

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

JULIE A. SU, Acting Secretary of Labor,  
United States Department of Labor,

Plaintiff,

Case No.: 1:23-cv-00136-JMB-SJB

v.

SAFE HAVEN ASSISTED LIVING OF  
HASLETT, LLC, and TAMESHA PORTER,  
individually,

Defendants.

**CONSENT JUDGMENT AND ORDER**

Plaintiff, **JULIE A. SU**, Acting Secretary of Labor, United States Department of Labor (“Acting Secretary”) having filed her Complaint and Defendants **SAFE HAVEN ASSISTED LIVING OF HASLETT, LLC** and **TAMESHA PORTER** (collectively, “Defendants”) have appeared by counsel, waive their answer and any defenses which they may have, and agree to the entry of this Consent Judgment and Order (“Consent 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 and the Court finds 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 and the Court finds 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 Acting 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 Section 15(a)(3) of the Act, 29 U.S.C. § 215(a)(3), 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**

**FURTHER, JUDGMENT IS HEREBY ENTERED**, pursuant to section 29 U.S.C. § 216(c), in favor of the Acting Secretary and against Defendants in the total amount of **\$16,500.00**.

A. The Acting Secretary shall recover from Defendants the sum of **\$8,250.00** which represents back wages hereby found to be due to the individuals named in Exhibit A, attached hereto and made a part hereof.

B. The Acting Secretary shall further recover from Defendants the sum of **\$8,250.00** which represents liquidated damages hereby found to be due to the individuals named in Exhibit A.

### III

The monetary provisions of this judgment shall be deemed satisfied upon Defendants' delivery to the Acting 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 \$8,250.00, 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,
- B. No later than 90 days after Defendants' execution of this Consent Judgment:
- (1) A second payment in the amount of \$8,250.00, 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.”

Upon receipt of full payment from Defendants, representatives of the Acting 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 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 Acting Secretary and their share of any applicable taxes to the appropriate State and Federal revenue authorities.

Should Defendants fail to pay the second payment on or before the date set forth above, the entire amount of the balance of unpaid compensation remaining shall become due without further notice by the Acting Secretary to Defendants. Any defaulted balance shall be subject to the assessment of interest and penalty interest at rates determined by the U.S. Treasury as required by the Debt Collection Improvement Act of 1996 (P.L. 104-134) published by the Secretary of the Treasury in the Federal Register and other delinquent charges and administrative costs shall also be assessed. In the event of default, the Acting Secretary may pursue enforcement of this agreement and/or any additional collection action that may include, but is not limited to, administrative offset, referral of the account to credit reporting agencies, private collection agencies, and/or the Department of Justice.

Should Defendants fail to pay the second payment on or before the date set forth above, then Defendants consent to the entry of a Writ of Execution, consistent with the terms of this Consent Judgment and pursuant to Federal Rule of Civil Procedure 69, to enforce the monetary terms of this Consent Judgment. Such a writ of execution shall be limited to the pending balance of the Defendants' monetary obligations under this Consent Judgment at the time such writ is issued. The Acting Secretary may represent in filing for such a writ that Defendants consent to its issuance. In the event a writ of execution is entered by the Court, the Acting Secretary may engage in discovery in aid of execution as permitted by the Federal Rules of Civil Procedure.

The Acting Secretary shall, within 14 days following the second payment described in this paragraph by Defendants, file a satisfaction of the monetary provisions of this Consent Judgment. Either or both payments provided for under this paragraph may be prepaid without penalty.

#### IV

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.

V

**IT IS FURTHER ORDERED AND ADJUDGED** that Defendants shall:

A. No later than 15 days after execution of this Consent Judgment, permanently post in a conspicuous place, including all places where posters for employees are customarily posted, at their worksite located at 5917 Edson Street, Haslett, Michigan 48840, and all other workplaces operated by any Defendant the Wage and Hour Division's "Fact Sheet #77A: Prohibiting Retaliation Under the Fair Labor Standards Act (FLSA)," ("Fact Sheet #77A") located at the following web address: <https://www.dol.gov/agencies/whd/fact-sheets/77a-flsa-prohibiting-retaliation>.

B. No later than 15 days after execution of this Consent Judgment, distribute a physical copy of Fact Sheet #77A to each current employee of any business operated by any Defendant in a language in which the employee is fluent.

C. For a period of no less than 3 years after the execution of this Consent Judgment, distribute, upon hiring, a physical copy of Fact Sheet #77A to each new employee of any business operated by any Defendant in a language in which the employee is fluent.

D. Upon request, provide neutral job references for any employee listed on Exhibit A, setting forth only such employee's dates of employment, positions or titles held, and last salary or hourly wage.

E. Arrange, at Defendants' sole expense, a one-hour training ("Training") regarding the anti-retaliation provisions of Section 15(a)(3) of the Act, conducted by one or more subject matter experts ("Trainers") approved by the Acting Secretary. The Trainers shall be subject matter experts in employment law, including the provisions of the Act. No later than 60 days after the

execution of this Consent Judgment, Defendants shall propose to the Acting Secretary one or more Trainers and provide their qualifications. The Acting Secretary shall not unreasonably withhold approval of the Trainers. The Training shall take place no later than 90 days after the Acting Secretary's approval of the Trainers. The Training shall, at a minimum, provide instruction about prohibited conduct and protected activity under Section 15(a)(3) of the Act, remedies available for violations of Section 15(a)(3), and practical guidance for employer compliance with Section 15(a)(3). The Training shall be attended by Defendant Tamesha Porter and all individuals with managerial responsibility at any business operated by Porter; a record of attendance at the Training shall be created and made available upon request to the Acting Secretary by Defendants.

## VI

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 not alleged in the Complaint.

By entering this Consent Judgment, the Acting Secretary does not waive her 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.

Except for these proceedings, matters arising out of these proceedings, and any other subsequent proceedings between the parties, none of the preceding agreements, statements, findings, and actions taken by Defendants shall be deemed an admission by Defendants of the allegations in the Acting Secretary's Complaint. The agreements, statements, findings, and actions

taken herein are made for the purpose of resolving this matter in an amicable manner, and they shall not be used for any other purpose, except as stated previously.

**VII**

**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.

**VIII**

**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** December 11, 2023

/s/ 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: Tamesha Porter,

its owner

  
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**TAMESHA PORTER**, individually

**ALLAN S. RUBIN** -  
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*Attorneys for Plaintiff Julie A. Su, Acting  
Secretary of Labor, United States Department  
of Labor*

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| [REDACTED] | [REDACTED] |
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● Names have been redacted for privacy reasons; Defendants acknowledge receiving an unredacted Exhibit A.