



Issue Date: 16 December 2014

OALJ Case No.: 2014-TAE-13

In the Matter of

E.V. RANCH, LLLP.,

Respondent

ORDER APPROVING CONSENT FINDINGS

This matter arises under § 218 of the Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.* (“INA”) as amended by the Immigration Reform and Control Act of 1986, Pub L. 99-63, § 301, 100 Stat. 3359, 341 (“IRCA”) and the implementing regulations at 20 C.F.R. Part 655 and 29 C.F.R. Part 501.

On September 23, 2014, the Office of the Solicitor in Denver, Colorado, 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, Consent Findings, and proposed Order. Plaintiff alleged that E.V. Ranch, LLLP (“Respondent”) committed various violations of the INA, including failing to comply with recruitment requirements, failing to pay the offered/required wage rate, and failing to comply with earnings records requirements. Plaintiff also alleged that Respondent substantially violated material terms and conditions of the temporary labor certification with respect to H-2A workers. As a result, Plaintiff sought back wages of \$84,784.84, a civil money penalty of \$8,250.00, and the debarment of Respondent from applying to the Department of Labor for H-2A certification for a period of three years.

The Consent Findings filed with this Office acknowledge that Plaintiff had made payment of the \$84,784.84 in H-2A back wages to those employees who the Department of Labor determined were owed back wages. The Consent Findings also state that, for purposes of H-2A compliance only, Respondent admits that it committed a violation under 29 C.F.R. § 655.122(1), 29 C.F.R. § 655.122(j)(1), and 29 C.F.R. § 655.135(c). The parties agree that Respondent will pay a civil money penalty in the amount of \$8,250.00 to Plaintiff. Additionally, Respondent agrees that it will be debarred from receiving certifications under 8 U.S.C. § 1188(a)(1) for one year, beginning on November 15, 2014 and ending on November 14, 2015. Respondent further agrees to a variety of enhanced compliance terms to begin at the end of the one-year debarment period. These terms include that Respondent will hire an Independent Monitor for a period of one year during the next certification period obtained by Respondent under the H-2A program. The Independent Monitor will report on and guide Respondent’s

future compliance with the H-2A regulations through processes detailed in the attached Consent Findings. Finally, Respondent agrees to comply in the future with all applicable H-2A provision of the INA and its implementing regulations.

The INA rules of procedure for administrative proceedings are set forth in 29 C.F.R. Part 501. Section 501.40 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 and is a satisfactory resolution of the issues previously contested. Accordingly, the Consent Findings, which are attached, are APPROVED and ADOPTED as part of this Order in their entirety.

SO ORDERED.

WILLIAM S. COLWELL
Associate Chief Administrative Law Judge

Washington, D.C.
WSC: wfh