

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
BOSTON, MASSACHUSETTS

**Issue Date: 11 May 2020**

ALJ NO.: 2019-CFP-00003

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*In the Matter of:*

**ROBERT BALEWICZ,**  
*Complainant,*

v.

**HERMITAGE CLUB REALTY, LLC,**  
*Respondent.*

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**DECISION AND ORDER APPROVING SETTLEMENT  
AND DISMISSING CLAIM**

This proceeding arises from a complaint of discrimination filed under the Consumer Financial Protection Act (“the CFP”), 12 U.S.C. § 5567 (2010) and the procedural regulations found at 29 C.F.R. Part 1985. On April 28, 2020, the parties filed a Joint Motion Requesting Approval of Settlement Agreement, along with a copy of the Settlement Agreement (hereinafter the “Settlement”) for my review and approval pursuant to 29 C.F.R. §§ 1985.111(c) & (d)(2). The Settlement resolves all issues raised in the complaint and is incorporated herein by reference.

After careful consideration of the Settlement, I find the terms and conditions of the agreement to be fair, adequate and reasonable under the CFP, and that the terms adequately protect Complainant. Furthermore, I believe it is in the public interest to approve the Settlement as a basis for administrative disposition of this case, and I, therefore, approve the Settlement pursuant to 29 C.F.R. § 1985.111(d)(2).

Paragraph 12 of the Settlement provides that the terms of the agreement shall be governed by the laws of the State of Vermont. This choice of law provision is construed as not

limiting the authority of the Secretary of Labor and any Federal court. *See Phillips v. Citizens. Assoc. for Sound Energy*, No. 91-ERA-25, slip op. at 2 (Sec’y Nov. 4, 1991).

I further note that my authority over settlement agreements is limited to the statutes that are within my jurisdiction as defined by the applicable statute. Therefore, I approve only the terms of the Settlement pertaining to Complainant’s CFP claim, Case No. 2019-CFP-00003. *See Anderson v. Schering Corp.*, ARB No. 10-070, ALJ No. 2010-SOX-00007 (ARB Jan. 31, 2011).

Finally, Respondent in this matter is subject to Chapter 7 bankruptcy proceedings in the U.S. Bankruptcy Court in the District of Vermont (“Bankruptcy Court”) and the parties’ Settlement is contingent upon approval by the Bankruptcy Court. Therefore, my order below will only become effective upon approval of the Settlement by the Bankruptcy Court.

**ORDER**

Accordingly, it is **ORDERED** that:

- (1) The parties’ Joint Motion is **GRANTED** and the parties’ settlement agreement is **APPROVED**. The Settlement constitutes the final order<sup>1</sup> of the Secretary of Labor and may be enforced under 29 C.F.R. § 1985.113;
- (2) The complaint of Robert Balewicz is **DISMISSED WITH PREJUDICE**; and
- (3) This Order shall become effective upon approval of the Settlement by the U.S. Bankruptcy Court in the District of Vermont.

**SO ORDERED.**

**JONATHAN C. CALIANOS**  
Administrative Law Judge

Boston, Massachusetts

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<sup>1</sup> 29 C.F.R. § 1985.111(e).