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IDOL - CHICAGO OFFICE

STATE OF ILLINOIS – DEPARTMENT OF LABOR
160 N. LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

IN THE MATTER OF:)
)
STUART DEAN COMPANY)
) STATE FILE NO.: 2027-H-CC08-2370
)
OBJECTOR) Raymond Cyrus Hearing Officer
)
v.)
)
JANE R. FLANAGAN, DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, AND)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
RESPONDENTS.)

PAINTERS DISTRICT COUNCIL NO. 14's
PETITION TO INTERVENE

Petitioner, Ken Kazaitis, a member of the Painters District Council No. 14, affiliated with the International Union of Painters and Allied Trades and Painters District Council No. 14 (PDC 14), (Intervenors), by and through their attorneys, submit this Petition to Intervene in all proceedings conducted in the above captioned matter, and in support of state as follows:

1. Ken Kazaitis is a Business Agent of PDC 14 who negotiates and enforces collective bargaining agreements on behalf of the Intervenors.
2. Intervenor, Painters District Council No. 14 is an intermediate labor organization, affiliated with the International Union of Painters and Allied Trades represents individuals performing painting, drywall, glazing and metal maintenance work throughout Cook, Lake, Will and Grundy Counties per the scope of jurisdiction under the International Constitution.

3. Pursuant to Section 3 of the Illinois Prevailing Wage Act (the "Act"), 820 ILCS 130/3, the general prevailing rate of hourly wages for work of a similar character shall be paid to all laborers, workers and mechanics engaged in the construction or demolition of public works.

4. On August 17, 2026 (untimely), Objector, Stuart Dean Company, submitted its request to recognize and establish a new classification under Sections 4 and 9 ("Objections") with the Illinois Department of Labor ("IDOL") to the July 15, 2026 prevailing wage determinations pursuant to Sections 4 and 9 of the Act (820 ILCS 130/4 and 130/9) seeking a new classification of metal polishers.

5. In the Objections, Objector stated that it has entered into successive collective bargaining agreements with PDC 14 concerning this work as set forth in the collective bargaining agreement, a copy of said agreement is an exhibit to the Objector's Objections and is set forth in the Objector's Petition and Paragraph 2 above.

6. In its Objections, Objector seeks to establish a new and separate wage classification in the above counties, and claims that the Department should create a new prevailing wage rate for said classification in said areas under the Painters District Council 14 collective bargaining agreement.

b. In the history of the Federal Davis-Bacon Act, 40 U.S.C. 3141-3148 since March 3, 1931, and the Illinois Act effective June 26, 1941, there has never been or needed for a certified classification because this is not a separate industry and said work is covered by other certified rate classifications.

7. In its Objections, the Objector "requests that an investigatory hearing be ordered and held in accordance with Section[s] 4 and 9 of the Act to create a classification in the aforesaid counties.

8. Section 120.320(a)(1) of Title 56 of the Illinois Administrative Code states that a party may intervene in a Section 9 hearing in the following circumstances: "(A) The party is so situated that he or she may be adversely affected by a final order arising from the hearing; (B) The party requesting intervention is a necessary party to the hearing proceeding; or (C) A party's claim or defense and the main action have a question of law or fact in common."

9. Pursuant to Section 9 of the Act, "any interested objectors may . . . introduce such evidence as is material to the issue." 820 ILCS 130/9.

10. Intervenor is a party to a collective bargaining agreement with Objector where its members perform work that could conflict with the scope of work of the contract and such work is already covered under the existing classifications. Intervenor's employees, Intervenor's members, rarely perform work on public projects since the passage of the Davis Bacon Act in 1941 without the need or objection over the past 85 years (95 years for Davis-Bacon).

11. If Objector's petition is successful, some of this work performed by the Intervenor's members may be encompassed by the Objectors request for the separate "Apprentice" rate classification.

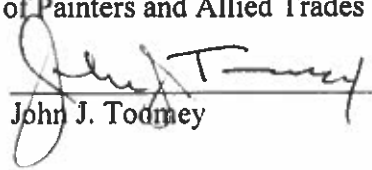
12. As set forth above, PDC 14 will suffer adverse effects. PDC 14 is a necessary party under the clear intent of the Illinois Prevailing Wage Act and there is also a common question of law and fact that must be resolved prior to ruling on the Stuart Dean Company Objections. 820 ILCS 130/4(m).

13. Permitting PDC 14 to intervene will not cause undue delay or prejudice and will result in a full and fair resolution of the issues.

WHEREFORE, Ken Kazaitis, a member of the Painters District Council No. 14, affiliated with the International Union of Painters and Allied Trades, respectfully requests the Administrative Law Judge to enter an Order granting this Petition to Intervene and for such other relief deemed appropriate and just.

Ken Kazaitis, a member of the Painters
District Council No. 14 and Painters District
Council 14, affiliated with the International
Union of Painters and Allied Trades

By:


John J. Toomey

9/2/26

John J. Toomey
Arnold and Kadjan, LLP
35 E. Wacker
Suite 600
Chicago, Illinois 60601
(312) 236-0415
JToomey100@hotmail.com

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IN THE MATTER OF:)
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STUART DEAN COMPANY)
) STATE FILE NO.: 2027-H-CC08-2367
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OBJECTOR(S)) Raymond Cyrus Hearing Officer
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v.)
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JANE R. FLANAGAN, DIRECTOR OF THE)
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RESPONDENTS.)

NOTICE OF FILING

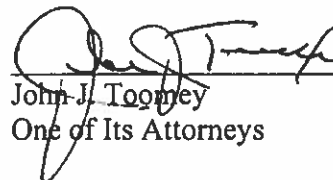
TO: See Attached Service List

Please take notice that on September 2, 2026 the attached Ken Kazaitis and Painters District Council No. 14, affiliated with the International Union of Painters and Allied Trades *Petition to Intervene* and *Appearance* were filed with the Illinois Department of Labor via email, copies of which are attached hereto.

Date: September 2, 2026

Ken Kazaitis and Painters District Council No. 14,
affiliated with the International Union of Painters
and Allied Trades

By:


John J. Toomey
One of Its Attorneys

John J. Toomey
Arnold and Kadjan, LLP
35 E. Wacker, Suite 600
Chicago, Illinois 60601
(312) 236-0415
JToomey100@hotmail.com

**STATE OF ILLINOIS – DEPARTMENT OF LABOR
160 N. LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601**

IN THE MATTER OF:	)	
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STUART DEAN COMPANY	)	
	)	STATE FILE NO.: 2027-H-CC08-2367
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OBJECTOR	)	Raymond Cyrus Hearing Officer
	)	
v.	)	
	)	
JANE R. FLANAGAN, DIRECTOR OF THE	)	
ILLINOIS DEPARTMENT OF LABOR, AND	)	
THE ILLINOIS DEPARTMENT OF LABOR,	)	
	)	
RESPONDENTS.	)	

CERTIFICATE OF SERVICE

I, John J. Toomey, an attorney, hereby certify that I served copies of the foregoing Ken Kazaitis and Painters District Council No. 14, affiliated with the International Union of Painters and Allied Trades Petition to Intervene and Appearance on September 2, 2026 to the addresses listed below at their respective addresses via electronic mail:

Honorable Raymond Cyrus
Administrative Law Judge
Illinois Department of Labor
115 S. LaSalle Street, 37th Floor
Chicago, Illinois 60601
DOL.Hearings@illinois.gov

Stephanie Barton
Deputy General Counsel
Illinois Department of Labor
524 South 2nd Street, Suite 400
Springfield, Illinois 62701
Stephanie.Barton@Illinois.gov

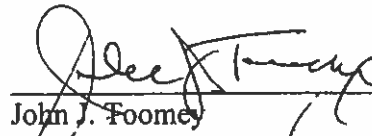
Jane Flanagan, Director
Illinois Department of Labor
Deputy General Counsel
524 S. 2nd Street, Suite 400
Springfield, Illinois 62701

Sean Imburgia
Staff Attorney
Illinois Department of Labor
115 S. LaSalle Street, 37th Floor
Chicago, Illinois 60601
Sean.Imburgia@Illinois.gov

John M. Riccione, Esq.
Brianna M. Skelly, Esq.
Elizabeth C. Wellhausen, Esq.
Taft Stettinius & Hollister LLP
111 E. Acker Drive, #2600
Chicago, Illinois 6060
jrriccione@taftlaw.com
bskelly@taftlaw.com
ewellhausen@taftlaw.com

Ken Kazaitis and Painters District Council No. 14,
affiliated with the International Union of Painters
and Allied Trades

By:



John J. Toomey
One of Its Attorneys

John J. Toomey
Arnold and Kadjan, LLP
35 E. Wacker, Suite 600
Chicago, Illinois 60601
(312) 236-0415
JToomey100@hotmail.com

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STUART DEAN COMPANY

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JANE R. FLANAGAN, DIRECTOR OF THE
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John J. Toomey will appear on behalf of Ken Kazaitis and Painters District Council No. 14, affiliated with the International Union of Painters and Allied Trades. John J. Toomey is a member in good standing of the Illinois State Bar, ARDC No. 003122527. Please send all future correspondence to Mr. Toomey at the following business location:

We agree to accept service in this matter by electronic mail at the email address set forth above. I further affirm and certify that all information provided and the statements made herein are true, correct, and complete.

By:

John J. Toomey
Attorney for Intervenor

Date: September 2, 2026