

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
BOSTON, MASSACHUSETTS

**Issue Date: 05 August 2014**

CASE NO.: 2014-TNE-00007

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*In the Matter of:*

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

v.

**ULTIMATE SERVICES PROFESSIONAL GROUNDS MANAGEMENT, INC.,**  
*Respondent.*

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**DECISION AND ORDER APPROVING CONSENT FINDINGS**

This matter arises from the request for hearing filed by the Respondent in the above matter, which arises from the Secretary of Labor's enforcement of H-2B provisions of the Immigration and Nationality Act, 8 U.S.C. §1101(a)(15)(H)(ii)(b), as amended, and the implementing regulations set forth at 20 C.F.R. Part 655, Subpart A. The Notice of Hearing was issued on April 9, 2014. At the parties' request a settlement judge was appointed on April 14, 2014 to assist the parties in settlement efforts. On July 16, 2014, the parties filed a Joint Motion for Extension of Time for Submission of Motion for Consent Findings. The Motion was granted. On July 30, 2014, the parties filed Consent Findings<sup>1</sup>. I have reviewed the parties' Consent Findings, and find them to be fair and adequate. Accordingly, the consent findings are approved and IT IS HEREBY ORDERED:

1. These Consent Findings are incorporated by reference in this Order and are hereby approved.
2. The Respondent shall pay a civil monetary penalty of \$20,000 on or before September 9, 2014.
3. The Respondent shall pay \$280,000 to be distributed by the Administrator as H-2B back wages to 80 H-2B workers and 9 U.S. workers as set forth in ¶ 4a of the consent findings.

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<sup>1</sup> On this same day, an Order Re-Assigning this case to me was issued, as Judge Sutton retired at the end of July 2014.

4. The Respondent will comply in all respects with the Act and applicable regulations in the future as set forth in ¶¶ 4d-m of the consent findings.

5. The Administrator will not recommend that the Department of Homeland Security deny petitions filed by Respondent and will not recommend that the Employment and Training Administration debar Respondent from future labor certifications.

6. Jurisdiction, including the authority to issue any additional orders or decrees necessary to effectuate the terms of the Agreement is retained by the U.S. Department of Labor, Office of Administrative Law Judges (“OALJ”);

7. The entire record upon which the Order issued is based shall consist of the Administrator’s determination, Respondent’s request for hearing, and this agreement.

8. The parties waive any further proceeding before the administrative law judge and waive any right to challenge or contest the validity of the Consent Findings and any Order issued in accordance with the agreement.

9. The Consent Findings fully and finally resolve all outstanding issues between the parties that were raised, or reasonably could have been raised in connection with the Administrator’s determination letter of March 18, 2014.

10. Each party shall bear its own costs, attorney’s fees and other expenses incurred in connection with this proceeding.

11. The Consent Findings shall have the same force and effect as an order made after full hearing.

**SO ORDERED.**

COLLEEN A. GERAGHTY  
Administrative Law Judge

Boston, Massachusetts