



Issue Date: 12 April 2012

CASE NO.: 2012-TNE-00005

In the Matter of:

**ADMINISTRATOR, WAGE AND HOUR DIVISION,
UNITED STATES DEPARTMENT OF LABOR,
Complainant,**

v.

**NORTHWOODS FORESTRY, INC.,
Respondent.**

DECISION AND ORDER APPROVING CONSENT FINDINGS

This is a proceeding relating to a penalty assessed under the H-2B provisions of the Immigration and Nationality Act (“INA”), 8 U.S.C. §1101(a)(15)(H)(2)(b), with implementing regulations at 20 C.F.R. Part 655. The Administrator, U.S. Department of Labor, Wage and Hour Division (“Administrator”) and Respondent, Northwoods Forestry, Inc. (“Respondent”) have filed Consent Findings resolving all issues in dispute in this case relating to Respondent’s contest of the Administrator’s Determination Letter of January 4, 2012 (“Determination Letter”) regarding Respondent’s compliance with the H-2B provisions of the INA.

Under cover letter of March 20, 2012, counsel for the Administrator submitted the Consent Findings, which were executed by counsel for the Administrator and the Respondent’s President, Patricia Aguilar, together with a draft Decision and Order. The Consent Findings (which have been marked as ALJ 1) are incorporated by reference herein.

As Respondent was not represented by counsel, I scheduled a conference call for April 12, 2012 before a court reporter for the purpose of determining whether Respondent’s interests were adequately protected without the assistance of an attorney. At the conference, I was able to question counsel for the Administrator, Ashton Phillips, Esq. and Jodeen Hobbs, Esq., and Ms. Aguilar concerning the basis for the penalty assessment and the Consent Findings and, taking into account Respondent’s pro se status, I am nevertheless satisfied that the agreement between the parties is reasonable and appropriate, and that both parties willingly and knowingly entered into it. Accordingly, I make the following Findings and issue the following Order:

FINDINGS

1. The parties have resolved all penalty assessments by Respondent's agreement to pay, and the Administrator's agreement to accept payment of, the compromised amount of \$8,000, according to the schedule set forth in the Consent Findings, and Respondent has withdrawn its hearing request.
2. This Decision and Order Approving Consent Findings ("Decision and Order") shall have the same force and effect as an Order made after a full hearing.
3. The record on which this Decision and Order is based consists of the Determination Letter and the Consent Findings.
4. The parties have waived any further procedural steps before this tribunal as well as any rights to challenge or contest the validity of the Consent Findings and this Decision and Order entered into in accordance with the Consent Findings.
5. All violations set forth in the Determination Letter shall be deemed fully resolved by the Consent Findings.

ORDER

IT IS HEREBY ORDERED that the Consent Findings be, and hereby are **APPROVED**; and

IT IS FURTHER ORDERED that this action be, and hereby is, **DISMISSED WITH PREJUDICE**; and each party shall bear its own costs, expenses, and legal fees incurred in connection with this action.

A

PAMELA J. LAKES
Administrative Law Judge

Washington, D.C.