

U.S. Department of Labor Office of Administrative Law Judges
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Issue Date: 20 June 2014

CASE No.: 2012-LCA-00054

In the Matter of:

**ADMINISTRATOR, WAGE AND HOUR DIVISION,
on behalf of NICHOLAS BUJAK, M.D.,
Prosecuting Party,**

vs.

**GUNDERSON SWEETWATER M.D. PA,
Respondent.**

Order Approving Settlement and Consent Findings

This matter came before the undersigned Administrative Law Judge on the request of GUNDERSON SWEETWATER MD PA, for a hearing on the Determination Letter issued by the Prosecuting Party under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1101 *et seq.* and the regulations promulgated at 20 CFR Part 655, subparts H and I (the H-1B program). The Administrator, Wage and Hour Division, United States Department of Labor (the “Administrator”), Respondent Gunderson Sweetwater MD PA (“Gunderson Sweetwater”), and Erik Gunderson, M.D. (“Dr. Gunderson”), an individual, have now filed Consent Findings embodying a full settlement of this proceeding. Concurrent with the execution of

these Consent Findings, the Administrator issued Gunderson Sweetwater and Dr. Gunderson an Amended Determination Letter, alleging that Gunderson Sweetwater and Dr. Gunderson willfully failed to pay wages as required by 20 C.F.R. § 655.731. The Amended Determination Letter replaces and supersedes the original Determination Letter.

In full settlement of the issues raised in the Amended Determination Letter, the Administrator, Gunderson Sweetwater and Dr. Gunderson (the “Parties”) agree that in lieu of Gunderson Sweetwater and/or Dr. Gunderson paying the assessed civil money penalty or the back wages to one H-1B nonimmigrant, Nicholas Bujak, M.D., Gunderson Sweetwater and Dr. Gunderson shall be disqualified from approval of any petitions filed by, or on behalf of Gunderson Sweetwater and/or Dr. Gunderson pursuant to section 204, 8 U.S.C. § 1154, or section 214(c), 8 U.S.C. § 1184(c), of the INA for a period of not less than two years.

The Consent Findings are hereby approved and incorporated into this order, and the Parties are ordered to comply in full with the terms and conditions set forth therein. This matter is hereby dismissed.

San Francisco, California

William Dorsey
ADMINISTRATIVE LAW JUDGE