



**Issue Date: 18 June 2008**

OALJ CASE NO.: 2007-LCA-00030

*In the Matter of:*

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

v.

**DEQUINA HOMES, INC.,**  
Respondent.

**DECISION AND ORDER APPROVING SETTLEMENT AND  
CONSENT FINDINGS AGREEMENT, AND VACATING HEARING**

On July 30, 2007, the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division (the "Prosecuting Party") issued a determination letter alleging violations of the H-1B provisions of the Immigration and Nationality Act of 1952 as amended by the Immigration Act of 1990, the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 and the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) (Title IV of Pub. L. 105.277, Oct. 21, 1998; 112 Stat. 2681) found at 8 U.S.C. §1101, et seq.; 8 U.S.C. 1101(a)(15)(H)(i)(b) (the "Act"). The Prosecuting Party determined that the Respondent had violated certain provisions of 8 U.S.C. § 1101(a)(15)(H)(i)(b) and the accompanying regulations. The Administrator found that Respondent Dequina Homes, Inc. ("Respondent") owed \$1,700.00 for civil money penalties and back wages in the amount of \$99,622.84.

On June 16, 2008, the parties filed a joint motion for approval of settlement and entry of consent findings order (the "agreement") which was signed by counsel for both parties and also by Respondent's president, Teresita Dequina, as the authorized representative of Dequina Homes, Inc. The agreement seeks to settle and resolve all controversies and claims existing as a result of the Prosecuting Party's investigation. By way of the settlement, the Respondent agrees to pay in full and complete settlement of all issues the sum of \$56,638.74 representing an agreed amount of back wages and \$1,700.00 as the accepted civil penalty owed by Respondent.

The Rules of Practice and Procedure for Administrative Hearings for the Office of Administrative Law Judges found at 29 C.F.R. Part 18 are applicable to this proceeding. 20 C.F.R. §655.825(a).

## ORDER

Upon a review of the record, the agreement is formally approved.

**IT IS ORDERED** that the joint motion is **GRANTED** and the agreement is **APPROVED** and the parties are further ordered to carry out the terms of their agreement forthwith.

**IT IS FURTHER ORDERED** that the hearing set for August 21, 2008 in Long Beach, California, is **VACATED**.

**IT IS FURTHER ORDERED** that:

1. This Decision and Order shall have the same force and effect as a decision and order made after full hearing;
2. The entire record upon which this Decision and Order is based shall consist solely of the July 30, 2007 determination letter with attachment "A" and the agreement;
3. Any further procedural steps before this Office are waived;
4. Any rights to challenge or contest the validity of this Decision and Order entered into in accordance with this agreement are hereby waived.
5. Each party shall bear all of its own costs, expenses, and legal and accounting fees incurred in connection with this action, including but not limited to any fees that may be available under the Equal Access to Justice Act;
6. This Decision and Order shall be the final agency action; and
7. Respondent is liable and shall pay the \$1,700.00 penalty and \$56,638.74 back wages referred to above as soon as possible as agreed with Prosecuting Party and will use its best efforts to maintain its familiarity with the Act's requirements and comply with the Act in the future.

**IT IS FURTHER ORDERED** that this matter is hereby **DISMISSED** *with prejudice*.

A

GERALD M. ETCHINGHAM  
Administrative Law Judge

*San Francisco, California*