



Date: JUN -3 1995

Case No.: 95-TAE-3

In the Matter of:

U.S. DEPARTMENT OF LABOR

Plaintiff

v.

SCOTT'S YANKEE FARMER AND THOMAS SCOTT

Respondents

DECISION AND ORDER APPROVING CONSENT FINDINGS

The parties hereby stipulate, agree and consent, pursuant to 29 C.F.R. 501.40, to entry of findings, as follows:

1. This matter arises under the Immigration and Nationality Act, 8 U.S.C. 1101, *et seq.*, as amended, hereinafter the Act, and Regulations at 29 C.F.R. Part 501.
2. At all times pertinent hereto, Respondents, an agricultural employer doing business in East Lyme, Connecticut, employed H-2A workers in seasonal agricultural services within the meaning of 29 C.F.R. 502.
3. Upon written notice dated November 4, 1994, pursuant to 29 C.F.R. 501.19, a civil money penalty in the amount of \$4,000. was assessed against Respondents for alleged violations of the Act and applicable regulations under 20 C.F.R. Part 655 and 29 C.F.R. Part 501, to wit, 20 C.F.R. 655.102(b)(1) and 29 C.F.R. 501.7.
4. By letter dated December 2, 1994, Respondents made a timely request for hearing on such assessment in accordance with 29 C.F.R. 501.33.
5. Respondents represent that they are presently in compliance with all applicable provisions of the Act and applicable regulations and will continue to comply therewith in the future. Accordingly, the Regional Administrator agrees not to take action to deny Respondents' temporary alien agricultural certification.

6. Respondents agree to pay the \$4,000. civil money penalty by cashier's or certified check payable to "Wage and Hour Division- Labor" in the following manner: Respondents shall immediately remit \$2,000. upon return of this executed agreement and, as aforesaid, on or before June 1, 1995, Respondent shall remit the balance of \$2,000.

7. Respondents hereby withdraw the aforesaid request for hearing.

8. The parties agree that:

(a) The final order disposing of this proceeding shall have the same force and effect as an order made after full hearing;

(b) The entire record on which such final order shall be based shall consist solely of the notice of administrative -determination and this agreement; and

9. The parties waive:

(a) Further procedural steps before an Administrative Law Judge; and

(b) Any right to challenge or contest the validity of these findings or of any order entered in accordance herewith.

This Administrative Law Judge, having reviewed the above Consent findings, finds and concludes that said Consent Findings are reasonable and appropriate and, accordingly, the Consent Findings are approved pursuant to 29 C.F.R. 501.40.

DAVID W. DI NARDI
Administrative Law Judge

Boston, Massachusetts

DWD:las