

U.S. Department of Labor

Office of Administrative Law Judges
90 Seventh Street, Suite 4-800
San Francisco, CA 94103-1516

(415) 625-2200
(415) 625-2201 (FAX)



Issue Date: 14 April 2014

CASE NO.: 2013-LCA-00027

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,
U.S. DEPARTMENT OF LABOR,
Prosecuting Party,

v.

NORTHERN CALIFORNIA UNIVERSAL ENTERPRISE CORPORATION,
a California corporation, AND JOE WU, an individual,
Respondents.

DECISION AND ORDER APPROVING CONSENT FINDINGS

This matter arises under the H-1B provisions of the Immigration and Nationality Act (hereinafter INA or the Act), 8 U.S.C. § 1101, *et seq.*, and its implementing regulations at 29 C.F.R. Part 507, *et seq.*, and, more specifically, 20 C.F.R. Part 655, Subparts H and I, relating to Labor Condition Applications for H-1B non-immigrants (herein LCA). The Administrator issued a Notice of Determination (“Determination Letter”) on May 28, 2013, alleging that Respondent failed to pay proper wages and specify the place of employment on its employees’ labor condition applications. Respondent timely requested a hearing in accordance with 20 C.F.R. § 655.820.

On April 3, 2014, the parties jointly submitted proposed Consent Findings pursuant to 29 C.F.R. § 18.9 that resolve all issues in this matter. The Consent Findings fully explain and document the agreement between the parties. Of particular note, the consent findings provide that Joe Wu will be jointly and severally liable in his individual capacity for the full amount of the proposed settlement. The consent findings also provide that Northern California Universal Enterprise Corporation, Joe Wu or any entity affiliated with Joe Wu will be debarred for a period of five years from the date of this order approving these consent findings from filing a labor condition application seeking to employ an individual as an H1-B nonimmigrant.

Further, the Consent Findings provide: (1) that the order approving the Consent Findings shall have the same force and effect as an order made after full hearing; (2) that the entire record on which the order approving these consent findings is based shall consist solely of the Determination Letter and these Consent Findings; (3) waiver of any further procedural steps

before the administrative law judge and the Administrative Review Board; and (4) waiver of any right to challenge or contest the validity of these consent findings and any order entered into in accordance with the agreement.

I have reviewed the Consent Findings submitted by the parties and find the terms and conditions to be fair and reasonable, and I am satisfied with their form and substance. I approve the Consent Findings and adopt the terms and conditions as findings by this Office and incorporate them into this Order. The parties shall carry out the provisions of the terms found in the Consent Findings. All dates are vacated.

SO ORDERED.

RICHARD M. CLARK
Administrative Law Judge