§ 227. Enforcement of the provisions of this article. The procedure for ascertaining and determining the hours of labor and the prevailing rate of wage shall be as prescribed by section two hundred and twenty of this chapter, except that the "fiscal officer," referred to therein shall in every instance, for the purposes of this article be the state industrial commissioner.

Upon the entry of any order of the industrial commissioner affecting either such hours of labor or rate of wages, any party to the proceeding aggrieved thereby may bring a proceeding for review pursuant to article seventy-eight of the civil practice law and rules within thirty days from the notice of the filing of such order in the office of the industrial commissioner. If such order is not reviewed or is so reviewed and confirmed and the determination is in favor of the complainant and involves or relates to the rate of wages paid on such public work, the complainant or any other person affected may within three months after the service of notice of the filing of such order, or the judgment if the order is reviewed, institute an action against the person or corporation found violating this article for the recovery of the difference between the sum actually paid and the amount which should have been paid as determined by such order for the period following the date of the filing with the industrial commissioner of the complaint or of the report of investigation made by the industrial commissioner on his own initiative.

When an order of the industrial commissioner has been made, any person or corporation that wilfully refuses thereafter to pay the prevailing rate of wages determined by said order or wilfully employs on such public work, laborers, workmen or mechanics more than the hours per day determined by such order until such order has been changed by the industrial commissioner or by the court after adjudication upon the merits, shall be guilty of a misdemeanor and upon conviction shall be punished, for a first offense by a fine of five hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment; for a second offense by a fine of one thousand dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment, and after conviction of a second offense no such person or

corporation shall be entitled to receive any sum of money nor shall any officer, agent or employee of the state or of a municipal corporation or of a board or commission appointed pursuant to law pay the same or authorize its payment from the funds under his charge or control to any such person or corporation or to any other person or corporation for or on account of work done upon any such contract.