



Issue Date: 10 July 2019

Case Number: 2019-EPP-00001

In the Matter of:

WEST VALLEY EAR, NOSE, AND THROAT, P.C.
and KAREN RIZZO, Individually,
Respondents.

ORDER APPROVING CONSENT FINDINGS

This matter arises under the Employee Polygraph Protection Act of 1988 (“EPPA”), 29 U.S.C. § 2001-2009 and the regulations issued thereunder at 29 C.F.R. Part 801. By Determination Letter dated May 23, 2018, the Wage and Hour Division of the United States Department of Labor (“Plaintiff”) notified the above named Respondents of the assessment of total civil money penalties in the amount of \$30,780.00 for alleged violations of the EPPA and its governing regulations.¹ Respondents filed timely exceptions to the assessments with Plaintiff on June 20, 2018 and requested a hearing before the Office of Administrative Law Judges (“Office”).

Plaintiff thereafter filed an Order of Reference with this Office on July 3, 2019. Included with the Order of Reference were executed *Consent Findings* and a *Proposed Decision and Order*, indicating the parties have negotiated a settlement. After a review of the *Consent Findings*, I find the agreement satisfies 29 C.F.R. § 801.66 and is a satisfactory resolution of the issues previously contested.² Accordingly, upon consideration of the record, the *Consent Findings* are APPROVED in full and incorporated herein by reference. The *Consent Findings* shall constitute my findings of fact and conclusions of law and represent full, final, and complete adjudication of this proceeding. This matter is hereby DISMISSED.

SO ORDERED:

STEPHEN R. HENLEY

¹ The Determination Letter assessed a total civil money penalty (“CMP”) in the amount of \$10,260 for five alleged violations of failing to meet one or more of the exemption restrictions under Section 8 of the EPPA and a total CMP in the amount of \$20,520 for allegedly directly requiring, requesting, or suggesting five individuals take a polygraph test without satisfying any of the exemptions under Section 7 of the EPPA.

² In return for Respondents’ promise for future EPPA compliance, and posting a notice in all business establishments explaining the EPPA, the Administrator agrees to amend the Determination Letter to vacate the violations and assessed CMP for failing to meet one or more of the exemption restrictions listed in Section 8 of the EPPA and amend the penalty total for not satisfying any of the Section 7 exemptions to \$15,000.00. Payment of the reduced CMP is to be made within 14 days of the date of this Order.

Chief Administrative Law Judge