



**Issue Date: 24 December 2014**

**OALJ Case No.: 2015-TAE-6**

*In the Matter of*

**CASSADAY FARMS, LLC.**

*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 December 16, 2014, the Office of the Solicitor in New York, New York, 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 Cassaday Farms, LLC. (“Respondent”) committed various violations of Section 218 of the INA and applicable regulations at 20 C.F.R. Part 655 and 29 C.F.R. Part 502. Plaintiff sought back wages of \$292,335.68 and a civil money penalty of \$149,700.00.

The Consent Findings filed with this Office state that the parties agree that Respondent withdraws its exceptions to the September 11, 2013 Determination Letter and will pay \$117,130.00 in unpaid wages due to thirteen (13) improperly rejected U.S. workers; these workers are listed in an attachment to the Consent Findings and Order. Respondent further agrees to pay \$57,870.00 in civil money penalties. Moreover, Respondent agrees to comply with the provisions of an Enhanced Compliance Program, which are detailed in an attachment to the Consent Findings and Order. Finally, Respondent agrees to comply in the future with all applicable provisions of the INA and its implementing regulations.

The rules of procedure for this administrative proceeding 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 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