

Settlement Agreement between the Maine Department of Labor and Sarge's Sports Pub & Grub Inspection #475055

This Agreement is entered into by and between the Maine Department of Labor, Bureau of Labor Standards and Sarge's Sports Pub & Grub (Hereinafter called "Employer") to address and resolve violations of Title 26 §774 and §775 identified during Inspection #4729.

I. RECITALS

Sarge's Sports Pub & Grub is a corporation in good standing authorized to do business in Maine. Craig Sargent is the owner, and he is authorized to bind the corporation and enter into this Settlement Agreement.

II. Acknowledgement and Admission of violations

EMPLOYER acknowledges and admits to the following 43 violations of Title 26 §774 and §775 identified on the citation letter dated January 28, 2024, attached to this agreement.

- §774 14 violations
- §775 29 violations

III. TERMS of SETTLEMENT

A. Employer training (given by agency)

Within sixty (60) days of the Director's execution of this Agreement, EMPLOYER shall contact the AGENCY'S Chief Labor & Safety Inspector, Bartlett Hutchinson, at 207-623-7951 to schedule training.

Within six (6) months of the Director's execution of this Agreement, all of EMPLOYER'S management staff shall attend training hosted by the AGENCY. For purposes of this agreement, management includes each individual who supervises or will supervise any of EMPLOYER'S employees. EMPLOYER shall count training as hours worked for anyone in management that may attend.

B. Notices to be posted

EMPLOYER shall post and will keep posted in a place accessible to the employer's employees the most current versions of each of the following required labor posters:

- Child Labor
- Minimum Wage
- Regulation of Employment
- Whistle Blower's Protection Act

- Sexual Harassment
- Video Display Terminals (if applicable)

These posters can be downloaded for free at <https://www.maine.gov/labor/posters/index.shtml>

C. COMPROMISE OF PENALTIES

AGENCY acknowledges that the total penalty amount assessed in the citation letter dated January 8, 2024, failed to calculate the adjustment required based on the size of the employer. The total penalty assessed should have been reduced by 15% because the employer had between 21 and 50 employees at the time of the violations. Therefore, the original penalty of \$21,500.00 is reduced to \$18,275.00

EMPLOYER agrees to comply with all of Maine's labor laws and specifically agrees to make any necessary procedural changes in order to ensure compliance. EMPLOYER acknowledges and admits violations that result in total penalties in the amount of \$18,275.00. EMPLOYER agrees to fund the following public service announcements (PSA) in the form of full-page newspaper advertisements at the following cost:

- Portland Press Herald, Sunday paper: \$4,320.00;
- Sun Journal, Sunday paper: \$2,780.10; and
- Bangor Daily News, Saturday (weekend) paper: \$4,200.00.

The total cost of the PSA's is therefore \$11,300.10. EMPLOYER will transact directly with the papers. EMPLOYER must contact the newspapers to initiate the transaction within five business days of the signing of this agreement, and must ensure the announcements appear as soon as reasonably practicable thereafter. The PSA wording is attached.

The penalty will be reduced from \$18,275.00 to **\$3,699.90**. When considering the penalty and the cost of the advertisements, the total expenditure will be **\$15,000.00** instead of \$18,275.00. EMPLOYER agrees to pay the \$3,699.90 penalty amount in equal monthly payments in accordance with the following schedule:

- First payment due no later than 14 calendar days after the signing of this agreement;
- Second payment due no later than 30 calendar days after the first payment; and
- Third and final payment due no later than 30 calendar days after the second payment.

AGENCY agrees to suspend the remaining balance of \$14,575.10 if EMPLOYER complies with the terms of this Agreement for two years from the date of the Agreement.

EMPLOYER acknowledges and understands that by signing this Settlement Agreement, in consideration of the reduction in penalties, EMPLOYER admits to the above violations and waives any right to appeal the determination of violations and the resulting penalties. EMPLOYER acknowledges that this Settlement Agreement constitutes final bureau action and waives any

right to appeal this action, including an 80C appeal. EMPLOYER acknowledges and understands that this Settlement Agreement is a public document.

In the event of any breach of this Settlement Agreement, AGENCY may enforce the entire amount of the penalties suspended above, along with penalties for any additional violations subsequent to the date of this Agreement in State of Maine Superior Court. In the event of such action, EMPLOYER retains the right to dispute whether this Settlement Agreement has been breached but waives any right to contest the underlying violations and resulting penalties.

IV. Technical assistance

Offer of technical assistance

AGENCY invites EMPLOYER to contact Chief Labor & Safety Inspector, Bartlett Hutchinson, at 207-623-7951 for confidential technical assistance.

Signature(s)



Dr. Jason Moyer-Lee
Director, Bureau of Labor Standards
Maine Department of Labor

Date: April 2, 2024



Craig Sargent, owner and authorized
Representative for Sarge's Sports Pub & Grub

Date: 4/7/24