

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

**v.**

**SHAWN C. BRADLEY**

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**CRIMINAL NO. 10-149**

**SECTION: "A" (3)**

**VIOLATIONS: 18 U.S.C. § 1001  
18 U.S.C. § 2**

**FACTUAL BASIS**

Should this matter go to trial, the government would prove beyond a reasonable doubt the following facts through competent evidence and testimony.

A representative from the Department of Labor, Wage and Hour Division, would testify that the Department of Labor, Wage and Hour Division, was an agency of the United States charged with the administration and enforcement of the Fair Labor Standards Act of 1938 ("the Act"). The Act required in part that covered employers must comply with the minimum wage, record keeping, and overtime requirements set forth in the Act. To meet the definition of a "covered employer," an employer had to be engaged in commerce, have at least two

employees and qualify as an enterprise. To meet the definition of an “enterprise” under the Act, an employer had to have gross sales of \$500,000 or more. The Act required that a covered employer pay its employees who worked more than 40 hours in a workweek, not less than one and one-half their regular rate for each hour worked in excess of the 40 hour standard.

The witness would testify that the defendant, **SHAWN C. BRADLEY** was the owner, operator and CEO of an electrical company (“Company”) which met the requirements under the Act to be a covered employer. The Wage and Hour witness would further testify that the Company, headquartered in Norco, Louisiana, was investigated regarding its compliance with the Act for the time period September 2004 through September 2006. The investigation disclosed that from on or about September 10, 2004, and continuing to on or about September 8, 2006, in the Eastern District of Louisiana, the Company violated the overtime provisions of the Act by failing to pay fifty-nine (59) employees approximately \$74,931.29 in overtime wages.

As the owner, operator and CEO of the Company, the defendant, **SHAWN C. BRADLEY**, signed an agreement with the Wage and Hour Division agreeing that the Company would pay the full amount of back wages due. The defendant, **SHAWN C. BRADLEY**, personally agreed in writing to mail the proof of payments to the Wage and Hour Division by October 31, 2006.

However, instead of mailing the proof of payments, the defendant **SHAWN C. BRADLEY** directed a Company employee to hand deliver the proofs of payment to the Wage and Hour Division located at 600 S. Maestri Place, New Orleans, Louisiana. On November 29, 2006, the Wage and Hour Division received fifty-four (54) “Receipt of Payment of lost or denied

wages, employment benefits, or other compensation” (“Form WH-58”) reflecting that the individuals listed on each Form WH-58 had been paid in full.

Each Form WH-58 submitted by the defendant **SHAWN C. BRADLEY** contained the following section:

I hereby certify that I have on this date paid the above named employee in full covering lost or denied wages, employment benefits, or other compensation as stated above.

Signed: /s/ Shawn Bradley    Title: /s/ President/Ceo

**Penalties including fines and imprisonment are prescribed for a false statement or misrepresentation under U.S. Code, Title 18, Sec. 1001.**

The Wage and Hour witness would further testify that employees of the Company stated that the defendant called each employee into the defendant’s office for the purported purpose of paying the employee his back wages, but instead of paying the employee the back wages, the defendant told the employee to sign the Form WH-58 or he would lose his job because the Company would go out of business. The employee did not receive the full amount of back wages as reflected on Form WH-58. There were thirty-eight (38) employees that did not receive their full back wages. These employees were owed a total of approximately \$62,082.06.

The defendant did pay approximately eighteen former employees the full amount of back wages due and each signed the Form WH-58.

The government would also introduce all the Form WH-58's signed by the defendant, the copies of the front side only of the purported back wage checks which the defendant had attached

to the Form WH-58, the bank records reflecting that those checks were never cashed, Company's time and payroll records, and the Wage and Hour computation sheets.

**READ AND APPROVED:**

\_\_\_\_\_  
SHAWN C. BRADLEY (Date)  
Defendant

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DOROTHY MANNING TAYLOR (Date)  
Assistant U.S. Attorney

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WILLIAM P. GIBBENS, JR. (Date)  
Attorney for the defendant

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

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**CRIMINAL NO. 10-150**

v.

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**SECTION: "K" (1)**

**BRADLEY ELECTRICAL  
SERVICES, INC.**

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**FACTUAL BASIS**

Should this matter go to trial, the government would prove the following facts through competent evidence and testimony.

A representative from the Department of Labor, Wage and Hour Division, would testify that the Department of Labor, Wage and Hour Division, was charged with the administration and enforcement of the Fair Labor Standards Act of 1938 ("the Act"). The Act required in part that covered employers must comply with the minimum wage, record keeping, and overtime requirements set forth in the Act. To meet the definition of a "covered employer," an employer had to be engaged in commerce, have at least two employees and qualify as an enterprise. To meet the definition of an "enterprise" under the Act, an employer had to have gross sales of \$500,000 or more. The Act required that a covered employer pay its employees who worked

more than 40 hours in a workweek, not less than one and one-half their regular rate for each hour worked in excess of the 40 hour standard.

The witness would testify that the defendant, **BRADLEY ELECTRICAL SERVICES, INC. (“BES”)**, met the requirements under the Act to be a covered employer. The Wage and Hour witness would further testify that the defendant, **BES**, was a company, headquartered in Norco, Louisiana, that provided electrical services in the construction industry. The DOL Wage and Hour Division conducted an investigation of the defendant **BES** to determine its compliance with the Act for the time period September 2004 through September 2006. The investigation disclosed that from on or about September 10, 2004, and continuing to on or about September 8, 2006, in the Eastern District of Louisiana, defendant **BES** violated the overtime provisions of the Act by failing to pay fifty-nine (59) employees approximately \$74,931.29 in overtime wages.

The government would also introduce **BES** time and payroll records as evidence and the DOL Wage and Hour computation sheets.

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BRADLEY ELECTRICAL SERVICES, INC.  
By its duly authorized representative

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DOROTHY MANNING TAYLOR (date)  
Assistant U.S. Attorney

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WILLIAM P. GIBBENS, JR. (Date)  
Attorney for the defendant