



Issue Date: 02 May 2018

Case No.: 2018-TNE-00021

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.

DECISION AND 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 Lawn Seasons, Inc. (Respondent) via letter dated March 8, 2018, stating that Respondent was found to be in violation of certain H-2B provisions of the INA. The Administrator found that, during the period from April 1, 2014 to December 15, 2015, Respondent had violated H-2-B provisions of the INA by substantially failing to comply with the requirements to pay the offered wage rate and assessed a civil money penalty (CMP) of \$33,272.29. The Administrator also determined that Respondent owed back wages in the amount of \$47,457.77, which Respondent has since paid. On March 20, 2018, Respondent filed a letter with the Office of Administrative Law Judges (OALJ) contesting these findings.

On April 24, 2018, 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 a CMP in the amount of \$16,636.15, 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, the undersigned finds 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.

SO ORDERED this 2nd day of May, 20018, in Covington, LA.

TRACY A. DALY
ADMINISTRATIVE LAW JUDGE