



**Issue Date: 18 January 2012**

**CASE NO.: 2011-LCA-00063**

**IN THE MATTER OF**

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

**v.**

**FORESTREE NETWORK SERVICES, L.L.C.,  
Respondent**

**CONSENT FINDINGS AND ORDER**

Pursuant to 29 C.F.R. § 18.9 (1992) the Prosecuting Party, Administrator, Wage and Hour Division (“Administrator”) and Respondent Forestree Network Services, LLC, submit these Consent Findings and Order. These Consent Findings and Order constitute a full and final resolution of this action and of all issues raised by the Administrator’s Determination Letter issued to Forestree Network Services, L.L.C. on August 8, 2011.

**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 INA”), as amended by the Immigration Act of 1990, P.L. 101-649, 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 INA Section 212(n)(2), 20 C.F.R. §§ 655.820-840.

2. The issues resolved by these Consent Findings and Order were identified initially during an investigation conducted by Wage-Hour from February 11, 2010 through February 16, 2011.

3. On August 8, 2011, the Administrator issued to Forestree Network Services, L.L.C., a Determination Letter identifying alleged violations of the H-2B provisions of the INA.

4. Within the time period provided by 20 C.F.R. § 655.71, Respondent filed a

Request for Hearing with respect to the allegations of violations set forth in the Determination Letter.

### **GENERAL PROVISIONS**

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

6. The entire record forming the basis on which the Order is entered shall consist of the August 8, 2011, Determination Letter and attachments thereto, and these agreements and consents.

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

8. 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.

9. All violations alleged in the Determination Letter issued by the Administrator on August 8, 2011, and shall be deemed fully resolved by these Consent Findings and Order.

10. 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.

11. The Administrator hereby amends the aforesaid Determination Letter to allege that Forestree Network Services, L.L.C. owes civil money penalties in the total amount of \$22,000.00.

12. Forestree Network Services, L.L.C. withdraws the aforesaid exception to administrative determination and agrees to pay \$22,000.00 in civil money penalties by certified check or money order payable to "Wage and Hour Division — Labor" within 10 business days of the date that this order is final.

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

13. In the event that Respondent fails to make the payment in the time period 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.

## **REPORTING AND ENFORCEMENT**

14. 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.

15. 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.

16. 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.

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

So ORDERED.

**A**

**LARRY W. PRICE  
ADMINISTRATIVE LAW JUDGE**

---

**NOTICE OF APPEAL RIGHTS:** To appeal, you must file a Petition for Review ("Petition") that is received by the Administrative Review Board ("Board") within thirty (30) calendar days of the date of issuance of the administrative law judge's decision. *See* 20 C.F.R. § 655.845(a). The Board's address is: Administrative Review Board, U.S. Department of Labor, Room S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file the Petition with the Board, you must serve it on all parties as well as the administrative law judge. *See* 20 C.F.R. § 655.845(a).

If no Petition is timely filed, then the administrative law judge's decision becomes the final order of the Secretary of Labor. Even if a Petition is timely filed, the administrative law judge's decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. § 655.840(a).