



Issue Date: 05 May 2020 Case No.: 2020-TNE-00029

In the Matter of:

**MALDONADO NURSERY,
LANDSCAPE & IRRIGATION**
Employer

DECISION AND ORDER APPROVING CONSENT FINDINGS

This matter arises from the request for hearing filed by Maldonado Nursery, Landscape & Irrigation (“Respondent”) regarding the determination of the Administrator of the Wage and Hour Division (“Administrator”) issued by letter dated February 24, 2020. The Administrator’s determination 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 its implementing regulations set forth at 20 C.F.R. Part 655, Subpart A, and 29 C.F.R. Part 503.

This matter is currently scheduled for a hearing on August 25, 2020. On April 24, 2020, the parties submitted their fully executed Consent Findings, which are incorporated herein by reference. The Consent Findings are signed by counsel for Respondent and counsel for the Administrator. The Consent Findings were filed in compliance with 29 C.F.R. § 18.71 and § 503.49.

In the determination issued on February 24, 2020, the Administrator assessed a civil money penalty of \$15,868.75 against Respondent for violations of the H-2B provisions of the INA. The Consent Findings provide that Respondent will pay \$7,500.00 to fully and finally resolve all issues arising from the February 24, 2020, determination letter.¹

I have reviewed the Consent Findings, and I find they are fair and reasonable. Accordingly, upon request of the parties, I hereby **APPROVE** and **ADOPT** the Consent Findings, and I **ORDER** the parties to comply with the provisions set forth therein. The August 25, 2020, hearing is **CANCELED**, and this matter is **DISMISSED**.

SO ORDERED.

LAUREN C. BOUCHER
Administrative Law Judge

Cherry Hill, New Jersey

¹ Respondent has already paid the back wage assessment amount of \$155.37.