

- 2) Respondent, EnviCor Enterprises, LLC dba EnviCor Enterprises, (hereafter Respondent) is a North Carolina corporation doing business in Smithfield, North Carolina. At all times relevant to this matter, Respondent was in the business of operating a plastic fabrication company called EnviCor Enterprises, LLC in Smithfield, North Carolina.
- 3) Respondent is an employer within the meaning of N.C. General Statute 64-25(4) and all of Respondent's employees referred to in the Complaint are "employees" within the meaning of NC General Statute 64-25(3).
- 4) Respondent at all times relevant to this matter, employed 25 or more employees in North Carolina, as employee is defined in NC General Statute 64-25(3).
- 5) On or about December 28, 2021, Complainant received an anonymous complaint that alleged that Respondent was not verifying the work authorization of its employees as required by Chapter 64, Article 2 of the North Carolina General Statutes.
- 6) Prior to December 28, 2021, the Complainant had not received a complaint against Respondent.
- 7) An Investigator for Complainant investigated the allegation and concluded that the complaint was not false or frivolous.
- 8) A telephone hearing was held on February 15, 2023, to review the investigative case file resulting from the complaint pursuant to NC General Statute 64-30 and 13 NCAC 12.0905.
- 9) Evidence provided by the Respondent to the Hearing Officer prior to the hearing showed that, Respondent previously enrolled in the E-Verify web-based system prior to December 28, 2021.
- 10) Evidence provided by the Respondent to the Investigator and to the Hearing Officer, prior to the hearing, showed that the Respondent did not consistently process E-Verify on employees within 3 business days.
- 11) Respondent failed to conduct an E-Verify evaluation on a total of 11 employees who worked nine months in either 2020 or 2021.

Based upon the foregoing FINDINGS OF FACT, the undersigned Hearing Officer makes the following:

CONCLUSIONS OF LAW

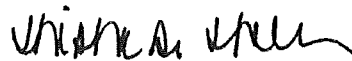
- 1) The foregoing Findings of Fact are incorporated by reference as Conclusions of Law to the extent necessary to give effect to the provisions of this Order.
- 2) The Respondent is subject to the jurisdiction and provisions of this Act.
- 3) Respondent is required to verify the work authorization of its employees under Article 2 of Chapter 64 of the North Carolina General Statutes.

- 4) The complaint filed against Respondent on December 28, 2021, was not false or frivolous.
- 5) At the time the complaint was filed, Respondent was enrolled in the E-Verify system.
- 6) Although Respondent was enrolled in the E-Verify system and has remained enrolled, Respondent was not verifying the work authorization of all of its employees within the required three business days, and therefore was not entitled to the presumption of compliance provided in 13 NCAC 12.0903(a).
- 7) At the time of the hearing in this matter, Respondent was enrolled in the E-Verify system.
- 8) Respondent failed to conduct an E-Verify enrollment and evaluation at any time on a total of eleven (11) employees who had worked for Respondent in either 2021 or 2022.
- 9) Respondent is now in compliance with the E-Verify requirements for employees who were employed and/or who remain employed for the time period in question.
- 10) Respondent violated the E-Verify requirements due to the failure to enroll the eleven (11) employees in the E-Verify system after they were hired. A list of those eleven (11) employees is attached as Exhibit A.

BASED UPON the foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED as follows:

- 1) Respondent is currently in compliance with the requirements of Article 2, Chapter 64 of the North Carolina General Statutes.
- 2) Respondent was required to enroll employees in the E-Verify system and conduct an E-Verify evaluation but failed to do so for eleven (11) employees employed during 2021-2022, and is, therefore, in violation of Article 2, Chapter 64 of the North Carolina General Statutes.
- 3) Respondent is hereby ordered to file the enclosed sworn affidavit (Exhibit B) within three (3) business days of this Order.

This the 28th day of April, 2023.



Kisha Holmes
Administrator
Hearing Officer

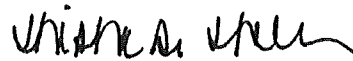
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served a copy of the foregoing ORDER upon:

EnviCor Enterprises, LLC
dba EnviCor Enterprises
207 A Computer Drive
Smithfield, NC 27577

by depositing a copy of the same in the United States Mail, Certified Mail, postage prepaid at Raleigh, North Carolina.

THIS THE 28th DAY OF April, 2023.



Kisha Holmes
Administrator
Hearing Officer
North Carolina Department of Labor
1101 Mail Service Center
Raleigh, North Carolina 27699-1101
919-707-7980

Exhibit A

Chanchavac Lopez, Byron	01/28/2021	Terminated
Chanchavac Lopez, Wilfro E	4/25/2018	Terminated
Gomez-Ortiz, David	3/19/2018	Terminated
Larios-Dominguez, Mario A	12/19/2018	Terminated
Matta-Febres, Nashda M	6/5/2018	Terminated
Munguia Canales, Gerson E	7/25/2018	Terminated
Pearce, Kevin L	1/6/2020	Terminated
Rojas-Garcia, Daniel	6/27/2017	Terminated
Spence, Deanna J	6/30/2014	Terminated
Vicente-Vicente, Cesar M	04/24/2015	Terminated
Willis, Tyshawn K	10/31/2016	Terminated

STATE OF NORTH CAROLINA)
)
COUNTY OF Johnston)
)

SWORN AFFIDAVIT
INVESTIGATION 201410

1. I am Lisa Johnson, and I hold the position of CFO with EnviCor Enterprises, LLC dba EnviCor Enterprises (Respondent) in the North Carolina Department of Labor Investigation 113932.
2. I certify that as an employer I am was required to enroll in E-Verify as required by Chapter 64, Article 2 of the North Carolina General Statutes.
3. I certify that as an employer I am currently enrolled in E-Verify effective 1-31-2017.
4. Following enrollment in E-Verify, an E-Verify check was requested on all employees working for the time period of this investigation.
5. Pursuant to the provisions of N.C. General Statute § 7A-98, *Unsworn declarations under penalty of perjury*, I state under penalty of perjury under the laws of North Carolina that the foregoing is true and correct.

This the 28th day of April, 2023.

Lisa Johnson