



Issue Date: 02 July 2013

Case No.: 2013-TAE-00004

In the Matter of:

FRANK TURNER, OWNER,
TURNER FARMS,
Respondent.

ORDER APPROVING FINAL JUDGMENT

This proceeding arises under the H-2A provisions of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act (IRCA), 8 U.S.C. § 1101(a)(15)(h)(ii)(a), 1184(c) and 1186, and regulations found at 20 C.F.R. Part 655 and 29 C.F.R. Part 501.

The Administrator, Wage and Hour Division, United States Department of Labor, issued a determination letter to Respondent, assessing civil money penalties in the amount of \$57,600.00 for violations of 20 C.F.R. § 655.122(h)(1) (failure to comply with inbound transportation requirements); 20 C.F.R. § 655.122(h)(2) (failure to comply with outbound transportation requirements); 20 C.F.R. § 655.122(k) (failure to comply with earnings records requirements); 20 C.F.R. § 655.122(1) (failure to pay required rates of pay); and, 20 C.F.R. § 655.122(p) and § 655.135(j) (unlawful deductions/cost shifting).

On June 7, 2013, the parties filed a Final Judgment with the undersigned. A copy of that document is attached and incorporated into this Order. The document evinces that the parties have reached an agreement on all the disputed claims and wish to settle the matter without the need for a hearing. It is noted that Mr. Turner is represented by counsel. Therefore, by the terms of the agreement reached by the parties, and it appearing just and proper to do so, it is hereby **ORDERED** that:

1. This Order approving the parties' Final Judgment shall have the same force and effect as an order made after a full hearing. The parties waive any further procedural steps before an administrative law judge, and expressly waive the right to challenge or contest the validity of this Order.
2. The parties shall bear their own costs (including, but not limited to, attorney fees) incurred in connection with the investigation, prosecution, and defense of this claim.
3. Respondent shall pay a total of \$29,500.00 in civil money penalties to the United States Department of Labor for the violations of the H-2A provisions of the INA (Case No. 2013-TAE-00004) within 30 days after the entry of this Order.

4. Upon full satisfaction of the required payment of \$29,500 by Respondent, this settlement agreement shall serve as a full and complete release of all claims asserted by the United States Department of Labor against Frank Turner, Owner, Turner Farms in this action.

LARRY S. MERCK
Administrative Law Judge