



**Issue Date: 14 November 2018**

CASE NO.: 2018-TNE-00037

*In the Matter of:*

**JORDAN RIVER MOVERS, LLC, d/b/a  
SEAPORT MOVING & STORAGE,**  
*Respondent.*

**ORDER APPROVING CONSENT FINDINGS**

The court now approves the Consent Findings set forth in the written stipulation of the Administrator of the Wage and Hour Division of the United States Department of Labor ("Administrator") and Respondent Jordan River Movers, LLC, d/b/a Seaport Moving & Storage ("Respondent"), filed with the court on November 8, 2018, as follows:

1. This action arises under the Immigration and Nationality Act of 1952, P.L. 82- 414, 66 Stat. 163, codified as amended at 8 U.S.C. §§ 1101, et seq. ("the INA"), as amended by the Immigration Reform and Control Act of 1996, P.L. 99-603, 100 Stat. 3359. Jurisdiction over the hearing in this matter is vested in the U.S. Department of Labor Office of Administrative Law Judges by the INA at §§ 103(a)(6), 214(c), and 20 C.F.R. Part 655, Subpart A and 29 C.F.R. Part 503.
2. On August 9, 2018, the U.S. Department of Labor, Wage and Hour Division issued a Determination Letter alleging violations of the H-2B provisions of the INA, 8 U.S.C. §§ 1101(a)(15)(H)(ii)(b) and 1184(c)(14) to Respondent, covering the period of April 1, 2017 to November 29, 2017 and assessing \$8,668.10 in civil money penalties. Specifically, the Determination Letter alleged that Respondent committed two violations regarding the USCIS Form I-129, Petition for a Nonimmigrant Worker; and the Application for Temporary Certification (ETA Form 9142B with Appendix B) Respondent filed under the 2015 H-2B Regulations: (1) a willful misrepresentation of a material fact concerning the hours of work, and, (2) a substantial failure to comply with the preferential treatment requirement.
3. Respondent filed a timely request for a hearing with respect to the allegations of violations set forth in the August 9, 2018 Determination Letter.

4. In full settlement of the matters alleged in the Determination Letter, the Parties agree to the following upon the Court's approval of these Consent Findings:
  - a. The Administrator amends its August 8, 2018 Determination Letter to state that Respondent owes a civil money penalty in the total amount of \$3,033.83.
  - b. Respondent withdraws its request for hearing to the August 8, 2018 Determination Letter and agrees to pay \$3,033.83 in civil money penalties.
  - c. Respondent shall pay the civil money penalties, on or before November 26, 2018 by electronic payment on the website [www.pay.gov](http://www.pay.gov) using Form WHDCMPWE, or by cashier or certified check delivered to: **Thomas Silva, District Director, Wage and Hour Division, U.S. Department of Labor; 620 SW Main Street, Room 423; Portland, OR 97205.**
  
5. Pursuant to 29 C.F.R. § 503.49, the Parties also agree and stipulate that:
  - a. Any order based on these Consent Findings shall have the same effect as an order made after a full hearing;
  - b. Any order based on the Consent Findings is based on a record that consists of the Determination Letter and these Consent Findings;
  - c. The parties to these Consent Findings waive further procedural steps before the Office of Administrative Law Judges and the Administrative Review Board;
  - d. The parties waive the right to challenge or contest the validity of any order entered in accordance with these Consent Findings.
  
6. All issues raised in the Determination Letter that Respondent challenged in its Request for Administrative Hearing shall be deemed fully resolved by these Consent Findings. These Consent Findings shall become final and effective immediately upon approval of the Administrative Law Judge.

7. Each Party agrees to bear its own costs, attorneys' fees and other expenses incurred in connection with any stage of this proceeding, including, but not limited to, any costs referenced in the Equal Access to Justice Act.

SO ORDERED.

CHRISTOPHER LARSEN  
Administrative Law Judge