



Issue Date: 15 June 2011

CASE No.: 2011-LCA-00033

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION
Prosecuting Party,

vs.

FREMONT INVESTMENT GROUP, INC.
D/B/A FREMONT BUSINESS SERVICES,
Respondent.

Decision and Order Approving Consent Findings

This proceeding arises under the H-1B provisions of the Immigration and Nationality Act, as amended (“INA”), 8 U.S.C. § 1101(a)(15)(H)(i)(b), and the implementing regulations the Secretary of Labor published at 20 C.F.R. Part 655. The Administrator, U. S. Department of Labor, Wage and Hour Division (“Administrator”) and Fremont Investment Group, Inc. (“Fremont”), have filed Consent Findings to resolve the issues raised by Fremont’s request for a hearing on the Administrator’s finding that Fremont failed to comply with the provisions of the INA and its regulations governing H-1B workers.

The parties’ attached Consent Findings set the money due to the worker and civil money penalties, and debar Fremont from submitting another labor condition application to the Department of Labor or petition under 8 U.S.C. §§ 1154 or 1184(c) to the U.S. Department of Homeland Security for one year.

Fremont has withdrawn its hearing request, and has agreed to waive any right to challenge or contest the consent findings or this order.

Accordingly:

1. the Consent Findings are approved;
2. back wages of \$60,220.99 (less appropriate deductions for federal and state income tax and FICA paid from the

wages to tax authorities) and reimbursement of visa application fees and attorney fees of \$3,735.00 must be paid to the Administrator for distribution to Fremont's former employee, Shahin Sultana, or if the employee cannot be located, to the U.S. Treasury;

3. civil monetary penalties of \$900.00 must be paid to the Administrator;
4. this grand total of \$ 64,855.99 (less appropriate tax deductions) must be paid to the Administrator by August 15, 2011, with a certified check delivered as the Consent Findings describe;
5. Fremont is debarred from submitting another labor condition application to the Department of Labor to sponsor aliens for employment under the H-1B program for one year;
6. U.S. Department of Homeland Security is required to deny any petition Fremont submits under 8 U.S.C. §§ 1154 or 1184(c) to sponsor an alien for employment under the H-1B program for one year after the Department of Homeland Security receives notice of the debarment from the Department of Labor;
7. this Decision and Order has the same effect as one made after a full hearing on the merits;
8. the record for this Decision and Order consists solely of the Administrator's Notice of Determination and the attached Consent Findings; and
9. Fremont has waived any right to challenge or contest the validity of the Consent Findings or of this Decision and Order.

So Ordered.

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William Dorsey

ADMINISTRATIVE LAW JUDGE

San Francisco, California