



**Issue Date: 05 April 2018**

**CASE NO.: 2018-TNE-00014**

**IN THE MATTER OF**

**ADMINISTRATOR, WAGE & HOUR DIVISION,  
Prosecuting Party,**

**v.**

**LOYET LANDSCAPE MAINTENANCE, INC.,  
Respondent**

**DECISION AND ORDER**  
**APPROVING CONSENT FINDINGS AND ORDER**

1. This action arises under the Immigration and Nationality Act of 1952 (“the INA”), P.L. 82-414, Stat. 163 codified as amended at 8 U.S.C. § 1101 *et seq.* Jurisdiction over the hearing in this matter is vested in the U.S. Department of Labor Office of Administrative Law Judges by INA § 212(n)(2), 20 C.F.R. § § 655.2(b) and 29 C.F.R. Part 503,

2. On February 6, 2018, the United States Department of Labor (“DOL”), Wage and Hour Division (“Complainant”), issued a Determination Letter (Investigation No. 1701850) alleging violations of the H-2B provisions of the INA by Respondent Loyet Landscape Maintenance, Inc. d/b/a Loyet Landscape Maintenance (“Respondent”) resulting in civil money penalties (“CMPs”) in the amount of \$26,615.37.

3. On February 16, 2018, Respondent filed a timely Request for Hearing denying generally and specifically all allegations, findings, and assessments contained in the Determination Letter, preventing the Determination Letter from becoming a Final Order of the Secretary.

4. On March 19, 2018, during a call with RSOL-KC, Respondent accepted the DOL’s offer to settle this matter for \$18,615.37 in CMPs related to alleged violations which purportedly occurred during the 2012, 2013, and 2014 calendar years.

5. Accordingly, Respondent agrees to pay DOL \$18,615.37 in CMPs itlated to its alleged violations of the H-2B provisions of the INA. The consent by either Party to the terms of these Consent Findings shall not be regarded as an admission of liability or fault by any Party, including Respondent,

6. Respondent further agrees to comply with the H-2B Regulations, 20 C.F.R. § 655 Subpart A at 20 C.F.R. 655.1 *et seq.*, including, but not limited to, complying with the requirement to pay the offered wage and to allow U.S. workers to apply for all available job classifications.

7. The Parties agree that the Order disposing of this proceeding in accordance with the Consent Findings shall have the same force and effect as an order made after a full hearing pursuant to Subpart A of 20 C.F.R. Part 655 in accordance with 29 C.F.R. § 18.9 (b)(1).

8. The entire Record upon which this Order is based shall consist solely of the Determination Letter, Request for Hearing, previous filings with this Court, and the Consent Findings within this Order.

9. The Parties hereby waive any future procedural steps before an Administrative Law Judge of the U.S. Department of Labor regarding this matter.

10. The Parties hereby waive any right to challenge or contest the validity of these Consent Findings entered into in accordance with the Agreement.

11. Upon the Court's approval of these Consent Findings, all violations alleged in the Determination Letter issued by the Complainant, in the above-referenced case are fully resolved.

12. Each Party agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

Finally, it is **ORDERED** that the Consent Findings be made part of the record.

**SO ORDERED** this 5<sup>th</sup> day of April, 2018, at Covington, Louisiana.

**CLEMENT J. KENNINGTON**  
**ADMINISTRATIVE LAW JUDGE**