



Issue Date: 20 June 2018

OALJ Case No.: 2018-TAE-00027

In the Matter of:

**CHERRY RANCH OUTFITTERS d/b/a
CURTIS CHERRY RANCH,**
Respondent

ORDER APPROVING CONSENT FINDINGS

This proceeding arises under the H-2A provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act, 8 U.S.C. §§ 1101(a), 1184(c), and 1186; and regulations found at 20 C.F.R. Part 655 and 29 C.F.R. Part 501. On March 23, 2017, the Administrator, Wage and Hour Division, United States Department of Labor (“Prosecuting Party”), issued an amended determination letter to Respondent assessing unpaid wages to four workers in the amount of \$20,595.36 and a civil money penalty (“CMP”) in the amount of \$10,350.00 for a violation, among others, of 20 C.F.R. § 655.122(l) (failure to pay offered/required wage rate). Respondent objected to the findings and timely requested a hearing. However, the parties subsequently conferred and reached a settlement.

On May 22, 2018,¹ the Administrator contemporaneously filed an *Order of Reference* and *Consent Findings*, in which the parties agree that the Prosecuting Party will amend the aforementioned amended determination letter to allege that Respondent owes back wages in the amount of \$15,000.00 and a CMP in the amount of \$5,000.00 and Respondent agrees to withdraw its request for hearing and submit certified checks in the amounts of \$15,000.00 and \$5,000.00 to the Administrator. 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 May 22, 2018 and docketed on June 19, 2018, are APPROVED and adopted and incorporated in full into this Order. Respondent shall have 30 days from the date of this order to submit certified checks or money orders payable to “Wage &

¹ Although filed with this Office on May 22, 2018, the case was not docketed until June 19, 2018.

Hour Division, U.S. Department of Labor” in the amounts above to: U.S. Department of Labor, Wage and Hour Division, 525 S. Griffin Street, Room 800, Dallas, Texas 75202-5007. Upon payment of the amended back wages and CMP, this matter is DISMISSED WITH PREJUDICE.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge