

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARTIN J. WALSH, Secretary of Labor,)
United States Department of Labor,)
)
Plaintiff,)
)
v.) Civil Action No.: 1:23-cv-00051
)
SAFE HAVEN ASSISTED LIVING OF)
HASLETT, LLC, and TAMESHA PORTER,)
individually)
)
Defendants)
)

CONSENT JUDGMENT

Plaintiff, **MARTIN J. WALSH**, Secretary of Labor, United States Department of Labor (“Secretary”), having filed his Complaint and Defendants **SAFE HAVEN ASSISTED LIVING OF HASLETT, LLC** and **TAMESHA PORTER** (collectively, “Defendants”) hereby acknowledge receipt of the Complaint herein and waive service thereof, having been duly advised in the premises, agree to the entry of this Judgment without contest under the Fair Labor Standards Act of 1938, as Amended (29 U.S.C. § 201 et seq.) (hereinafter “the Act”).

Defendants hereby acknowledge that Defendant **SAFE HAVEN ASSISTED LIVING OF HASLETT, LLC** is an enterprise engaged in commerce or in the production of goods for commerce, and is an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises of such institution, within the meaning of sections 3(r) and 3(s) of the Act.

Defendants hereby acknowledge that **TAMESHA PORTER**, individually, acted directly

or indirectly in the interest of the corporate Defendant **SAFE HAVEN ASSISTED LIVING OF HASLETT, LLC**, and thereby is an “employer” under section 3(d) of the Act. Defendants agree that **TAMESHA PORTER** shall be individually responsible for the obligations contained in this Consent Judgment.

NOW, therefore, upon motion for the attorneys for the Secretary and Defendants, and for cause shown:

JUDGMENT IS HEREBY ENTERED against Defendants pursuant to sections 16(c) and 17 of the Act as follows.

IT IS HEREBY ORDERED AND ADJUDGED, pursuant to section 17 of the Act, that the Defendants, their officers, agents, servants, successors, employees, and all persons in active concert or participation with them be, and hereby are, permanently enjoined and restrained from violating the provisions of the Act, in any of the following manners.

I

Defendants shall comply with Sections 7 and 15(a)(2) of the Act, 29 U.S.C. §§ 207 and 215(a)(2), and all related regulations, with respect to all of their employees including, but not limited to, their employees working at Safe Haven Assisted Living of Haslett, LLC, or at any business location owned, operated, and/or controlled by Defendants, and at any other business location at which their employees perform work.

II

Defendants shall comply with Sections 11 and 15(a)(5) of the FLSA, 29 U.S.C. §§ 211 and 215(a)(2), and all related regulations including, but not limited to, those found at 29 C.F.R. Part 516, with respect to all of their employees including, but not limited to, employees working

at Safe Haven Assisted Living of Haslett, LLC, or at any business location owned, operated, and/or controlled by Defendants, and at any other business location at which their employees perform work.

III

FURTHER, JUDGMENT IS HEREBY ENTERED, pursuant to section 29 U.S.C. § 216(c), in favor of the Secretary and against Defendants in the total amount of **\$15,238.12**.

A. The Secretary shall recover from Defendants the sum of **\$7,619.06** which represents the unpaid overtime compensation hereby found to be due, for the period August 22, 2020, to December 18, 2021, to the present and former employees named in Exhibit A, attached hereto and made a part hereof, in the amounts set forth therein.

B. The Secretary shall further recover from Defendants the sum of **\$7,619.06** in liquidated damages hereby found to be due, for the period August 22, 2020, to December 18, 2021, to the present and former employees named in Exhibit A in the amounts set forth therein.

IV

FURTHER, JUDGMENT IS HEREBY ENTERED, pursuant to section 29 U.S.C. § 16(e)(2), in favor of the Secretary and against the Defendants in the total amount of **\$3,618.32**, which represents civil money penalties.

V

The monetary provisions of this judgment shall be deemed satisfied, upon Defendants' delivery to the Secretary's representative of both of the following:

A. At the time of Defendants' execution of this Consent Judgment:

- (1) A schedule in duplicate showing the full name, last-known address, and social security number for each employee named in Exhibit A.
- (2) One payment in the amount of \$7,619.06, representing 50% of the amount of back wages and liquidated damages owed to the employees in Exhibit A, made by ACH transfer, credit card, debit card, or digital wallet at <https://www.pay.gov/public/form/start/77692637> or <https://www.pay.gov> and searching “WHD Back Wage Payment – Midwest Region”; and,
- (3) One payment in the amount of \$1,809.16, representing 50% of the amount of civil money penalties owed, made by ACH transfer, credit card, debit card, or digital wallet at <https://www.pay.gov/public/form/start/77734516> or <https://www.pay.gov> and searching “WHD Civil Money Penalty Payment – Midwest Region.”

B. No later than 30 days after Defendants’ execution of this Consent Judgment:

- (1) A second payment in the amount of \$7,619.06, representing the remaining 50% of the amount of back wages and liquidated damages owed to the employees in Exhibit A, made by ACH transfer, credit card, debit card, or digital wallet at <https://www.pay.gov/public/form/start/77692637> or <https://www.pay.gov> and searching “WHD Back Wage Payment – Midwest Region”; and,
- (2) A second payment in the amount of \$1,809.16, representing the remaining 50% of the amount of civil money penalties owed, made by ACH transfer, credit card, debit card, or digital wallet at

<https://www.pay.gov/public/form/start/77734516> or <https://www.pay.gov> and searching “WHD Civil Money Penalty Payment – Midwest Region.”

Upon receipt of full payment from Defendants, representatives of the Secretary shall distribute such amounts, less appropriate deductions for federal income withholding taxes and the employee’s share of the social security (F.I.C.A.) tax, to the employees or their legal representative as their interests may appear, in accordance with the provisions of section 16(c) of the FLSA. Any amounts of unpaid compensation and liquidated damages not so paid within a period of three (3) years from the date of receipt thereof shall, pursuant to section 16(c) of the Act, be covered into the Treasury of the United States as miscellaneous receipts. Defendants remain responsible for paying their share of F.I.C.A. arising from or related to the back wages distributed by the Secretary and their share of any applicable taxes to the appropriate State and Federal revenue authorities.

VI

Defendants shall not request, solicit, suggest, or coerce, directly, or indirectly, any current or former employee to return or to offer to return to the Defendants or to someone else for the Defendants, any money in the form of cash, check, or any other form, for wages previously due or to become due in the future to said employee under the provisions of this Consent Judgment or the Act; nor shall Defendants accept, or receive from any employee, either directly or indirectly, any money in the form of cash, check, or any other form, for wages heretofore or hereafter paid to said employee under the provisions of this Consent Judgment or the Act; nor shall Defendants discharge or in any other manner discriminate, nor solicit or encourage anyone else to discriminate, against any such employee because such employee has received or retained money due to him from the Defendants under the provisions of this Consent Judgment or the Act.

VII

The provisions of this Consent Judgment shall not in any way affect any legal right of any individual not named on Exhibit A, nor shall the provisions in any way affect any legal right of any individual named on Exhibit A to file any action against Defendants for any violations alleged to have occurred outside the relevant period, which is defined to be: August 22, 2020 to December 18, 2021.

By entering this Consent Judgment, the Secretary does not waive his right to conduct future investigations of Defendants under the provisions of the Act and to take appropriate enforcement action, including assessment of civil money penalties pursuant to 29 U.S.C. § 216(e), with respect to any violations disclosed by such investigations.

The parties agree that the entry of this Consent Judgment represents the negotiated resolution of a disputed claim. This Consent Judgment and the provisions thereof shall not be used as admissions against Defendants in an action by the Secretary or any other person or entity against Defendants under Section 15(a)(3) of the Act arising out of the Secretary's investigation for the period from August 22, 2020, to December 18, 2021.

VIII

FURTHER, it is agreed by the parties herein and hereby **ORDERED** that each party bears its own fees and other expenses incurred by such party in connection with any stage of this proceeding to date with no costs, including, but not limited to, any and all costs referenced under the Equal Access to Justice Act, as Amended.

IX

FURTHER, this Court shall retain jurisdiction of this matter to enforce the terms of this final judgment pursuant to Federal Rule of Civil Procedure 54.

SO ORDERED.

DATED January 17, 2023

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Court Judge

The parties hereby consent to the entry of this Consent Judgment:

SAFE HAVEN ASSISTED LIVING OF HASLETT, LLC

by: [Signature]
its owner.

[Signature]
TAMESHA PORTER, individually

[Signature]

ALLAN S. RUBIN
Jackson Lewis P.C.
2000 Town Center, Suite 1650
Southfield, Michigan 48075
Tel: (248) 9361900
Email: allan.rubin@jacksonlewis.com

Attorney for Defendants

SEEMA NANDA
Solicitor of Labor

CHRISTINE Z. HERI
Regional Solicitor

[Signature]

BENJAMIN R. SALK
Trial Attorney
U.S. Department of Labor
Office of the Solicitor
230 South Dearborn Street, Rm. 844
Chicago, Illinois 60604
Tel: (312) 353-2354
Email: salk.benjamin.r@dol.gov

*Attorneys for Plaintiff Martin J. Walsh,
Secretary of Labor, United States Department
of Labor*

EXHIBIT A**DAMAGES OWED**

	Employee	Back Wages	Liquidated Damages	Total
1	Candace Buckmaster	\$678.22	\$678.22	\$1,356.44
2	Connie Keros	\$1,687.26	\$1,687.26	\$3,374.52
3	Breanna McGuire	\$901.28	\$901.28	\$1,802.56
4	Danielle Riffle	\$739.85	\$739.85	\$1,479.70
5	Teresa Ryder	\$3,254.92	\$3,254.92	\$6,509.84
6	Danielle Tiffany	\$357.53	\$357.53	\$715.06
			TOTAL:	\$15,238.12