

**U.S. Department of Labor**

Office of Administrative Law Judges  
11870 Merchants Walk - Suite 204  
Newport News, VA 23606

(757) 591-5140  
(757) 591-5150 (FAX)



**Issue Date: 04 April 2012**

Case Nos.:           **2011-TAE-00001**  
                              **2011-TAE-00002**

In the Matter of:

**ADMINISTRATOR, WAGE & HOUR DIVISION,  
EMPLOYMENT STANDARDS ADMINISTRATION,  
UNITED STATES DEPARTMENT OF LABOR,**  
Plaintiff.

v.

**J & R BAKER FARMS, LLC,**  
Respondent.

**ORDER APPROVING CONSENT FINDINGS**

These matters arise under the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq., as amended by the Immigration Reform and Control Act of 1986 (“IRCA”), 8 U.S.C. § 1101(a) (H) (ii) (a) (“H-2A”) and the Regulations promulgated thereunder. Pursuant to 29 C.F.R. § 501.40, Plaintiff, the Administrator, Wage and Hour Division, U.S. Department of Labor, and Respondent, J&R Baker Farms, LLC, have consented to the entry of these findings and order.

The undersigned Administrative Law Judge has considered the foregoing stipulations and agreed settlement and makes the following findings and order. The application has been signed by the parties and is made a part of the formal file.

1. The Office of Administrative Law Judges has jurisdiction of this action pursuant to 8 U.S.C. § 1188 and 29 C.F.R. § 501.33.
2. These Consent Findings and Order herein shall have the same force and effect as an order made after a full hearing.
3. Respondent agrees to comply with the provisions of 20 C.F.R. § 655.
4. Respondent hereby agrees to pay the back wages, as calculated by the Administrator, in the amount of \$146,336.76. Such back wages shall be paid to the Administrator in the manner described in paragraph 12a of the agreement.

5. Respondent will pay civil money penalties, in the amount of \$40,000.00, for the violations that were raised or could have been raised in the Administrator's administrative assessments.

6. In the event of default by the Respondent in the payment of any of the scheduled installments, the total balance then remaining unpaid shall become due and payable immediately, with no further notice or demand required, and post judgment interest shall be assessed against such remaining unpaid balance, in accordance with 28 U.S.C. § 1961, from the date hereof until paid in full.

7. The parties further agree that none of the issues raised by the notices of assessment or the outcome of this proceeding will result in suspending or disqualifying Respondent from further participation in the H-2A program, but may be considered to the extent appropriate as prior relevant conduct in connection with the Administrator's response to any future violations by the Respondent.

8. Each party shall bear its own costs, fees and expenses as were incurred by it in connection with any stage of these proceedings.

The undersigned Administrative Law Judge has reviewed the Consent Findings and they are reasonable. Accordingly, IT IS ORDERED that the consent findings are approved and are adopted as the decision and order in this case.

**A**

**RICHARD K. MALAMPHY**  
Administrative Law Judge

RKM/ccb  
Newport News, Virginia

**NOTICE OF APPEAL RIGHTS:** To appeal, you must file a Petition for Review ("Petition") that is received by the Administrative Review Board ("Board") within thirty (30) days of the date of issuance of the administrative law judge's decision. See 29 C.F.R. § 501.42(a). The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. The Respondent, Administrator, or any other party desiring review of the administrative law judge's decision may file a Petition. 29 C.F.R. § 501.42(a). Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file the Petition with the Board, you must serve it on all parties to the case as well as the administrative law judge. 29 C.F.R. § 501.42(a).

If no Petition is timely filed, or the ARB does not accept the Petition for review, the administrative law judge's decision becomes the final agency action. See 29 C.F.R. §501.42(a). Even if a Petition is timely filed, the administrative law judge's decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. See 29 C.F.R. § 501.42(a).

