**U.S. Department of Labor**

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**Issue Date: 27 February 2018**

CASE NO.: 2017-LCA-00005

*In the Matter of:*

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

vs.

GREENPOWER U.S.A, d/b/a GPUSA, INC.,
Respondent.

**DECISION AND ORDER VACATING HEARING AND APPROVING CONSENT FINDINGS**

This matter arises from a determination issued on January 12, 2017, by the Administrator of the Department of Labor's Wage and Hour Division ("the Administrator" or "Prosecuting Party") alleging a violation of the H-1B provisions of the Immigration and Nationality Act of 1952 as amended. 8 U.S.C. § 1182(n). The Administrator concluded after an investigation that the Respondent failed to pay wages as required to one nonimmigrant H1-B worker and owed $21,836.50 to the affected worker. The Administrator assessed a $5,000.00 civil money penalty for the violation. Respondent timely requested a hearing before the Office of Administrative Law Judges ("OALJ") on January 27, 2017.

This case was originally set for hearing before Judge William King beginning August 8, 2017. Judge King continued the hearing to August 9, 2017, and transferred the case to me on June 30, 2017, due to health problems of the Respondent's CEO and Owner. I continued the hearing again to December 19, 2017, because of the owner's poor health. The hearing was subsequently continued again and is currently set for hearing to begin May 2, 2018.

On February 26, 2018, the Prosecuting Party filed Consent Findings signed by both parties which resolves the issues in this case. Respondent has agreed to pay the sum of $25,000.00 in full and complete settlement of the issues raised in the Administrator's Determination. Of the $25,000.00, $23,000.00 represents the back wages payable to the nonimmigrant H1-B worker, Conroy Stark, less deductions for Mr. Starks' share of Social Security and withholding taxes. Respondent will be responsible for the employer portion of the employment taxes. Respondent will make the payments via direct deposit wire transfer to Mr. Stark's bank account. The Prosecuting Party will provide Respondent with the bank account and

wire transfer information. Respondent will make an initial payment of $3,000.00 and will thereafter make monthly payments of $2,000.00, less deductions, for the following 10 months as set forth in the Consent Findings. Within 30 days of the final payment to Mr. Stark, Respondent will deliver to Francisco J. Ocampo, Assistant District Director, Wage and Hour Director, a cashier's or certified check for $2,000.00 payable to "Wage and Hour Division, Labor" as the civil money penalty in this case.

It is hereby ORDERED that the Consent Findings submitted by the parties is APPROVED. Respondent is ORDERED to make the payments to Conroy Stark as set forth in the Consent Findings. It is hereby ORDERED that the Consent Findings be made a part of this Order.

In light of my approval of the Consent Findings, it is further ORDERED that the hearing scheduled for May 2, 2018, be VACATED.

JENNIFER GEE
Administrative Law Judge