



Issue Date: 29 December 2017

Case No.: 2017-TAE-00016

In the Matter of:

LOV RANCH CO., LLLP,
d/b/a LOV RANCH,
Respondent.

ORDER APPROVING CONSENT FINDINGS

This proceeding arises under the H-2A provisions of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act, 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. On April 9, 2015, the Administrator, Wage and Hour Division, United States Department of Labor (“Prosecuting Party”), issued a determination letter to Respondent assessing unpaid wages to four workers in the amount of \$26,698.11; a three year debarment from the H-2A program; and a civil money penalty (“CMP”) in the amount of \$16,950.00 for alleged violations of 20 CFR § 655.122(h)(1) (failure to pay inbound travel expenses), 20 C.F.R. § 655.122(h)(2) (failure to pay outbound travel expenses), 20 C.F.R. § 655.122(j)(1) (failure to comply with earning records requirements), 20 C.F.R. § 655.122(k)(failure to comply with hours and earnings statement requirements), 20 C.F.R. § 655.122(l) (failure to pay the offered/required wage rate), 20 C.F.R. § 655.122(m) (failure to comply with frequency of pay requirements), 20 C.F.R. § 655.122(q) (failure to disclose work contract), 20 C.F.R. § 655.135(c) (failure to comply with recruitment requirements) and 20 C.F.R. § 655.135(j) (unlawful shifting of visa fees and related costs to employees).

Respondent promptly paid the back wages but objected to the civil money penalty and three year debarment and timely requested a hearing. However, the parties subsequently conferred and reached a settlement obviating the need for a hearing.

On December 27, 2017, the Administrator filed *Consent Findings and Order*, in which the parties agree that the Prosecuting Party will amend the aforementioned determination letter to allege that Respondent owes a CMP in the amount of \$15,450.00 and Respondent agrees to withdraw its request for hearing and submit a certified check in the amount of \$15,450.00 to the Administrator on or before January 31, 2018. In addition, Respondent agrees that it will be debarred from receiving certification under 8 U.S.C. § 1188(a)(1) for one year beginning on January 31, 2018 and ending on January 20, 2019. These actions would resolve all issues for litigation.

Section § 501.40(d) 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 its terms, 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* filed on December 27, 2017 are APPROVED and are adopted and incorporated in full into this Order. Upon payment of the CMP, this matter is DISMISSED WITH PREJUDICE.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge