

Thomas Humphries
Dr. Roofs, Inc.
3037A McNaughton Drive
Columbia, SC 29223

March 16, 2016

The Honorable Nikki R Haley
The Office of the Governor
1204 Pendleton St.
Columbia, SC 29201

Dear Governor Haley,

My name is Thomas Humphries and I am the owner of Dr. Roofs, Inc. located in Columbia. Approximately 12 years ago my dad turned his business, Commercial Service Company, Inc. over to me. In 2015, I changed the company name to Dr. Roofs, Inc. in an effort to focus more work towards roof replacements and repairs. When I took over the business, I took it as is, to include the bookwork, employees and clients. I have had the privilege to work with some great folks over the years, and one of those was a Mexican named Rufino Victoriano. He was a hard worker, very dependable, just a great guy. Several years ago, my company was hired to perform work on Fort Jackson. One particular day we were going onto the base and as we went through security, they asked Rufino for his ID. He provided them with a passport that they determined to be fake. They cuffed him and questioned both of us separately for quite some time. All I knew was that he provided me with a Tax ID number when he started working with me so I never questioned whether he was legal or not and my accountant never asked me for any other identification for employees. Approximately three months after this incident, Homeland Security contacted me by phone and then showed up at my house thirty minutes later. They asked to see the business paperwork I kept on the employees. I cooperated and gave them everything that they asked for. I had already decided several weeks after the fort incident; that it was in my best interest to let Rufino go as I didn't want any more trouble. It was hard to do because no one could work any harder.

When I took over the business, I kept the same accountant that my dad used and I still use him to this day. I have always paid monthly taxes, social security, etc. on all of my employees, to include Rufino. Before this incident happened, I used W-9s to complete the tax information required for employees. This is what my dad understood to do, so I followed what he did. The accountant never told me that I needed to provide any other information for tax purposes other than the social security number & Tax ID number.

Fast forward two years later, Homeland Security sought me out again and informed me that I have to pay a fine of \$31,790. This fee was calculated by them taking 28 employees that I and my dad employed over the years and assessing a \$935 fine per person because I submitted W-9s instead of I-9s for them. They also assessed \$935 per person for 5 temporary employees that I used after the Fort Jackson incident, for which I e-verified and used the I-9 form as I was instructed to do by others after the fort incident, but they said I filled the forms out incorrectly. My brother and I are also included in the 28 count as they went back to when my father had the business. I had never heard of an I-9 form before this incident and my accountant had never informed me to use this form. When Rufino used the Tax ID number, I had no clue

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this meant he was not allowed to work, and he was even collecting his tax returns in January. I learned from the Homeland Security agents that the Agency knows a lot of businesses fall short of perfection with their tax information but they focused specifically on me because I had involvement with a critical infrastructure.

I have and will always pay taxes, social security, etc. on all of my employees. I have always carried insurance policies to cover my business. I have never tried to conspire against the government by running a business under the table, employing illegal aliens, or any other wrong doing. I love this country and am proud to be able to support it by paying my part. The fact that they audited me because of this incident, and so long after the initial concern, makes me feel like I am being bullied by the Government. I have never heard of another business owner being charged with filing the wrong paperwork. If I had tried to cheat the government by not paying taxes and social security, and never insured my business, I could understand them faulting me and making me pay back taxes but I have paid the taxes so what I am being assessed an unfair penalty for? I corrected my system by e-verifying and filing I-9s but they are still charging me fines because I did not do it correctly. This is ludicrous!

I am a small business owner who struggles to stay afloat. Between taxes, employees, materials, permits, medicare, social security, workers comp and general liability insurance, I pay close to 90% of my income out to the respective entities referenced above, which includes the Government. I am providing stable employment for citizens of this State and meanwhile trying to bring an income home to support my family. I keep up with politics and am passionate about doing my part to make this world a better place. I believe it to be most unfair that this Agency is trying to put me out of business because I submitted incorrect forms. It seems to me they would rather suppress my efforts to be a business owner by putting me out of business and creating a situation that would put me in line to go on welfare and have the Government support me, and in turn, those that I employ. They told me what I was doing wrong, I changed the way I operate, they audited me and saw from that time on, I was submitting the tax information but instead of saying "Good Job!", nope they said "You're doing the right thing, but we still want to penalize you." Why doesn't the government inform business owners of the correct forms to use? If there's no education offered how are we, business owners, to know of the appropriate way to operate businesses? I have an accountant and one would assume if there's information to be known, they would share it with their clients.

The fee assessed to me is outrageous and it could literally cause me to have to close my business down. I am angered that this Government, one trying to promote jobs, collect taxes, and grow the economy would have the audacity to implement such harsh penalties to a business owner who is trying to harm no one, but instead prosper so many.

I am asking that you consider this information and will contact me to share what you believe may be the right path of action for me to take in disputing this claim. I cannot afford an attorney to assist me in this manner, as I have a \$31,790 bill looming over my head. I appreciate you serving and representing the

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State of South Carolina and this Country and pray that you will have compassion for my situation. I look forward to receiving guidance and assistance from you such that I can resolve this issue. You can reach me at (803)-633-5444 or (803)-465-0040. I will welcome a call and an appointment to meet with you to discuss this issue. I thank you in advance for your time and interest in supporting me in my resolve this situation such that I can continue to prosper my business.

Sincerely,

Thomas Humphries
Dr. Roofs Inc.

DEPARTMENT OF HOMELAND SECURITY
 U.S. Immigration and Customs Enforcement
**NOTICE OF INTENT TO FINE PURSUANT TO SECTION 274A
 OF THE IMMIGRATION AND NATIONALITY ACT**

United States of America

Office Address 1835 Assembly Street, Room 358

Columbia, SC 29210

File Number CO19NR13CO0004

In the matter of (Respondent):

Commercial Service Company, Inc.

Address (Street Number and Name, City, State, and Zip Code)

3634 Foxhall Road
 Columbia, SC 29204

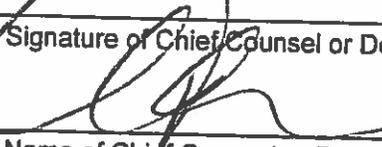
Upon inquiry conducted by U.S. Immigration and Customs Enforcement (ICE), it is alleged that:

SEE ATTACHED SHEETS

Upon the basis of the foregoing allegations, it is charged that you are in violation of the following provisions(s) of law:

SEE ATTACHED SHEETS

Wherefore, pursuant to Section 274A of the Immigration and Nationality Act and Part 274a, Title 8, Code of Federal Regulations, it is the intention of ICE to order you to pay a fine in the amount of \$ 31,790.00.

Signature of Chief Counsel or Designee 
Name of Chief Counsel or Designee Alfie Owens
Title of Chief Counsel or Designee Chief Counsel
Date 12/30/2015

Signature of Issuing Officer 
Name of Issuing Officer Bernardo Pillot
Title of Issuing Officer Assistant Special Agent in Charge
Date 1-26-15

- I. You have the right to contest this Notice. If you desire to contest this Notice, you must:
 1. Submit a written request for a hearing before an administrative law judge within 30 days from the service of this Notice. The hearing will be conducted pursuant to Title 5, United States Code, Sections 554 - 557.
 2. Submit the written request for a hearing either in person or by certified mail to the following address:
 Alfie Owens, Office of Chief Counsel
 U.S. DHS/ICE/OPLA
 180 Spring Street SW; Suite 332
 Atlanta, Georgia 30303
- II. You may submit to ICE a written answer responding to each allegation listed in this Notice either in person or by certified mail, at the above address.
- III. If a written request for a hearing is not received on a timely basis, ICE will issue a final and unappealable order in 45 days directing you to pay a fine in the amount specified in this Notice. If the charge specifies violation(s) of subsection 274A(a)(1)(A) or subsection 274A(a)(2) of the Immigration and Nationality Act, the order will also require that you cease and desist from such violation(s).
- IV. You have a right to representation by counsel of your choice at no expense to the U.S. Government.
- V. Small entities may direct comments about regulatory and/or enforcement actions to the Small Business Administration's (SBA) Office of the National Ombudsman via the Internet (www.sba.gov/ombudsman); email (Ombudsman@sba.gov); telephone (1-888-REG-FAIR); or mail (SBA Office of the National Ombudsman, 409 Third St, SW, Washington, DC 20416). The National Ombudsman process has no effect on your rights or obligations under the procedures of the agency on which you are commenting. You must still comply with all of that agency's processes and procedures.
- VI. Any statement given may be used against you in these proceedings.

Certificate of Service	
Served by (print name)	_____
Date served	_____
Method of service	_____
Person or entity served	_____
Place of service	_____
Signature of employee or officer	_____
Name and title of employee or officer	_____

COUNT I

FAILED TO PREPARE AND/OR PRESENT THE EMPLOYMENT
ELIGIBILITY VERIFICATION FORM (FORM I-9)

A. The Respondent hired the following individuals for employment in the United States:

1	ALBERTSON	WILLIAM
2	BRELAND	ANNA
3	DOMINQUEZ/MEDIN	ALEJAN
4	EDWARDS	MADISON
5	GOFF	MICHAEL
6	HAWBAKER	ALEXANDER
7	HUDSON	ROBBIE
8	HUDSON JR	ROBERT
9	HUMPHRIES	THOMAS
10	HUMPHRIES JR	ROBERT
11	HURLEY	DALE
12	JOHNSON	BRYAN
13	LYONS	THOMAS
14	MCCRACKEN	THOMAS
15	MILLER	ALEX
16	MORRIS	DANIEL
17	NUNEZ	GABRIEL
18	PABLO	V C
19	REED	DOUGLAS
20	RUIZ	MARIO
21	SCOTT	JOHN
22	SLATON	DON
23	SMALLS	DWAYNE
24	STOKES	KENNETH
25	SUGGS	BRANDON
26	VICTORIANO	RUFINO
27	VOVGAS	JUAN
28	WHITE	JAMES
29	WILSON	HERBERT

B. The Respondent hired the individuals listed in paragraph A after November 6, 1986.

C. The Respondent failed to prepare and/or present the Employment Eligibility Verification Form (Form I-9) for the individuals listed in paragraph A after being requested to do so by an authorized agency of the United States.

WHEREFORE, it is charged that the Respondent is in violation of § 274A(a)(1)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1324a(a)(1)(B), which renders it unlawful, after November 6, 1986, for a person or entity to hire, for employment in the United States, an individual without complying with the requirements of § 274A(b) of the Immigration and Nationality Act, 8 U.S.C. § 1324a(b), and 8 C.F.R. § 274a.2(b).

The penalty for this Count is a civil money penalty of \$ 935.00 for each violation relating to the individuals listed in paragraph A.

The total penalty for this Count is a civil money penalty of \$ 27,115.00.

COUNT II

FAILED TO ENSURE THAT EMPLOYEE PROPERLY COMPLETED SECTION 1 AND/OR FAILED TO PROPERLY COMPLETE SECTION 2 OR 3 OF THE EMPLOYMENT ELIGIBILITY VERIFICATION FORM (FORM I-9) (SUBSTANTIVE PAPERWORK VIOLATIONS)

A. The Respondent hired the following individuals for employment in the United States:

- | | | |
|---|-----------|---------|
| 1 | BONEPARTE | BERNARD |
| 2 | RODGERS | WILLIAM |
| 3 | WIGGINS | JEFFREY |
| 4 | MAINTZER | JULIE |
| 5 | JOY | KARUNA |

B. The Respondent hired the individuals listed in paragraph A after November 6, 1986;

C. The Respondent failed to ensure that the individuals listed in paragraph A properly completed Section 1 of the Employment Eligibility Verification Form (Form I-9); and/or

D. The Respondent failed to properly complete Section 2 or Section 3 of the Form I-9 for the individuals listed in paragraph A.

WHEREFORE, it is charged that the Respondent is in violation of § 274A(a)(1)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1324a(a)(1)(B), which renders it unlawful, after November 6, 1986, for a person or entity to hire, for employment in the United States, an individual without complying with the requirements of § 274A(b) of the Immigration and Nationality Act, 8 U.S.C. § 1324a(b).

The penalty for this Count is a civil money penalty of \$ 935.00 for each violation relating to the individuals listed in paragraph A.

The total penalty for this Count is a civil money penalty of \$ 4,675.00.