



Issue Date: 02 February 2021

Case No.: 2021-TNE-4

In the Matter of:

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

v.

MONIN CONSTRUCTION, INC.
Respondent

**ORDER APPROVING SETTLEMENT, DISMISSING CASE
AND CANCELLING HEARING**

The Administrator, Wage and Hour Division, United States Department of Labor issued a Determination Letter in the above - referenced matter pursuant to 20 C.F.R. Part 655 under the H-2B provisions of the Immigration and Nationality Act (INA), finding that Respondent Monin Construction, Inc. violated: 29 C.F.R. § 503.16(q) by substantially failing to comply with the prohibition against preferential treatment of foreign workers; and 29 C.F.R. § 503.16(i) by substantially failing to provide workers with earnings statement which contain all the necessary information. Respondent denied the allegations and requested a hearing. The case is set for hearing on February 8, 2021.

Monin Construction, LLC, without admitting the allegations of the Determination Letter, now wishes to resolve this matter without a hearing. The Court enters this Order Approving Settlement and Dismissing Case based upon the terms and conditions agreed to by the parties as a final adjudication of all claims asserted by the Complainant in this action.

The Court hereby enters this Order Approving Settlement and Dismissing Case, and hereby **ORDERS** as follows:

I

Monin Construction will pay a civil money penalty in the amount of \$4,950, due within seven days of entry of this Order. This payment will be made via cashier's check made payable to U.S. Department of Labor. The check should be delivered or mailed to Karen Garnett- Civils, Wage and Hour Division, U.S. Department of Labor, Romano Mazzoli Federal Building, 600 Dr. Martin Luther King, Jr. Place, Room 352, Louisville, Kentucky 40202.

II

The parties shall bear their own costs (including, but not limited to, attorney's fees) incurred in connection with the investigation, prosecution and defense of this action.

III

Any default of this agreement shall be subject to the assessment of interest and penalty interest at rates determined by the U.S. Treasury as required by the Debt Collection Improvement Act of 1996 (Public Law 104-134) published by the Secretary of the Treasury in the Federal Register and other delinquent charges and administrative costs shall also be assessed. In the event of default, the Department of Labor intends to pursue additional collection action that may include, but is not limited to, administrative offset, referral of the account to credit reporting agencies, private collection agencies, and/or the Department of Justice.

IV

This Order Approving Settlement and Dismissing Case shall have the same force and effect as an Order made after full hearing. The parties waive any further procedural steps before the Administrative Law Judge, and they waive the right to challenge or contest the validity of this Order Approving Settlement and Dismissing Case.

ORDER

It appearing to the Court that all parties have reached agreement on the terms set forth above, the Court hereby **APPROVES** the settlement reached by the parties, and **ORDERS** the parties to take all steps necessary to give effect to the settlement. It is hereby **ORDERED** that the within case is hereby **DISMISSED WITH PREJUDICE**. The hearing set for February 8, 2021 is **CANCELLED**.

Steven D. Bell
Administrative Law Judge