



**Issue Date: 02 October 2018**

CASE NO.: 2018-TAE-00025

*In the Matter of:*

**RODRIGO GUTIERREZ TAPIA,**  
Respondent.

**ORDER APPROVING CONSENT FINDINGS AND CANCELING HEARING**

This matter arises under the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.* as amended by the Immigration Reform and Control Act of 1986, Pub. L. 99-603, § 301, 100 Stat. 3359, 341 (“the Act”), and the implementing regulations at 20 C.F.R. Part 655 and 29 C.F.R. Part 501.

On February 14, 2014, May 13, 2015, and May 28, 2015, the Administrator, Wage and Hour Division, U.S. Department of Labor (“the Administrator”) issued to Respondent Determination Letters alleging violations of the Act and assessing civil monetary penalties in the amount of \$118,275. Respondent timely requested a hearing on the assessment of civil monetary penalties. On May 31, 2018, counsel for the Administrator filed an Order of Reference in which this matter was referred for hearing before an Administrative Law Judge. This matter was scheduled for hearing before the undersigned beginning on December 11, 2018, in Tampa, FL.

On September 12, 2018, counsel for the Administrator submitted to the undersigned a document styled “Consent Findings and Order” (hereafter “Consent Findings”) signed by counsel for both Parties that disposed of all outstanding issues in this case. In the proposed Findings and Order, the Administrator amended the administrative determination issued on May 13, 2015, to reduce the amount of civil monetary penalties alleged therein to \$3398.70. On his part, Respondent agrees to pay the Administrator a total of \$86,423.70 in civil monetary penalties within 30 days of this Order. The Parties agree that all violations alleged in the Determination Letters described above, as amended, “are and shall be deemed fully resolved by these Consent Findings and Order with regard to both the Complainant and Respondent.”

Both Parties also waive any right to challenge or otherwise contest the validity of the Consent Findings.

29 C.F.R. § 501.40(d) provides that I shall accept any agreement containing consent findings if I am “satisfied with its form and substance.” After reviewing the terms of the proposed Consent Findings, I am satisfied that they conform to the requirements set forth in § 501.40(b)(1)-(4) and are a satisfactory resolution of the issues previously contested.

Accordingly, the terms of the Consent Findings filed on September 12, 2018, are hereby **APPROVED**, adopted, and fully incorporated into this Order. This case is hereby **DISMISSED**.<sup>1</sup> The hearing currently scheduled to begin on December 11, 2018, in Tampa, Florida, is hereby **CANCELED**.

**SO ORDERED.**

**WILLIAM T. BARTO**  
Administrative Law Judge

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<sup>1</sup> In the event that Respondent defaults or otherwise fails to comply with the terms and conditions set forth in paragraph 13 of the Consent Findings, the Administrator’s conditional amendment referenced in paragraph 12 of the Consent Findings becomes void and the originally assessed penalty in the aggregate amount of \$ \$118,275 is automatically reinstated.