STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
PREVAILING WAGE COMMISSION MEETING

August 19, 2015

ORIGINAL

CASSANDRA M. BEILING, CCR, LCR# 371
STONE & GEORGE COURT REPORTING
2020 Fieldstone Parkway
Suite 900 - PMB 234
Franklin, Tennessee 37069
615.221.1089

1 APPEARANCES:

2 Commissioner Burns Phillips, Chairman

3 Commissioner Peter Heimbach, Jr., State Architect

4 Commissioner Wayburn Crabtree, TDOT Designee

5 Commissioner Stephen Wright
Wright Brothers Construction Company, Inc.

6 Commissioner R. T. Summers
7 Summers-Taylor, Inc.

8 Dan Bailey, Legal Counsel

9 Kim Y. Jefferson, Administrator

10 Mark Finks, Assistant Administrator

11 Christina Tugman, Assistant

12 Mary Ledbetter, Assistant Board Secretary

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1 AGENDA

2 I. Call to Order and Roll Call

3 *Announcements

4 II. Conflict of Interest Forms

5 III. Old Business

6 * Review and approve December 1, 2014 Prevailing Wage Commission Meeting Minutes

7 IV. New Business

8 * Review and Discuss Preliminary 2015

9 Streets, Highway, and Bridges Survey Mailing List

10 * Discuss and Approve the 2015 Streets,

11 Highways, and Bridges Survey

12 * Discuss and Approve Schedule for 2015 Prevailing Wage Survey

13 a. Survey notices to be mailed

14 September 28, 2015

15 b. Deadline for receipt of Survey Responses, 3rd State working day

16 past October 31, 2015 (Nov. 4, 2015)

17 c. Proposed date to review data and set Preliminary Rates-Nov. 17th (Tues.),

18 Nov. 19th (Thu.), or Nov. 20th (Fri.), 2015

19 d. Proposed date for Final Meeting and to

20 Establish Final Rates-Nov. 30th (Mon.), Dec. 1st (Tue.), 2015

21 e. Deadline for Setting Final Rates-

22 December 1, 2015

23 V. Additional Business

24 VI. Adjourn

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1 * * * * * * * *

2 CHAIRMAN PHILLIPS: The first thing

3 is we need to have a roll call.

4 MS. TUGMAN: I'm Christina Tugman

5 with Labor Standards.

6 MS. LEDBETTER: Mary Ledbetter with

7 Labor Standards.

8 MS. JEFFERSON: Kim Jefferson,

9 Administrator.

10 MR. FINKS: Mark Finks, Assistant

11 Administrator.

12 MR. CRABTREE: Wayburn Crabtree. I

13 represent the Commission of Transportation.

14 MR. WRIGHT: Steve Wright, Wright

15 Brothers Construction Company.

16 CHAIRMAN PHILLIPS: Burns Phillips,

17 Commissioner.

18 MR. SUMMERS: Rab Summers,

19 Summers-Taylor, Incorporated. Commissioner.

20 CHAIRMAN PHILLIPS: All right.

21 Christina, do we need to take a roll

22 call or does that suffice?

23 MS. TUGMAN: That will suffice.

24 I'm sorry, will Mr. Bailey please state his name

25 for the record as well.

1 MR. BAILEY: Dan Bailey, legal
2 counsel.
3 MS. TUGMAN: We can go through the
4 list. I mean, we have to do the announcements.
5 CHAIRMAN PHILLIPS: Okay. So we
6 have a quorum.
7 So I need to read this announcement.
8 In the event of an emergency or a natural
9 disaster, security and/or staff will take meeting
10 attendees to a safe place in the building or
11 direct them to exit the building at the Rosa Parks
12 side.
13 Christina has been promoted to Labor
14 Standards Inspector. Mary Ledbetter will serve as
15 secretary for the Prevailing Wage Commission. The
16 Labor Standards staff consists of a supervisor,
17 five administrative support personnel and nine
18 inspectors. Currently the assistant administrator
19 oversees the Labor Standards Unit.
20 Commission member training is
21 August 26, 2015, at 10:00 a.m. here in the Pearl
22 Room. That's all -- that's not just this.
23 That's --
24 MS. JEFFERSON: Right. It includes
25 all of the workplace regulations that Compliance

1 Division affords.
2 CHAIRMAN PHILLIPS: Right. Which
3 is something that's relatively new, so I certainly
4 hope that you will be able to attend that.
5 Conflict of interest forms,
6 everybody's done those?
7 MS. TUGMAN: Mr. Wright, there was
8 one page that has not been signed, and I need for
9 you to sign that, that right there.
10 And, again, we're still waiting for
11 Mr. Heimbach, and he has to sign one page on his
12 disclosure form as well. But everybody else has
13 filled theirs out.
14 MR. WRIGHT: Christina, do I just
15 leave all this blank?
16 MS. TUGMAN: You can just put
17 "none."
18 MR. SUMMERS: Christina, does this
19 mean that you're not going to be here after today?
20 MS. TUGMAN: I'm going to be here
21 for the next two meetings, and then next year
22 she's flying solo.
23 MR. SUMMERS: Okay. So you're just
24 going to initiate Mary this year.
25 MS. TUGMAN: Yes.

1 MR. SUMMERS: Okay. Good.
2 CHAIRMAN PHILLIPS: So I assume
3 that none of us have any conflict of interest?
4 MR. WRIGHT: No, sir.
5 MR. CRABTREE: No, sir.
6 CHAIRMAN PHILLIPS: Okay. So the
7 first order is old business, I guess, right,
8 Christina?
9 MS. TUGMAN: Yes, sir. I sent
10 everyone a copy of the December 1st, 2014 meeting
11 minutes, and if nobody has any changes or anything
12 like that, then, of course, you can approve them.
13 MR. SUMMERS: I move to approve.
14 MR. WRIGHT: Second.
15 CHAIRMAN PHILLIPS: And we need to
16 vote on that. Everybody approves?
17 (Affirmative response.)
18 CHAIRMAN PHILLIPS: Okay. New
19 business. We need to review and discuss
20 "Preliminary 2015 Streets, Highways and Bridges
21 Survey Mailing List." And is there a motion to
22 approve the mailing list?
23 MS. TUGMAN: I'm sorry. I wanted
24 to just let the commission know, last year we --
25 some of the companies that we sent to, some of

1 them came back nondeliverable. So on this list,
2 there's been changes of -- we took out the
3 companies that came back to us for nondelivery.
4 We took those out. There's about six of them.
5 Also, there were a few that had added
6 a p.o. box, and so we added that to the list as
7 well. We had an additional address added to that.
8 So those were the changes that we
9 made, but I just wanted to make the commission
10 aware of that.
11 CHAIRMAN PHILLIPS: How many were
12 we sending out? Last year we sent out 900 and got
13 about 750 back, correct?
14 MS. TUGMAN: Yes, sir.
15 CHAIRMAN PHILLIPS: Okay. And is
16 that about the same this year that we're sending
17 out?
18 MS. TUGMAN: Yes, sir.
19 CHAIRMAN PHILLIPS: Okay. All
20 right.
21 MR. CRABTREE: Would you get me a
22 list of those whose came back and I'll look into
23 it and see.
24 MS. TUGMAN: Yes, sir.
25 MR. CRABTREE: If we've got a bad

1 address in our prequal list, then we need to know
2 it, too.
3 MS. TUGMAN: Okay. No problem.
4 CHAIRMAN PHILLIPS: Okay. So we
5 need a motion to approve.
6 MR. WRIGHT: I would move to
7 approve the list.
8 MR. CRABTREE: Second.
9 CHAIRMAN PHILLIPS: Is everybody in
10 favor?
11 (Affirmative response.)
12 CHAIRMAN PHILLIPS: All right.
13 Next we need to discuss and approve the "Schedule
14 for 2015 Prevailing Wage Survey."
15 And the notices go out
16 September 28th, Christina?
17 MS. TUGMAN: Yes, sir.
18 CHAIRMAN PHILLIPS: Okay. And the
19 deadline for response is November the 4th.
20 MS. TUGMAN: Yes. We can receive
21 the surveys up to November the 4th if they're
22 postmarked by October 31st.
23 CHAIRMAN PHILLIPS: And I'm
24 assuming everybody has seen the calendar?
25 MS. TUGMAN: I provided calendars

1 for everyone, and you can see what the schedule is
2 and, also, when accepting the surveys, that
3 they're postmarked, compiling data and so forth
4 and notebook deliveries, meetings.
5 CHAIRMAN PHILLIPS: And we need to
6 establish the dates to review the preliminary
7 data, do we not?
8 MS. TUGMAN: Yes, sir. The dates
9 that we have are the November 17th, 19th, and
10 20th. Those are the only three days that we have
11 that we can look at the data and so forth and set
12 preliminary rates. And then November 30th and
13 December 1st are the two days that we have to set
14 the final rates.
15 I know that it's very compact. It
16 just seems to get that way almost every single
17 year. It would be nice if we could possibly even
18 have the first meeting earlier, if we could. But,
19 I mean, in November, just with the holidays and
20 everybody's schedules and accepting surveys and so
21 forth, the days seem to get fewer and fewer,
22 unfortunately.
23 But the three days for the second
24 meeting, 17th, 19th, and 20th of November, are for
25 the second meeting. And the third and final

1 meeting, we have November 30th and December 1st.
2 MR. SUMMERS: If we could do the
3 19th, it would be wonderful for me.
4 CHAIRMAN PHILLIPS: Mr. Crabtree?
5 MR. CRABTREE: That's fine for me,
6 yes, sir.
7 CHAIRMAN PHILLIPS: Okay.
8 MR. WRIGHT: They're all bad for
9 me, but the 19th would be probably as good as any
10 of them.
11 CHAIRMAN PHILLIPS: All right.
12 What about the date for the final meeting?
13 MR. SUMMERS: I would be fine on
14 the afternoon of the 30th, or any time on the 1st.
15 9:30 would be problematical for me on the 30th.
16 CHAIRMAN PHILLIPS: I'm sorry, I
17 need to check something here.
18 MR. WRIGHT: I'm good both days,
19 currently. I would rather do it on the 1st than
20 the 30th because we have staff meetings on Monday
21 mornings. It makes travel more difficult.
22 CHAIRMAN PHILLIPS: December 1st?
23 Does that work for everybody else?
24 MR. SUMMERS: That would be great.
25 That would be wonderful.

CHAIRMAN PHILLIPS: Works for me, too.

MR. CRABTREE: I'm good either day. If I don't come, somebody will.

CHAIRMAN PHILLIPS: So the 19th for reviewing the preliminary rates and the 1st to establish the final rates.

MS. TUGMAN: Wonderful.

CHAIRMAN PHILLIPS: So motion to approve the schedule?

MR. SUMMERS: So moved.

MR. CRABTREE: Second.

CHAIRMAN PHILLIPS: All in favor?

(Affirmative response.)

CHAIRMAN PHILLIPS: Okay.

MR. SUMMERS: The problem is this thing is always the same time. I mean, it's always either the 30th or the 1st of November --

CHAIRMAN PHILLIPS: Right.

MR. SUMMERS: -- and sometimes the week before Thanksgiving. It's always just the way it works.

MR. WRIGHT: And you only have a couple weeks to do it.

MR. SUMMERS: Yes. And we need

1 just to have a couple of weeks to get the data.
2 CHAIRMAN PHILLIPS: Right.
3 MR. SUMMERS: And we have to get
4 the books a little bit ahead to see if we see any
5 issues.
6 CHAIRMAN PHILLIPS: Yeah. But it's
7 impressive on how many we do get back, really,
8 percentage-wise on those that are sent out, so ...
9 So that motion carries.
10 Additional business?
11 MS. TUGMAN: I do have something
12 that I want to speak to the commission about.
13 Last year, a Mr. Pendergraft came --
14 CHAIRMAN PHILLIPS: Right.
15 MS. TUGMAN: -- and he wanted to
16 change one of the classifications and how they
17 were paying, and move it to a different
18 classification. I've been trying to get in
19 contact with him. We've talked a little bit, but
20 I would like the commission to give an official
21 answer. Maybe we can type up a letter and send it
22 to him, give an official answer on what your
23 decision was about that.
24 It was the November 17th meeting that
25 he came and did his presentation and what-have-

1 you. And if the commission could give some input
2 or what-have-you on what we should put in the
3 letter and then have you approve it, and then we
4 send it to him to make it official. Because I
5 believe that it was tabled.
6 MS. JEFFERSON: Okay. The issue --
7 Mark was actually describing the issue.
8 MR. FINKS: Yes. The issue is, I
9 believe, whether one of the classifications for an
10 electrician should be used instead of -- I forget
11 what the other --
12 MR. WRIGHT: Pipefitter.
13 CHAIRMAN PHILLIPS: Yeah, I think
14 it was pipefitter.
15 MR. FINKS: I think that's right.
16 I think that's right. Yes.
17 MS. JEFFERSON: And so, in other
18 words, he wants something official. And the
19 staff, of course, can provide that. We can try
20 and draft a letter on your behalf.
21 CHAIRMAN PHILLIPS: Yes. I would
22 suggest you draft a letter and let each of us see
23 it, and then we can have input.
24 MR. SUMMERS: I don't think there
25 was anybody on the commission that saw any reason

1 to change our current practice --
2 CHAIRMAN PHILLIPS: That's correct.
3 MR. SUMMERS: -- which he was
4 wanting us to do.
5 MS. JEFFERSON: Yes.
6 MR. SUMMERS: So I guess the letter
7 would say that we're going to continue our
8 current ...
9 MS. JEFFERSON: Okay.
10 CHAIRMAN PHILLIPS: So why don't
11 you draw something up and just let each of us see
12 it, short and sweet, about, you know -- because
13 nobody was in agreement with changing anything.
14 MR. CRABTREE: I don't disagree,
15 but it seems like from the literature I read there
16 was some kind of conflict in what the federal
17 guidelines said and what some other guidelines
18 said. Does that need to be clarified?
19 MR. SUMMERS: Was he -- now, I've
20 slept since then, so ...
21 MR. CRABTREE: Or maybe it's just a
22 classification. I don't know.
23 MR. WRIGHT: I think it's an
24 extension --
25 MR. SUMMERS: I may be wrong but I

1 think he was trying to go back to a federal job
2 classification, whereas we have our own job
3 classification.
4 CHAIRMAN PHILLIPS: Right.
5 MR. SUMMERS: He was trying to --
6 MR. CRABTREE: That's right.
7 MR. SUMMERS: -- impose a federal
8 job classification on us.
9 CHAIRMAN PHILLIPS: And that
10 doesn't control.
11 MR. SUMMERS: Yeah. Am I right,
12 Dan, on that?
13 MS. JEFFERSON: And we'll take a
14 look at the meeting minutes.
15 MR. WRIGHT: The only thing I
16 remember is I was against it.
17 MR. CRABTREE: Yeah, I recall the
18 same thing. But in his argument there, in his
19 letter there, he cited some federal guidelines or
20 something. So those don't apply, so it's a
21 nonissue.
22 CHAIRMAN PHILLIPS: Yes. And it
23 was a bit of a stretch, I think, to try to ...
24 MR. SUMMERS: Yes.
25 CHAIRMAN PHILLIPS: So can we do

1 that sooner than later?
2 MS. JEFFERSON: Yes. I'll get that
3 drafted for you.
4 CHAIRMAN PHILLIPS: All right.
5 MR. SUMMERS: Christina, this other
6 list of -- I guess these are labor unions and
7 different people that you send notice to?
8 MS. TUGMAN: Yes, sir. We send
9 this every year to these unions, and there's also
10 a copy of the letter in here that we send to them
11 that you should have. And it just tells them that
12 if anybody -- if they know anybody who wants to
13 participate in the survey, to get in contact with
14 us.
15 CHAIRMAN PHILLIPS: Okay.
16 MS. TUGMAN: Yeah, we send this
17 every single year. I didn't send this to you in
18 an email so I wanted you to have a copy of that so
19 you can see what that letter and what that list
20 looked like.
21 CHAIRMAN PHILLIPS: And what kind
22 of response did we get?
23 MS. TUGMAN: Well, they send these
24 out to anybody who might not be on the main list.
25 CHAIRMAN PHILLIPS: Right.

1 MS. TUGMAN: And they'll give us a
2 call to say, "Okay, well, we want to participate
3 in the survey." So, I mean, sometimes we don't
4 get responses, maybe, out of all of these. And
5 maybe -- maybe ten companies that they might
6 submit to will contact us. There's not very many,
7 but, I mean, when we originally sent this, it was
8 also for building. It's when we were doing
9 building.
10 CHAIRMAN PHILLIPS: Right.
11 MS. TUGMAN: So we got more
12 responses.
13 CHAIRMAN PHILLIPS: Okay. All
14 right. Very good.
15 MR. SUMMERS: You know, most of
16 these people, being asbestos workers, they really
17 don't have much to do on any of the highway work,
18 people like that.
19 CHAIRMAN PHILLIPS: That's correct.
20 Okay. Very good.
21 Any other business?
22 (No verbal response.)
23 CHAIRMAN PHILLIPS: Motion to
24 adjourn?
25 MR. CRABTREE: So moved.

1 MR. SUMMERS: Second.
2 CHAIRMAN PHILLIPS: All in favor?
3 (Affirmative response.)
4
5 END OF THE PROCEEDINGS.
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1 C E R T I F I C A T E

2 STATE OF TENNESSEE)

3 COUNTY OF WILLIAMSON)

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6 I, Cassandra M. Beiling, a Notary Public

7 in the State of Tennessee, do hereby certify:

8

9 That the within is a true and accurate

10 transcript of the Prevailing Wage Commission

11 Meeting taken on the 19th day of August, 2015.

12

13 I further certify that I am not related to

14 any of the parties to this action, by blood or

15 marriage, and that I am in no way interested in

16 the outcome of this matter.

17

18 IN WITNESS WHEREOF, I have hereunto set my

19 hand this 8th day of September, 2015.

20

21

22

23 Cassandra M. Beiling, CCR, LCR# 371
Notary Public State at Large

24 My commission expires: 3/12/2016

25

CASSANDRA M. BEILING
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF WILLIAMSON

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10:00 a.m [1] 5/21
17th [4] 3/17 10/9 10/24 13/24
19 [1] 1/10
19th [7] 3/18 10/9 10/24 11/3 11/9 12/5 20/11
1st [9] 3/20 7/10 10/13 11/1 11/14 11/19 11/22 12/6 12/18

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2014 [2] 3/6 7/10
2015 [15]
2016 [1] 20/24
2020 [1] 1/23
20th [3] 3/18 10/10 10/24
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28th [1] 9/16

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3/12/2016 [1] 20/24
30th [7] 3/20 10/12 11/1 11/14 11/15 11/20 12/18
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31st [1] 9/22
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371 [2] 1/22 20/23
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4th [2] 9/19 9/21

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900 [2] 1/24 8/12
9:30 [1] 11/15

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address [2] 8/7 9/1
adjourn [2] 3/24 18/24
administrative [1] 5/17
administrator [5] 2/9 2/10 4/9 4/11 5/18
Affirmative [4] 7/17 9/11 12/14 19/3
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again [1] 6/10
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AGENDA [1] 3/1
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announcements [2] 3/3 5/4
answer [2] 13/21 13/22
APPEARANCES [1] 2/1
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approve [11]
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Architect [1] 2/3
argument [1] 16/18
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assistant [5] 2/10 2/11 2/12 4/10 5/18
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assuming [1] 9/24
attend [1] 6/4
attendees [1] 5/10
August [3] 1/10 5/21 20/11
August 26 [1] 5/21
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B

bad [2] 8/25 11/8
Bailey [3] 2/8 4/24 5/1
BEILING [3] 1/22 20/6 20/23
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blood [1] 20/14
Board [1] 2/12
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box [1] 8/6
Bridges [3] 3/9 3/11 7/20
Brothers [2] 2/5 4/15
building [4] 5/10 5/11 18/8 18/9
Burns [2] 2/2 4/16
business [7] 3/5 3/7 3/23 7/7 7/19 13/10 18/21

C

calendar [1] 9/24
calendars [1] 9/25
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CASSANDRA [3] 1/22 20/6 20/23
CCR [2] 1/22 20/23
certify [2] 20/7 20/13
Chairman [1] 2/2
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Construction [2] 2/5 4/15
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course [2] 7/12 14/19
COURT [1] 1/23
Crabtree [3] 2/4 4/12 11/4
current [2] 15/1 15/8

D

Dan [3] 2/8 5/1 16/12
data [5] 3/17 10/3 10/7 10/11 13/1
deadline [3] 3/15 3/21 9/19
Dec [1] 3/20
December [6] 3/6 3/22 7/10 10/13 11/1 11/22
December 1st [1] 11/22
decision [1] 13/23
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DEPARTMENT [1] 1/1
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Designee [1] 2/4
DEVELOPMENT [1] 1/1
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disaster [1] 5/9
disclosure [1] 6/12
discuss [5] 3/8 3/10 3/12 7/19 9/13
Division [1] 6/1
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drafted [1] 17/3
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E

each [2] 14/22 15/11
earlier [1] 10/18
electrician [1] 14/10
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END [1] 19/5
establish [3] 3/20 10/6 12/7
event [1] 5/8
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everyone [2] 7/10 10/1
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expires [1] 20/24
extension [1] 15/24

F

favor [3] 9/10 12/13 19/2
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fewer [2] 10/21 10/21
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Finks [2] 2/10 4/10
five [1] 5/17
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forget [1] 14/10
forms [2] 3/4 6/5
forth [3] 10/3 10/11 10/21
Franklin [1] 1/24
Fri [1] 3/18

G

GEORGE [1] 1/23
great [1] 11/24
guidelines [3] 15/17 15/17 16/19

H

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Heimbach [2] 2/3 6/11
hereunto [1] 20/18

H

highway [2] 3/9 18/17
Highways [2] 3/11 7/20
holidays [1] 10/19
hope [1] 6/4

I

II [1] 3/4
III [1] 3/5
impose [1] 16/7
impressive [1] 13/7
Inc [2] 2/5 2/7
Incorporated [1] 4/19
initiate [1] 6/24
input [2] 14/1 14/23
Inspector [1] 5/14
inspectors [1] 5/18
instead [1] 14/10
interest [3] 3/4 6/5 7/3
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issue [3] 14/6 14/7 14/8
issues [1] 13/5
IV [1] 3/7

J

Jefferson [2] 2/9 4/8
job [3] 16/1 16/2 16/8
Jr [1] 2/3

K

Kim [2] 2/9 4/8

L

labor [7] 1/1 4/5 4/7 5/13 5/16 5/19 17/6
Large [1] 20/23
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later [1] 17/1
LCR [2] 1/22 20/23
leave [1] 6/15
Ledbetter [3] 2/12 4/6 5/14
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little [2] 13/4 13/19
look [3] 8/22 10/11 16/14
looked [1] 17/20

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mailed [1] 3/13
mailing [3] 3/9 7/21 7/22
main [1] 17/24
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