

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
BOSTON, MASSACHUSETTS

Issue Date: 06 January 2020

CASE No.: 2019-TNE-00037

---

*In the Matter of:*

**ADMINISTRATOR, WAGE AND HOUR DIVISION,  
UNITED STATES DEPARTMENT OF LABOR,**  
*Prosecuting Party,*

v.

**OCEANSIDE OWNERS LLC d/b/a HERO BEACH CLUB,**  
*Employer/Respondent.*

---

**DECISION AND ORDER APPROVING CONSENT FINDINGS**

This case arises under the temporary non-immigrant non-agricultural worker visa (“H-2B”) provisions of the Immigration and Nationality Act (“INA” or “the Act”), 8 U.S.C. §§ 1101(a)(15)(H)(ii)(B), 1184(c)(1), and its implementing regulations at 20 C.F.R. Part 655, subpart A, 29 C.F.R. Part 503, and 8 C.F.R. § 214.2(h)(6) (Department of Homeland Security regulations).

On June 18, 2019, the Wage and Hour Division issued a Determination Letter alleging violations by Employer/Respondent (“Employer”) regarding two Applications for Temporary Certification, ETA Form 914B with Appendix B, in violation of 29 C.F.R. §§ 503.16(c), (j), (n) and (q). Employer timely requested a hearing before an Administrative Law Judge with respect to the assessment of back wages and civil money penalties.

On December 10, 2019, the parties jointly filed a document entitled Consent Findings and Order (“Consent Findings”). In settlement, Administrator amended the Determination Letter to allege back wages of \$12,143.04, and to seek a civil money penalty totaling \$18,490.54; and Employer agreed to pay the back wages and civil money penalties on or before December 13, 2019.

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 Consent Findings, I am satisfied with their form and substance. I am satisfied that they conform to the requirements of 29 C.F.R.

§ 503.49(b),<sup>1</sup> and are a satisfactory resolution of the issues previously contested.

Accordingly, **IT IS HEREBY ORDERED** that, pursuant to 29 C.F.R. § 503.49(d):

1. I accept and **APPROVE** the Consent Findings of December 10, 2019;
2. The Consent Findings of December 10, 2019, are **ADOPTED** and **INCORPORATED IN FULL** into this Decision and Order; and
3. The hearing scheduled for May 19, 2020 is **CANCELLED**.

**SO ORDERED.**

**NORAN J. CAMP**  
Administrative Law Judge

Boston, Massachusetts

---

<sup>1</sup> The following appear in the Consent Findings, as required, and are also incorporated herein:

1. The order will have the same force and effect as an order made after full hearing (Consent Finding ¶ 9);
2. The entire record on which any order may be based will consist solely of the notice of administrative determination (or amended notice, if one is filed), and the Consent Findings and Order (¶ 10);
3. The parties waive any further procedural steps before the ALJ (¶ 11); and
4. The parties waive any right to challenge or contest the validity of the Consent Findings and order entered into in accordance with the agreement (¶ 12).

*See* 29 C.F.R. § 503.49(b).