

BILL RITTER, JR.
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Executive Director

MICHAEL J. MCARDLE
Director of Labor



DEPARTMENT OF LABOR AND EMPLOYMENT DIVISION OF LABOR

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www.colorado.gov/cdle/labor

REQUEST FOR MEDIATION

THIS FORM MUST BE SIGNED AND DATED

CLAIM#

COMP OFFICER

YOUR NAME Craig D. Buckley		YOUR HOME PHONE [REDACTED]	
MAILING ADDRESS [REDACTED]		YOUR CURRENT WORK PHONE ()	
CITY Longmont	STATE CO	ZIP CODE 80501	YOUR CELL PHONE ([REDACTED])
YOUR E-MAIL ADDRESS [REDACTED]			
EMPLOYER/BUSINESS NAME Dream Stone, Inc.		EMPLOYER PHONE (303) 774-1122	
EMPLOYER MAILING ADDRESS 4040 Kodiak Ct.		OWNER OR SUPERVISOR'S NAME Scott Murphy	
CITY Longmont	STATE CO	ZIP CODE 80504	EMPLOYER E-MAIL ADDRESS emurphy@dreamstoneinc.com
TYPE OF CLAIM <input type="checkbox"/> SALARY <input checked="" type="checkbox"/> WAGES <input type="checkbox"/> COMMISSION <input checked="" type="checkbox"/> VACATION <input type="checkbox"/> DEDUCTIONS <input type="checkbox"/> OVERTIME <input type="checkbox"/> OTHER			
TYPE OF INDUSTRY Manufacturing		OCCUPATION/TITLE/JOB CLASSIFICATION/POSITION CNC Programmer	
DATE STARTED WORK July 10, 2006	DATE LAST WORKED September 30, 2008	PAY PERIOD (Daily, Weekly, Biweekly, Monthly) Biweekly	
ARE YOU STILL WORKING THERE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	REASON FOR SEPARATION <input type="checkbox"/> FIRED <input type="checkbox"/> QUIT <input type="checkbox"/> LAY-OFF <input checked="" type="checkbox"/> OTHER Wrongful termination/C.R.S.8-78-108(4)(c)		
RATE OF PAY PER (Hour, Week, Month, Piece, Biweekly, etc.) \$ 20.50 / per hr.		TOTAL AMOUNT OF MONEY YOU ARE OWED \$ 820.00 + penalties	
HOW DID YOU ARRIVE AT THE AMOUNT YOU ARE CLAIMING? PLEASE BE SPECIFIC AND INCLUDE DATES. This is accrued vacation time pursuant to C.R.S. 8-4-109(1)(b). Vacation pay is within the definition of "wages or compensation". Hartman v. Freedman, 197 Colo. 275, 591 P.2d 1318 (1979).			
WERE YOU PAID AT THE TIME OF SEPARATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DID YOU RECEIVE ITEMIZED PAY STATEMENTS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	OUTSTANDING ADVANCES OR LOANS WITH EMPLOYER? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
WERE YOU ISSUED A UNIFORM? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, WAS IT RETURNED? <input type="checkbox"/> YES <input type="checkbox"/> NO	ARE YOU HOLDING ANYTHING THAT BELONGS TO THE EMPLOYER? IF YES, PLEASE DESCRIBE. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<p>Any person providing false information to the Division of Labor in order to obtain and/or retain anything of value may be subject to criminal prosecution under the laws of the State of Colorado with possible penalties of imprisonment, fines, or both.</p> <p><u>This form must be signed and dated.</u></p> <p>1. I hereby certify that this is a true statement of monies owed, and authorize the Division of Labor to investigate and assist in this matter. 2. I understand that the Division of Labor does not guarantee a resolution to this dispute, and that I may have to pursue the matter further in court, with an attorney, with another agency, or through other methods. 3. I also understand that any information supplied on this form may be provided to the employer, the agents of the employer involved in the dispute, and other agencies or individuals as the Division deems appropriate.</p>			
YOUR SIGNATURE <i>Craig D. Buckley</i>		DATE 1/21/2010	
Office Use Only RESOLUTION		DATE CLOSED	
		AMOUNT \$	

ADDITIONAL COMMENTS:

This matter, in addition to the wrongful termination under C.R.S. 8-78-108(4)(c), as having been determined as a matter of law by the Industrial Claims Appeals Office, is currently before the Weld County District Court, Division 1, Case # 2009CV991.

The purpose of this report is not to initiate mediation, but to effect diligent investigation by the CDLE Director per, C.R.S. 8-4-111 (1), in support of civil and/or criminal penalties against the employer, Dream Stone, Inc., for willful and malicious violation of C.R.S. 8-4-109(1)(b), pursuant to those remedies provided by C.R.S. 8-4-113, and C.R.S. 8-4-114, respectively.

Claimants filing of civil action in the Weld County District Court should not preclude investigation of this matter by the CDLE, per C.R.S. 8-4-110(2)

I believe the employer has wrongfully denied numerous other former employees earned/accrued wages upon termination of employment, including my wife, who is also a former employee of Dream Stone, Inc.

AS GROUNDS:

I terminated employment with Dream Stone, Inc. on August 30, 2008 due to screaming, belittling, and a hostile work environment perpetuated by the employers. My wrongful termination, pursuant to C.R.S. 8-4-108(4)(c) was affirmed, as a matter of law, by the ICAO. (Exhibit - A)

On October 1, 2008, I initiated a phone conversation with Dream Stone CEO, Scott Murphy, during which time I informed him that he was to make my final paycheck payable by mail at my current address.

I had also informed Mr. Murphy that I had accrued 40 hours of vacation time, and that was also to be made payable, via USPS, to my current address, per my final pay stub indicating 40 hrs. of earned vacation. (Exhibit - B)

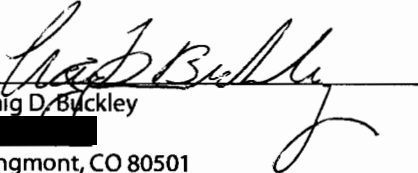
Mr. Murphy responded to my demand, which was compliant with C.R.S. 8-4-109(1)(b), by laughing at me, and saying, "Fuck you".

On October 20, 2008 I sent a letter to Dream Stone, Inc. secretary/treasurer, Ida E. Murphy, in which I demanded payment, per 8-4-109(3)(a), for the accrued vacation pay. To this date, January 21, 2010, Dream Stone, Inc. remains noncompliant with C.R.S. 8-4-109(1)(b). (Exhibit - C).

Due to the willful, malicious, and ongoing nature of the employer's violations, and the fact that they have unlawfully done this to numerous former employees, many of whom will be subpoenaed to testify in my Weld County District Court case, I would respectfully ask that the Director impose the maximum civil and/or criminal penalties upon the employer, as provided by law.

I swear under penalty of perjury that all statements contained herein are true and complete to the best of my knowledge.

Respectfully submitted this date, January 21, 2010:



Craig D. Buckley

██████████
Longmont, CO 80501

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cdbuckley@comcast.net