



Issue Date: 21 November 2008

Case No: 2007-LCA-00028

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,
Prosecuting Party

v.

KCP SYSTEMS, INC., UNITED INFORMATION
TECHNOLOGY, INC., SEEMA LOPES, Individually
and as Owner; and, WILLIAM LOPES, Individually
and as President/Technical Director,
Respondents

**DECISION AND ORDER APPROVING SETTLEMENT
AGREEMENT AND CONSENT FINDINGS**

This proceeding arises under the H-1B provisions of the Immigration and Nationality Act of 1952, as amended by the Immigration Act of 1990, the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, and the American Competitiveness and Workforce Improvement Act of 1998, found at 8 U.S.C. §§ 1101, *et seq.*, 8 U.S.C. § 1101 (a)(15)(H)(i)(b) (hereinafter referred to collectively as the "INA"), and its implementing regulations, which are located at 20 Part 655, Subparts H and I. The Prosecuting Party determined that the Respondents failed to pay wages as required, failed to provide notice of the filing of Labor Condition Applications, required or accepted payment of additional H-1B petition fee, failed to maintain documentation as required, and failed to comply with the provisions of subpart H or I. The Respondents filed a timely request for hearing on July 13, 2007. Jurisdiction over these proceedings is vested in the Office of Administrative Law Judges by INA § 212(n), 8 U.S.C. § 1182(n) and 20 CFR Part 655.800, *et seq.*, with respect to Respondents' request for a hearing concerning the alleged violations of the provisions of § 1182(n) of the INA.

On November 14, 2008, the parties submitted a Settlement Agreement and Consent Findings. The agreement is signed by Phyllis B. Dolinko, counsel for the Prosecuting Party and by Respondents, KCP Systems, Inc., United Information Technology, Inc. (corporate Respondents), by their owner, Seema Lopes, and by Seema Lopes and William Lopes, individuals (collectively "Respondents"), and by counsel for Respondents. In the Consent Findings, the parties have accepted certain obligations and agreed to specific actions which resolve all existing issues.

ORDER

Upon review of the record and the terms of the parties' consent findings, I find that the terms of the settlement are fair and reasonable. Accordingly, IT IS HEREBY ORDERED that:

1. This Decision and Order shall have the same force and effect as one made after a full hearing on the merits.
2. The entire record on which this Decision and Order is based consists solely of the Administrator's Determination Letter and the Settlement Agreement and Consent Findings executed by the parties.
3. The parties are hereby deemed to have waived any further procedural steps before the undersigned or the Secretary of Labor, as appropriate, regarding the matters which are the subject of their Settlement Agreement.
4. Any rights to challenge or contest the validity of this Decision and Order entered into in accordance with the Settlement Agreement and Consent Findings are hereby waived.
5. The Determination Letter, and the parties' Settlement Agreement and Consent Findings, together with this Decision and Order, shall constitute the final administrative findings and order in this case.

A

JOSEPH E. KANE
Administrative Law Judge