



**Issue date: 07Jan2002**

**CASE NO.: 2002-LCA-0002**

**In the Matter of:**

**ADMINISTRATOR, WAGE AND HOUR DIVISION,  
Complainant,**

**v.**

**SOFTECH CONSULTING, INC., a corporation, and  
RANA PINGILI, individually and as President of the Corporate Respondent,  
Respondents.**

**ORDER DENYING CHANGE OF VENUE**

A hearing in the instant case scheduled for December 14, 2001, in Houston, Texas, in accordance with 20 C.F.R. § 655.835 was cancelled by the undersigned's Order Cancelling Hearing of December 12, 2001. The hearing site was selected because the Corporate Respondent has a mailing address of Bellaire, Texas, a suburb of Houston.

Complainant's Motion for Change of Venue, filed on December 17, 2001, seeks a change of venue to San Antonio, Texas, because the relief sought is based upon work performed at Randolph Air Force Base in San Antonio. Complainant Administrator asserts that eleven of the sixteen employees involved reside in the San Antonio area. San Antonio is approximately 200 miles from Houston.

On December 18, 2001, Respondents filed their opposition to the motion for change of venue. Respondents assert that Softech has had its principle place of business in Houston at all times pertinent to these proceedings, Respondent Pingili is a resident of Houston, and Respondents' counsel is located in Houston. Respondents note that the investigation was conducted by the Wage and Hour Division in Houston.

The Immigration and Nationality Act and its implementing regulations do not specify where a hearing should be held, but section 655.825 provides that, except with respect to the rules of evidence or as otherwise provided, the hearing shall be governed by the "Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges" appearing in 29 C.F.R. Part 18. Twenty-nine C.F.R. section 18.27(c) provides:

(c) *Place of hearing.* Unless otherwise required by statute or regulation, due regard shall be given to the convenience of the parties and the witnesses in selecting a place for the hearing.

Section 18.27(b) provides that an administrative law judge may change a hearing location “for good cause shown.”

This issue is not easy to resolve, as the Houston location is more convenient for the Respondents (parties) and the San Antonio location is more convenient for the employees (witnesses). The individual Respondent and Respondents’ counsel are located in Houston, as is the district director for the Wage and Hour Division who issued the Administrator’s determination and (according to Respondents) the Wage and Hour investigators. The Administrator’s representatives – attorneys from the Dallas Regional Solicitor’s office – are located no closer to San Antonio than to Houston. On the other hand, eleven potential witnesses are based in San Antonio, although it is not clear that all of these witnesses will be required. As the witnesses may be deposed prior to trial and as it is necessary for the Respondents to attend the hearing, I find that the convenience to the Respondents should control under the specific circumstances involved here and there is not good cause for the venue to be changed. As the Respondents and their counsel may wish to attend any depositions in San Antonio, it may be advantageous to all the parties to have the venue changed to San Antonio. Absent agreement by the parties to change the venue to San Antonio, however, the hearing will be held in the Houston area. Accordingly,

### **ORDER**

**IT IS HEREBY ORDERED** that the Complainant’s Motion for Change of Venue is **DENIED**.

PAMELA LAKES WOOD  
Administrative Law Judge

Washington, D.C.