



**Issue Date: 12 April 2017**

**Case Number: 2017-TNE-00004**

*In the Matter of:*

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

v.

**LANDTECH CONTRACTORS, INC.,**  
*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.

In a letter dated December 15, 2016, the Administrator, Wage and Hour Division (“Administrator”) of the U.S. Department of Labor, issued a determination to Landtech Contractors, Inc. (“Respondent”) stating that Respondent was found to be in violation of certain H-2B provisions of the INA.<sup>1</sup> On January 13, 2017, Respondent requested a hearing before the U.S. Department of Labor, Office of Administrative Law Judges (“Office”). Upon my assignment, I issued a *Notice of Hearing and Prehearing Order* on February 23, 2017 and scheduled a hearing for May 16 to May 18, 2017 in Denver, Colorado.

On March 27, 2017, counsel for the Administrator filed *Consent Findings and Order* advising 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 money penalties in the

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<sup>1</sup> The Administrator found that, during the period from March 22, 2011 to March 21, 2013, Respondent had violated H-2B provisions of the INA by willfully misrepresenting offered terms and working conditions of the job, failing to accurately advertise the potential for higher wage rates and the availability of overtime, and substantially failing to comply with provisions prohibiting collection of fees. The Administrator assessed a civil money penalty of \$16,500 and back wages of \$6,600. The back wages were paid by Respondent prior to the docketing of this case. In the *Consent Findings and Order*, the Administrator modified the violation regarding the terms and working conditions from “willful representation” to a “substantial failure,” and lowered the total civil money penalty.

amount of \$13,200.00 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. Accordingly, the *Consent Findings and Order* are adopted and incorporated in full into this Order. This case is hereby DISMISSED and the May 16 to May 18, 2017 hearing is CANCELLED.

**SO ORDERED:**

**MARC R. HILLSON**  
**Administrative Law Judge<sup>2</sup>**

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<sup>2</sup> Appointed under the U.S. Office of Personnel Management Senior Administrative Law Judge Program. *See* 5 C.F.R. § 930.209.