



Issue Date: 16 October 2017

CASE NO.: 2017-TAE-00011

*In the Matter of:*

SERAFICO ENCERATICO JAIMES,  
*Respondent.*

**DECISION AND ORDER ON CONSENT FINDINGS**

A hearing in this matter was scheduled for July 28, 2017 in Atlanta, Georgia. It was canceled on the parties' waiver of expedited hearing and representation that they were pursuing settlement negotiations.

On October 10, 2017, the parties submitted their *Consent Findings and Order*. Upon review, the consent findings are approved. Accordingly, IT IS HEREBY ORDERED:

1. This action arises under the Immigration and Nationality Act ("Act"), 8 U.S.C. § 1101, *et seq.*, and Regulations found at 29 C.F.R. Part 501 for final administrative determination of violation and assessment of civil money penalties under the Act. Jurisdiction over the hearing in this matter is vested in the Office of Administrative Law Judges by 29 C.F.R. § 501.37.
2. The issues resolved by these Consent Findings and Order were identified initially during an investigation conducted by the Wage and Hour Division ("WHD") covering the period of July 22, 2015 to December 31, 2015.
3. On April 6, 2016, the WHD Administrator issued a Determination Letter to Respondent identifying WHD's findings and assessing civil money penalties (CMPs).
4. Respondent filed a timely request for hearing with respect to the assessment of CMPs set forth in the Determination Letter.
5. The parties have conferred and have executed a set of consent findings to resolve the assessment of the CMPs. The Administrator agreed to amend the Determination Letter to allege that Respondent owes CMPs in the total amount of \$11,900.00
6. Respondent withdraws its exception to the amended administrative determination and, in accordance with 29 C.F.R. § 501.22, agrees to adhere to the payment schedule set forth in Paragraph 7 of this Order. All payments shall be submitted via certified check mailed to: Southeast Regional Office, U.S. Department of Labor – Wage and Hour, 61 Forsyth Street, SW, Room 7M80, Atlanta, Georgia 30303. Failure to adhere to the payment schedule will result in interest, administrative costs, and penalties being assessed as outlined in Paragraph 8 of this Order, as well as possible litigation against Respondent.

7. Respondent shall make payments in accordance with the following schedule:

Payment No.	Amount	Due Date
Initial Payment	\$4,118.96	Within thirty (30) days of the date of this Order.
Installment #1	\$505.00 (\$500.00 plus 1% interest)	Within thirty (30) days of the due date of the Initial Payment.
Installment #2	\$505.00 (\$500.00 plus 1% interest)	Within thirty (30) days of the due date of Installment #1.
Installment #3	\$505.00 (\$500.00 plus 1% interest)	Within thirty (30) days of the due date of Installment #2.
Installment #4	\$505.00 (\$500.00 plus 1% interest)	Within thirty (30) days of the due date of Installment #3.
Installment #5	\$505.00 (\$500.00 plus 1% interest)	Within thirty (30) days of the due date of Installment #4.
Installment #6	\$505.00 (\$500.00 plus 1% interest)	Within thirty (30) days of the due date of Installment #5.
Installment #7	\$791.84 (\$784.00 plus 1% interest)	Within thirty (30) days of the due date of Installment #6.
Installment #8	\$791.84 (\$784.00 plus 1% interest)	Within thirty (30) days of the due date of Installment #7.
Installment #9	\$791.84 (\$784.00 plus 1% interest)	Within thirty (30) days of the due date of Installment #8.
Installment #10	\$791.84 (\$784.00 plus 1% interest)	Within thirty (30) days of the due date of Installment #9.
Installment #11	\$791.84 (\$784.00 plus 1% interest)	Within thirty (30) days of the due date of Installment #10.
Installment #12	\$791.84 (\$784.00 plus 1% interest)	Within thirty (30) days of the due date of Installment #11.

8. The dollar amounts reflected in Paragraph 7 constitute a debt owed to the federal government and therefore are subject to the assessment of interest, administrative cost charges, and penalties in accordance with the Debt Collection Act of 1982 and Departmental policies. Interest will be assessed at the current U.S. Department of Treasury Tax and Loan Account rate as set forth in Paragraph 7.
9. These Consent Findings and Order disposing of this proceeding with respect to the matters referenced in these Consent Findings and Order shall have the same force and effect as an order made after a full hearing.
10. The entire record forming the basis on which these Consent Findings and Order are entered shall consist of the Determination Letter and the provisions and amendments contained herein.
11. The parties waive all further procedural steps between themselves before the administrative law judge with respect to the issues raised in this Consent Findings and Order. The parties waive any right to challenge or contest the validity of these Consent Findings and Order.
12. The violations alleged in the Determination Letter issued by the Administrator and referenced in these Consent Findings and Order are and shall be deemed fully resolved by these Consent Findings and Order with regard to all parties. There are no further issues for litigation.
13. These Consent Findings and Order shall become final immediately upon approval of the Administrative Law Judge. The effective date of these Consent Findings and Order shall be the date of approval by the Administrative Law Judge.
14. Respondent's request to withdraw its Request for Hearing filed in this matter with respect to the issues raised in these Consent Findings and Order is GRANTED.
15. Jurisdiction, including the authority to issue any additional orders or decrees necessary to effectuate the implementation of the provisions of these Consent Findings and Order, is retained by the Office of Administrative Law Judges to the extent permitted under the Act and regulations.
16. Enforcement proceedings for violation of these Consent Findings and Order may be initiated at any time upon the filing with the Administrative Law Judge a motion for an Order of enforcement and sanctions in addition to any rights to enforce through the United States District Courts.

17. Each party will bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding, including but not limited to attorney's fees, which may be available under the Equal Access to Justice Act, as amended.
18. These Consent Findings and Order shall constitute the final Administrative Order in this case with respect to the issues raised in these Consent Findings and Order.

**SO ORDERED.**

PAUL C. JOHNSON, JR.  
District Chief Administrative Law Judge

PCJ, Jr./ksw  
Newport News, Virginia