

**FAST FOOD - WAGE THEFT - WAGE CLAIMS - OFF-THE-CLOCK WORK - LACK OF REST BREAKS -
RESPONSE REQUESTED**

Labor Commissioner's Office
DLSE - Wage Theft and Wage Claim
100 Paseo de San Antonio, Suite 120
San Jose, CA 95113
(408) 277-1266

Via email: LaborComm.WCA.SJO@dir.ca.gov

August 2, 2023

RE: KFC, 552 E Santa Clara St, San Jose CA 95112
Wage claims, attached

Employer: SENORE 232 INC, dba KFC (Harman)
Jeremy Dimick, CEO, 595 Millich Dr Ste 106, Campbell CA 95008
Luis Rodriguez, Secretary, Director, 552 E Santa Clara St, San Jose CA 95112
Jay Trujillo, CFO, 5544 South Green Street, Murray UT 84123
Pamela Lewis, Agent for Service of Process, 595 Millich Dr Ste 106, Campbell CA 95008

We are Romina Margarita Blanco and Maritza Lopez and we work at the KFC at 552 E Santa Clara St in San Jose.

We don't have the required 10-minute rest breaks at this store. When Romina asked the store manager why we don't get rest breaks, he answered, "Why am I going to give you a break if you are doing nothing anyway? I don't have to give you a 10-minute rest break." But that is not true, the rest breaks are required by law, we work very hard, and even during the moments when the store might be slower, there is other work to do and we aren't able to sit and take a break. Maritza also has not been able to take required rest breaks since she started working here in October 2022.

Also, Romina was forced to work off-the-clock because the machine to punch in often didn't work in the morning, we would punch in late, and the store manager would tell Romina, "Don't worry, I will punch the hours," but Romina didn't get paid for those hours.

Please investigate these violations of the law.

Please see Wage Claims for back pay and penalties totaling \$21,362.30, attached.

Here is additional information about Wage Theft at this KFC:

STATEMENT OF ROMINA MARGARITA BLANCO

My name is Romina Margarita Blanco and I have been working at the KFC at 552 E Santa Clara in San Jose since November 2021. I became pregnant in 2022, started my maternity leave on December 7, 2022 and my baby was born on December 14th, 2022. I worked almost until the baby was born because I needed the money. My husband does not have steady work, and we were relying on my job at KFC to pay the rent.

- **No 10-minute rest breaks**

At this KFC no one gets their 10-minute breaks, as far as I can tell. We only get the meal break, but no rest breaks. A coworker asked Luis, the store manager, why we didn't get rest breaks, and he said, "Why am I going to give you a break if you are doing nothing anyway? I don't have to give you a 10-minute rest break." But that is not true, the rest breaks are required by law, we work very hard, and even during the moments when the store might be slower, there is other work to do and we aren't able to sit and take a break. I remember in early 2022 there was a new young worker who quit when he found out we don't get the rest breaks here, he told me it was illegal to not get rest breaks, and that rest breaks are in the law.

- **Off-the-clock work**

The machine to punch in often didn't work in the morning, and we would tell Luis the store manager, and he would say, "Don't worry, I will punch the hours," and that is how the hours went missing. I opened the store at 9am, but often I couldn't punch in until later, around 10am, and so I ended up working an hour off-the-clock on those days. The store manager Luis would arrive around 10 am, he would tell me to go punch in, and that he would take care of it and add the hour back in the system, but I don't think he ever did that. I think this happened on average about once a week, but sometimes it would happen every day for a week. At first I didn't realize this was happening, but then around June 2022 I saw that I only got about \$250 in my check and that 15 hours were missing from my check, and I went back through my pay stubs carefully and I realized I was being shorted when I punched in late, too. After that I would check my pay stub carefully every week (we are paid weekly), and fight for my hours and get paid. I also showed Luis that I was missing 15 hours and I did get paid for those hours.

This pay stub shows that I started working at this KFC store in November 2021. The pay stub is for the pay period starting December 12, 2021, and already shows several weeks of deductions and paid sick leave accrual.

Pay Date 12-22-2021

Senore 232 Inc
552 E Santa Clara St
San Jose, CA 95112

\$0.00

Pay Non-negotiable

To The Order Of **rominia Margarita Blanco**

*** Non-Negotiable ***

rominia Margarita Blanco Senore 232 Inc - 552 E Santa Clara St - San Jose, CA 95112 - 408-298-8880

SSN# [REDACTED] Period Start Date 12-12-2021 Check Date 12-22-2021 Federal Filing Status SS/Single
 EMP# [REDACTED] Period End Date 12-18-2021 Check Number [REDACTED] State Filing Status S/0/0

Earnings - Current					Deductions / Taxes		
Date	Pay Description	Pay Rate	Hrs/Units	Pay Amount	Description	Amount	YTD
12-18-2021	Regular Pay	15.4500	35.05	541.52	FEDERAL TAX	32.19	168.84
					MEDICARE	7.85	47.76
					SOC SECURITY	33.57	204.23
					CA INCOME TAX	9.09	45.74
					CA DISABILITY	6.50	39.53
TOTAL			35.05	541.52			

Earnings - Year To Date		Net Pay Distribution	
Description	YTD	Type	Amount
Regular Pay	3294.10	CHECK	\$0.00
		DIRECT DEPOSIT	\$452.32
		TOTAL NET PAY	\$452.32
TOTAL	\$3,294.10	TOTAL NET PAY YTD	\$2,788.00

Paid Time Off		Direct Deposit Detail		Employer Contributions			
Description	Balance	Account	Type	Amount	Description	Amount	YTD
SICK Total Balance	7.11	[REDACTED]	CHECKING	452.32			
SICK Available for Use	0.00						
TOTAL DEPOSITED				\$452.32	TOTAL	0.00	0.00

This pay stub from the pay period starting October 23, 2023 shows that I was continuing to work full time.

Pay Date 11-02-2022

Senore 232 Inc
552 E Santa Clara St
San Jose, CA 95112

Pay Non-negotiable \$0.00

To The Order Of
Rominia Margarita Blanco

*** Non-Negotiable ***

Rominia Margarita Blanco Senore 232 Inc - 552 E Santa Clara St - San Jose, CA 95112 - 408-298-8880

SSN# [REDACTED] Period Start Date 10-23-2022 Check Date 11-02-2022 Federal Filing Status SS/Single
 EMP# [REDACTED] Period End Date 10-29-2022 Check Number [REDACTED] State Filing Status S/O/O

Earnings - Current					Deductions / Taxes		
Date	Pay Description	Pay Rate	Hrs/Units	Pay Amount	Description	Amount	YTD
10-29-2022	Regular Pay	16.2000	33.61	544.48	FEDERAL TAX	31.50	1760.81
					MEDICARE	7.90	392.20
					SOC SECURITY	33.76	1676.98
					CA INCOME TAX	8.57	523.24
					CA DISABILITY	5.99	297.54
TOTAL				33.61	544.48		

Earnings - Year To Date			Net Pay Distribution	
Description	YTD	Type	Amount	
Regular Pay	26656.30	CHECK	\$0.00	
Overtime Pay	2.92			
Alternate Pay	388.80	DIRECT DEPOSIT	\$456.76	
TOTAL NET PAY			\$456.76	
TOTAL NET PAY YTD			\$22,397.25	
TOTAL	\$27,048.02			TOTAL 87.72 4,650.77

Paid Time Off		Direct Deposit Detail		Employer Contributions		
Description	Balance	Account	Type	Amount	Description	YTD
SICK Total Balance	48.00	[REDACTED]	CHECKING	456.76	HARMAN INS LIFE	0.17
SICK Available for Use	24.00					3.91
TOTAL DEPOSITED				\$456.76	TOTAL	0.17
TOTAL DEPOSITED				\$456.76	TOTAL	0.17

OPEN ENROLLMENT 11/01 - 11/26

Wage Claim calculations

Romina Margarita Blanco			
hourly rate	\$16.20	period: 7/28/2022-7/28/2023	
		Wages unlawfully withheld, 1 year	
LACK OF REST BREAKS		LACK OF REST BREAKS	
period: 11/15/2021 - 11/24/2022		period: 7/28/2022-11/24/2022	
weeks in period @ 50/year	51	weeks in period @ 50/year	16
shifts per week with missed breaks	5	shifts per week with missed breaks	5
REST BREAK PREMIUM PAY OWED	\$4,131.00	REST BREAK PREMIUM PAY OWED	\$1,296.00
		Total wages unlawfully withheld, 1 year	\$1,296.00
OFF-THE-CLOCK WORK			
period: 11/15/2021 - 6/1/2022			
weeks in period @ 50/year	27		
off-the-clock hours per week, approx	1		
	\$437.40		
Total wages unlawfully withheld	\$4,568.40		
Sec 210 penalties			
1 year period: 7/28/2022-7/28/2023			
lack of rest breaks period: 7/28/22-11/24/22			
pay periods in period (weekly)	16		
\$200 per pay period (weekly pay periods, willful)	\$3,200.00		
25% * wages unlawfully withheld 1 year	\$324.00		
SEC 210 penalties	\$3,524.00		
Sec 1194.2			
Failure to pay minimum wage, off-the-clock	\$437.40		
Total penalties	\$3,961.40		
Total wages unlawfully withheld + penalties	\$8,529.80		

STATEMENT OF MARITZA LOPEZ

My name is Martiza Lopez and I have worked at the KFC at 552 E Santa Clara in San Jose since October 2022. At first I worked 6 days a week, and then around March 2023 my schedule was cut and I started working 5 days a week, and for the past two weeks my schedule was cut again and since around July 10, 2023 I have been working 3 days a week. My shifts are typically 7 hours (6.5 paid hours plus 30 minute unpaid meal break), from 9am to 4pm, I cannot work later than that because I am a single mom and I need to pick up my 6-year-old daughter and care for her.

We do not get rest breaks at this KFC. Since I started working here I have never received a 10-minute break. Working without breaks is exhausting.

There was also a problem with the timekeeping system, sometimes we couldn't punch in when we arrived, and I had to ask Luz Maria to fix my timekeeping records so I would get paid.

This pay stub from the pay period starting February 26, 2023 shows that I worked 39.05 hours during the pay period, which was 6 shifts.

Check No. [REDACTED]
Pay Date 03-08-2023

Senore 232 Inc
552 E Santa Clara St
San Jose, CA 95112

Pay Non-negotiable \$0.00

To The Order Of
Maritza Lopez
[REDACTED]

*** Non-Negotiable ***

Maritza Lopez Senore 232 Inc - 552 E Santa Clara St - San Jose, CA 95112 - 408-298-8880

SSN# [REDACTED] Period Start Date 02-26-2023 Check Date 03-08-2023 Federal Filing Status SS/Single
 EMP# [REDACTED] Period End Date 03-04-2023 Check Number [REDACTED] State Filing Status S/0/0

Earnings - Current					Deductions / Taxes		
Date	Pay Description	Pay Rate	Hrs/Units	Pay Amount	Description	Amount	YTD
03-04-2023	Regular Pty	17.0000	39.05	663.85	FEDERAL TAX	43.47	414.61
					MEDICARE	9.62	93.83
					SOC SECURITY	41.16	401.22
					CA INCOME TAX	12.54	118.88
					CA DISABILITY	5.97	58.24
TOTAL			39.05	663.85			

Earnings - Year To Date		Net Pay Distribution	
Description	YTD	Type	Amount
Regular Pay	6471.27	CHECK	\$0.00
		DIRECT DEPOSIT	\$551.09
		TOTAL NET PAY	\$551.09
		TOTAL NET PAY YTD	\$5,384.48
TOTAL	\$6,471.27		

Paid Time Off		Direct Deposit Detail		Employer Contributions		
Description	Balance	Account	Type	Amount	Description	YTD
SICK Total Balance	25.01	[REDACTED]	CHECKING	551.09		
SICK Available for Use	24.00					
TOTAL DEPOSITED				\$551.09	TOTAL	0.00
						0.00

This pay stub from the week starting June 4, 2023 shows that I worked 32.78 hours, which was 5 shifts.

Check No. [REDACTED]
Pay Date 06-14-2023

Senore 232 Inc
552 E Santa Clara St
San Jose, CA 95112

Pay Non-negotiable \$0.00

To The Order Of
Maritza Lopez
[REDACTED]

*** Non-Negotiable ***

Maritza Lopez Senore 232 Inc - 552 E Santa Clara St - San Jose, CA 95112 - 408-298-8880

SSN# [REDACTED] Period Start Date 06-04-2023 Check Date 06-14-2023 Federal Filing Status SS/Single
EMP# [REDACTED] Period End Date 06-10-2023 Check Number [REDACTED] State Filing Status S/0/0

Earnings - Current					Deductions / Taxes		
Date	Pay Description	Pay Rate	Hrs/Units	Pay Amount	Description	Amount	YTD
06-10-2023	Regular Pay	17.0000	32.78	557.26	FEDERAL TAX	30.08	626.59
					MEDICARE	8.08	216.92
					SOC SECURITY	34.55	927.52
					CA INCOME TAX	7.92	261.38
					CA DISABILITY	5.02	134.65
TOTAL			32.78	557.26			


Earnings - Year To Date		Net Pay Distribution	
Description	YTD	Type	Amount
Regular Pay	14860.05	CHECK	\$0.00
		DIRECT DEPOSIT	\$471.01
		TOTAL NET PAY	\$471.01
		TOTAL NET PAY YTD	\$12,492.99
TOTAL	\$14,960.05		

Paid Time Off		Direct Deposit Detail		Employer Contributions		
Description	Balance	Account	Type	Amount	Description	YTD
SICK Total/Used	41.85	[REDACTED]	CHECKING	471.01	HARMAN INS LIFE	1.43
SICK Available to Use	24.00					
TOTAL DEPOSITED				\$471.01	TOTAL	0.13
						1.43

Wage Claim calculations

Maritza Lopez	
hourly rate	\$17.00
LACK OF REST BREAKS	
period: 10/1/2022 -3/14/2023	
weeks in period @ 50/year	22
shifts per week with missed breaks	6
	\$2,244.00
period 3/15/2023-7/9/2023	
weeks in period @ 50/year	16
shifts per week with missed breaks	5
	\$1,360.00
period 7/10/2023-7/28/2023	
weeks in period @ 50/year	2
shifts per week with missed breaks	3
	\$102.00
REST BREAK PREMIUM PAY OWED	\$3,706.00
Total wages unlawfully withheld	
	\$3,706.00
Sec 210 penalties	
1 yr period: 10/1/2022 - 7/28/2023	
pay periods in period (weekly)	41
\$200 per pay period (weekly pay periods, willful)	\$8,200.00
25% * wages unlawfully withheld 1 year	\$926.50
SEC 210 penalties	\$9,126.50
Total wages unlawfully withheld + penalties	
	\$12,832.50

**Ownership information
CA Secretary of State**

 <p>Secretary of State Statement of Information (California Stock, Agricultural, Cooperative and Foreign Corporations)</p>	<p>SI-550</p>	<p>For Office Use Only</p> <p>-FILED-</p> <p>File No.: BA20230088533 Date Filed: 1/11/2023</p>
<p>IMPORTANT — <u>Read instructions</u> before completing this form.</p> <p>Fees (Filing plus Disclosure) - \$25.00;</p> <p>Copy Fees - First page \$1.00; each attachment page \$0.50; Certification Fee - \$5.00 plus copy fees</p>		
<p>1. Corporation Name (Enter the exact name of the corporation as it is recorded with the California Secretary of State. Note: If you registered in California using an assumed name, <u>see instructions</u>.)</p> <p>SENORE 232 INC</p>		<p>This Space For Office Use Only</p> <p>2. 7-Digit Secretary of State Entity Number</p> <p>C0484159</p>

3. Business Addresses

a. Street Address of Principal Executive Office - Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
552 E SANTA CLARA ST	SAN JOSE	CA	95112
b. Mailing Address of Corporation, if different than item 3a	City (no abbreviations)	State	Zip Code
5544 SOUTH GREEN STREET	MURRAY	UT	84123
c. Street Address of Principal California Office, if any and if different than Item 3a - Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
552 E SANTA CLARA ST	SAN JOSE	CA	95112

4. Officers

The Corporation is required to list all three of the officers set forth below. An additional title for the Chief Executive Officer and Chief Financial Officer may be added; however, the preprinted titles on this form must not be altered.

a. Chief Executive Officer	First Name	Middle Name	Last Name	Suffix
	JEREMY		DIMICK	
	Address		City (no abbreviations)	State
	595 MILLICH DR STE 106		CAMPBELL	CA
			Zip Code	
			95008	
b. Secretary	First Name	Middle Name	Last Name	Suffix
	LUIS		RODRIGUEZ	
	Address		City (no abbreviations)	State
	552 E SANTA CLARA ST		SAN JOSE	CA
			Zip Code	
			95112	
c. Chief Financial Officer	First Name	Middle Name	Last Name	Suffix
	JAY		TRUJILLO	
	Address		City (no abbreviations)	State
	5544 SOUTH GREEN STREET		MURRAY	UT
			Zip Code	
			84123	

SI-550 (REV 11/2021)

2021 California Secretary of State
bizfile.sos.ca.gov

B1280-8319 01/11/2023 5:00 PM Received by California Secretary of State

5. Director(s) California Stock and Agricultural Cooperative Corporations ONLY: **Item 5a:** At least one name and address must be listed. If the Corporation has additional directors, enter the name(s) and addresses on Form SI-550A (see instructions).

a. First Name LUIS	Middle Name	Last Name RODRIGUEZ	Suffix
Address 552 E SANTA CLARA ST		City (no abbreviations) SAN JOSE	State CA
		Zip Code 95112	
b. Number of Vacancies on the Board of Directors, if any			

6. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL - Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation) PAMELA	Middle Name	Last Name LEWIS	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box 595 MILLICH DR STE 106		City (no abbreviations) CAMPBELL	State CA
		Zip Code 95008	

CORPORATION - Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) - Do not complete Item 6a or 6b

7. Type of Business

Describe the type of business or services of the Corporation FAST FOOD RESTAURANT

8. Labor Judgment

Does an Officer or Director have an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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9. The information contained herein, including in any attachments, is true and correct.

01/07/23
Date
CHRIS JOHNSON
Type or Print Name
ASST TREASURER
Title

Signature

DESIGNATION OF EMPLOYEE REPRESENTATIVE

We designate Fight for \$15 California as the designated employee representative in all contacts with the Office of the Labor Commissioner and the company for this Complaint; they can be reached at workersupport@thefightfor15.org. They will be happy to provide you with any information which will assist you in investigating this case and arrange for your inspector to meet privately, at a site away from the workplace, with workers to discuss wage theft at this site.

We worked with Fight for \$15 to translate and transcribe this letter.

Sincerely,

Romina Margarita Blanco
Maritza Lopez