



Issue Date: 30 August 2017

Case Number: 2017-TNE-00017

In the Matter of:

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

v.

**PARKSIDE LANDSCAPING, INC.
d/b/a Parkside Landscaping,**
Respondent.

ORDER APPROVING CONSENT FINDINGS

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 Parkside Landscaping, Inc. d/b/a Parkside Landscaping ("Respondent") via letter dated July 24, 2017, stating that Respondent was found to be in violation of certain H-2B provisions of the INA.¹ On August 11, 2017, Respondent filed a letter with this Office contesting the findings but also advising that the parties had reached agreement on the amount of penalties owed. On August 21, 2017, I issued a *Notice of Assignment and Order Setting Deadline for Filing Settlement Documentation*.

On August 23, 2017, counsel for the Administrator filed *Consent Findings* and a proposed *Decision and Order* indicating that the parties had, in fact, reached a resolution on all issues thereby obviating the need for a formal hearing. The parties indicate that Respondent agrees to pay civil money penalties ("CMP") in the amount of \$26,104.00 on or before October

¹ The Administrator found that, during the period from March 1, 2015 to August 2, 2016, Respondent had violated H-2B provisions of the INA by substantially failing to comply with the requirements to pay the offered wage rate, provide workers with earnings statements, adhere to safety requirements for employer-provided transportation, and provide a copy of the job order to all H-2B workers, and assessed a civil money penalty of \$32,686.00. The Administrator also determined that Respondent owed back wages in the amount of \$497,401.01, which Respondent has since paid.

16, 2017, and withdraw 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* are adopted and incorporated in full into this Order. Upon payment of the CMP, this matter is DISMISSED WITH PREJUDICE.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge