



**Issue Date: 17 March 2017**

**OALJ Case No.: 2017-TAE-00005**

*In the Matter of:*

**SMITH RANCHO LAND & LIVESTOCK, LLC.**  
**d/b/a SMITH RANCHO, and its successors**  
*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 (IRCA), 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 February 5, 2015, the Administrator, Wage and Hour Division, United States Department of Labor, issued a determination letter to Respondent, assessing unpaid wages in the amount of \$20,881.92 and civil money penalties in the amount of \$5,512.50 for violations of 20 C.F.R. § 655.122(d) (failure to provide safe housing); § 655.122(j)(1) (failure to comply with earning records requirements); 20 C.F.R. § 655.122(k) (failure to comply with pay statement requirements); 20 C.F.R. § 655.122(1) (failure to pay required rates of pay); and § 655.135(c) (failure to comply with recruitment requirements).

On March 10, 2017, the parties filed *Consent Findings*, in which the parties agree that the Prosecuting Party will withdraw several violations of the IRCA. As a result, no back wages are owed, and Respondent agrees to pay civil monetary penalties totaling \$2,475.00, which Respondent did on December 21, 2016. Respondent also agrees to comply with the IRCA in the future.

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 March 10, 2017 are APPROVED and they are adopted and incorporated in full into this Order.

SO ORDERED:

**STEPHEN R. HENLEY**  
Chief Administrative Law Judge