



Issue Date: 21 December 2018

CASE NO.: 2018-CFP-00004

In the Matter of:

LEON REAVES,
Complainant,

v.

BEST CAR BUYS, LTD.,
Respondent.

DECISION AND ORDER
APPROVING SETTLEMENT

This matter arises under Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (“CFP”), 12 U.S.C. § 5567, and the implementing regulations issued at 29 C.F.R. Part 1985. The hearing is scheduled for March 5 to 7, 2019, in Denver, Colorado. Attorney Samantha Pryor represents Complainant. Attorney Susan Sperber represents Respondent. On December 21, 2018, the parties submitted a Settlement Agreement and Release of Claims (“Settlement Agreement”) that resolved all issues pending for hearing in this matter.

At any time after the filing of objections to the Assistant Secretary’s findings, the case may be settled if the participating parties agree to a settlement and the settlement is approved by the administrative law judge. 29 C.F.R. § 1985.111(d)(2). A copy of the settlement shall be filed with the ALJ. *Id.* Any settlement approved by the administrative law judge will constitute the final order of the Secretary and may be enforced pursuant to § 1985.113. 29 C.F.R. § 1985.111(e).

The Settlement Agreement includes a general release of liability which resolves matters and potential matters under a multitude of state and federal laws other than the CFP. My authority over settlement agreements is limited to the statutes that are within my jurisdiction, and I have restricted my review of the Settlement Agreement to ascertaining whether its terms fairly, adequately, and reasonably settle this CFP case. *Mann v. Schwan’s Food Company*, ARB No. 09-017, ALJ No. 2008-STA-00027, slip op. at 4 (ARB Dec. 31, 2008).

The Settlement Agreement also included a confidentiality provision agreed to by the parties. The files maintained by this Office, including this Settlement Agreement, are subject to disclosure under the provisions of the Freedom of Information Act (“FOIA”), unless an exemption applies. 5 U.S.C. § 552; *Johnson v. U.S. Bancorp*, ARB No. 13-014, 13-046, ALJ No. 2010-SOX-00037, slip op. at 2 (ARB July 22, 2013). The Department of Labor has regulations that govern the FOIA process, and exemptions are determined at the time of the request, not at the time of the filing of the

agreement. 29 C.F.R. Part 70; *Johnson v. U.S. Bancorp*, ARB No. 13-014, 13-046, ALJ No. 2010-SOX-00037, slip op. at 2 (ARB July 22, 2013). The parties agree that the Settlement Agreement is confidential and also object to any release under FOIA. Therefore, I order that the settlement agreement be placed in a sealed and separate envelope, clearly marked with notice that the parties object to disclosure and seek the procedures of 29 C.F.R. § 70.26 prior to any release of information.

As construed, and after carefully considering the terms of the Settlement Agreement, I find that the terms and conditions appear to be fair, adequate, and reasonable. I further find that the Settlement Agreement is not contrary to the public interest.

The terms and conditions of the Settlement Agreement are incorporated by reference into this Decision and Order and are hereby adopted and approved. The parties are ordered to carry out the provisions of the Settlement Agreement. The parties having resolved all the issues pending for hearing, the matter is now fully concluded. All dates are vacated. The matter is closed.

SO ORDERED.

RICHARD M. CLARK
Administrative Law Judge