



Issue Date: 16 September 2013

Case No.: 2013-LCA-00024

In the Matter of:

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

v.

**AVI SIVAN and  
BEAUTYKO, LLC**  
Respondents

**FINAL ORDER ADOPTING PARTIES’  
CONSENT FINDINGS**

This matter arises under the Immigration and Nationality Act (“INA”) H-1B visa program, 8 U.S.C. § 1101(a)(15)(H)(i)(b) and § 1182(n), and the implementing regulations promulgated at 20 C.F.R. § 655.700, *et seq.* The hearing is scheduled to commence on September 26, 2013 in New York, New York.

On September 13, 2013, counsel for the Administrator submitted the parties’ executed *Consent Findings*. The parties’ filing contains the following stipulations:

1. This action arises under the Immigration and Nationality 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. 101-232, 105 Stat. 1733 and the American Competitiveness and Workforce Improvement Act of 1998, P. L. 105-277, 112 Stat. 2861-641. Jurisdiction over the hearing in this matter is vested in the U.S. Department of Labor Office of Administrative Law Judges by the INA at § 212(n)(2) and 20 C.F.R. § 655.820-840.

2. On April 18, 2013, the U.S. Department of Labor, Wage and Hour Division issued a Determination Letter alleging violations of the H-1B provisions of the INA and 20 C.F.R. Part 655, Subparts H and I to Respondents AVI SIVAN and BEAUTYKO, LLC (“Respondents”).

3. On May 1, 2013 Respondents filed a timely request for a hearing with respect to the allegations of violations set forth in the Determination Letter.

4. Respondents admit that they failed to pay one H-I B non-immigrant, Suvrat Puri, the required prevailing wage as required by 8 U.S.C. § 1182(n)(2)(CXvii) and 20 C.F.R. § 655.731.

5. Respondents agree to pay \$7,000.00 in back wages, plus \$56.97 in post-judgment interest to Mr. Puri. Respondents shall make payment of the back wages and interest in accordance with the following installment payment schedule:

<u>Payment due on or before</u>	<u>Back Wages and Interest Due</u>
August 30, 2013	\$1,002.88
September 27, 2013	\$1,007.07
October 25, 2013	\$1,009.73
November 29, 2013	\$1,011.62
December 27, 2013	\$1,011.01
January 31, 2014	\$1,009.26
February 28, 2014	\$1,005.40
<b>TOTAL DUE</b>	<b>\$7,056.97</b>

6. Each installment payment shall be made by delivering a lump-sum check made payable to “Wage and Hour Division-Labor” in the amounts set forth in ¶ 5 to the following address:

U.S. Department of Labor  
Wage and Hour Division, Regional Office  
The Curtis Center, Suite 850 West  
170 South Independence Mall West  
Philadelphia PA 19106-3317  
Attn: James Kolpack

“Case No. 1645042” shall be written on the face of each check.

7. The Deputy Administrator shall deliver the proceeds of each check less any legal deductions to Mr. Pun. In the event that any installment payment is not made within ten days of the due date(s) as set forth in ¶ 5, the original back wage amount of \$20,726.71 assessed in the Determination Letter shall become due immediately, less any amounts already paid.

8. The parties agree that an Order disposing of this proceeding in accordance with these Consent Findings shall have the same force and effect as an order made after a full hearing pursuant to 20 C.F.R. § 655.840 in accordance with 29 C.F.R. § 18.9(b)(1).

9. The entire record on which this Order may be based shall consist solely of the Determination Letter and these Consent Findings and Order (29 C.F.R. § 18.9(b)(2)).

10. The parties hereby waive any further procedural steps before an Administrative Law Judge of the U.S. Department of Labor regarding this matter (29 C.F.R. §18.9(b)(3)).

11. Respondents hereby waive any right to challenge or contest the validity of these Consent Findings and Order entered into in accordance with the agreement (29 C.F.R. § 18.9(b)(4)).

12. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

I adopt the parties' stipulations as set forth above as my findings of fact. Accordingly, this matter is hereby **CLOSED**.

Accordingly, the parties are advised that the hearing scheduled for September 26, 2013 and the final pre-hearing telephonic conference scheduled for September 19, 2013 at 3:00 p.m. is hereby **CANCELLED**.

SO ORDERED.

**THERESA C. TIMLIN**  
Administrative Law Judge

Cherry Hill, New Jersey