

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

DR. DAVID WEIL, ADMINISTRATOR, WAGE AND
HOUR, UNITED STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

PARAGON CONTRACTORS CORP.,
BRIAN JESSOP, and DALE BARLOW,

Respondents.

CASE NO:
RSOL FILE: 06311500218

ORDER OF REFERENCE

By correspondence dated April 20, 2015, and pursuant to Section 16(c) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. §216(e)) (hereinafter the "FLSA") and in accordance with 29 C.F.R. Parts 579/580, civil money penalties, in the total amount of \$1,964,450.00, were assessed against Respondents Paragon Contractors Corp., Brian Jessop, Dale Barlow, Lyle Jeffs, the Corporation of the Presiding Bishop of the Fundamental Church of Jesus Christ of Latter-Day Saints, and the Corporation of the President of the Fundamental Church of Jesus Christ of Latter-Day Saints as a result of at least two hundred (200) minors being found employed contrary to the child labor provisions of the FLSA.

Respondents Paragon Contractors Corp., Brian Jessop, and Dale Barlow timely filed with Plaintiff, the Administrator of the Wage and Hour Division, United States Department of Labor,

a request for a hearing regarding Wage Hour's assertions that the violations occurred.¹ Therefore, this matter is submitted for a final determination of the violations for which civil money penalties are being sought and imposed, and appropriateness and reasonableness of the penalties, as provided by 29 C.F.R. Part 501. This matter is hereby referred to you as Chief Administrative Law Judge for designation and hearing in accordance with 29 C.F.R. § 501.37(a).

Attached hereto for filing of record pursuant to 29 C.F.R. § 501.37(a), is a copy of the letter notifying Respondents of the administrative determination of the violations and penalties,² and the request for hearing signed by the persons requesting such a hearing or by the authorized representative of such persons.

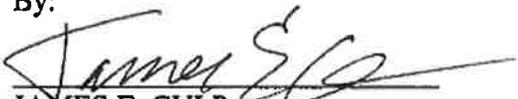
Dated and signed this 8th day of September 2015.

ADDRESS:

Office of the Solicitor
U. S. Department of Labor
1244 Speer Boulevard, Suite 515
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M. PATRICIA SMITH
Solicitor of Labor

By:


JAMES E. CULP
Regional Solicitor

JOHN RAINWATER
Associate Regional Solicitor

¹ Lyle Jeffs, the Corporation of the Presiding Bishop of the Fundamentalist Church of Jesus Christ of Latter-Day Saints, and the Corporation of the President of the Fundamentalist Church of Jesus Christ of Latter-Day Saints did not file an exception to penalty determination.

² Attached to the April 20, 2015 letter was a copy of the "Notice to Employer – Employment of Minors Contrary to the Fair Labor Standards Act" (Form WH-103), which contained the violations found for each minor. After issuance of the letter, it was determined that one field in the Notice had not populated correctly. Therefore the Notice to Employers attached hereto is a corrected version with all fields properly populated. This change does not alter the total civil money penalty that was determined due.

LYDIA TZAGOLOFF
Counsel for Wage and Hour

KAREN E. BOBELA
Trial Attorney

ALICIA A.W. TRUMAN
Trial Attorney

Office of the Solicitor
U.S. Department of Labor
Attorneys for Plaintiff.

CERTIFICATE OF SERVICE

I certify that the foregoing Order of Reference and attachments were served this 8th day of September 2015, by mailing true copies thereof upon the following individuals by certified mail, return receipt requested, with postage pre-paid:

Rick J. Sutherland
Jackson Lewis PLLC
222 South Main Street, Suite 500
Salt Lake City, UT 84101
Counsel for Paragon Contractors Corporation and Brian Jessop

John D. Hancock
John D. Hancock Law Group
72 North 300 East, Suite A (123-13)
Roosevelt, UT 84066
Counsel for Dale Barlow

and service of the foregoing Order of Reference, together with its attachment, has been made this day by mailing a copy thereof by first class mail with postage prepaid, to:

Administrator, Wage and Hour Division
U.S. Department of Labor
Employment Standards Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Associate Solicitor
Division of Fair Labor Standards
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N2716
Washington, D.C. 20210



Wanda Gomes, Paralegal Specialist

Note: Service on the attorney representing the Department in the proceeding is also required by 29 C.F. R. 580.8(b). Therefore, a copy of all pleadings and documents filed in this matter should be sent to Karen Bobela, Trial Attorney, United States Department of Labor, Office of the Solicitor, 1244 Speer Blvd., Suite 515, Denver, CO 80202-5710.