U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 02 October 2019

Case No.: 2019-CLA-00003

In the Matter of

ADMINISTRATOR, WAGE AND HOUR DIVISION,
U.S. DEPARTMENT OF LABOR
Plaintiff

v.

AQUAPARK HOLDINGS, LLC,
d/b/a WILD RIVER COUNTRY
and CHRISTOPHER AND COLLETTE SHILLCUTT,
INDIVIDUALLY,
Respondents

ORDER OF DISMISSAL

This matter arises pursuant to Section 16(e) of the Fair Labor Standards Act of 1938 ("the Act"), 29 U.S.C. § 201 et seq., and 29 C.F.R. Parts 579 and 580.[1] It is currently scheduled for hearing on November 19, 2019 in Little Rock, Arkansas.

On September 24, 2019, Plaintiff filed *Consent Findings*, which are signed by counsel for Plaintiff and Respondent Aquapark Holdings, LLC, and Respondents Christopher and Collette Shillcutt. The *Consent Findings* detail the parties' agreement that Plaintiff will reduce the assessed civil money penalties to $5,559.00. In turn, Respondent agrees to withdraw its exceptions to this reduced penalty and make payment, which Plaintiff reflects it has done.[2]

The rules of procedure governing FLSA administrative proceedings are set forth in 29 C.F.R. Part 580. Section 580.7(a) states that the OALJ Rules of Practice and Procedure, found at 29 C.F.R. Part 18, shall apply to the extent they do not conflict with the provisions of Part 580.

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[1] By Notice issued on October 24, 2018, Wage and Hour Division, U.S. Department of Labor ("Plaintiff") alleged Respondents employed 17 minors in violation of Section 12 of the Act and assessed civil money penalties in the amount of $11,118.00. Upon Respondents' request, Plaintiff referred the matter to the Office of Administrative Law Judges for a hearing to determine whether Respondents committed violations of the Act and, if so, the appropriateness and reasonableness of the assessed penalty.

[2] Respondent also agrees to train its management employees on the FLSA's child labor provisions and ensure all new management employees receive such training prior to start of work.

As Part 580 does not provide standards for approving a settlement agreement and consent findings, it is appropriate to apply the standards provided in 29 C.F.R. §18.71.

After reviewing the terms of the agreement, I am satisfied that they conform to the requirements set forth in § 18.71(b)(1)-(4) and are a satisfactory resolution of the issues previously contested. Accordingly, the *Consent Findings* are hereby fully incorporated into this order and are **APPROVED**. The hearing scheduled for November 19, 2019 in Little Rock, Arkansas is **CANCELLED**. The case is hereby **DISMISSED**.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge