CASE NO.: 2017-TNE-00014

IN THE MATTER OF

ADMINISTRATOR,
WAGE AND HOUR DIVISION,
Complainant

v.

PUTNAM BROKERS, INC.
d/b/a TREECO,
Respondent

CONSENT FINDINGS AND ORDER

Pursuant to 29 C.F.R. §§503.49, 18.71, the parties to this action, Administrator, Wage and Hour Division (“Administrator”), and Respondent, Putnam Brokers, Inc. d/b/a Treeco (hereinafter “Putnam Brokers”), have negotiated and executed these Consent Findings and Order. These Consent Findings and Order constitute a full and final resolution of this action of all of the issues.

JURISDICTION AND PROCEDURAL HISTORY


2. The issues resolved by these Consent Findings and Order were identified initially during an investigation conducted by the Wage and Hour Division (“WHD”) covering the period of May 3, 2009 to April 27, 2012.

3. On May 3, 2017, pursuant to 20 C.F.R. § 503.41, the Administrator issued a Determination Letter to Respondent identifying WHD’s findings and assessed civil money penalties (CMPs) totaling $5,000. A copy of the Determination letter is hereby incorporated into these Consent Findings and Order and enclosed as Exhibit A.

4. Within the time period provided by 20 C.F.R § 503.43, Respondent filed a Request for Hearing, dated May 24, 2017, with respect to the assessment of CMPs set forth in the
5. The parties have conferred and have executed this Consent Findings and Order to resolve the assessment of the CMPs. The Administrator amends the aforesaid Determination Letter to allege that Respondent owes CMPs in the total amount of $3,250.00.

6. Respondent withdraws the aforesaid exception to the amended administrative determination and in accordance with 29 C.F.R. 503.36, Respondent, through Counsel, agrees to submit a Certified Check in the amount of $3,250 to the Administrator by no later than thirty (30) days from the date this Order is signed. The Certified Check will be mailed to: Southeàst Regional Office, U.S. Department of Labor - Wage and Hour, 61 Forsyth Street; SW, Room 7M80, Atlanta, Georgia 30303.

7. These Consent Findings and Order disposing of this proceeding with respect to the matters referenced in paragraph three (3) shall have the same force and effect as an Order made after a full hearing.

8. The entire record forming the basis on which the Consent Findings and Order is entered shall consist of the Determination Letter and the provisions and amendments contained herein.

9. The parties hereby waive all further procedural steps between themselves before the Administrative Law Judge with respect to the issues raised in paragraph three (3). The parties waive any right to challenge or contest the validity of these Consent Findings and Order.

10. The violations alleged in the Determination Letter issued by the Administrator and referenced in paragraph three (3) are and shall be deemed fully resolved by these Consent Findings and Order with regard to all parties. There are no further issues for litigation.

11. These Consent Findings and Order shall become final immediately upon approval of the Administrative Law Judge. The effective date of these Consent Findings and Order shall be the date of approval by the Administrative Law Judge.

**SPECIFIC PROVISIONS**

12. Respondent withdraws its Request for Hearing filed in this matter with respect to the issues raised in paragraph three (3).

13. Jurisdiction, including the authority to issue any additional orders or decrees necessary to effectuate the implementation of the provisions of these Consent Findings and Order, is retained by the Office of Administrative Law Judges.
14. Enforcement proceedings for violation of these Consent Findings and Order may be initiated at any time upon the filing with the Administrative Law Judge a motion for an Order of enforcement and sanctions.

15. Each party will bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding, including but not limited to attorneys fees, which may be available under the Equal Access to Justice Act, as amended.

16. These Consent Findings and Order shall constitute the final Administrative Order in this case with respect to the issues raised in paragraph three (3).

So ORDERED.

TRACY A. DALY
ADMINISTRATIVE LAW JUDGE