

# Punch List



February 2025



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## **ASSOCIATION LEADERSHIP**

President: Shawn Young, EquipmentShare

Vice President: Chris Lambert, L & O Electric

Treasurer: Jennah Arrington, CD Bradshaw

Secretary: Nikki Guinn, Biggs Plumbing

Director: Jack Payne, BJ Electric

Director: Dylan Kreidel, Floyd's Glass

Director: Parker Holt, Higginbotham

Director: Misti Killingsworth, HR Marc

Director: Jim Sunvison, Sunvison Electric

Legal Counsel: Sewall "Spike" Cutler, Cutler Smith, P.C.

Executive Director: Carrie Buckley

*The Central Texas Subcontractors Association empowers subcontractors and suppliers to excel in the construction market by engaging our members in advocacy and sharing industry knowledge.*



# MEMBERSHIP DIRECTORY

## \*New Members in 2024-2025 Membership Year

### Subcontractor Members

Air Craft, Inc.  
 Airco Mechanical  
 Allied Electrical Services, Inc.  
 Alpha Painting & Decorating  
 Astro Sheet Metal Co., Inc.  
**Austin Air Services**  
 Austin Glass & Mirror  
 Austin Gutterman, Inc.  
 Austin Pacesetter Concrete,  
 Inc.  
 Baker Drywall - Austin  
 Beckett Electrical Services  
 Biggs Plumbing Company  
 B J Electric Company  
 Bryant & Frey Construction  
 Co., Inc.

Colvin Electric  
**Commercial Insulators of  
 Austin**  
 Damcon  
 Davey Plumbing & Heating  
 Floyd's Glass Company  
 Fox & Hearn, Inc.  
 H & H Foradory Construction,  
 Inc.  
 H.L. Chapman Pipeline  
 Construction  
 HR Marc Co.  
 JBS Builders Inc.  
 L & O Electric, Inc.  
 Lighthouse Electrical  
 Contractors

**Paramount Company &  
 Flooring**  
 Parker Electric  
 RKB Contractors, Inc.  
 Rich Construction & Service,  
 LP  
 Sunvison Electric, Inc.  
 Texas Fifth Wall Roofing  
 Systems  
 T. Morales Company, LP  
 Texas Roofing Co.  
 Tico Insulation Co.  
 Vanguard Fire Systems  
 Viking Fence  
 Walls and All, Inc.

### Associate Members

Andrews Myers, P.C.  
 Ballew Surety Agency  
 Blazier, Christensen, Bigelow &  
 Virr  
 CD Bradshaw  
 CenTex IEC  
 Cutler Smith, P.C.

EquipmentShare  
 Geo Projects International, Inc.  
 Grubert Equipment  
 Contractors  
 Higginbotham  
 Marsh McLennan Agency  
 Southwest Sealants, Inc.

Southwest Sealants, Inc.  
**STC Safety & Risk  
 Management**  
**The ProHunters**  
 Time Insurance Agency, Inc.  
 Watkins Insurance Group  
 Whorton Insurance

*Send Newsletter Content to Carrie Buckley at [director@ctsaonline.org](mailto:director@ctsaonline.org).  
 Content includes Industry News, Project Highlights, Employee Accomplishments, and  
 anything else you want to share with the CTSA Membership!*

# CTSA WELCOMES NEW MEMBERS:



## 2025 NEW MEMBER PROMOTION



CTSA offers monthly meetings to support you and your business.

Our upcoming meeting topics include Employee Handbook Compliance, Subcontract Language Seminar, Mental Health in Construction, Succession Planning, Perfecting a Mechanics Lien in Texas, and more!

NEW  
Members

\$250

JOIN TODAY!



Central Texas Subcontractors Association  
P.O. Box 1087 | Cedar Park, TX 78630  
O: 512.255.6373 | D: 817.983.6244  
director@ctsaonline.org  
www.ctsaonline.org  
Carrie Buckley, Executive Director

*\*Membership Renewal will be billed at \$600 in July for the 2025-2026 Membership Year\**

# TCA MEMBERSHIP BENEFITS

## Office Depot Discount Card



Save online with an  
**ODP Business Solutions  
Account**

Contact Gianina Wong  
for Assistance



Save In Store with the  
**Store Purchasing Card**

Use this Card or  
Find Online in the  
Member Portal

**Gianina Wong**

Account Manager ODP Business Solutions.  
9501 Amberglen Blvd., Suite 200 | Austin, TX 78729  
Tel: 512-746-7389 | [Gianina.Wong@odpbusiness.com](mailto:Gianina.Wong@odpbusiness.com)

## Texas Construction Safety Group

The Texas Construction Safety Group was designed by subcontractors for subcontractors to help nail down lower premiums and keep employees safe.

Benefits Include:

- Premium Discounts
- Group Dividend, Based on Performance of the Texas Construction Safety Group
- Access to Free Training Materials, Including Texas Mutual's Safety Catalog and E-Learning Training Courses



Gina O'Hara  
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# SAFETY CORNER



## OSHA PPE Fit Rule

### Department of Labor finalizes rule on proper fit requirements for PPE

*Changes align the construction industry with general industry standards*

**WASHINGTON** - The U.S. Department of Labor announced that its Occupational Safety and Health Administration has finalized a revision to the personal protective equipment standard for construction. The final rule explicitly requires the equipment to properly fit any construction worker who needs it, improving protections from hazardous conditions.

The revision to the standard adds specific language requiring that **employers provide PPE that properly fits construction industry workers**. The change aligns the construction industry standard with the standard already in place for general industry and helps support more women coming into a construction environment with different measurables.

Many types of personal protective equipment must be sized to fit a worker properly. Improperly sized PPE can be ineffective in protecting workers; create new hazards for the worker, such as oversized gloves or protective clothing being caught in machinery; and discourage use because of discomfort or poor fit. The matter has been a longstanding industry safety concern, particularly among some women as well as among physically smaller or larger workers.

#### Actionable Steps for Companies:

- 1. Audit Current PPE Inventory:** Review your current PPE to ensure it includes a variety of sizes and styles to accommodate all workers.
- 2. Training and Awareness:** Train supervisors and safety personnel to assess proper PPE fit during orientations and routine safety checks.
- 3. Engage with Workers:** Actively seek feedback from workers about PPE fit and comfort to address concerns before they become hazards.
- 4. Partner with Vendors:** Work with PPE suppliers to source equipment that meets the diverse needs of your workforce.
- 5. Document Compliance Efforts:** Update PPE written policy, Keep detailed records of PPE purchases, fit tests, and any training provided to demonstrate compliance during inspections.

STC-Safety Training & Compliance, LLC  
2600 Dallas Parkway  
Suite 240  
Frisco, Texas 75034\_

**Daniel James**  
Vice President

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# LEGAL MINUTE

## Corporate Transparency Act - Do I or Don't I?

Many are the questions we have fielded over the past year regarding the Corporate Transparency Act, and the requisite Beneficial Ownership Information reports.

First, a brief recap of exactly what it is; the Corporate Transparency Act went into effect on January 1, 2021, and its provisions are aimed at combating illicit financial activity. Under the act, small businesses in the United States are required to file beneficial ownership information reports (BOI) with the Department of Treasury By January 1, 2025.

### WHAT COMPANIES HAVE TO REPORT?

For-profit, privately held companies registered to conduct business in the United States, that have 20 or fewer employees or have \$5 million or less in gross sales or receipts are required to file BOI Reports. There are 23 exemptions, and the publicly traded corporations and non-profit corporations do not fall under the requirements of the Corporate Transparency Act. A list of exemptions can be found here: [https://www.fincen.gov/boi-faqs#C\\_2](https://www.fincen.gov/boi-faqs#C_2)

Assuming your company is required to report, you would then need to identify the "beneficial owners" of the business; a "beneficial owner" is any individual who owns or controls at least 25% of an organization, serves as a senior officer (such as a President, CEO or General Counsel); has authority to appoint or remove senior officers, board members or other similar role; and/or makes important decisions concerning the company's business, finances and/or structure.

Vague Enough?

### WHAT IS THE FILING DEADLINE?

For the vast majority of small businesses, the deadline to file these reports is January 1, 2025; however, companies created between January 1, 2024 and January 1, 2025 are required to file within 90 days of formation, and companies formed after January 1, 2005 will be required to file within 30 days following formation.

### WHERE DO I FILE?

The BOI report is filed with the Financial Crimes Enforcement Network (FINCEN), a bureau within the Department of the Treasury, and they are filed online. The filing portal can be found at this web address: <http://BOIEefiling.fincen.gov/>

# LEGAL MINUTE

## Corporate Transparency Act - Do I or Don't I?

### BUT WAIT - I THOUGHT I READ THAT I DON'T HAVE TO FILE!

Okay, so this ball is bouncing a lot, so pay attention.

On December 3, 2024, a federal court sitting in Texas issued a nationwide preliminary injunction blocking FINCEN from enforcing the BOI Reporting Rules under the Corporate Transparency Act. This meant that, unless an appeals court reversed it, the obligation to file the BOI reports was suspended indefinitely.

Then (unsurprisingly) the federal government appealed the ruling, and a federal judge in the US Court of Appeals for the 5th Circuit overturned the injunction on December 23, holding that the law could be enforced; in response, FinCen announced it was extending the deadline to file the report to January 13, 2025.

### BUT WAIT - THERE'S MORE!

Almost immediately after the ruling reinstating the filing requirement, however, a different panel of the US Court Of Appeals for the Fifth Circuit reinstated the injunction against mandatory filing in an after-hours ruling. Hence, as of this writing, there is no requirement that companies comply with the BOI reporting requirements. But beware- this could change with very little notice and, if it does, you can expect the government to impose relatively short deadlines to comply. The current ruling is only temporary, and is in effect until the Court Of Appeals considers the merits of the case and ultimately decides whether the For Transparency Act is unconstitutional or not.

Naturally, there is no reason why, out of the abundance of caution, you cannot proceed and file your BOI report, if you so choose. And, if and when the status of this changes, we will let you know that as well.

The attorneys at Cutler Smith, P.C. are uniquely qualified to protect our clients' business and legal rights through every phase of the business and project life cycle. With our in-depth knowledge of the commercial construction industry combined with our solid business counsel, we provide effective and efficient legal solutions in transactional, administrative and litigation matters.



**Sewall "Spike" Cutler**  
Board-Certified  
Construction Lawyer

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# LEGAL MINUTE

## What to do When ICE Shows Up at Your Jobsite

In the early days of the second Trump Administration, ICE has conducted raids in Chicago and New York City, while other raids are planned for Aurora, Colorado. The Administration has stated that it is planning to perform raids in three cities per week for an unknown period. More targeted operations (short of actual raids) have taken place in North Texas. ICE agents were also recently spotted near a Northeast Houston high school, raising concerns that ICE raids could soon be conducted in Harris County.

It is, therefore, important for contractors to know what to do when DHS/ICE shows up at your office or jobsite. What you can and cannot do depends on the scenario presented.

### An ICE Worksite Raid

#### The Scenario

- DHS/HSI/ICE arrives at the employer's premises without warning - hoping to catch employers and employees off guard.
- When ICE arrives at the employer's premises, its agents surround the premises and may have aerial presence via airplane or helicopter. The HSI agents enter the business with a judicial warrant. The warrant will have a detailed description of what and where agents are going to search and potentially seize.
- Additionally, during a worksite raid, if ICE discovers unauthorized workers at the site, they will arrest, detain them, and place them in immigration proceedings.

#### The Warrant

- It is important to note the distinction between judicial warrants and administrative warrants.
- A judicial warrant is an official court order signed by a judge or magistrate that authorizes a search of private property, seizure, or arrest based on probable cause that a crime is being committed or has been committed. A judicial warrant will:
  - Specify the specific address to be searched
  - Specify the time period in which the search must take place
  - Particularly describe the place or person, or both, to be searched and things to be seized
  - Be issued by a court and signed by a Judge or magistrate

# LEGAL MINUTE

## What to do When ICE Shows Up at Your Jobsite

- An administrative warrant is a document, issued by a federal agency such as DHS/ICE, purporting to document their authority to arrest a person suspected of violating immigration laws. These administrative documents are not signed by a magistrate or judge but rather an immigration officer (e.g., ICE agent or immigration judge). Administrative warrants do not give ICE officials authority to enter a place where there is a reasonable expectation of privacy, without consent.
- If ICE agents present a valid judicial warrant, then the employer must allow them access to restricted/private areas at the work site.
- If ICE agents present an administrative warrant, then the employer is not required to provide them access to restricted/private areas at the work site. However, the agents may enter and/or search any public areas of the work site.
- A judicial warrant can compel employers to turn over documents, such as records indicating or referencing:
  - Work authorization status (e.g., Form I-9s and copies of documents used to support I-9s)
  - Wage and hour records (e.g., payroll summaries, pay stubs, timesheets)
  - Employment agreements
  - Employee rosters
  - Communication with outside payroll services on labor provides
  - Employee ID cards

### What should employers do:

- Contact counsel immediately.
- Record the names of the federal agents involved.
- Provide federal agents with access to your facility, if they present a valid judicial warrant.
- Assign company representatives to accompany each federal agent as they move around your workplace.
- Object to any searches that are outside the scope of the judicial warrant.
- Protect and withhold attorney-client privileged documents to the extent possible.
- Obtain and/or prepare a list of items seized during the search, if any.
- Workers encountering federal agents at the worksite have the right to remain silent and to ask for an attorney at all times. Employers may (but are not required to) tell employees that they can choose whether or not to speak with ICE, but employers must not direct employees not to cooperate with ICE.

# LEGAL MINUTE

## What to do When ICE Shows Up at Your Jobsite

How does ICE choose who to raid?

Based on recent raids, ICE appears to be targeting workers with a criminal history; however, during such raids, ICE may question and detain unauthorized individuals who are found in the same location as the individuals who are being targeted (termed “collateral arrests”). ICE has also traditionally targeted businesses with a large Hispanic workforce (e.g., meat processing plants), based on tips/complaints disgruntled employees, and businesses with a history of I-9 violations.

How many ICE raids can we expect

In the first Trump Administration, ICE conducted approximately 50 worksite raids. Given the aggressive start in ICE raids, we can expect more this time around. But note that the manpower and the budget needed for large raids such as this are not unlimited. Thus, it is anticipation that the frequency of the ICE raids will decrease after the first few months of the second Trump Administration.

DHS I-9 Audits

Scenario

- DHS/HSI agent appears at the worksite. The agent produces a “Notice of Inspection” requiring the employer to produce original Form I-9s, copies of supporting documentation, E-Verify cases, if applicable, and other workforce-related documentation (e.g., contractor and staffing agency agreements, federal/local government contracts, etc.) within three business days.

What to Expect

- Employers should contact their employment/immigration counsel
- Then, as part of the audit, employers can expect to receive the following:
  - Notice of Suspect Documents: This notice serves to inform the employer that ICE has reason to believe that an employee of the employer is unauthorized to work. The notice allows the employer and employee to submit additional documentation to ICE if they believe there has been an error.
  - Notice of Technical or Procedural Failures: This notice serves to inform the employer of technical violations (as opposed to more serious substantive violations) identified during ICE’s inspection and gives the employer 10 business days to correct the forms at issue.

Notice of Intent to Fine: Audits may result in civil penalties ranging from \$281 to \$2,789 per I-9 for improper completion of I-9 forms (e.g., failure to timely complete Sections 1 or 2, failure of the employer to sign Section 2, or employer acceptance of expired or otherwise invalid documents). Employers that are found to have knowingly hired or continued to employ unauthorized workers may be subject to monetary penalties reaching up to \$27,894 per count and criminal exposure.

# LEGAL MINUTE

## What to do When ICE Shows Up at Your Jobsite

- ICE can increase or decrease the base civil penalties described above by up to 25% depending on several factors: (1) the employer's size; (2) the gravity of the violation; (3) the involvement of unauthorized worker(s), if any; (4) the employer's prior violations, if any; and (5) the sincerity of the employer's compliance efforts.
- Employers can choose to pay the proposed fines or challenge the proposed fines. In most cases, the employer will likely benefit from appealing the proposed fines and attempting to negotiate a reduction.

### Law Enforcement Agents Inquiring on Possibly Unverified Employee(s) Suspected of Crimes

#### Scenario

- Employer receives a call or visit from a law enforcement agent seeking to arrest or talk to a particular employee as part of a criminal investigation.

#### What Should Employers Do

- First, confirm that the person or persons purporting to be law enforcement agents are who they purport to be. Recent reports have confirmed increased criminal activity involving bad actors posing as ICE agents to target vulnerable individuals. As always, employers continue to have a duty to safeguard certain private and sensitive information about their employees. These circumstances make it especially important that employers confirm the identity of anyone representing themselves as law enforcement, especially through telephonic means. Authentic law enforcement agents will gladly present and confirm their credentials upon request.
- Absent a valid arrest warrant or judicial warrant, as described above (administrative warrants are insufficient), employers do not have to cooperate by providing information or access to employees in private areas. But refusing to assist in these situations could lead to employers being more targeted for more serious scenarios set out above. Moreover, because intentionally providing false information to a governmental agency is a federal offense, employers who choose to cooperate by providing information should take pains to confirm the veracity of any information they elect to provide.

**For more information, please contact** Tony Sterglio, Ben Westcott, Bryan Acklin, or Nallely Rodriguez.

Andrews Myers, Serving Contractors, Developers, Owners and Companies across Texas & the Southwest, offering an expanded Texas Service line that includes labor and employment and bankruptcy/insolvency experience.



919 Congress Avenue  
Suite 1050  
Austin, TX 78701  
Phone: 512-900-3012

# LIEN INFORMATION



*CTSA collects and compiles Mechanics Liens Information filed in Travis and Williamson Counties on an ongoing basis.*

*Members regularly use this information to learn more about Financial Issues that might be plaguing a Project.*

*During our educational meetings, we invite our attendees to share their insight based on first-hand experience with a Contractor or on a Project.*

*CTSA was founded on the foundation of Education and Information Exchange.*

*Our members find the Lien Information and Monthly Information Exchange the most valuable aspects of their annual investment.*

*This is a glimpse of the information available in the full, searchable spreadsheet which is available to our members.*

*Contact Carrie Buckley for more information about your future CTSA Membership.*

## 2024 LIEN STATISTICS

### Summary

1,745 Liens Files for \$268,486,264

Average Lien: \$153,860

Largest Lien: \$17,765,396

Filed in December 2024

Filed by: S'n's Erectors Inc.

Filed Against: W.G. Yates & Sons Construction Co.

Project Owner: Samsung Austin Semiconductor LLC

Property: 3301 CR 404, Taylor

### Top Owners Liened - by Total \$

Samsung Austin Semiconductor LLC	29 @	\$46,151,423
Tesla Inc. / Colorado River Project	58 @	\$22,247,494
RIC (Austin) LLC	2 @	\$10,086,790

### Top Contractors Liened - by Total \$

W.G. Yates & Sons Construction Co.	5 @	\$20,958,322
Samsung E&C America Inc.	13 @	\$20,213,067
Cadence McShane Construction Co.	84 @	\$13,037,419

### Top Projects Liened - by Total \$

3301 CR 404, Taylor	1 @	\$17,765,396
1530 FM 973, Taylor	17 @	\$16,046,310
One Tesla Rd., Austin	34 @	\$13,789,206

*Data is from the Austin Business Journal.*

*The ABJ has not received any updates from Travis & Williamson Counties since December 27, 2024.*



Team HR Marc

Team BJ Electric

Shawn Young  
EquipmentShare  
High Point Winner

*The Central Texas Subcontractors Association empowers subcontractors and suppliers to excel in the construction market by engaging our members in advocacy and sharing industry knowledge. Learn more at [www.ctsaonline.org](http://www.ctsaonline.org) or call 512.255.6373.*

CTSA helped everyone Rock and Bowl into 2025 at Pinstack on January 23. Everyone enjoyed the delicious food, refreshing spirits, and the friendly competition on the lanes. Angry Birds was the game of choice, and Shawn Young won the GOAT medal with a score of 202,000.

Thank you to everyone in attendance!

## UPCOMING EVENTS

**OSHA Compliance, Your Safety Manual, & OSHA Inspections**

Thursday, February 20  
11:00 a.m. - 1:30 p.m.

Austin Apartment Association  
8620 Burnet Rd., Suite 475  
Austin, TX 78757

**STC** Safety & Risk Management **OD** **OSHA**

Alan Hurtado with STC Safety & Risk Management will review Safety Policies & Procedures to keep your company in Compliance with OSHA.

Michael Rubin of Ogletree Deakins will share ways to manage an OSHA Inspection.

**\$45 REGISTRATION | \$35 CTSA MEMBERS**

P.O. BOX 1087  
CEDAR PARK, TX 78630  
512.255.6373  
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WWW.CTSAONLINE.ORG

**CTSA** **IEC**

**SUBCONTRACT LANGUAGE:  
THE GOOD, THE BAD, AND THE UGLY**

**MARCH 27, 2025 11:00 AM - 3:00 PM**

**CenTex IEC**  
8868 Research Blvd., #502  
Austin, Texas 78758

**\$50 per person**

Registration Includes:  
Buffet Lunch  
Printed Materials

**Seminar Content:**

- Review Unfavorable Subcontract Language
- Why it is Not Favorable
- Alternative Verbiage

And Much More!

**Sewall "Spike" Cutler**  
Board Certified  
Construction Lawyer

**www.ctsaonline.org**

# GOLF

## TOURNAMENT

**Friday  
May 2**

[www.ctsaonline.org](http://www.ctsaonline.org)

**\$200**  
Individual  
**\$700**  
Foursome



**Registration:  
11:00 a.m.**

**Shotgun  
Start:  
1:30 p.m.**

Call: 512.255.6373

**Golf Club at  
Star Ranch  
2500 FM 685  
Hutto**



Please send completed form to **director@ctsaonline.org**.

Company Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

## **Golf Tournament Registration**

Please check your selection.

Includes Boxed Lunch, Fajita Buffet and (2) Drink Tickets per Golfer

Individual (\$200)       Foursome (\$700)

## **Sponsorships**

All Sponsorships include Logo on Promotional Materials, Logo on Event Banner, and Recognition at Golf Tournament.

- Ball Drop Sponsor - \$2,000 - Includes Foursome - You need to provide equipment for Ball Drop. **1 Available**
- Dinner Sponsor - \$1,500 - Includes Foursome with Signage at Buffet Line
- Gold Sponsor Package - Includes Foursome, (8) Team Mulligans, Signage on Beverage Cart. **2 Available**
- Silver Sponsor Package - Includes Foursome, (6) Team Mulligans, Signage at (1) Hole
- Bronze Sponsor Package - Includes Foursome, (4) Team Mulligans.
- Closest to the Pin Sponsor - Includes (2) Golfers, Signage at Designated Hole. **4 Available**
- Hole Sponsorship with Set Up - \$500 - Includes Sign with Company Logo at (1) Hole. You may set up a Swag Station at your hole.
- Hole Sponsorship - Sign Only - \$200 - Includes Sign with your Logo at a Hole
- Goodie Bag Sponsor - \$100