



**Issue Date: 14 July 2020**

Case No.: 2020-TNE-00030

In the Matter of:

**KNIGHT ENTERPRISES, INC.**  
Employer

**ORDER APPROVING CONSENT FINDINGS**

The above-captioned matter arises from the request for hearing filed by Knight Enterprises, Inc., doing business as EventQuip, (“Respondent”) on the determination of the Administrator, Wage and Hour Division (“Administrator”) dated March 11, 2020 which arose 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 its implementing regulations set forth at 20 C.F.R. Part 655, Subpart A and 29 C.F.R. Part 503. The implementing regulations are found at 20 C.F.R. Part 655, Subpart A.<sup>1</sup>

In the March 11, 2020 determination, the Administrator concluded that, between January 1, 2016 and November 30, 2018, Respondent violated the H-2B provisions of the INA. Specifically, the Administrator determined that Respondent violated the INA by: failing to hire qualified and available U.S. workers; failing to notify United States Citizenship and Immigration Services and the Office of Foreign Labor Certification regarding separation of H-2B workers; misrepresenting its need for H-2B workers; and making impermissible housing deductions from H-2B workers’ wages. The Administrator determined that Respondent owes \$65,718.60 in a civil money penalties for the violations found.

By letter dated and received on April 9, 2020, Respondent objected to the Administrator’s determination and requested a hearing. The case was docketed at the U.S. Department of Labor, Office of Administrative Law Judges (“OALJ”) and subsequently assigned to undersigned for adjudication.

A hearing has been scheduled in this matter for July 29, 2020. On July 6, 2020, Administrator filed a documented entitled “Consent Findings” signed and executed by the parties. The Consent Findings submitted by the Administrator are attached to this Order and

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<sup>1</sup> These regulations have been subject to recent court challenges that resulted in a preliminary injunction enjoining Department of Labor (DOL) from their implementation and enforcement. On April 29, 2015, the DOL and the Department of Homeland Security (DHS) jointly promulgated an interim final rule to replace the invalidated regulations and that interim final rule applies to this case. *See* Temporary Non-Agricultural Employment of H-2B Aliens in the United States, 80 Fed. Reg. 24,042 (Apr. 29, 2015) (codified at 8 C.F.R. Part 214, 20 C.F.R. Part 655, 29 C.F.R. Part 503).

incorporated herein by reference. The undersigned approves the Consent Findings attached, finding them to be fair and adequate.

Reiterating what, in part, has been set forth in the Consent Findings attached to this Order, the parties waive any further proceeding before OALJ in this matter and waive any right to challenge or contest the validity of the Consent Findings entered into in accordance with their agreement. 29 C.F.R. § 18.71(b)(3) and (4). Each party will bear its own costs, attorney's fees and other expenses incurred in connection with this proceeding. This Order approving the parties' Consent Findings as proposed will have the same force and effect as an order made after full hearing in accordance with 29 C.F.R. § 18.71(b)(1).

The hearing previously scheduled for July 29, 2020 is canceled.

**SO ORDERED.**

**LYSTRA A. HARRIS**  
Administrative Law Judge

Cherry Hill, New Jersey