

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BRIAN TRASK,
1873 County Road 18
Wellsville, New York 14895

COMPLAINT

Plaintiff,

Civ. No.:

v.

TOWN OF ALMA
P.O. Box 67
5838 Allen Street
Allentown, New York 14707

DANIEL FORD
5827 Allen Street
Allentown, New York 14707

RONALD STAEDT
1615 White Hill Road
Allentown, New York 14707

Defendants.

Plaintiff Brian Trask, through his attorney, Michael F. Geraci, Esq., of Geraci Law Offices, as and for his Complaint in this matter states as follows:

PARTIES:

1. Plaintiff Brian Trask is a citizen of the State of New York, resides within the jurisdiction of this Court and is an employee of the Defendant Town of Alma within the meaning of 29 U.S.C. § 203(g).

2. Defendant Town of Alma is a political subdivision of the State of New York.

3. Defendant Daniel Ford is a citizen of the State of New York, resides within the jurisdiction of this Court, and is the elected Superintendent of Highways for the Town of Alma.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D. C. 20535
MAY 15 1964

AMERICAN OVERSEAS
CORPORATION
1000 BROADWAY
NEW YORK, N. Y. 10018

ATTORNEYS AT LAW
1000 BROADWAY
NEW YORK, N. Y. 10018

ROYAL DUTCH SHELL
INCORPORATED
1000 BROADWAY
NEW YORK, N. Y. 10018

Enclosure

Dear Sirs:

Reference is made to your letter of May 11, 1964, captioned as above.

The Bureau is currently conducting an investigation of the activities of the Communist Party, USA, in the United States and its efforts to infiltrate and subvert the Government of the United States.

It is noted that your company is a subsidiary of the Royal Dutch/Shell Group, a major oil and gas company. The Bureau is interested in your company's activities in the United States and its relationship to the Communist Party, USA.

Very truly yours,
Director

Enclosed for you are two copies of a report of the New York Office dated May 11, 1964, captioned as above. This report contains information regarding the activities of the Communist Party, USA, in the United States and its efforts to infiltrate and subvert the Government of the United States.

Very truly yours,
Special Agent in Charge

AM/10

4. Defendant Ronald Staedt is a citizen of the State of New York, resides within the jurisdiction of this Court, and is the elected Supervisor for the Town of Alma.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1337 and FLSA § 16(b), 29 U.S.C. § 216(b).

6. Venue in this Court is proper as the causes of action arose and the Plaintiff resides within the geographic jurisdiction of this District.

FACTS

7. Pursuant to New York Town Law § 20, among the officers elected by the Town of Alma are a “Supervisor” and a “Superintendent of Highways”.

8. Ronald Staedt (“Supervisor Staedt”) is the current Supervisor for the Town of Alma.

9. The Town of Alma maintains a Highway Department which is headed by an elected Superintendent of Highways.

10. Daniel Ford (“Superintendent Ford”) is the duly elected Superintendent of Highways for the Town of Alma.

11. Pursuant to New York Highway Law § 140(4) the Superintendent of Highways is responsible for the hiring, monitoring and direction of those employees of the Town working at the Highway Department.

12. Since on or about December 1, 2018, Trask, at the direction of the Superintendent of Highways, has performed the duties of Heavy Motor Equipment Operator (“HMEO”) for the Town of Alma.

13. Since on or about February 1, 2019 the Town of Alma has refused and continues to refuse to pay Trask agreed-upon wages in a timely manner in violation of the Fair Labor Standards Act, 29 USC sec. 201 et seq. ("FLSA").

14. A superintendent of highways directs town employees in the interest of the town and therefore incurs liability on the part of the town.

15. On or about December 7, 2018, Superintendent Ford appointed Trask to the position of Heavy Motor Equipment Operator ("HMEO") within the Highway Department.

16. Trask's appointment was subject to a sixty-day probationary term.

17. On or about February 5, 2019, Highways Superintendent Ford reported to the Alma Town Board that Trask had successfully completed his probationary period and was a full-time employee of the Highway Department.

18. At various times relevant hereto the Supervisor of the Town of Alma has asserted that (a) Trask failed to satisfactorily complete his probationary term; (b) Trask was discharged for cause during his probationary term; (c) funding for Trask's position was removed from the Town budget; and (d) Trask's presence on Town property constitutes trespassing.

19. Notwithstanding the positions taken by the Town Supervisor, Trask has performed and continues to perform the duties of an HMEO under the direction of the Superintendent of Highways, and to the Town's benefit.

20. In accordance with the payroll procedures of the Town of Alma, the Superintendent of Highways certifies, each payroll period, the number of hours Trask has

The first part of the document discusses the importance of maintaining accurate records.

It is essential to ensure that all data is properly documented and stored.

This section outlines the various methods used for data collection and analysis.

The following table provides a summary of the key findings from the study.

Table 1: Summary of Key Findings

The data shows a significant increase in the number of participants over time.

This increase is attributed to several factors, including improved outreach efforts.

Overall, the results indicate a positive trend in the study's progress.

The next section will explore the challenges faced during the data collection process.

It is important to address these challenges to ensure the integrity of the data.

The following table lists the common issues encountered and their potential solutions.

Table 2: Common Issues and Solutions

One of the most frequent issues is incomplete data entry, which can be resolved by training staff.

Another common problem is data inconsistency, which can be addressed by implementing standardized protocols.

Finally, data loss is a significant concern, which can be mitigated by regular backups and secure storage.

By addressing these issues, the study can ensure the accuracy and reliability of its findings.

The following section will discuss the implications of the study's results for future research.

It is hoped that these findings will provide valuable insights for other researchers in the field.

The study's conclusions are based on the data collected and analyzed throughout the project.

These findings have important implications for the development of effective interventions.

The study's results suggest that further research is needed to explore the underlying causes of the observed trends.

Overall, the study has provided a comprehensive overview of the current state of research in this area.

worked, and the certification of the Superintendent of Highways has put the Town on notice that Trask is being permitted or suffered to work.

21. Notwithstanding the certification by the Superintendent of Highways that Trask is working, the Town, since on or about February 1, 2019 has failed and refused to timely pay Trask his regular rate for all hours worked plus time and one-half for overtime as required by the FLSA. 29 U.S.C. §§ 206 & 207.

22. Trask previously filed a Complaint against the Town of Alma on or about September 5, 2019 asserting a claim for unpaid wages owed to Trask by the Town (WDNY Civil Case No. 19-cv-01192).

23. On or about October 30, 2020, United States District Court Judge Christina Reiss issued an Opinion and Order granting in part and denying in part the Town's Motion for Summary Judgment and denying Trask's Cross-Motion for Summary Judgment.

24. Judge Reiss' Opinion and Order determined that the Town was not a "joint employer" of Trask, but recognized Superintendent Ford's relationship to the Town and authority to hire and pay Trask. The Court declined to make a ruling on whether the Town was liable to pay the claim against Superintendent Ford as Trask's employer on behalf of the Town as that matter was not briefed before the Court.

25. In hopes that the Town would begin paying Trask for his work as an HMEO for the Town, the Town Board Majority voted in favor of a Resolution in February 2020 to reinstate a third full-time Highway Department position.

26. The Town Board majority then voted in favor of a Resolution in February 2020 stating that "the Town Supervisor is directed to timely honor all vouchers issued

since January 1, 2020 by the Superintendent of Highways for the payment of wages to Brian Trask.”

27. The Town’s February 2020 Resolution further states that “in the event that the Supervisor fails to carry out the resolution, damages are imposed on the Town, that the Supervisor shall be personally responsible for reimbursing the Town for such damages.”

**FIRST CAUSE OF ACTION
(FAIR LABOR STANDARDS ACT)**

28. Since on or about December 1, 2018, Trask, at the direction of the Superintendent of Highways, has performed the duties of an HMEO for the Town of Alma.

29. Since on or about February 1, 2019 the Town of Alma has refused and continues to refuse to pay Trask agreed-upon wages in a timely manner in violation of the Fair Labor Standards Act, 29 USC sec. 201 et seq.

30. In an effort to compel the Town to begin paying Trask for his work as an HMEO for the Town, the Town Board Majority voted in favor of a Resolution in February 2020 to reinstate a third full-time Highway Department position, and further that “the Town Supervisor is directed to timely honor all vouchers issued since January 1, 2020 by the Superintendent of Highways for the payment of wages to Brian Trask.”

31. The Town’s February 2020 Resolution further states that “in the event that the Supervisor fails to carry out the resolution, damages are imposed on the Town, that the Supervisor shall be personally responsible for reimbursing the Town for such damages.”

32. The Superintendent of Highways has certified all of Trask’s pay going back to December 2018, including since the Resolution was passed in February 2020

1. The purpose of this memorandum is to

report on the results of the study conducted

October 15, 1954

2. The study was conducted over a period of

three months, from July to September, 1954.

3. The results of the study are as follows:

The study has shown that the

4. The following factors were found to be

significant in determining the

CONCLUSIONS

5. It is concluded that the

study has demonstrated the

6. The following recommendations are

made for the improvement of

7. It is recommended that the

study be repeated at a later

8. The study has shown that the

results are in general in

9. The following factors were found to be

significant in determining the

10. It is recommended that the

study be repeated at a later

11. The following factors were found to be

significant in determining the

12. The study has shown that the

results are in general in

13. The following factors were found to be

significant in determining the

14. It is recommended that the

study be repeated at a later

15. The following factors were found to be

significant in determining the

16. The study has shown that the

results are in general in

17. The following factors were found to be

significant in determining the

18. It is recommended that the

study be repeated at a later

19. The following factors were found to be

significant in determining the

20. The study has shown that the

results are in general in

instructing the Town Supervisor to timely honor all vouchers issued by the Superintendent of Highways for the payment of wages to Brian Trask.

33. Despite the clear and unequivocal language of the resolutions passed by the Town Board majority in February 2020, the Town has continued to fail to timely pay Trask his regular rate for all hours worked plus time and one-half for overtime as required by the FLSA. 29 U.S.C. §206 & §207.

34. The Town has knowingly and willfully failed to pay regular wages and overtime pay to Trask in a timely manner each bi-weekly payday since February 1, 2019, and therefore is required to pay Trask, in addition to the wages certified by the Highway Superintendent, liquidated damages in an amount equal to the unpaid wages.

35. The Town has continued to knowingly and willfully refuse to pay regular wages and overtime pay to Trask despite the Resolution passed by the Town in February 2020 directing that Trask be paid all wages certified by the Superintendent of Highways since January 1, 2020.

PRAYER FOR RELIEF

36. Wherefore, based on the Defendants failure to timely pay wages and overtime as required by the FLSA, Trask is entitled to a judgment (1) directing the Defendants to comply with the prompt payment requirement of the FLSA; (2) paying Trask the contractually-required wages and overtime pay for all employed hours with respect to each pay period since February 1, 2019 (or in the alternative for each pay period since January 1, 2021); (3) awarding an equal amount as liquidated damages; and (4) awarding costs, including reasonable attorney fees as permitted by the FLSA; together with such other and further relief as to the Court may seem just and proper.

The first part of the document discusses the importance of maintaining accurate records for all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice to ensure transparency and accountability. This section also outlines the procedures for handling discrepancies and the role of the audit committee in monitoring the financial statements.

The second part of the document details the internal control system implemented by the organization. It describes the segregation of duties, the authorization process for transactions, and the regular reconciliation of accounts. The document highlights the effectiveness of these controls in preventing errors and fraud, and the commitment of management to uphold the highest standards of financial integrity.

INTERNAL CONTROL SYSTEM

The internal control system is designed to provide reasonable assurance over the achievement of the organization's objectives. It consists of several key components, including the establishment of clear policies and procedures, the assignment of responsibilities, and the implementation of monitoring activities. The system is continuously evaluated and improved to adapt to changing business conditions and regulatory requirements.

The document also discusses the role of the internal audit function in assessing the effectiveness of the internal control system. It provides information on the scope of the audit, the findings of the audit, and the corrective actions taken to address any identified weaknesses. The organization is committed to a culture of continuous improvement and to the highest standards of ethical conduct.

The second part of the document discusses the organization's financial performance and its ability to meet its financial obligations. It provides a detailed analysis of the revenue streams, operating expenses, and the resulting profit margins. The document also highlights the organization's strong liquidity position and its ability to secure financing when needed.

The third part of the document discusses the organization's risk management strategy. It identifies the key risks facing the organization, such as market volatility, credit risk, and operational risk. The document describes the risk assessment process and the controls in place to mitigate these risks. The organization is committed to a proactive approach to risk management and to the continuous monitoring of risk levels.

The fourth part of the document discusses the organization's compliance with applicable laws and regulations. It provides a summary of the key regulatory requirements and the measures in place to ensure compliance. The document also discusses the organization's commitment to ethical conduct and its policies on bribery, corruption, and anti-money laundering.

The fifth and final part of the document discusses the organization's future outlook and its strategic objectives. It provides a summary of the key challenges and opportunities facing the organization and the strategies in place to address these challenges. The organization is committed to long-term growth and to the highest standards of financial performance and ethical conduct.

Dated: May 4, 2021

GERACI LAW OFFICES

/s/ Michael F. Geraci

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