



Issue Date: 15 August 2019

Case Number: 2019-TNE-00022

In the Matter of:

ADMINISTRATOR, WAGE AND HOUR DIVISION,
Prosecuting Party,

v.

EMPRESA PRIMOS, INC.,
d/b/a TAQUERIA JALISCO.
Respondent.

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.

An Assistant District Director of DOL's Wage and Hour Division ("Administrator") issued an Administrator's Determination (Reference #1739457) on February 4, 2019 to Empresa Primos, Inc. ("Respondent"), finding several violations of certain H-2B provisions of the INA covering the period December 1, 2013 to September 23, 2014. As a consequence of the violations, civil money penalties ("CMP") in the amount \$15,000.00 were assessed. 29 C.F.R. § 503.23. By letter dated March 5, 2019, Respondent contested the penalty and requested a hearing before the Office of Administrative Law Judges, currently scheduled before the undersigned on September 24, 2019 in Lubbock, Texas.

On August 9, 2017, counsel for the Administrator filed *Consent Findings* and a proposed *Order* indicating that the parties had reached a resolution on all issues, thereby obviating the need for a formal hearing. The parties indicate that the Administrator agrees to adjust the CMP to \$7,500.00, which Respondent agrees to pay. Respondent further agrees it will be debarred from applying for and receiving foreign labor certifications from the Department of Labor for two (2) years, beginning on the date of approval of these Consent Findings.

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, I am satisfied 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. The hearing scheduled for September 24, 2019 in Lubbock, Texas is CANCELLED. Upon payment of the CMP, this matter is DISMISSED WITH PREJUDICE.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge