

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 27 October 2004

CASE NO.: 2004-TAE-00001

In the Matter of:

EMPIRE FARMS, LLC;
EMPIRE GROUP, LLC,
MICHAEL STEWART, an individual,
Respondents.

DECISION AND ORDER APPROVING CONSENT FINDINGS

This matter arises under the Immigration and Nationality Act, 8 U.S.C. § 1101, et. seq., as amended by the Immigration Reform and Control Act of 1986, Pub L. 99-603, § 301, 100 Stat. 3359, 341, and the implementing regulations.

The Wage and Hour Division of the Department of Labor's Employment Standards Division issued determination letters on August 14, 2003, August 18, 2003, and March 26, 2004, assessing back wages and civil money penalties against the Respondents. On September 6, 2003, and April 28, 2004, the Respondents made timely requests for a hearing in this matter. These requests were followed by an Order of Reference filed by the Department of Labor, which I received on July 8, 2004.

This matter was scheduled for trial before me in Reno, Nevada, beginning February 14, 2005. On October 25, 2004, I received Consent Findings which resolve the issues in this case. The Consent Findings were signed by all parties to this proceeding. Additionally, on October 26, 2004, I received a report from counsel for the Acting Administrator of the Wage and Hour Division notifying me that the Administrator has received the funds provided for in the Consent Findings.

I have reviewed the Consent Findings and find that they are in accordance with 29 C.F.R. Part 501.40, and fairly and adequately resolve the issues in this matter. Accordingly, the Consent Findings are hereby APPROVED and ADOPTED in their entirety. The hearing scheduled for February 14, 2005 is cancelled.

A

JENNIFER GEE
Administrative Law Judge