



**Issue Date: 23 October 2017**

**CASE NO.: 2017-LCA-00020**

**IN THE MATTER OF**

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

**v.**

**ZHANG AND ASSOCIATES, PC,  
Respondent**

**DECISION AND ORDER**

Pursuant to 29 C.F.R. § 18.71, the parties to this action, Prosecuting Party, Administrator of the Wage and Hour Division, United States Department of Labor and Respondent, Zhang and Associates, PC, have negotiated and executed these Consent Findings (a copy of which is appended hereto and the recitations of which are deemed to constitute any findings and conclusions). These Consent Findings constitute a full and final resolution of this action and of all issues raised by the Administrator's Notice of Administrative Determination issued to Respondent on July 31, 2017 with respect to the employment of H-1B employees and the H-1B provisions of the Immigration and Naturalization Act, as amended, under 8 U.S.C. § 1182(n) as well as its corresponding regulation requirements at 20 C.F.R. §~ 655.700 et seq.

Accordingly, it is ORDERED:

1. That the Consent Findings be and the same hereby are APPROVED,
2. That the parties be and are bound by the terms of said instrument and shall comply therewith;
3. That the alleged violation cited in the Notice of Administrative Determination will be reclassified as a non-substantial failure to provide notice of the filing of a Labor Condition Application ("LCA") on or within thirty (30) days before the LCA's filing date for a total of ten (10) days in two conspicuous locations at each place of employment where any H-1B nonimmigrant will be employed in violation of 20 C.F.R. § 655.734;
4. That no civil money penalties be assessed; and

5. That the Department of Homeland Security not be notified pursuant to 20 C.F.R. § 655.855 that approval of any petitions filed by or on behalf of Zhang and Associates, PC, shall be disqualified from approval for a period of at least one year pursuant to section 204 or section 214(c) of the INA.

Finally, it is ORDERED that the Consent Findings be made part of the record.

**LARRY W. PRICE**  
**Administrative Law Judge**

**NOTICE OF APPEAL RIGHTS:** Any interested party desiring review of this Decision and Order may file a petition for review with the Administrative Review Board (Board) pursuant to 20 C.F.R. § 655.845.

The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington DC 20210, for traditional paper filing. Alternatively, the Board offers an Electronic File and Service Request (EFSR) system. The EFSR for electronic filing (eFile) permits the submission of forms and documents to the Board through the Internet instead of using postal mail and fax. The EFSR portal allows parties to file new appeals electronically, receive electronic service of Board issuances, file briefs and motions electronically, and check the status of existing appeals via a web-based interface accessible 24 hours every day. No paper copies need be filed.

An e-Filer must register as a user, by filing an online registration form. To register, the e-Filer must have a valid e-mail address. The Board must validate the e-Filer before he or she may file any e-Filed document. After the Board has accepted an e-Filing, it is handled just as it would be had it been filed in a more traditional manner. e-Filers will also have access to electronic service (eService), which is simply a way to receive documents, issued by the Board, through the Internet instead of mailing paper notices/documents.

Information regarding registration for access to the EFSR system, as well as a step by step user guide and FAQs can be found at: <https://dol-appeals.entellitrak.com>. If you have any questions or comments, please contact: [Boards-EFSR-Help@dol.gov](mailto:Boards-EFSR-Help@dol.gov)

If filing paper copies, you must file an original and four copies of the petition for review with the Board, together with one copy of this decision. If you e-File your petition only one copy need be uploaded.

If no petition for review is filed, this Decision and Order becomes the final order of the Secretary of Labor. *See* 20 C.F.R. § 655.840(a). If a petition for review is timely filed, this Decision and Order shall be inoperative unless and until the Board issues an order affirming it, or, unless and until 30 calendar days have passed after the Board's receipt of the petition and the Board has not issued notice to the parties that it will review this Decision and Order.