



Issue Date: 09 May 2019

Case Number: 2019-FLS-00006

In the Matter of:

**TICE GROUP, INC. d/b/a
AMADA SENIOR CARE,
TROY TICE and AMY TICE, Individuals,**
Respondents.

NOTICE OF DOCKETING

This case arises under the Fair Labor Standards Act (“FLSA”) of 1938, 29 U.S.C. § 201-219, and the implementing regulations at 29 C.F.R. Parts 578 and 580. The above-captioned case has been duly filed and docketed on May 6, 2016.

ORDER APPROVING CONSENT FINDINGS

On April 29, 2019, the attorney representing the Administrator, Wage and Hour Division, U.S. Department of Labor (“Plaintiff”) filed an *Order of Reference*.¹ Included with Plaintiff’s *Order of Reference* are *Consent Findings*, and a proposed *Decision and Order*. The *Consent Findings* aver that Respondents, without admitting any violations of the Act, have agreed to withdraw their exception and request for hearing and pay a reduced civil money penalty in the amount of \$27,172.80.² The *Consent Findings* further provide that Plaintiff withdraws the individual civil money penalty assessments against Amy Tice and Troy Tice and that Respondents “agree to comply with the requirements of the FLSA” in the future.

The FLSA rules of procedure for administrative proceedings are set forth in 29 C.F.R. Part 580. Section 580.7(a) states that the OALJ Rules of Practice and Procedure found at 29 C.F.R. Part 18 shall apply to the extent they do not conflict with the provisions of Part 580. As Part 580 does not provide applicable standards for approving a settlement agreement and consent findings, the applicable standards are found in 29 C.F.R. §18.71.

¹ Plaintiff investigated the above-named Respondents for the period July 9, 2015 to July 15, 2017, and concluded that they failed to pay 78 employees statutory overtime pay under Section 7 of the FLSA in the amount of \$75,247.50. At the conclusion of the investigation, Respondent agreed to pay the overtime pay owed. However, Plaintiff still assessed \$54,345.60 in civil money penalties (“CMP”) against Respondents, who filed an exception and request for hearing by letter dated July 9, 2018.

² The parties agreed that this money is to be paid in six monthly installments, with the first installment due within 10 days after the filing of the consent findings.

After reviewing the terms of the agreement, I am satisfied that they conform to the requirements set forth in § 18.71(b)(1)-(4) and are a satisfactory resolution of the issues previously contested. Accordingly, the *Consent Findings* are adopted and incorporated in full into this Order.

This matter is DISMISSED.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge