



**Issue Date: 10 May 2021**

**CASE NO.: 2021-TAE-00004**

*In the Matter of:*

**HARMAN'S PRODUCE, LLC**  
*Respondent*

**DECISION AND ORDER APPROVING CONSENT FINDINGS**

This matter arises under the Immigration and Nationality Act ("INA"), as amended by the Immigration and Reform Control Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(a), and the implementing regulations at 20 C.F.R. Part 655 and 20 C.F.R. Part 501. On February 4, 2020, the Administrator, U.S. Department of Labor, Wage and Hour Division ("Administrator") issued a Determination Letter containing a Summary of Violations to Harman's Produce, LLC ("Respondent").<sup>1</sup> The Summary of Violations stated that the Wage and Hour Division investigated and found the following violations of the H-2A provisions of the INA: (1) the Respondent failed to comply with the recruitment requirements in violation of 20 C.F.R. § 655.121(a)(3); and (2) the Respondent failed to comply with inbound transportation requirements in violation of 20 C.F.R. § 655.122(h)(1). As a result, the Administrator assessed a total of \$1,561.50 in civil monetary penalties. Subsequently, on February 27, 2020, the Respondent timely requested a hearing before the Office of Administrative Law Judges ("OALJ").

This matter is scheduled for hearing on May 27, 2021. On May 4, 2021, the Parties submitted Consent Findings pursuant to 29 C.F.R. § 18.71 and 29 C.F.R. § 501.40, resolving all disputed issues and constituting a full and final resolution of such issues. Therefore, the scheduled hearing is **CANCELLED**.

In accordance with the provisions of 29 C.F.R. § 6.18(c), I find that the Consent Findings are fully satisfactory in both form and substance, and is accepted. Each fact set forth within the body of the Consent Findings document is hereby adopted. Based upon the Consent Findings, which I incorporate herein by this reference, **I HEREBY ORDER** that:

1. The terms of the Consent Findings appear fair and reasonable and reflect a reasonable resolution and are approved;

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<sup>1</sup> The Administrator originally issued a January 17, 2020 Determination Letter, but later replaced it with the February 4, 2020 Determination Letter.

2. The Respondent will pay \$572.00 in civil money penalties to the Administrator, within 30 days of the date of this Decision and Order;<sup>2</sup>
3. The Administrator agrees to release the Respondent, its officers, directors, shareholders, insurers, sureties, and its successors and assigns, from any and all claims of any nature or amount, arising from or relating to the violations alleged in the Consent Findings;
4. Nothing in the Consent Findings shall be deemed an admission by the Respondent to any of the allegations contained in the February 4, 2020, Determination Letter;<sup>3</sup>
5. The Respondent affirms that, as of the date of execution of the Consent Findings, it is complying and will remain compliant in the future with all provisions of the INA, associated regulations, other applicable regulations and federal wage standards;<sup>4</sup>
6. All matters and violations addressed in the February 4, 2020 Determination Letter have been fully and finally resolved by these Consent Findings;
7. The Respondent's timely payment of \$572.00 in civil money penalties constitutes full satisfaction of all civil monetary penalties assessed in this matter;
8. The entire record on which this Order is based consists solely of the Administrator's Determination Letter and the Consent Findings;
9. Each party shall bear its own costs, attorney's fees, and expenses as were incurred by them in connection with any stage of these proceedings;
10. Each Party waives further procedural steps before an Administrative Law Judge and any right to challenge or contest the validity of these findings or any order entered in accordance herewith;

**SO ORDERED.**

**FRANCINE L. APPLEWHITE**  
Administrative Law Judge  
Washington, D.C.

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<sup>2</sup> If the Respondent fails to make the agreed payment within ten (10) days of the date scheduled, the entire amount shall immediately become due and payable together with such additional collection and court costs as may be incurred by the Administrator in pursuing collection.

<sup>3</sup> The parties agree that these Consent Findings cover the relevant investigative period from March 15, 2018 through November 30, 2019. The parties also agree that these Consent Findings shall not, in any way, affect, determine, or prejudice any and all rights of any persons.

<sup>4</sup> The Administrator does not waive its right to conduct future investigations. In addition, the Respondent does not waive its right to contest any findings by the Administrator in future investigations.