



Issue Date: 07 July 2010

CASE NO. 2010-LCA-00022

In the Matter of:

VADIMAS AGEJEVAS
Prosecuting Party,

v.

LARRY JENSEN d/b/a VALLEY INVESTMENTS
Respondent.

**DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT AND
DISMISSING ACTION**

On May 5, 2010, the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division issued a determination letter finding no violations involving Vadimas Agejevas (the "Prosecuting Party") of 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 (ACWIA) (Title IV of Pub. L. 105-277, 112 Stat. 2681 (1998)) found at 8 U.S.C. § 1101, *et seq.* (the "INA"), and the regulations promulgated at 20 C.F.R. Part 655, subpart H (collectively, the "H-1B Program"). The Prosecuting Party requested a hearing before this Office to re-examine the underlying facts and alleged violations under the H-1B Program against Larry Jensen d/b/a Valley Investments ("Respondent"), and trial was set to go forward on July 2, 2010 in Seattle, Washington. Just before trial commenced, the parties announced that they had resolved their differences and would submit a written settlement agreement for approval.

On July 6, 2010, the parties filed a Notice of Agreement to Dismiss Proceedings seeking joint approval of the stipulations and settlement (the "agreement"). Counsel for Respondent, Respondent Larry Jensen, and Prosecuting Party Vadimas Agejevas signed the agreement. The agreement seeks to settle and resolve all controversies and claims existing between the parties. By way of the settlement, the Respondent Larry Jensen agrees to be liable for payment in full and complete settlement of all issues in the sum of \$11,000.00. Finally, within one (1) business day of receipt of this Decision and Order approving the agreement, Respondent further agrees to immediately pay Mr. Agejevas the sum of \$11,000.00 by deposit directly into Mr. Agejevas' bank account with Whidbey Island Bank or by sending a check via Federal Express next day delivery, whichever method is preferred by Mr. Agejevas.

The Rules of Practice and Procedure for Administrative Hearings for the Office of Administrative Law Judges found at 29 C.F.R. Part 18 are applicable to this proceeding. 20 C.F.R. § 655.825(a).

ORDER

Upon a review of the record, the agreement is formally approved.

IT IS ORDERED that the agreement is **APPROVED** and incorporated into this Order, and the parties are further ordered to comply in full with the terms and conditions of their agreement forthwith.

IT IS FURTHER ORDERED that:

1. This Decision and Order shall have the same force and effect as a decision and order made after full hearing;
2. The entire record upon which this Decision and Order is based shall consist solely of the May 5, 2010 determination letter and the agreement;
3. Any further procedural steps before this Office are waived;
4. Any rights to challenge or contest the validity of this Decision and Order entered into in accordance with this agreement are hereby waived;
5. Each party shall bear all fees and other expenses (including any costs) incurred by such party in connection with any stage of this proceeding;
6. This Decision and Order shall be the final agency action; and
7. Respondent is liable and shall pay to Prosecuting Party Vadimas Agejevas the \$11,000.00 referred to above, and Respondent will use his best efforts to maintain his familiarity with the H-1B Program's requirements and comply with the H-1B Program Act in the future.

IT IS FURTHER ORDERED that this matter is hereby **DISMISSED** *with prejudice*.

A

GERALD M. ETCHINGHAM
Administrative Law Judge

San Francisco, California