



Issue Date: 02 July 2014

CASE NO.: 2014-TAE-00009

In the Matter of:

MOUNTAIN AVENUE BEES, INC.

Respondent.

ORDER APPROVING CONSENT FINDINGS

This matter arises under § 218 of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii) (A), 1184(c), 1186 (“INA”), and the implementing regulations at 20 C.F.R. Part 655 and 29 C.F.R. Part 501.

On June 27, 2014, the Office of the Solicitor in San Francisco, California, U.S. Department of Labor, counsel for the Administrator of the Wage and Hour Division, U.S. Department of Labor (“Plaintiff”), filed with the Office of Administrative Law Judges an Order of Reference, and Consent Findings. Plaintiff alleged that Respondent gave H-2A nonimmigrants preferential treatment over U.S. workers, failed to comply with inbound and outbound transportation and subsistence requirements, and failed to pay H-2A nonimmigrants and U.S. workers the proper pay rate under the INA. Plaintiff sought \$33,975.39 in back wages and \$68,100 in civil money penalties. Respondent has paid the \$33,975.39 in back wages sought by Plaintiff.

The Consent Findings filed with this Office state that the parties agree that Respondent will pay \$34,000 in civil money penalties. Respondent also agrees to pay the penalty within thirty (30) days of my signing the Consent Findings and Order. In addition, for three (3) years following my signing the Consent Findings and Order, Respondent agrees to produce documentation to demonstrate compliance with H-2A program’s inbound and outbound transportation and subsistence requirements within fourteen (14) days of a request by Plaintiff with or without an active investigation of Respondent’s compliance with the H-2A program.

The INA rules of procedure for administrative proceedings are set forth in 29 C.F.R. Part 501. Section 501.40(b) provides that the presiding Administrative Law Judge shall accept any agreement containing consent findings if he or she “is satisfied with its form and substance.” After reviewing the terms of the agreement, I am satisfied that the agreement conforms to the requirements set forth in § 501.40(b)(1)-(4) and is a satisfactory resolution of the issues

previously contested. The terms of the Consent Findings attached to the Order of Reference are hereby adopted and incorporated into full into this Order.

SO ORDERED.

STEPHEN L. PURCELL
CHIEF ADMINISTRATIVE LAW JUDGE