



Issue Date: 10 July 2012

Case No. 2011-LCA-55

In the Matter of:
ADMINISTRATOR WAGE & HOUR DIVISION,
Prosecuting Party,

v.

ROBERT LARSON AND

LORENA ORMENO-LARSON, OWNERS,
LARSON'S FAST LANE, INC.,
Respondents.

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

This proceeding arises under 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, found at 8 U.S.C. §§ 1101, *et seq.*, 8 U.S.C. § 1101 (a)(15)(H)(i)(b) (hereinafter referred to collectively as the "INA"), and its implementing regulations, which are located at 20 Part 655, Subparts H and I.

The Prosecuting Party, Administrator, Wage and Hour Division, United States Department of Labor ("Administrator"), determined that Larson's Fast Lane, Inc., failed to: 1) pay wages as required; 2) required or accepted payment of the additional petition fee incurred in filing an H-1B petition; 3) failed to post notice of the LCA filing for 10 days in two conspicuous locations at each place where any H-1B nonimmigrant will be employed; 4) failed to maintain documentation as required; and 5) failed to make available documents. On July 8, 2011, the Administrator's representative issued a determination letter to Respondent detailing its findings with respect to the above violations. The Respondent filed a timely request for hearing on July 18, 2011.

Jurisdiction with respect to Respondent's request for a hearing concerning the alleged violations of the provisions of § 1182(n) of the INA is vested in the Office of Administrative Law Judges by INA § 212(n), 8 U.S.C. § 1182(n) and 20 CFR Part 655.800, *et. seq.*

A Notice of Hearing and Pre-Hearing Order was issued on March 26, 2012, setting this case for hearing on June 12, 2012, in Fayetteville, Arkansas. However, on May 30, 2012, an Order Cancelling Hearing was issued because the parties advised that they had settled the case and a hearing was no longer necessary. On July 2, 2012, the parties submitted their Consent

Findings. The Consent Findings are signed by Karla Jackson, counsel for the Prosecuting Party, and by Lorena Ormeno-Larson and Robert Larson. In the Consent Findings, which are incorporated herein, the parties have accepted certain obligations and agreed to specific actions which resolve all existing issues.

ORDER

Upon review of the record and the terms of the parties' consent findings, I find that the terms of the settlement are fair and reasonable. Accordingly, **IT IS HEREBY ORDERED** that:

1. The Administrator and Respondent have agreed to settle the matter alleged in the Determination Letter of July 8, 2011, with respect to Larson's Fast Lane, Inc., Robert Lawson, and Lorena Ormeno-Larson ("Larson's Fast Lane, Inc."). Larson's Fast Lane, Inc. further agrees to comply with the provisions of the INA and the applicable regulations in the future with respect to Larson's Fast Lane, Inc., petitioning for and employing H-1B non-immigrants.
2. Larson's Fast Lane, Inc., agree to pay to the Administrator, in full and complete settlement of all back wage issues raised in the Administrator's Determination Letter addressing payment of requisite wages in this proceeding, the sum of \$10,000.00, representing an agreed amount of back wages to be paid to the H-1B non-immigrant, Carmen Estrada-Rondon. To comply with this provision, Respondents shall make one down payment of \$500.00 on or by August 15, 2012. Thereafter, Respondents will make 24 consecutive monthly installment payments in the amount of \$399.97 to be due and payable on or before the same day of each succeeding month. In an event of default by Respondents, the total balance shall then become due and interest shall be assessed against the unpaid balance.
3. Each party agrees to bear its own costs, attorney fees, and other expenses incurred by such party in connection with any stage of this proceeding to date. This Decision and Order shall have the same force and effect as one made after a full hearing on the merits.
4. The entire record on which this Decision and Order is based consists solely of the Administrator's Determination Letter and the Consent Findings executed by the parties.
5. The parties are hereby deemed to have waived any further procedural steps before the undersigned or the Secretary of Labor, as appropriate, regarding the matters which are the subject of their Consent Findings.
6. Any rights to challenge or contest the validity of this Decision and Order entered into in accordance with the Consent Findings are hereby waived.

7. The Determination Letter, and the parties' Settlement Agreement and Consent Findings, together with this Decision and Order, shall constitute the final administrative findings and Order in this case.

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JOHN P. SELLERS III
Administrative Law Judge