

U.S. Department of Labor

Office of Administrative Law Judges
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Issue date: 18Sep2001

Case Nos.: **1999-MSP-004**
 1999-TAE-002
 1999-TLC-002

OWCP Nos.:

In the Matter of:

ADMINISTRATOR, WAGE & HOUR DIV.,
U.S. DEPARTMENT OF LABOR,
 Plaintiff,

v.

ANTONIO GOLDAREZ & RESU GOLDAREZ
d\b\A GOLDAREZ LAND & LIVESTOCK,
 Respondent.

DECISION AND ORDER APPROVING SETTLEMENT
AGREEMENT

_____These matters were filed by the Administrator of the Wage and Hour Standards Administration, U.S. Department of Labor, and subsequently consolidated and stayed on February 1, 1999. On August 27, 2001, Associate Regional Solicitor Rochelle Kleinberg submitted an executed settlement agreement that resolves the cases. This document was signed by Respondents, who are pro se, and by the Associate Regional Solicitor, and the contents are attached to this order.

By the terms of the settlement, Respondents agree to pay a civil money penalty of THREE THOUSAND (\$3,000.00) DOLLARS for violations of the housing provider provisions of the Migrant and Seasonal Workers Protection Act, as amended (29 U.S.C. 1901, et seq., and for violations of the Immigration Reform and Control Act. Respondents also agree to withdraw the request for a hearing under the Acts with respect to these alleged violations.

Respondents shall pay the civil money penalty assessment as follows: Pursuant to the Chapter 12 Bankruptcy Proceedings filed in the U.S. District Court of Idaho. Each payment is to be made by sending a check or money order in said amount payable to the order of the "Wage & Hour Division" at:

Wage Hour Division
1515 SW 5th Ave., Rm. 1040
Portland, OR 97201-5842

The court notes that each party agrees to remain responsible for its own fees and other expenses incurred in connection with the proceeding to date.

The undersigned has reviewed and approved this settlement agreement. It is hereby **ORDERED** that Respondents, Antonio and Resu Goldarez d\b\a Goldarez Land & Livestock, pay the civil money penalty as provided by the settlement agreement between Plaintiff and Respondents.

RICHARD K. MALAMPHY
Administrative Law Judge

RKM/kap
Newport News, Virginia

APPEAL PARAGRAPH APPLIES TO **1999-MSP-004** ONLY:

Within twenty (20) days after the date of issuance of this decision, any party desiring review of the decision may file a petition for issuance of a Notice of Intent as described under 29 C.F.R. § 500.265. The filing shall include an original and two copies of the petition, and shall be filed with the ADMINISTRATIVE REVIEW BOARD, U. S. DEPARTMENT OF LABOR, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington DC 20210. The petition shall be in writing and shall contain a concise and plain statement specifying the grounds on which review is sought. A copy of the Decision and Order of the Administrative Law Judge shall be attached to the petition. Copies of the petition shall be served upon all parties to the proceeding and on the Chief Administrative Law Judge, See 29 C.F.R. § 500.264; Secretary's Order 2-96 (Authority and Responsibilities of the Administrative Review Board), 61 Fed. Reg. 19978 (1996).

APPEAL PARAGRAPH APPLIES TO **1999-TAE-002** ONLY:

NOTICE: A Respondent, the Administrator or any interested party desiring review of this Decision and Order may petition for such review by the Secretary, in accordance with the procedure set forth in 20 C.F.R. §501.42. A petition for review must be timely filed with the Administrative Review Board, U. S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. See Secretary's Order 2-96, paragraph 4c (18), 61 Fed. Reg. 19978 (May 3, 1996); Final Rule, 61 Fed. Reg. 19982 (May 3, 1996) (delegating review functions of Secretary under pertinent statute and regulations to Administrative Review Board). To be timely filed, a petition for review must be filed within thirty (30) days of the date of this Decision and Order. See 20 C.F.R. § 501.41(a).