



DATE: April 13, 1994  
CASE NO: 94-TLC-0001

IN THE MATTER OF

The U.S. Department of Labor  
Plaintiff,

v.

Leslie White and Marilyn White,  
Husband and Wife and,  
White Farm Supply Company LTD.,  
A Partnership,  
Respondents,

### DECISION AND ORDER

This action arises under the Immigration and Nationality Act of 1952, as amended by the Immigration Reform and Control Act of 1986 [8 U.S.C. § 1101, et seq., hereinafter "the Act"], and 29 C.F.R. Part 501, Subpart C, and has been referred to the undersigned Administrative Law judge for final administrative determination of alleged violations of the provisions of § 218 of the Act of the Act (formerly § 216; 29 U.S.C. § 1188), assessment of civil money penalty.

The Administrator of the Wage and Hour Division and the respondents have submitted consent findings and a proposed order in full settlement of the assessment issued March 23, 1993, pursuant to § 218(g) (2) of the Act and Regulation 29 C.F.R. § 501.19. These findings comply with all requirements of 29 C.F.R. § 501.40 and are . adopted, incorporated herein, made a part hereof and attached hereto.

### ORDER

The amended administrative determination and imposition of civil money penalty in said consent findings are hereby affirmed. This Order shall have the same force and effect as an order made after a full hearing and shall constitute the final order of the Secretary of Labor in this matter.

Charles P. Rippey  
Administrative Law Judge  
Voice Phone 202-633-0042  
Fax Number 202-633-0325

Attachment  
Washington, D. C.  
CPR:bdw:A

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
WASHINGTON, D.C.

\* \* \* \* \*

In the Matter of: \*

THE U.S. DEPARTMENT OF LABOR, \*  
Plaintiff, \*

v. \* Case No. 94-TLC-1

LESLIE WHITE AND MARILYN WHITE, \*  
HUSBAND AND WIFE AND, \*  
WHITE FARM SUPPLY COMPANY, LTD., \*  
A PARTNERSHIP, \*  
Respondents. \*

\* \* \* \* \*

CONSENT FINDINGS

This action arises under the Immigration and Nationality Act of 1952, as amended by the Immigration Reform and Control Act of 1986 [8 U.S.C. § 1101, et seq., hereinafter "the Act"], and 29 C.F.R. Part 501, Subpart C, for final administrative determination of alleged violations of the provisions of § 218 of the Act (formerly § 216; 29 U.S.C. § 1188), assessment of civil money penalty.

1. Upon written notice issued March 23, 1993, pursuant to § 218(g)(2) of the Act and 29 C.F.R. § 501.19 and 501.31 the Administrator of the Wage and Hour Division, United States Department of Labor, assessed a civil money penalty against respondent for alleged violations of the Act and applicable regulations.

2. Respondent, by letter dated April 29, 1993, made timely request for hearing on such assessment in accordance with 29 C.F.R. § 501.33.

3. Pursuant to 29 C.F.R. § 501.37(a) and 29 C.F.R. § 18.5(e), the Administrator amends the assessment and the written notice of administrative determination in the manner stated in the order of reference filed herewith.

4. Without admitting or denying the allegations of the administrative determination as so amended, respondents Leslie White, Marilyn White and White Farm Supply, Ltd., agree pursuant to 29 C.F.R. § 501.40 to the entry of consent findings and an order disposing of this proceeding which shall have the same force and effect as order made after a full hearing.

5. The entire record upon which the order agreed to herein shall be based shall consist of the amended notice of administrative determination, respondent's request for hearing, and this agreement.

6. Respondent waives any further procedural steps before the Administrative Law Judge and waives any right to challenge or contest the validity of the findings and order entered into in accordance with this agreement.

7. In consideration of respondent's agreement to comply the Administrator reduces the civil money penalty assessment in the matter to \$500.00 which total amount shall be allocated to each of the civil money penalty assessments as follows:

- |  |          |
|--|----------|
| (1) Failure to provide copy of full work contract,<br>29 C.F.R. § 655.102(a)(b). | \$300.00 |
| (2) Failed to provide wage statements,<br>29 C.F.R. § 655.102(b)(8).             | \$100.00 |
| (3) Failed to pay wages when due<br>20 C.F.R. § 655.102(b)(10).                  | \$100.00 |

8. Within 30 days of the receipt of these findings respondents will forward a certified check for the full amount of the reduced civil money penalty of \$500.00, made payable to "WAGE AND HOUR - LABOR", 911 Walnut, Rm. 2000, Kansas City, Missouri 64106.

Dated this Seventh day of March, 1994.

Marilyn White  
White Farm Supply Co., Ltd

P.O. Box 753  
Davidson, Saskatchewan  
Canada SOG 1A0

Respondents

Thomas S. Williamson, Jr.  
Solicitor of Labor

Tedrick A. Housh, Jr.  
Regional Solicitor

Room 2106, 911 Walnut Street  
Kansas City, MO 64106-2085  
(816) 426-6441

U.S. Department of Labor

Attorneys for Plaintiff