I agree to pay the listed employees the amount due shown above by	<b>Employer Name and Address:</b> Golden Fresh Farms Golden Fresh Farms LP 1902 Progress Dr. Wapakoneta OH 45895	<b>Subtotal:</b> \$399.98	\$399.98
		Signed: _____ Date: _____	

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Summary of Unpaid Wages

U.S. Department of Labor  
Wage and Hour Division



Office Address: Cincinnati OH A0 U.S. Department of Labor 550 Main Street Room 10-409 Cincinnati, OH 45202 513-684-2909	Investigator: Danielle Clifton	Date: 09/18/2018
Employer Fed Tax ID Number: 81-2680401		

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
CAILEIGH KIRTLEY		04/01/2017 to 07/22/2017	H2A	\$70.20 <hr/> \$70.20	\$70.20 <hr/> \$70.20
MELISSA LAING		04/01/2017 to 07/22/2017	H2A	\$372.19 <hr/> \$372.19	\$372.19 <hr/> \$372.19
Tamala Lohr		04/01/2017 to 07/22/2017	H2A	\$103.02 <hr/> \$103.02	\$103.02 <hr/> \$103.02
Kain Luthman		04/01/2017 to 07/22/2017	H2A	\$132.16 <hr/> \$132.16	\$132.16 <hr/> \$132.16
Fai Fel Marok		04/01/2017 to 07/22/2017	H2A	\$18.69 <hr/> \$18.69	\$18.69 <hr/> \$18.69
SHELBY MACKENBACH		04/01/2017 to 07/22/2017	H2A	\$42.42 <hr/> \$42.42	\$42.42 <hr/> \$42.42

I agree to pay the listed employees the amount due shown above by	Employer Name and Address: Golden Fresh Farms Golden Fresh Farms LP 1902 Progress Dr. Wapakoneta OH 45895	Subtotal: \$738.68	\$738.68
	Signed: _____ Date: _____		

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# Summary of Unpaid Wages

## U.S. Department of Labor Wage and Hour Division



Office Address: Cincinnati OH A0  
U.S. Department of Labor  
550 Main Street  
Room 10-409  
Cincinnati, OH 45202  
513-684-2909

Investigator:  
Daniele Clifton

Date:  
09/18/2018

Employer Fed Tax ID Number: 81-2680401

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
CULLEN MARTELL		04/01/2017 to 07/22/2017	H2A	\$44.95	\$44.95
				\$44.95	\$44.95
SHELBY MARTELL		04/01/2017 to 07/22/2017	H2A	\$95.45	\$95.45
				\$95.45	\$95.45
LEVI MARTIN		04/01/2017 to 07/22/2017	H2A	\$185.84	\$185.84
				\$185.84	\$185.84
REBEKAH MARTIN		04/01/2017 to 07/22/2017	H2A	\$388.35	\$388.35
				\$388.35	\$388.35
CALEB MELTON		04/01/2017 to 07/22/2017	H2A	\$462.08	\$462.08
				\$462.08	\$462.08
LEVI MEYER		04/01/2017 to 07/22/2017	H2A	\$405.52	\$405.52
				\$405.52	\$405.52

I agree to pay the listed employees the amount due shown above by

Employer Name and Address:  
Golden Fresh Farms  
Golden Fresh Farms LP  
1902 Progress Dr.  
Wapakoneta OH 45895

Subtotal: \$1,582.19 \$1,582.19

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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Summary of Unpaid Wages

U.S. Department of Labor  
Wage and Hour Division



Office Address: Cincinnati OH A0 U.S. Department of Labor 550 Main Street Room 10-409 Cincinnati, OH 45202 513-684-2909	Investigator: Danielle Clifton	Date: 09/18/2018
Employer Fed Tax ID Number: 81-2680401		

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
MALIK MORRIS		04/01/2017 to 07/22/2017	H2A	\$129.28 <hr/> \$129.28	\$129.28 <hr/> \$129.28
MICAH NICOL		04/01/2017 to 07/22/2017	H2A	\$240.38 <hr/> \$240.38	\$240.38 <hr/> \$240.38
Madeline Okuley		04/01/2017 to 07/22/2017	H2A	\$106.56 <hr/> \$106.56	\$106.56 <hr/> \$106.56
SAMANTHA PACK		04/01/2017 to 07/22/2017	H2A	\$10.10 <hr/> \$10.10	\$10.10 <hr/> \$10.10
CYNTHIA REBOLLEDO BROWN		04/01/2017 to 07/22/2017	H2A	\$645.39 <hr/> \$645.39	\$645.39 <hr/> \$645.39
KAYLEE RICKERT		04/01/2017 to 07/22/2017	H2A	\$58.58 <hr/> \$58.58	\$58.58 <hr/> \$58.58

I agree to pay the listed employees the amount due shown above by	Employer Name and Address: Golden Fresh Farms Golden Fresh Farms LP 1902 Progress Dr. Wapakoneta OH 45395	Subtotal: \$1,190.29	\$1,190.29
	Signed: _____ Date: _____		

*Signature*

Summary of Unpaid Wages

U.S. Department of Labor  
Wage and Hour Division



Office Address: Cincinnati OH A0 U.S. Department of Labor 560 Main Street Room 10-409 Cincinnati, OH 45202 513-684-2909	Investigator: Danielle Clifton	Date: 09/18/2018
	Employer Fed Tax ID Number: 81-2680401	

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
AUDREY RODRIGUEZ		04/01/2017 to 07/22/2017	H2A	\$78.78	\$78.78
				\$78.78	\$78.78
CHRISTIAN ROEDIGER		04/01/2017 to 07/22/2017	H2A	\$146.45	\$146.45
				\$146.45	\$146.45
HARLEY RUMPLE		04/01/2017 to 07/22/2017	H2A	\$373.70	\$373.70
				\$373.70	\$373.70
Danny Schmidt		04/01/2017 to 07/22/2017	H2A	\$50.50	\$50.50
				\$50.50	\$50.50
ASHLEY SCHMIEDER		04/01/2017 to 07/22/2017	H2A	\$50.00	\$50.00
				\$50.00	\$50.00
BRIAN SCOTT		04/01/2017 to 07/22/2017	H2A	\$63.13	\$63.13
				\$63.13	\$63.13

I agree to pay the listed employees the amount due shown above by	Employer Name and Address: Golden Fresh Farms Golden Fresh Farms LP 1902 Progress Dr. Wapakoneta OH 45895	Subtotal:	\$762.56	\$762.56
		Signed:		
Date:				

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Summary of Unpaid Wages

U.S. Department of Labor  
Wage and Hour Division



Office Address: Cincinnati, OH A0 U.S. Department of Labor 550 Main Street Room 10-409 Cincinnati, OH 45202 513-684-2909	Investigator: Danielle Clifton	Date: 09/18/2018
	Employer Fed Tax ID Number: 81-2680401	

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
LINDA SHADE		04/01/2017 to 07/22/2017	H2A	\$644.89 <hr/> \$644.89	\$644.89 <hr/> \$644.89
ABIGAIL LEEANN SHANER		04/01/2017 to 07/22/2017	H2A	\$86.86 <hr/> \$86.86	\$86.86 <hr/> \$86.86
JEANNA SHANER		04/01/2017 to 07/22/2017	H2A	\$26.77 <hr/> \$26.77	\$26.77 <hr/> \$26.77
DANIEL RAY SHANER JR.		04/01/2017 to 07/22/2017	H2A	\$32.32 <hr/> \$32.32	\$32.32 <hr/> \$32.32
Luke Simmons		04/01/2017 to 07/22/2017	H2A	\$133.83 <hr/> \$133.83	\$133.83 <hr/> \$133.83
BROOKE SMITH		04/01/2017 to 07/22/2017	H2A	\$592.37 <hr/> \$592.37	\$592.37 <hr/> \$592.37

I agree to pay the listed employees the amount due shown above by	Employer Name and Address: Golden Fresh Farms Golden Fresh Farms LP 1902 Progress Dr. Wapakoneta OH 45895	Subtotal: \$1,517.04	\$1,517.04
	Signed: _____ Date: _____		

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# Summary of Unpaid Wages

## U.S. Department of Labor Wage and Hour Division



Office Address: Cincinnati OH A0 U.S. Department of Labor 550 Main Street Room 10-409 Cincinnati, OH 45202 513-684-2909	Investigator: Danielle Clifton	Date: 09/18/2018
	Employer Fed Tax ID Number: 81-2680401	

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
DARLENE SMITH		04/01/2017 to 07/22/2017	H2A	\$706.49 <hr/> \$705.49	\$705.49 <hr/> \$705.49
KYLEE SOMMERS		04/01/2017 to 07/22/2017	H2A	\$518.64 <hr/> \$518.64	\$518.64 <hr/> \$518.64
JOSEPHINE STEINKE		04/01/2017 to 07/22/2017	H2A	\$30.81 <hr/> \$30.81	\$30.81 <hr/> \$30.81
CORY TAYLOR		04/01/2017 to 07/22/2017	H2A	\$3.07 <hr/> \$3.07	\$3.07 <hr/> \$3.07
AARON THOMAS		04/01/2017 to 07/22/2017	H2A	\$2.06 <hr/> \$2.06	\$2.06 <hr/> \$2.06
JENNIFER LYNN THORNBURG		04/01/2017 to 07/22/2017	H2A	\$27.78 <hr/> \$27.78	\$27.78 <hr/> \$27.78

I agree to pay the listed employees the amount due shown above by	Employer Name and Address: Golden Fresh Farms Golden Fresh Farms LP 1902 Progress Dr. Wapakoneta OH 45895	Subtotal: \$1,287.85	\$1,287.85
		Signed: _____	
Date: _____			

Summary of Unpaid Wages

U.S. Department of Labor  
Wage and Hour Division



Office Address: Cincinnati OH A0 U.S. Department of Labor 550 Main Street Room 10-409 Cincinnati, OH 45202 513-584-2909	Investigator: Danielle Clifton	Date: 09/18/2018
Employer Fed Tax ID Number: 81-2680401		

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
PRESTON TIEMAN		04/01/2017 to 07/22/2017	H2A	\$277.75  \$277.75	\$277.75  \$277.75
SUSAN TIEMAN		04/01/2017 to 07/22/2017	H2A	\$573.68  \$573.68	\$573.68  \$573.68
CANDACE WALKER		04/01/2017 to 07/22/2017	H2A	\$358.05  \$358.05	\$358.05  \$358.05
MELISSA WATT		04/01/2017 to 07/22/2017	H2A	\$624.18  \$624.18	\$624.18  \$624.18
MISTY WEBB		04/01/2017 to 07/22/2017	H2A	\$39.90  \$39.90	\$39.90  \$39.90
Logan Wiedenbein		04/01/2017 to 07/22/2017	H2A	\$110.60  \$110.60	\$110.60  \$110.60

I agree to pay the listed employees the amount due shown above by	Employer Name and Address: Golden Fresh Farms Golden Fresh Farms LP 1902 Progress Dr. Wapakoneta OH 45895	Subtotal:	\$1,984.16	\$1,984.16
		Signed:		
Date:				

Summary of Unpaid Wages

U.S. Department of Labor  
Wage and Hour Division



Office Address: Cincinnati OH A0 U.S. Department of Labor 550 Main Street Room 10-409 Cincinnati, OH 45202 513-684-2909	Investigator: Danielle Clifton	Date: 09/18/2018
	Employer Fed Tax ID Number: 81-2680401	

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
COURTNEY WOOLUM		04/01/2017 to 07/22/2017	H2A	\$364.11	\$364.11
				\$364.11	\$364.11

I agree to pay the listed employees the amount due shown above by	Employer Name and Address: Golden Fresh Farms Golden Fresh Farms LP 1902 Progress Dr. Wapakoneta OH 45895	Subtotal:	\$364.11	\$364.11
		Total:	\$14,248.84	\$14,248.84
Signed:				
Date:				

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**U.S. Department of Labor**

Wage and Hour Division  
550 Main Street, Room 10-409  
Cincinnati, OH 45202  
Tel & fax: 513-448-3088  
Email: Iriart.Javier@dol.gov



September 18, 2018

Paul Mastronardi, Vice President  
Golden Fresh Farms LP/Golden Fresh Farms Enterprises LP  
d/b/a Golden Fresh Farms  
1902 Progress Dr.  
Wapakoneta, OH 45895

**Subject: Notice of Determination of Wages Owed, Assessing Civil Money Penalties**

Case Reference Number: #1848411

Dear Mr. Mastronardi:

An investigation conducted by this office of Golden Fresh Farms LP, Golden Fresh Farms Enterprises LP and d/b/a Golden Fresh Farms (herein Golden Fresh Farms), relating to the requirements applicable to the employment of H-2A and other workers under the Immigration and Nationality Act (INA) as amended by the Immigration Reform and Control Act (IRCA) (8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184(c) and 1188), in Wapakoneta, OH, covering the period from October 19, 2016 through May 5, 2018, disclosed that the Employer Parties failed to comply with Section 218 of the INA and applicable regulations at 20 C.F.R. part 655 and 29 C.F.R. part 501.

As a consequence of these H-2A violations, \$14,248.84 in unpaid wages is owed to 67 workers. The specific violations and the wages owed associated with them are set forth in the attached matrix entitled *Summary of Violations*.

In addition, pursuant to Section 218(g)(2) of the INA and its implementing regulations at 29 C.F.R. part 501, civil money penalties are hereby assessed in the amount of \$34,516.80. See 29 C.F.R. § 501.19. The specific violations and the civil money penalties associated with them are set forth in the attached matrix entitled *Summary of Violations*.

The full amount reflected above in the sum of \$14,248.84 in back wages and \$34,516.80 in CMPs is due and payable within 30 days to "Wage and Hour Division, U.S. Department of Labor." Payments by two certified checks or money orders should be delivered or mailed to:

U.S. Department of Labor  
Wage and Hour Division  
550 Main Street, Room 10-409  
Cincinnati, OH 45202

The dollar amounts reflected above constitutes a debt owed to the Federal government. This debt is subject to the assessment of interest, administrative cost charges and penalties in

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accordance with the Debt Collection Act of 1982, and departmental policies. Interest will be assessed at the Treasury Tax and Loan Account Rate on any balance outstanding from the date of this notice, accruing from the notice date. Administrative cost charges will be assessed to help defray the Government's cost of collecting this debt. A penalty at the rate of 6% will be assessed on any portion of the debt remaining delinquent for more than 90 days. In order to avoid these charges, forward payments to the office listed above by the indicated due date.

The regulation at 29 C.F.R. § 501.20 provides for debarment from future labor certifications for a prescribed period of time for failure to pay the assessed back wages and civil money penalties by the indicated date due.

## APPEAL RIGHTS

Golden Fresh Farms has the right to request a hearing on this determination. Such a request must be dated, be typewritten or legibly written, specify the issue(s) stated in this notice of determination on which a hearing is requested, state the specific reason(s) why the requestor believes this determination to be in error, be signed by the requestor or by an authorized representative, and include the address at which the requestor or the authorized representative desires to receive further communications relating to the hearing request.

The request must be made and received within 30 days from the date of this letter by the **Columbus District Office, Wage and Hour Division, U.S. Department of Labor, located at 550 Main Street, Room 10-409, Cincinnati, OH 45202.** Requests for a hearing may be made by certified mail or by means normally assuring overnight delivery.

If Golden Fresh Farms does not make a timely request, this determination will become a final order of the Secretary of Labor and may no longer be appealed. The timely filing of an administrative appeal stays the determination pending the outcome of the appeal proceedings.

When a request for a hearing is filed with the Administrator, the matter is referred to the Chief Administrative Law Judge. A formal hearing is then scheduled for a final determination with respect to the alleged violations. At such hearing you may, by yourself or through an attorney retained by you, present such witnesses, introduce such evidence and establish such facts as you believe will support your position.

The fact that the above sanctions and remedies are being imposed for the H-2A violations found at this time does not preclude the taking of other enforcement action as is deemed appropriate by the Department of Labor, or the additional assessments of back wages or civil money penalties for violations of the H-2A provisions found at some future time. Such other enforcement action may include the pursuit of unpaid wages, injunctive action, specific performance of the work contract, and denial or revocation of temporary alien agricultural labor certification.

Copies of Section 218 of INA and Regulations, 20 C.F.R part 655 (<https://www.ecfr.gov/cgi-bin/text-idx?SID=019f28cb2b081515d27508dd0c18321f&node=pt20.3.655&rgn=div5#sp20.3.655.a>)

and 29 C.F.R. part 501 <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=10f50877082f08568d40dbfeaf119853&inc=true&n=PART&n=pt29.3.501> are also enclosed for your reference and assistance.

Finally, we wish to point out that there may be a question as to the deductibility of civil money penalties paid as a business expense under the Internal Revenue Code. In this regard, you may wish to contact the Internal Revenue Service.

Sincerely,

Javier Iriart  
Assistant District Director

Enclosures: Section 218, INA  
Reg. 655/501(Electronically)  
Summary of Violations

cc: Regional Administrator  
Wage and Hour Division  
U.S. Department of Labor  
230 S Dearborn St, Room 530  
Chicago, IL 60604  
c/o: REC Nicole Delahanty

Associate Regional Solicitor  
U.S. Department of Labor  
1240 East Ninth St, Room 881  
Cleveland, OH 44199-2054

Scott Patterson  
Butzel Long  
41000 Woodward  
Bloomfield Hills, MI 48304

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U.S. Department of Labor  
Wage and Hour Division

Case ID: 1848411  
Act: H-2A  
EIN: 81-2680401  
Name: Golden Fresh Farms LP  
Golden Fresh Farms Enterprises LP

Employer address: 1902 Progress Dr.  
Wapakoneta, OH 45895

Unpaid Wages  
Amount Due: \$14,248.84

Civil Money  
Penalty Amount  
Due: \$34,516.80

**THIS SHEET MUST BE INCLUDED WITH PAYMENT  
YOU MUST WRITE YOUR TAX ID ON YOUR CHECK**

MAIL TO:

U.S. Department of Labor  
Wage and Hour Division  
230 S Dearborn St, Room 530  
Chicago, IL 60604-1757

Amount paid: \$ \_\_\_\_\_  
Date of payment: \_\_\_\_\_  
Check number: \_\_\_\_\_  
Signature: \_\_\_\_\_

- - Regional Office Copy - -

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U.S. Department of Labor  
Wage and Hour Division

Case ID: 1848411  
Act: H-2A  
EIN: 81-2680401  
Name: Golden Fresh Farms LP  
Golden Fresh Farms Enterprises LP

Employer address: 1902 Progress Dr  
Wapakoneta, OH 45895

Unpaid Wages  
Amount Due: \$14,248.84

Civil Money  
Penalty Amount  
Due: \$34,516.80

**YOU MUST RETURN THIS SHEET TO THE ASSESSING OFFICE**

MAIL TO:

U.S. Department of Labor  
Wage and Hour Division  
550 Main Street, Room 10-409  
Cincinnati, OH 45202

Amount paid: \$ \_\_\_\_\_  
Date of payment: \_\_\_\_\_  
Check number: \_\_\_\_\_  
Signature: \_\_\_\_\_

-- District Office Copy --

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## Summary of Violations

Regulatory Requirement Violated	Summary Description (U.S. Worker Protections)	Unpaid Wages Owed	Civil Money Penalty
20 C.F.R. § 655.122(a)	Employer offered terms and working conditions to U.S. workers which are less favorable than those offered to H-2A visa workers (preferential treatment). Specifically, the investigation disclosed that the employer paid corresponding U.S. workers less than H-2A workers.	\$14,284.84	\$34,516.80
Regulatory Requirement Violated	Summary Description (Disclosure)	Unpaid Wages Owed	Civil Money Penalty
20 C.F.R. § 655.135(l)	Failed to post H-2A poster. Specifically, the investigation disclosed that the employer failed to post the H-2A poster at the work site and instead posted the Spanish poster at the employee housing.	\$0.00	\$0.00
20 C.F.R. § 655.122(l)	Failure to pay the offered/required wage rate. Specifically, the investigation disclosed that the employer failed to pay U.S. workers in corresponding employment the offered wage rate. Violation captured under Preferential Treatment, See 20 C.F.R. § 655.122(a).	\$0.00 <i>See</i> 20 C.F.R. § 655.122(a)	\$0.00 <i>See</i> 20 C.F.R. § 655.122(a)
Regulatory Requirement Violated	Summary Description (Recordkeeping)	Unpaid Wages Owed	Civil Money Penalty
20 C.F.R. § 655.122(k)	The employer failed to comply with the pay statement requirements. Specifically, the investigation revealed that the employer failed to record hours of employment offered to workers and the employer's FEIN.	\$0.00	\$846.00
<b>Total</b>		<b>\$14,248.84</b>	<b>\$34,516.80</b>



**U.S. Department of Labor**

Office of the Solicitor  
881 Federal Office Building  
1240 East Ninth Street  
Cleveland, Ohio 44199



Reply to the Attention of:

(216) 522-3872

VIA FACSIMILE

September 18, 2018

Clerk of Court  
Auglaize County, Ohio  
Fax: (419) 739-6768

Re: Paul Mastronardi v. Luis Chibante, et. al., Case No. 2017-CV-144

Dear Sir/Madam:

Attached please find for filing the Department of Labor's Proof of Claim in the above-captioned case. Along with the three-page Proof of Claim, we submit the following documents supporting this claim:

1. Attachment to Proof of Claim of the U.S. Department of Labor (1 page)
2. WH- 56, Summary of Unpaid Wages (12 pages)
3. Notice of Determination of Wages Owed, Assessing Civil Money Penalties ( 6 pages)

If you have any questions regarding this filing, please call Maureen Cafferkey at (216) 522-3872.

Sincerely,

BENJAMIN T. CHINNI  
Associate Regional Solicitor

By,

MAUREEN M. CAFFERKEY  
Wage & Hour Counsel

Enclosures