



**Issue Date: 24 May 2018**

**Case No.: 2018-TNE-00007**

*In the Matter of:*

**ADMINISTRATOR, WAGE AND HOUR DIVISION,  
U.S. DEPARTMENT OF LABOR,**  
*Prosecuting Party,*

v.

**FUN BIZ CONCESSIONS, INC.,**  
*Respondent.*

**DECISION AND ORDER APPROVING CONSENT FINDINGS**

This matter arises under the Immigration and Nationality Act (“INA”), as amended, 8 U.S.C. §§ 1101 *et seq.*, and the implementing regulations at 20 C.F.R. Part 655. The Administrator, Wage and Hour Division of the Department of Labor issued a determination (Reference No.: 1750814) to Fun Biz Concession, Inc., (“Respondent”) via letter on November 21, 2017, stating that Respondent was found to be in violation of certain H-2B provision of the INA (regarding a Petition for Nonimmigrant Worker and an Application for Temporary Employment Certification) covering the period from February 10, 2013 to November 15, 2013 by a substantial failure to comply with the accuracy of temporary need requirement. The Administrator determined that Respondent owes \$4,500.00 in civil money penalties. By letter dated December 20, 2017, Respondent requested a hearing before the Office of Administrative Law Judges (“OALJ”). *See* 29 C.F.R. § 503.43.

The case was docketed in OALJ on December 20, 2017. On January 24, 2018, it was assigned to me to conduct a hearing and render a decision. On February 5, 2018, I issued a notice of hearing and prehearing order, setting this case for hearing on May 23, 2018, in San Antonio, Texas. On May 15, 2018, I received fully executed Consent Findings from the parties.

The regulation at 29 C.F.R. § 503.49 provides the applicable standards for approving consent findings. After reviewing the terms of the parties’ agreement, I am satisfied that it conforms to the requirements set forth in the regulation and it is a satisfactory resolution of the issues raised in the Administrator’s Determination.

Accordingly, the Consent Findings are approved and **IT IS HEREBY ORDERED:**

1. These Consent Findings and Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing;

2. The entire record forming the basis on which the Consent Findings and Order is entered shall consist of the Administrator's Determination Letter and attachments thereto, the Request for Hearing, and the Consent Findings;

3. The parties waive any further procedural steps before the Administrative Law Judge and waive any right to challenge or contest the validity of these Consent Findings and Order;

4. These Consent Findings and Order shall 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;

5. The total civil money penalty relating to Case No. 2018-TNE-00007, Wage and Hour Reference Number 1750814, are reduced to \$2,250.00, which Respondent will pay in full on or before June 1, 2018;

6. 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;

7. 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;

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

9. Nothing in these Consent Findings and Order is binding on any governmental agency other than the United States Department of Labor Wage and Hour Division; and

10. These Consent Findings and Order shall constitute the final Administrative Order in this case.

**SO ORDERED.**

**MORRIS D. DAVIS**  
Administrative Law Judge