

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 11 July 2007

Case No.: 2006-LCA-00014

In the Matter of

ADMINISTRATOR, WAGE AND HOUR DIVISION
Prosecuting Party

V.

**TECHNOLOGIES500 HOLDINGS & EDU., INC.,
FORMERLY DOING BUSINESS AS
CYBERSOFTEC.COM, INC. and CYBERSOFTEC,
INC.; and NICK MANDALAPA, President**
Respondents

**ORDER GRANTING THE ADMINISTRATOR'S MOTION TO AMEND THE
DETERMINATION LETTER AND MOTION FOR DEFAULT JUDGMENT**

This matter arose under the Immigration and Nationality Act ("INA" or "the Act") H-1B visa program, 8 U.S.C. § 1101(a)(15)(H)(i)(b) and 1182(n), and the implementing regulations at 20 C.F.R. § 655, Subparts H and I, 20 C.F.R. § 655.700, *et seq.* This is a matter in which the Administrator of the Wage and Hour Division ("the Administrator") issued a Determination Letter on March 10, 2006 to respondents Technologies500 Holdings & Edu., Inc., formerly doing business as Cybersoftec.com, Inc. and Cybersoftec, Inc., and Nick Mandalapa, also known as Narendra Mandalapa ("Mandalapa"). The Determination Letter alleged several violations of the H-1B regulations (29 C.F.R. Part 655, Subparts H and I) including willful failure to pay required wages to 39 H-1B non-immigrant workers, requiring or accepting payment from six H-1B non-immigrant workers of fees incurred in filing H-1B petitions, and failure to maintain copies of required records. On March 23, 2006, respondents appealed the Administrator's Determination Letter.

The Administrator seeks to amend the Determination Letter issued on March 10, 2006 to reflect that the Administrator is seeking back wages in the total amount of \$550,188.68 (\$537,188.68 in unpaid wages due 35 employees plus \$13,000.00 for H-1B visa fees) and to reflect that the Administrator is seeking \$162,750.00 in civil money penalties.

In June 2006, Mr. Mandalapa, under the name Narendra Mandalapa, pled guilty to one count of making a false immigration document in violation of 18 U.S.C. § 1546(a). On January 22, 2007, "Nick (Narendra) Mandalapa" signed a stipulation agreeing that he was the owner and President of Cybersoftec.com, Inc., Cybersoftec, Inc., and Technologies500 Holdings & Edu.,

Inc., that he controlled the day-to-day operations of all three corporations, and that he is individually liable for any back wages and civil money penalties found due against the three corporations. In the stipulation, Technologies500 Holdings & Edu., Inc., Cybersoftec.com, Inc., Cybersoftec, Inc., and Mr. Mandalapa all consented to “disqualification from approval of any petitions filed by, or on behalf of, any of the respondents pursuant to section 204 or section 214(c) of the Immigration and Nationality Act [8 U.S.C. § 1182(n)] for a period of two years.”

In May 2007, Mr. Mandalapa was deported from the United States to India. During a conference call held on June 22, 2007, Satish Bhatia, Esq. informed the court that he was no longer authorized to represent respondents. He further stated that he had not heard from Mr. Mandalapa for several weeks and had no way to reach him in India. No new legal counsel has filed an appearance for any of the respondents.

For good cause shown, the Administrator’s Motion to Amend the Determination Letter and Motion for Default Judgment are hereby GRANTED.

ORDER

It is hereby ORDERED that:

1. Respondents TECHNOLOGIES500 HOLDINGS & EDU., INC., formerly doing business as CYBERSOFTEC.COM, INC. and CYBERSOFT, INC. (collectively “TECHNOLOGIES500”), and NICK MANDALAPA, also known as NARENDRA MANDALAPA, willfully failed to pay 35 H-1B non-immigrants the required prevailing wage as required by 8 U.S.C. § 1182(n)(1) and § 1182(n)(2)(C)(vii) and 20 C.F.R. § 655.731(c). As a result of respondents’ willful failure to pay required wages, the amount of \$537,188.68 is due to the 35 H-1B non-immigrants.

2. Respondents TECHNOLOGIES500 and NICK MANDALAPA, also known as NARENDRA MANDALAPA, are ordered to pay \$537,188.68 in back wages to the Administrator. The Administrator shall deliver the proceeds less any legal deductions to the H-1B non-immigrants as indicated on the attached Exhibit A.

3. Respondents TECHNOLOGIES500 and NICK MANDALAPA, also known as NARENDRA MANDALAPA, required or accepted from six H-1B non-immigrant workers, reimbursement or compensation of fees incurred in filing their H-1B petitions in violation of 8 U.S.C. § 1182(n)(2)(C)(vi)(II) and 20 C.F.R. § 655.731(c)(10)(ii). The six H-1B workers paid the following sums to respondents:

Bhavesh Garg	\$1,000
Sandhya Malineri	\$1,000
Vinayagamoorthi Pichaikannu	\$2,000
MallikaRai	\$1,500
Rajesh Tiwari	\$3,500
Ravindra Unnam	\$4,000

As a result of this violation, the amount of \$13,000.00 is due to the six H-1B non-immigrants.

4. Respondents TECHNOLOGIES500 and NICK MANDALAPA, also known as NARENDRA MANDALAPA, are ordered to pay the amount of \$13,000.00 to the Administrator. The Administrator shall deliver the proceeds to the six H-1B non-immigrants as indicated in Paragraph 3.

5. Respondents TECHNOLOGIES500 and NICK MANDALAPA, also known as NARENDRA MANDALAPA, are ordered to pay to the Administrator a total of \$550,188.68 due the H-1B non-immigrants as set forth in Paragraphs 1 through 4.

6. Respondents TECHNOLOGIES500 and NICK MANDALAPA, also known as NARENDRA MANDALAPA, failed to maintain copies of the records required by 20 C.F.R. § 655.731(b), § 655.738(e), § 655.739(i), and/or § 655.760(c), including public access files and complete payroll documents necessary for the Department of Labor to conduct an investigation.

7. As a result of respondents' willful failure to pay required wages, a civil money penalty in the amount of \$131,250.00 is assessed pursuant to 20 C.F.R. § 655.810(b)(2)(i).

8. As a result of respondents' requiring or accepting reimbursement of H-1B visa fees from the six H-1B non-immigrants, a civil money penalty in the amount of \$2,250.00 is assessed pursuant to 20 C.F.R. § 655.810(b)(1)(v).

9. As a result of respondents' failure to maintain copies of required documents, a civil money penalty in the amount of \$29,250.00 is assessed pursuant to 20 C.F.R. § 655.810(b)(1)(vi).

10. Based on the violations described above in Paragraphs 1 through 9, respondents TECHNOLOGIES500 and NICK MANDALAPA, also known as NARENDRA MANDALAPA, are hereby ordered to pay a total of \$162,750.00 in civil money penalties to the Administrator.

11. The violations set forth in Paragraph 1 shall be deemed found for the purposes of disqualification from approval of H-1B petitions of the respondents pursuant to 20 C.F.R. § 655.810(d).

12. Respondents TECHNOLOGIES500 HOLDINGS & EDU., INC., CYBERSOFTEC.COM INC., CYBERSOFTEC, INC. and NICK MANDALAPA, also known as NARENDRA MANDALAPA, shall all be disqualified from approval of any petitions filed by, or on behalf of, the respondents pursuant to section 204 or section 214(c) of the Immigration and Nationality Act [8 U.S.C. § 1182(n)] for a period of two years. The Wage and Hour Division of the U.S. Department of Labor shall notify the Attorney General of this Order pursuant to 20 C.F.R. § 655.855.

13. The provisions of Paragraphs 11 and 12 shall be construed broadly and respondents TECHNOLOGIES500 HOLDINGS & EDU., INC., CYBERSOFTEC.COM INC., CYBERSOFTEC, INC., and NICK MANDALAPA, also known as NARENDRA

MANDALAPA, are all absolutely, conclusively and totally disqualified from approval of any petitions filed by, or on behalf of, the respondents pursuant to section 204 or section 214(c) of the Immigration and Nationality Act [8 U.S.C. § 1182(n)] for a period of two years.

14. The Order disposing of this proceeding shall have the same force and effect as an order made after a full hearing pursuant to 20 C.F.R. § 655.840 in accordance with 29 C.F.R. § 18.9(b)(1).

15. Each party shall bear its own fees and other expenses incurred in connection with every stage of this proceeding.

SO ORDERED.

A

RALPH A. ROMANO
Administrative Law Judge

Cherry Hill, New Jersey

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review (“Petition”) that is received by the Administrative Review Board (“Board”) within thirty (30) calendar days of the date of issuance of the administrative law judge’s decision. *See* 20 C.F.R. § 655.845(a). The Board’s address is: Administrative Review Board, U.S. Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington, DC 20210. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file the Petition with the Board, you must serve it on all parties as well as the administrative law judge. *See* 20 C.F.R. § 655.845(a).

If no Petition is timely filed, then the administrative law judge’s decision becomes the final order of the Secretary of Labor. Even if a Petition is timely filed, the administrative law judge’s decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. § 655.840(a).

EXHIBIT A

<u>NAME</u>	<u>BACK WAGES DUE</u>
Jacob Asariah	\$ 6,425.60
Rohin Bains	\$50,416.68
Snehal Brahmhatt	\$21,155.78
Sergei Breslavits	\$25,840.00
Srilaksmi Chilurkuri	\$11,820.00
Dayakar Eppanapally	\$12,500.00
Bhavesh Garg	\$ 8,000.00
Shashi Goyal	\$30,000.00
Gowari Pathi Gubbala	\$ 9,600.00
Venkata Injapury	\$ 4,350.22
Monika Jindal	\$ 2,940.00
Srinivas Jonnakota	\$ 6,250.00
Sampath Katta	\$ 9,585.00
Gopinath Kokkonda	\$ 8,493.34
Srinivas Kollabathula	\$ 7,500.00
Hari Krishna Lalam	\$18,000.00
Sandhya Malineri	\$ 510.00
Srinivas Mamillapalli	\$13,650.00
Prasad Mangat	\$ 9,204.80
Vardhan Masurkar	\$11,232.88
Vivek Mukherjee	\$ 5,416.67
Ramesh Mutyapu	\$ 8,540.00
Roshni Pai	\$10,451.70
Srinivas Pingalli	\$21,634.62
Vinayagamoorthi Pichaikannu	\$42,593.80
Dinesh Purushothaman	\$17,130.75
Mallika Rai	\$25,333.33
Krishna Rajesh	\$12,500.00
Shanmugaraja Senthilnayagam	\$ 3,617.25
Saikmur Singjaraju	\$16,600.00
Venkata Thimmisetty	\$ 5,913.60
Pallavi Trifale	\$14,736.00
Krishna Rao Uppala	\$12,500.00
Ravindra Unnam	\$53,333.33
Sribhar Yavanamanda	\$19,413.33
TOTAL BACK WAGES DUE:	\$537,188.68