



Issue Date: 17 March 2016

Case Number: 2016-TNE-00004

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,
Prosecuting Party,

v.

LAKE VIEW MANAGEMENT INC.
d/b/a Lake View Hotel,
Respondent.

ORDER APPROVING CONSENT FINDINGS AND CANCELLING HEARING

The above-captioned matter arises from the Secretary of Labor's enforcement of H-2B provisions of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101(a)(15)(H)(ii)(b), as amended, and the implementing regulations at 20 C.F.R. Part 655, Subpart A and 29 C.F.R. Part 503.

The Administrator, Wage and Hour Division ("Administrator") of the U.S. Department of Labor issued a determination to Lake View Management Inc. d/b/a Lake View Hotel ("Respondent") via letter dated December 4, 2015, stating that Respondent was found to be in violation of certain H-2B provisions of the INA.¹ On January 4, 2016, Respondent requested a hearing before the U.S. Department of Labor, Office of Administrative Law Judges ("Office"). I issued a notice of hearing and prehearing order on January 19, 2016 and scheduled a hearing for May 3, 2016 at or near Mackinac City, Michigan. On February 10, 2016, I issued an order designating that the hearing would commence at 9 a.m. on May 3, 2016 at the Cheboygan District Court.

On March 15, 2016, counsel for the Administrator filed *Consent Findings* and a proposed *Decision and Order* indicating that the parties had reached a resolution of all issues thereby obviating the need for a formal hearing. The parties indicate that Respondent agrees to pay civil

¹ The Administrator found that, during the period from April 25, 2012 to October 31, 2013, Respondent had violated H-2-B provisions of the INA by offering terms and working conditions not normal to workers similarly employed in the area of intended employment or were less favorable than those offered to foreign workers and assessed a civil money penalty of \$10,500.00.

money penalties in the amount of \$10,500.00 without admitting to any violations, and withdraws its request for hearing. Respondent further agrees to future compliance with the INA.

The administrative procedures relevant to the approval of consent findings are set forth at 29 C.F.R. § 503.49. After reviewing the terms of the agreement, I am satisfied that they conform to the requirements of 29 C.F.R. § 503.49(b) and are a satisfactory resolution of the issues previously contested.² Accordingly, the *Consent Findings* are adopted and incorporated in full into this Order. This case is hereby DISMISSED and the May 3, 2016 hearing in Cheboygan, Michigan CANCELLED.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge

² This order relates only to the alleged violations of H-2B provisions specified in the December 4, 2015 determination letter; any other violations of the Fair Labor Standards Act are not addressed by this proceeding.