



Issue Date: 14 December 2010

CASE NO. 2010-LCA-00030

In the Matter of:

ADMINISTRATOR,
WAGE & HOUR DIVISION,
Prosecuting Party,

v.

ALLURE COSMETICS, INC.,
Respondent.

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

On May 26, 2010, the Administrator, U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division (the "Prosecuting Party") issued a determination letter alleging violations 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 "H1-B Program"). The Prosecuting Party determined that the Respondent Allure Cosmetics, Inc. ("Respondent") had violated certain provisions of the H1-B Program.

On December 10, 2010, the parties filed Consent Findings seeking joint approval of the stipulations and settlement and entry of a consent findings order (the "agreement"). Counsel for Prosecuting Party and Hardeep Rai, Esq., Respondent's authorized legal counsel representative, signed the agreement. The agreement seeks to settle and resolve all controversies and claims existing as a result of the Prosecuting Party's investigation. By way of the settlement, the Respondent agrees to be liable for payment in full and complete settlement of all issues in the sum of \$15,000.00, payable in installments as referenced in the agreement representing an agreed amount of back wages owed by Respondent, minus deductions of required taxes. Finally, Respondent further agrees that it will comply in all respects with the INA and applicable regulations in the future.

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 26, 2010 determination letter with attachments 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 its own costs, attorney's fees and expenses;
6. This Decision and Order shall be the final agency action; and
7. Respondent is liable and shall pay the \$15,000.00 in back wages minus deductions of required taxes as provided in the agreement.

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

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GERALD M. ETCHINGHAM
Administrative Law Judge

San Francisco, California