



Issue Date: 09 June 2009

\*\*\*\*\*

In the Matter of:

ADMINSTRATOR, WAGE and  
HOUR DIVISION,

Complainant,

v.

K-SOFT INFORMATION TECHNOLOG  
INC., a corporation, and MR. RAMESH  
K. GANGISETTI, an individual  
Respondnets.

Case No. 2008-LCA-00001

\*\*\*\*\*

Decision and Order

Pursuant to 29 C.F.R. § 18.9 (1992), the parties to this action, Complainant, Administrator, Wage and Hour Division (“Administrator”) and Respondents, K-Soft Information Technologies, Inc. (“K-Soft”) and Ramesh K. Gangiseti (collectively referred to as “Respondents”), have negotiated and executed Consent Findings which constitute a full and final resolution of all issues raised by the Administrator’s Determination Letter issued to Respondents on September 17, 2007. The following Findings and Order are based upon the agreement executed by the parties.

JURISDICTION AND PROCEDURAL HISTORY

1. This action arises under the Immigration and Naturalization Act of 1952, P.L. 82-414, 66 Stat. 163, codified as amended at 8 U.S.C. § 1101, *et seq.* (“the NA”), as amended by the Immigration Act of 1990, P.L. 10 1-649, 104 Stat. 4978, the Miscellaneous Technical Immigration and Naturalization Amendments of 1991, P .L. 102-232,105 Stat. 1733 and the American Competitiveness and Workforce Improvement Act of 1998 (“ACWIA”), P.L. 105-277, 112 Stat. 2861-641. Jurisdiction over the hearing in this matter is vested in the Office of Administrative Law Judges by NA Section 212(n)(2), 20 C.F.R. §§ 655.820-840.

2. On September 17, 2007, the Administrator issued to Respondents a Determination Letter identifying alleged violations of the H-1B provisions of the NA.

3. Within the time period provided by 20 C.F.R. § 655.820, Respondents filed a Request for Hearing with respect to the allegations of violations set forth in the Determination Letter.

#### GENERAL PROVISIONS

4. These Consent Findings and Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing.

5. The entire record forming the basis on which the Order is entered shall consist of the Determination Letter and attachments thereto, and these agreements and consents.

6. The parties to these Consent Findings and Order hereby waive all further procedural steps between themselves before the Administrative Law Judge.

7. The parties to these Consent Findings and Order hereby waive any right to contest the validity of these findings or of any Order entered in accordance herewith.

8. All violations alleged in the Determination Letter issued by the Administrator are and shall be deemed fully resolved by these Consent Findings and Order with regard to the Respondents and the Complainant.

9. These Consent Findings and Order shall become final immediately upon approval of the Administrative Law Judge. The effective date of these Consent Findings and Order shall be the date of approval by the Administrative Law Judge.

10. The Administrator hereby amends the aforesaid Determination Letter to only hold K-Soft responsible for the alleged violations. As a result of evidence submitted after the issuance of the Determination Letter, the Administrator determined that Mr. Ramesh K. Gangiseti was not personally liable for the alleged violations. Therefore, the Administrator withdraws the violations as to Mr. Ramesh K. Gangiseti.

11. The Administrator hereby amends the aforesaid Determination Letter to withdraw the following two alleged violations: 1) K-Soft failed to cooperate in the investigation as required under the [NA and 2) K-Soft required an I-I-IB employee to pay the additional H-i B petition filing fee. As a result of evidence submitted after the issuance of the Determination Letter, the Administrator has determined to withdraw these violations.

12. The Administrator hereby amends the aforesaid Determination Letter to allege that K-Soft owes gross back wages in the total amount of \$52,000.00 — owing \$5,300.00 to Man M. Akavaram, \$10,100.00 to Laxman R. Bolineni, \$12,665.00 to Mahendran Krishnan, \$19,935.00 to Neeraj S. Mohnia and \$4,000.00 to Amarjit S. Nagpal — and civil money penalties in the total amount of \$10,000.00.

13. Without admitting the violations alleged, Respondents withdraw the aforesaid exception to administrative determination and K-Soft agrees to pay such back wages and civil

money penalties, as amended, in the total amount of \$62,000.00 in twelve (12) equal monthly payments by certified check or money order payable to “Wage and Hour Division — Labor.” The first payment of \$5,166.66 shall be due on December 1, 2008. The second payment shall be due on or before January 1, 2009. The third payment shall be due on or before February 1, 2009. The fourth payment shall be due on or before March 1, 2009. The fifth payment shall be due on or before April 1, 2009, The sixth payment shall be due on or before May 1, 2009. The seventh payment shall be due on or before June 1, 2009. The eighth payment shall be due on or before July 1, 2009. The ninth payment shall be due on or before August 1, 2009. The tenth payment shall be due on or before September 1, 2009. The eleventh payment shall be due on or before October 1, 2009. The twelfth payment shall be due on or before November 1, 2009.

Payments shall be sent to the following address:

U.S. Department of Labor  
Wage and Hour Division  
Room 7M40  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

14. Any sum not distributed to Man M. Akavaram, Laxman R. Bolineni, Mahendran Krishnan, Neeraj S. Mohnia or Amarj it S. Nagpal, or to their personal representative after three years, because of inability to locate them or bet~ause of their refusal to accept such sum shall be deposited with the Treasurer of the United States as miscellaneous receipts.

15. In the event that Respondent fails to make a payment in the time periods specified in General Provision Number 11 as set forth above, the entire amount shall become due and payable immediately without further notice or demand by the Administrator. Any defaulted balance shall be subject to the assessment of interest and penalty interest at rates determined by the U. S. Treasury as required by the Debt Collection Improvement Act of 1996, P.L. 104-134, 110 Stat. 1321, 1358, and other delinquent charges and administrative costs shall also be assessed. In the event of default, the Administrator and/or Secretary of Labor intends to pursue enforcement of this agreement and/or any additional collection action that may include, but is not limited to, administrative offset, referral of the account to credit reporting agencies, private collection agencies, and/or the Department of Justice.

16. In accordance with 20 C.F.R. § 655.855(a), the Administrator shall notify the Attorney General and ETA of this final determination.

#### REPORTING AND ENFORCEMENT

17. Jurisdiction, including the authority to issue any additional orders or decrees necessary to effectuate the implementation of the provisions of these Consent Findings and Order, is retained by the Office of Administrative Law Judges.

18. Enforcement proceedings for violation of these Consent Findings and Order may be initiated at any time upon filing with the Administrative Law Judge a motion for an order of

enforcement and sanctions.

19. Each party will bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding including, but not limited to, attorney's fees which may be available under the Equal Access to Justice Act, as amended.

20. These Consent Findings and Order shall constitute the final Administrative Order in this case.

SO ORDERED.

**A**

Stuart A. Levin  
Administrative Law Judge