

Judge 'Defers' Fine For Henry Rock

Rainbow Construction Co. owner Henry Rock, who pleaded guilty to a single count of making a false statement on prevailing wage reports in conjunction with his subcontract on the 500-unit Mariner's Cove apartments project in San Diego, has been placed on five years probation and forbidden to engage in government contracting for three years.

Senior U.S. District Court Judge Howard B. Turrentine — not wishing to interfere with possible civil litigation between PBMC Inc. of Foster City, general contractor on the project, and Rock — deferred for up to two years a possible \$10,000 fine for Rock.

Assistant U.S. Attorney Eve Birmingham said more than \$32,000 which Rock owed his employees for their work in installing doors and cabinets at Mariner's Cove has been deposited by PBMC Inc. with the U.S. Department of Labor for payment to the workers.

Turrentine's order, she said, will require Rock to pay a \$10,000 fine unless he is sued in a civil action by PBMC and ordered by a court or by the Department of Labor to make restitution of the \$32,000.

The federal probation office is to follow the case to insure that the judge's order is kept.

The Mariner's Cove project at Point Loma and Nimitz Boulevards combined city-leased land, federally backed financing and private development of 500 apartment units, a portion of which are reserved for low and middle-income occupants.

Because federal funding was used, contractors were required to pay prevailing (union-scale) wages. Several subcontractors on the project, however, were accused of paying lower wages and, in some cases, of hiring illegal aliens.

Some of Rock's employees said his firm had bid too low on the project, had issued payroll checks that bounced then had stopped issuing checks for work performed.

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