



Issue Date: 05 February 2018

Case No.: 2018-TAE-00004

In the Matter of:

BROTZMAN'S NURSERY,
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 August 24, 2017, the Assistant District Director, Wage and Hour Division, U.S. Department of Labor, issued a determination letter to Respondent assessing a civil money penalty ("CMP") in the amount of \$562.50 for violations of the INA during the periods May 25, 2015 through May 21, 2017.¹ Respondent timely requested a hearing on the assessment of the CMP.

On January 18 and 30, 2017, respectively, the Administrator filed *Consent Findings* and an *Order of Reference*, in which the Administrator agrees to reduce the CMP to \$375.00 and Respondent agrees to pay that amount, provided Respondent adheres to the payment terms and conditions set forth in the agreement.²

29 C.F.R. § 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.

¹ The original assessment was \$750.00, but subsequently reduced to \$562.50 after negotiation between the Wage and Hour Division investigator and Respondent.

² Respondent agrees to submit a certified check in the amount of \$375.00 to the Administrator, Wage and Hour Division, U.S. Department of Labor no later than 10 days from the date of this Order.

The terms of the *Consent Findings* filed on January 18, 2018 are APPROVED, and adopted and incorporated in full into this Order. This case is hereby DISMISSED.³

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge

³ However, in the event Respondent defaults on the terms and conditions set forth in the *Consent Findings* and this Order, the Administrator's conditional amendment referenced in paragraph 6 of the *Consent Findings* and Order becomes void and the final original assessed CMP amount of \$562.50 is reinstated.