



Issue Date: 02 January 2015

CASE NO.: 2014 SOX 34

In the Matter of

STEPHEN M. MEADOWS
Complainant

v.

ERNST & YOUNG, LLP
Respondent

Appearances: Mr. Alexander Francuzenko, Attorney
For the Complainant

Mr. Lawrence S. Robbins, Attorney
For the Respondent

Before: William S. Colwell
Associate Chief Administrative Law Judge

**FINAL ORDER APPROVING SETTLEMENT --
DISMISSAL OF COMPLAINT WITH PREJUDICE**

This matter arises under the employee protection provision of Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002, (Public Law 107-204), 18 U.S.C. § 1514A (“Act” or “SOX”) as implemented by 29 C.F.R. Part 1980. This statutory provision, in part, prohibits an employer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 and companies required to file reports under section 15(d) of the Securities Exchange Act of 1934 from discharging, or otherwise discriminating against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee provided to the employer or Federal Government information relating to alleged violations of 18 U.S.C. §§ 1341 (mail fraud and swindle), 1343 (fraud by wire, radio, or television), 1344 (bank fraud), 1348 (security fraud), any rule or regulation of the Securities and Exchange Commission (“SEC”), or any provision of federal law relating to fraud against shareholders.

This case was initially assigned to Judge Linda Chapman. She subsequently announced her plan to retire, and the case was then assigned to the undersigned judge.

On December 22, 2014, I received a settlement agreement from the parties which fully settles and resolves their dispute. Both parties are ably represented by counsel. The Complainant represents his understanding of the agreement's provisions and voluntarily accepts the settlement. Having reviewed the agreement, I find the provisions are fair, adequate and not contrary to public interest.¹ Further, the settlement supports a finding that the complaint be dismissed with prejudice. Accordingly, approval of the agreement is appropriate. Upon my approval, the parties shall implement their settlement as specifically stated in the agreement.

The parties have agreed to keep the specific terms of the agreement confidential, subject to applicable laws. Notwithstanding the parties' agreement, their submissions, including the settlement agreement, become part of the record of the case and are subject to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 (a).² If a FOIA request is made for the settlement agreement and/or the case record, the U.S. Department of Labor will provide predisclosure notification to the parties and have to decide whether to exercise its discretion to claim any applicable exemption.³ Accordingly to effectuate the requested confidentiality, I have placed the settlement agreement and the case record in a sealed envelope, marked "FOIA PREDISCLOSURE NOTIFICATION MATERIALS."

ORDER

1. The parties' Settlement Agreement is **APPROVED**.
2. The SOX complaint of Mr. STEPHEN M. MEADOWS against ERNST & YOUNG, LLP is **DISMISSED WITH PREJUDICE**.

SO ORDERED:

WILLIAM S. COLWELL
Associate Chief Administrative Law Judge

Washington, D.C.
WSC/ijl

¹See *Macktal v. Secretary of Labor*, 923 F.2d 1150, 1153-54 (5th Cir. 1991); *Thompson v. U.S. Dep't of Labor*, 885 F.2d 551, 556 (9th Cir. 1989); *Fuchko and Yunker v. Georgia Power Co.*, 89-ERA-9, 89-ERA-10 (Sec'y Mar. 23, 1989) and *Heffley v. NGK Metals Inc.*, 89-SDW-2 (Sec'y Mar. 6, 1990).

²The parties assert the applicable FOIA exemptions in this case are 5 U.S.C. § 552 (b)(4), (6), and (7)(C).

³See *Debose v. Carolina Power and Light Co.*, 92-ERA-14 (Sec'y Feb. 7, 1994) and *Darr v. Precise Hard Chrome*, 95-CAA-6 (Sec'y May 9, 1995).