



Issue Date: 19 May 2016

Case No.: 2016-LCA-00009

In the Matter of

ADMINISTRATOR, WAGE AND HOUR DIVISION,
Prosecuting Party

v.

ASHLEY SOCCER CAMP, INC
d/b/a SPORTS DOMAIN ACADEMY
ASHLEY HAMMOND, individually,
Respondent

**FINAL ORDER APPROVING THE PARTIES’
SETTLEMENT AGREEMENT AND 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.* A hearing in this matter is scheduled to convene on July 19, 2016, in New York City.

On May 9, 2016, the original Settlement Agreement and Consent Findings were received in the Cherry Hill, New Jersey Office of Administrative Law Judges for my approval. Having reviewed the parties’ Consent Findings, which are hereby incorporated by reference, I make the following findings:

- 1) The Consent Findings appear to be fair and reasonable, and reflect a fair and reasonable settlement.
- 2) The Respondent agrees to pay \$10, 000 in civil money penalties and \$175, 000 in back wages to the Administrator for distribution to the employees as listed in the amounts stated in Exhibit A. The Respondents will pay the \$185,000 with a down payment of \$46,250 and three installment payments to be completed by March 1, 2017 as follows:
 - a. Within 10 days of the approval of this Order, Respondents shall make a down payment of \$46,250 in back wages.

- b. On or before September 1, 2016, Respondents shall make an installment payment of \$46,250 in back wages.
 - c. On or before December 1, 2016, Respondents shall make an installment payment of \$46,250 in back wages.
 - d. On or before March 1, 2017, Respondents shall make an installment payment of \$36,250 in back wages and \$10,000 in civil money penalties.
- 3) Payment of back wages and civil money penalties must be sent through electronic wire transfer to the Wage and Hour Division, via the Federal Reserve Bank of New York City (TREAS NYC), and must include specific information, as set out in the partial settlement agreement and Consent Findings.
- 4) On or before the dates set forth in paragraph 2, Respondents shall send proof of the wire transfers to:
- John Warner, District Director
U.S. Department of Labor/Wage & Hour Division
200 Sheffield Street, Room 102
Mountainside, NJ 07092
- 5) If the Respondents fail to make an installment payment by a date set forth in Paragraph 2, without making the arrearage within ten (10) days, the entire settlement amount of \$185,000 shall become due immediately, less any amounts already paid.
- 6) If by March 1, 2017, the Respondents have failed to make all payments owed under this settlement agreement, the Administrator shall notify counsel for the Respondents in writing, If the Administrator does not then receive the payment within ten (10) days of notifying counsel for the Respondents of the delinquency, the entire original assessment of \$292,810.80 in back wages and \$27,900 in civil money penalties shall become due immediately, less any amounts already paid.
- 7) In the event of a default on the installment payment provisions in Paragraph 2 of these Consent Findings and Order, the Administrator may enforce these Consent Findings and Order by filing for a Judgment in an action under the Federal Debt Collection Procedures Act (28 U.S.C. § 3001 *et seq.*), an action in contract, an action for debt, an action to enforce a civil fine, penalty or pecuniary forfeiture (28 U.S.C. § 2461), or pursuant to any other applicable cause of action.
- 8) The Administrator shall deliver the back wages, less any legal deductions, to the employees as detailed in Exhibit A. Within ten days of the approval of this Order, the Respondents shall provide to counsel for the Administrator the social security number and the current or last known mailing address, phone number, and email address for each employee listed in Exhibit A.

- 9) Neither Respondents nor anyone acting on their behalf shall directly or indirectly solicit or accept the return or refusal of any sums paid as back wages under this Consent Findings and order.
- 10) Any sums not distributed to the employees or their personal representatives within three years of the final installment payment because of inability to locate the proper persons or because of such persons' refusal to accept such sums, shall be deposited with the Treasurer of the United States.
- 11) 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. § 18.71 (b)(1).
- 12) Each party agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

Accordingly, I hereby **APPROVE** the parties' Consent Findings.

The hearing scheduled for Tuesday, July 19, 2016 at 9:30 a.m. in New York City, New York and all associated pre-hearing requirements are **CANCELLED**.

SO ORDERED.

ADELE H. ODEGARD
Administrative Law Judge

Cherry Hill, New Jersey