



**Issue Date: 21 May 2020**

**Case Number: 2020-TNE-00014**

*In the Matter of:*

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

v.

**A AND A MACCHIA & SON LANDSCAPING, INC.,**  
*Respondent.*

**ORDER APPROVING CONSENT FINDINGS**

This matter arises under the Immigration and Nationality Act (“INA”), as amended, 8 U.S.C. §§ 1101 *et seq.*, and the implementing regulations at 20 C.F.R. Part 655.

An Assistant District Director of DOL’s Wage and Hour Division issued an Administrator’s Determination (Reference #1879702) on December 13, 2019 to A and A Macchia & Son Landscaping, Inc. (“Respondent”), finding several violations of certain H-2B provisions of the INA regarding two Applications for Temporary Employment Certification covering the period February 1, 2018 to November 30, 2019. As a consequence of the violations, Respondent was assessed civil money penalties (“CMP”) in the amount \$15,868.75. 29 C.F.R. § 503.23.

By letter dated January 7, 2020, Respondent contested the penalty and requested a hearing before the Office of Administrative Law Judges, currently scheduled before the undersigned on July 7, 2020 at or near Hartford, Connecticut.

On May 6, 2020, 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 \$11,000.00 and Respondent agrees to withdraw its exception to the December 13, 2019 Determination Letter and pay the reduced penalty.

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 July 7, 2020 in Hartford, Connecticut is CANCELLED. Upon payment of the CMP, this matter is DISMISSED.

**SO ORDERED:**

**STEPHEN R. HENLEY**  
Chief Administrative Law Judge