



Issue Date: 12 April 2010

CASE NO. 2010-LCA-00009

*In the Matter of:*

ADMINISTRATOR,  
WAGE & HOUR DIVISION,  
*Prosecuting Party,*

vs.

ASIAN JOURNAL PUBLICATIONS, INC.,  
*Respondent.*

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

On January 20, 2010, the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division (the "Prosecuting Party") issued an amended 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 had violated certain provisions of the H1-B Program. The Administrator found that Respondent, Asian Journal Publications, Inc. ("Respondent") owed \$66,700.00 for civil money penalties and \$473,217.65 in back wages.

On April 1, 2010, the parties filed a Settlement Agreement and Consent Findings seeking joint approval of the stipulations and settlement and entry of a consent findings order (the "agreement"). Counsel for both parties and Roger Oriol, Respondent's chief executive officer and authorized 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 \$473,217.65, representing an agreed amount of back wages, and \$40,000.00 as the accepted reduced civil penalty owed by Respondent, plus interest. Finally, Respondent further agrees that any current Labor Condition Applications ("LCAs") with respect to future H-1B workers will be invalidated and Respondent will be disqualified from approval of any new H-1B petitions for a period of two years from the date specified by the Department of Homeland Security.

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 January 20, 2010 amended determination letter with attachments and the agreement with Exhibits “1”, “2”, “3”, and “4”;
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 the \$40,000.00 reduced civil money penalty, the \$473,217.65 in back wages, and the \$7,045.93 in total interest referred to above in installments as scheduled in the agreement, and Respondent will use its best efforts to maintain its familiarity with the Act’s requirements and comply with the Act in the future after its two-year debarment.

**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*