

STATE OF NORTH CAROLINA )  
COUNTY OF WAKE )

FILE NO.  
98089

COMMISSIONER OF LABOR OF )  
THE STATE OF NORTH CAROLINA, )  
CHERIE BERRY )

ORDER

Complainant )

v. )

AIMEZ BEAUCOUP, LLC )  
d/b/a Georges Brasserie )  
4620 Piedmont Row Drive #110 )  
Charlotte, NC 28210 )

Respondent )

THIS CAUSE came on for telephonic hearing before Christine M. Ryan, the undersigned Hearing Officer designated by the Commissioner of Labor of the State of North Carolina in accordance with 13 NCAC 12.0905 on December 15, 2016, for the Respondent's alleged failure to comply with the provisions of Chapter 64, Article 2 of the North Carolina General Statutes entitled "Verification of Work Authorization," commonly known as "E-Verify".

The Complainant was present through Angela Leon, Senior Investigator. The Respondent appeared via telephone through its Attorney, Ken Keller and Carruthers & Roth, PA.

Pursuant to N.C. Gen Stat. §64-30(l), the Commissioner shall hold a hearing if the investigation reveals that a complaint is not false and frivolous to determine if a violation of N.C. Gen. Stat. §64-26 has occurred, and, if appropriate, impose civil penalties in accordance with Chapter 64, Article 2 of the North Carolina General Statutes.

Based upon the facts and evidence presented at the hearing, and with due consideration of the contentions of both parties, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law and enters an Order accordingly:

#### FINDINGS OF FACT

1) Complainant, Commissioner of Labor of the State of North Carolina (hereinafter Commissioner) is charged by law with the responsibility for enforcement of the provisions of the Verification of Work Authorization Act, Chapter 64, Article 2 of the North Carolina General Statutes, (the "Act") as well as regulations adopted pursuant thereto.

2) Respondent, Aimez Beaucoup, LLC, (hereinafter Respondent) is a North Carolina corporation doing business in Charlotte, NC. At all times relevant to this matter, Respondent was in the business of operating a restaurant called Georges Brasserie in Charlotte, NC.

3) Respondent is an employer within the meaning of N.C. Gen. Stat. §64-25(4) and all of Respondent's employees referred to in the Complaint are "employees" within the meaning of N.C. Gen. Stat. §64-25(3).

4) Respondent at all times relevant to this matter, employed 25 or more employees in North Carolina, as employee is defined in N.C. Gen. Stat. §64-25 (3).

5) On or about November 9, 2015, Complainant received a complaint that alleged that Respondent was not verifying the work authorization of its employees as required by Chapter 64, Article 2 of the North Carolina General Statutes.

6) An Investigator for Complainant investigated the allegation, and concluded that the complaint was not false and frivolous.

7) A telephonic hearing was held on December 15, 2016 to review the investigative case file resulting from the complaint pursuant to N.C. Gen. Stat. §64-30 and 13 NCAC 12.0905.

8) Evidence provided by Respondent to the Hearing Officer prior to the hearing showed that, while Respondent had not enrolled in the "E-Verify" program prior to November 9, 2015, Respondent was enrolled in "E-Verify" as of the date of the hearing. Further, Respondent provided a sworn statement that it had submitted the information necessary to verify the work authorization of all employees currently employed by Respondent prior to the hearing. A copy of the statement is attached as Exhibit A.

Based upon the foregoing FINDINGS OF FACT, the undersigned Hearing Officer makes the following:

#### **CONCLUSIONS OF LAW**

1) The foregoing Findings of Fact are incorporated by reference as Conclusions of Law to the extent necessary to give effect to the provisions of this Order.

2) The Respondent is subject to the jurisdiction and provisions of the Act.

3) Respondent is required to verify the work authorization of its employees under Article 2 of Chapter 64 of the North Carolina General Statutes.

4) The complaint filed against Respondent on November 9, 2015 was not false and frivolous.

5) At the time the complaint was filed, Respondent was not enrolled in the "E-Verify" system and was not verifying the work authorization of its employees within three employer business days, and therefore is not entitled to the presumption of compliance provided in 13 NCAC 12.0903(a).

6) At the time of the hearing in this matter, Respondent had enrolled in the "E-Verify" system and had verified the work authorization of its employees utilizing the "E-Verify" system.

7) Because of the verification of work authorization that occurred between the time the complaint was filed and the hearing, Respondent is now in compliance with the requirements of E-Verify pursuant to N.C. Gen. Stat. §64-26(a), and a violation of E-Verify has NOT occurred.

BASED UPON the foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED as follows:

- 1) Respondent is currently in compliance with the requirements of Article 2, Chapter 64 of the North Carolina General Statutes.

This the 2d day of MARCH, 2017.



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Christine M. Ryan  
Administrator  
Hearing Officer

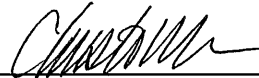
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served a copy of the foregoing ORDER upon:

Aimez Beaucoup, LLC, d/b/a Georges Brasserie  
c/o Attorney Ken Keller  
Carruthers & Roth, PA  
235 N. Edgeworth  
PO Box 540  
Greensboro, NC 27402

by depositing a copy of the same in the United States Mail, Certified Mail, postage prepaid at Raleigh, North Carolina.

THIS THE 2d DAY of MARCH 2017.



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Christine M. Ryan  
Administrator  
Hearing Officer  
North Carolina Department of Labor  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
919 807-2801

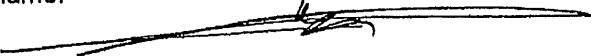
STATE OF NORTH CAROLINA )  
 )  
COUNTY OF Mecklenburg )

SWORN STATEMENT

1. I am Syed Azam Mehdi, and I hold the position of  
Managing Partner with AIMEZ ..... d/b/a GEORGES  
BEAUCOUP BRASSERIE  
(Respondent).

2. Respondent has enrolled in E-Verify.
3. Following enrollment in E-Verify, an E-Verify check was conducted on all employees working at the time of enrollment and all employees hired since then.
4. Pursuant to the provisions of 28 U.S.C. § 1746, I state under penalty of perjury that the foregoing is true and correct.

This the 6<sup>th</sup> day of October, 2016.

Print name: SYED AZAM MEHDI  




2) Respondent, Bin 54, LLC., (hereinafter Respondent) is a North Carolina corporation doing business in Chapel Hill, NC. At all times relevant to this matter, Respondent was in the business of operating a restaurant called Bin 54 in Chapel Hill, NC.

3) Respondent is an employer within the meaning of N.C. Gen. Stat. §64-25(4) and all of Respondent's employees referred to in the Complaint are "employees" within the meaning of N.C. Gen. Stat. §64-25(3).

4) Respondent at all times relevant to this matter, employed 25 or more employees in North Carolina, as employee is defined in N.C. Gen. Stat. §64-25 (3).

5) On or about November 9, 2015, Complainant received a complaint that alleged that Respondent was not verifying the work authorization of its employees as required by Chapter 64, Article 2 of the North Carolina General Statutes.

6) An Investigator for Complainant investigated the allegation, and concluded that the complaint was not false and frivolous.

7) A telephonic hearing was held on December 15, 2016 to review the investigative case file resulting from the complaint pursuant to N.C. Gen. Stat. §64-30 and 13 NCAC 12.0905.

8) Evidence provided by Respondent to the Hearing Officer prior to the hearing showed that, while Respondent had not enrolled in the "E-Verify" program prior to November 9, 2015, Respondent was enrolled in "E-Verify" as of the date of the hearing. Further, Respondent provided a sworn statement that it had submitted the information necessary to verify the work authorization of all employees currently employed by Respondent prior to the hearing. A copy of the statement is attached as Exhibit A.

Based upon the foregoing FINDINGS OF FACT, the undersigned Hearing Officer makes the following:

#### **CONCLUSIONS OF LAW**

1) The foregoing Findings of Fact are incorporated by reference as Conclusions of Law to the extent necessary to give effect to the provisions of this Order.

2) The Respondent is subject to the jurisdiction and provisions of the Act.

3) Respondent is required to verify the work authorization of its employees under Article 2 of Chapter 64 of the North Carolina General Statutes.

4) The complaint filed against Respondent on November 9, 2015 was not false and frivolous.

5) At the time the complaint was filed, Respondent was not enrolled in the "E-Verify" system and was not verifying the work authorization of its employees within three employer business days, and therefore is not entitled to the presumption of compliance provided in 13 NCAC 12.0903(a).

6) At the time of the hearing in this matter, Respondent had enrolled in the "E-


Verify" system and had verified the work authorization of its employees utilizing the "E-Verify" system.

7) Because of the verification of work authorization that occurred between the time the complaint was filed and the hearing, Respondent is now in compliance with the requirements of E-Verify pursuant to N.C. Gen. Stat. §64-26(a), and a violation of E-Verify has NOT occurred.

BASED UPON the foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED as follows:

- 1) Respondent is currently in compliance with the requirements of Article 2, Chapter 64 of the North Carolina General Statutes.

This the 24 day of MARCH, 2017.

  
\_\_\_\_\_  
Christine M. Ryan  
Administrator  
Hearing Officer



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served a copy of the foregoing ORDER upon:

Bin 54, LLC  
c/o Attorney Ken Keller  
Carruthers & Roth, PA  
235 N. Edgeworth  
PO Box 540  
Greensboro, NC 27402

by depositing a copy of the same in the United States Mail, Certified Mail, postage prepaid at Raleigh, North Carolina.

THIS THE 2d DAY of MARCH 2017.

  
\_\_\_\_\_  
Christine M. Ryan  
Administrator  
Hearing Officer  
North Carolina Department of Labor  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
919 807-2801

STATE OF NORTH CAROLINA )  
COUNTY OF Orange )

SWORN STATEMENT

1. I am AZAR MEHDEAN, and I hold the position of  
Office Manager with Bin 54 (Respondent).

2. Respondent has enrolled in E-Verify.

3. Following enrollment in E-Verify, an E-Verify check was conducted on all employees working at the time of enrollment and all employees hired since then.

4. Pursuant to the provisions of 28 U.S.C. § 1746, I state under penalty of perjury that the foregoing is true and correct.

This the 6<sup>th</sup> day of Oct, 2016.

Print name:

AZAR MEHDEAN



2) Respondent, Arya, Inc. (hereinafter Respondent) is a North Carolina corporation doing business in Chapel Hill, NC. At all times relevant to this matter, Respondent was in the business of operating a restaurant called City Kitchen & Village Burger in Chapel Hill, NC.

3) Respondent is an employer within the meaning of N.C. Gen. Stat. §64-25(4) and all of Respondent's employees referred to in the Complaint are "employees" within the meaning of N.C. Gen. Stat. §64-25(3).

4) Respondent at all times relevant to this matter, employed 25 or more employees in North Carolina, as employee is defined in N.C. Gen. Stat. §64-25 (3).

5) On or about November 9, 2015, Complainant received a complaint that alleged that Respondent was not verifying the work authorization of its employees as required by Chapter 64, Article 2 of the North Carolina General Statutes.

6) An Investigator for Complainant investigated the allegation, and concluded that the complaint was not false and frivolous.

7) A telephonic hearing was held on December 15, 2016 to review the investigative case file resulting from the complaint pursuant to N.C. Gen. Stat. §64-30 and 13 NCAC 12.0905.

8) Evidence provided by Respondent to the Hearing Officer prior to the hearing showed that, while Respondent had not enrolled in the "E-Verify" program prior to November 9, 2015, Respondent was enrolled in "E-Verify" as of the date of the hearing. Further, Respondent provided a sworn statement that it had submitted the information necessary to verify the work authorization of all employees currently employed by Respondent prior to the hearing. A copy of the statement is attached as Exhibit A.

Based upon the foregoing FINDINGS OF FACT, the undersigned Hearing Officer makes the following:

#### **CONCLUSIONS OF LAW**

1) The foregoing Findings of Fact are incorporated by reference as Conclusions of Law to the extent necessary to give effect to the provisions of this Order.

2) The Respondent is subject to the jurisdiction and provisions of the Act.

3) Respondent is required to verify the work authorization of its employees under Article 2 of Chapter 64 of the North Carolina General Statutes.

4) The complaint filed against Respondent on November 9, 2015 was not false and frivolous.

5) At the time the complaint was filed, Respondent was not enrolled in the "E-Verify" system and was not verifying the work authorization of its employees within three employer business days, and therefore is not entitled to the presumption of compliance provided in 13 NCAC 12.0903(a).


6) At the time of the hearing in this matter, Respondent had enrolled in the "E-Verify" system and had verified the work authorization of its employees utilizing the "E-Verify" system.

7) Because of the verification of work authorization that occurred between the time the complaint was filed and the hearing, Respondent is now in compliance with the requirements of E-Verify pursuant to N.C. Gen. Stat. §64-26(a), and a violation of E-Verify has NOT occurred.

BASED UPON the foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED as follows:

- 1) Respondent is currently in compliance with the requirements of Article 2, Chapter 64 of the North Carolina General Statutes.

This the 2d day of MARCH, 2017.

  
\_\_\_\_\_  
Christine M. Ryan  
Administrator  
Hearing Officer


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served a copy of the foregoing ORDER upon:

Arya, Inc. d/b/a City Kitchen & Village Burger  
c/o Attorney Ken Keller  
Carruthers & Roth, PA  
235 N. Edgeworth  
PO Box 540  
Greensboro, NC 27402

by depositing a copy of the same in the United States Mail, Certified Mail, postage prepaid at Raleigh, North Carolina.

THIS THE 2d DAY of MARCH 2017.

  
\_\_\_\_\_  
Christine M. Ryan  
Administrator  
Hearing Officer  
North Carolina Department of Labor  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
919 807-2801

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF Orange )

SWORN STATEMENT

1. I am AZAR MEHDIAN, and I hold the position of  
Office Manager with Arya, Inc., d/b/a City Kitchen &  
Village Burger (Respondent).

2. Respondent has enrolled in E-Verify.

3. Following enrollment in E-Verify, an E-Verify check was conducted on all  
employees working at the time of enrollment and all employees hired since then.

4. Pursuant to the provisions of 28 U.S.C. § 1746, I state under penalty of perjury  
that the foregoing is true and correct.

This the 6<sup>th</sup> day of October, 2016.

Print name:

AZAR MEHDIAN





2) Respondent, Floga, Inc., (hereinafter Respondent) is a North Carolina corporation doing business in Chapel Hill, NC. At all times relevant to this matter, Respondent was in the business of operating a restaurant called Kipos in Chapel Hill, NC.

3) Respondent is an employer within the meaning of N.C. Gen. Stat. §64-25(4) and all of Respondent's employees referred to in the Complaint are "employees" within the meaning of N.C. Gen. Stat. §64-25(3).

4) Respondent at all times relevant to this matter, employed 25 or more employees in North Carolina, as employee is defined in N.C. Gen. Stat. §64-25 (3).

5) On or about November 9, 2015, Complainant received a complaint that alleged that Respondent was not verifying the work authorization of its employees as required by Chapter 64, Article 2 of the North Carolina General Statutes.

6) An Investigator for Complainant investigated the allegation, and concluded that the complaint was not false and frivolous.

7) A telephonic hearing was held on December 15, 2016 to review the investigative case file resulting from the complaint pursuant to N.C. Gen. Stat. §64-30 and 13 NCAC 12.0905.

8) Evidence provided by Respondent to the Hearing Officer prior to the hearing showed that, while Respondent had not enrolled in the "E-Verify" program prior to November 9, 2015, Respondent was enrolled in "E-Verify" as of the date of the hearing. Further, Respondent provided a sworn statement that it had submitted the information necessary to verify the work authorization of all employees currently employed by Respondent prior to the hearing. A copy of the statement is attached as Exhibit A.

Based upon the foregoing FINDINGS OF FACT, the undersigned Hearing Officer makes the following:

#### **CONCLUSIONS OF LAW**

1) The foregoing Findings of Fact are incorporated by reference as Conclusions of Law to the extent necessary to give effect to the provisions of this Order.

2) The Respondent is subject to the jurisdiction and provisions of the Act.

3) Respondent is required to verify the work authorization of its employees under Article 2 of Chapter 64 of the North Carolina General Statutes.

4) The complaint filed against Respondent on November 9, 2015 was not false and frivolous.

5) At the time the complaint was filed, Respondent was not enrolled in the "E-Verify" system and was not verifying the work authorization of its employees within three employer business days, and therefore is not entitled to the presumption of compliance provided in 13 NCAC 12.0903(a).

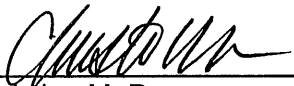
6) At the time of the hearing in this matter, Respondent had enrolled in the "E-Verify" system and had verified the work authorization of its employees utilizing the "E-Verify" system.

7) Because of the verification of work authorization that occurred between the time the complaint was filed and the hearing, Respondent is now in compliance with the requirements of E-Verify pursuant to N.C. Gen. Stat. §64-26(a), and a violation of E-Verify has NOT occurred.

BASED UPON the foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED as follows:

- 1) Respondent is currently in compliance with the requirements of Article 2, Chapter 64 of the North Carolina General Statutes.

This the 2d day of MARCH, 2017

  
\_\_\_\_\_  
Christine M. Ryan  
Administrator  
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served a copy of the foregoing ORDER upon:

Floga, Inc., d/b/a Kipos  
c/o Attorney Ken Keller  
Carruthers & Roth, PA  
235 N. Edgeworth  
PO Box 540  
Greensboro, NC 27402

by depositing a copy of the same in the United States Mail, Certified Mail, postage prepaid at Raleigh, North Carolina.

THIS THE 2d DAY of MARCH 2017.



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Christine M. Ryan  
Administrator  
Hearing Officer  
North Carolina Department of Labor  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
919 807-2801

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF Orange )

SWORN STATEMENT

1. I am Katherine Ozturk , and I hold the position of  
Manager with Floga, Inc., d/b/a Kipos  
(Respondent).

2. Respondent has enrolled in E-Verify.

3. Following enrollment in E-Verify, an E-Verify check was conducted on all  
employees working at the time of enrollment and all employees hired since then.

4. Pursuant to the provisions of 28 U.S.C. § 1746, I state under penalty of perjury  
that the foregoing is true and correct.

This the 30<sup>th</sup> day of September, 2016.

Print name: Katherine Ozturk

2) Respondent, Calamari Enterprises, Inc. d/b/a Café Parizade, (hereinafter Respondent) is a North Carolina corporation doing business in Durham, NC. At all times relevant to this matter, Respondent was in the business of operating a restaurant called Café Parizade in Durham, NC.

3) Respondent is an employer within the meaning of N.C. Gen. Stat. §64-25(4) and all of Respondent's employees referred to in the Complaint are "employees" within the meaning of N.C. Gen. Stat. §64-25(3).

4) Respondent at all times relevant to this matter, employed 25 or more employees in North Carolina, as employee is defined in N.C. Gen. Stat. §64-25 (3).

5) On or about November 9, 2015, Complainant received a complaint that alleged that Respondent was not verifying the work authorization of its employees as required by Chapter 64, Article 2 of the North Carolina General Statutes.

6) An Investigator for Complainant investigated the allegation, and concluded that the complaint was not false and frivolous.

7) A telephonic hearing was held on December 15, 2016 to review the investigative case file resulting from the complaint pursuant to N.C. Gen. Stat. §64-30 and 13 NCAC 12.0905.

8) Evidence provided by Respondent to the Hearing Officer prior to the hearing showed that, while Respondent had not enrolled in the "E-Verify" program prior to November 9, 2015, Respondent was enrolled in "E-Verify" as of the date of the hearing. Further, Respondent provided a sworn statement that it had submitted the information necessary to verify the work authorization of all employees currently employed by Respondent prior to the hearing. A copy of the statement is attached as Exhibit A.

Based upon the foregoing FINDINGS OF FACT, the undersigned Hearing Officer makes the following:

#### **CONCLUSIONS OF LAW**

1) The foregoing Findings of Fact are incorporated by reference as Conclusions of Law to the extent necessary to give effect to the provisions of this Order.

2) The Respondent is subject to the jurisdiction and provisions of the Act.

3) Respondent is required to verify the work authorization of its employees under Article 2 of Chapter 64 of the North Carolina General Statutes.

4) The complaint filed against Respondent on November 9, 2015 was not false and frivolous.

5) At the time the complaint was filed, Respondent was not enrolled in the "E-Verify" system and was not verifying the work authorization of its employees within three employer business days, and therefore is not entitled to the presumption of compliance provided in 13 NCAC 12.0903(a).

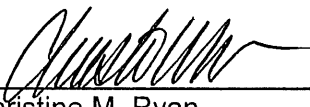
6) At the time of the hearing in this matter, Respondent had enrolled in the "E-Verify" system and had verified the work authorization of its employees utilizing the "E-Verify" system.

7) Because of the verification of work authorization that occurred between the time the complaint was filed and the hearing, Respondent is now in compliance with the requirements of E-Verify pursuant to N.C. Gen. Stat. §64-26(a), and a violation of E-Verify has NOT occurred.

BASED UPON the foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED as follows:

- 1) Respondent is currently in compliance with the requirements of Article 2, Chapter 64 of the North Carolina General Statutes.

This the 2d day of MARCH, 2017

  
\_\_\_\_\_  
Christine M. Ryan  
Administrator  
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served a copy of the foregoing ORDER upon:

Calamari Enterprises, Inc. d/b/a Café Parizade  
c/o Attorney Ken Keller  
Carruthers & Roth, PA  
235 N. Edgeworth  
PO Box 540  
Greensboro, NC 27402

by depositing a copy of the same in the United States Mail, Certified Mail, postage prepaid at Raleigh, North Carolina.

THIS THE 2d DAY of MARCH 2017.



---

Christine M. Ryan  
Administrator  
Hearing Officer  
North Carolina Department of Labor  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
919 807-2801

STATE OF NORTH CAROLINA )  
COUNTY OF Durham )

SWORN STATEMENT

1. I am AZAR MEHDEAN, and I hold the position of  
Office Manager with Calamari Enterprises INC., d/b/a  
Café Parizade (Respondent).

2. Respondent has enrolled in E-Verify.

3. Following enrollment in E-Verify, an E-Verify check was conducted on all  
employees working at the time of enrollment and all employees hired since then.

4. Pursuant to the provisions of 28 U.S.C. § 1746, I state under penalty of perjury  
that the foregoing is true and correct.

This the 6th day of OCT, 2016.

Print name: AZAR MEHDEAN



STATE OF NORTH CAROLINA )  
COUNTY OF WAKE )  
)  
)  
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)  
COMMISSIONER OF LABOR OF )  
THE STATE OF NORTH CAROLINA, )  
CHERIE BERRY )  
)  
Complainant )  
)  
v. )  
)  
)  
)  
VERDE CAFÉ, INC. )  
d/b/a Local 22 )  
2200 West Main Street )  
Durham, NC 27705 )  
)  
Respondent )

FILE NO.  
98089

ORDER

THIS CAUSE came on for telephonic hearing before Christine M. Ryan, the undersigned Hearing Officer designated by the Commissioner of Labor of the State of North Carolina in accordance with 13 NCAC 12.0905 on December 15, 2016, for the Respondent's alleged failure to comply with the provisions of Chapter 64, Article 2 of the North Carolina General Statutes entitled "Verification of Work Authorization," commonly known as "E-Verify".

The Complainant was present through Angela Leon, Senior Investigator. The Respondent appeared via telephone through its Attorney, Ken Keller and Carruthers & Roth, PA.

Pursuant to N.C. Gen Stat. §64-30(I), the Commissioner shall hold a hearing if the investigation reveals that a complaint is not false and frivolous to determine if a violation of N.C. Gen. Stat. §64-26 has occurred, and, if appropriate, impose civil penalties in accordance with Chapter 64, Article 2 of the North Carolina General Statutes.

Based upon the facts and evidence presented at the hearing, and with due consideration of the contentions of both parties, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law and enters an Order accordingly:

**FINDINGS OF FACT**

- 1) Complainant, Commissioner of Labor of the State of North Carolina (hereinafter Commissioner) is charged by law with the responsibility for enforcement of the provisions of the Verification of Work Authorization Act, Chapter 64, Article 2 of the North Carolina General Statutes, (the "Act") as well as regulations adopted pursuant thereto.

2) Respondent, Verde Cafe, Inc., (hereinafter Respondent) is a North Carolina corporation doing business in Durham, NC. At all times relevant to this matter, Respondent was in the business of operating a restaurant called Local 22 in Durham, NC.

3) Respondent is an employer within the meaning of N.C. Gen. Stat. §64-25(4) and all of Respondent's employees referred to in the Complaint are "employees" within the meaning of N.C. Gen. Stat. §64-25(3).

4) Respondent at all times relevant to this matter, employed 25 or more employees in North Carolina, as employee is defined in N.C. Gen. Stat. §64-25 (3).

5) On or about November 9, 2015, Complainant received a complaint that alleged that Respondent was not verifying the work authorization of its employees as required by Chapter 64, Article 2 of the North Carolina General Statutes.

6) An Investigator for Complainant investigated the allegation, and concluded that the complaint was not false and frivolous.

7) A telephonic hearing was held on December 15, 2016 to review the investigative case file resulting from the complaint pursuant to N.C. Gen. Stat. §64-30 and 13 NCAC 12.0905.

8) Evidence provided by Respondent to the Hearing Officer prior to the hearing showed that, while Respondent had not enrolled in the "E-Verify" program prior to November 9, 2015, Respondent was enrolled in "E-Verify" as of the date of the hearing. Further, Respondent provided a sworn statement that it had submitted the information necessary to verify the work authorization of all employees currently employed by Respondent prior to the hearing. A copy of the statement is attached as Exhibit A.

Based upon the foregoing FINDINGS OF FACT, the undersigned Hearing Officer makes the following:

#### **CONCLUSIONS OF LAW**

1) The foregoing Findings of Fact are incorporated by reference as Conclusions of Law to the extent necessary to give effect to the provisions of this Order.

2) The Respondent is subject to the jurisdiction and provisions of the Act.

3) Respondent is required to verify the work authorization of its employees under Article 2 of Chapter 64 of the North Carolina General Statutes.

4) The complaint filed against Respondent on November 9, 2015 was not false and frivolous.

5) At the time the complaint was filed, Respondent was not enrolled in the "E-Verify" system and was not verifying the work authorization of its employees within three employer business days, and therefore is not entitled to the presumption of compliance provided in 13 NCAC 12.0903(a).

6) At the time of the hearing in this matter, Respondent had enrolled in the "E-Verify" system and had verified the work authorization of its employees utilizing the "E-Verify" system.

7) Because of the verification of work authorization that occurred between the time the complaint was filed and the hearing, Respondent is now in compliance with the requirements of E-Verify pursuant to N.C. Gen. Stat. §64-26(a), and a violation of E-Verify has NOT occurred.

BASED UPON the foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED as follows:

- 1) Respondent is currently in compliance with the requirements of Article 2, Chapter 64 of the North Carolina General Statutes.

This the 2d day of MARCH, 2017



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Christine M. Ryan  
Administrator  
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served a copy of the foregoing ORDER upon:

Verde Café Inc. d/b/a Local 22  
c/o Attorney Ken Keller  
Carruthers & Roth, PA  
235 N. Edgeworth  
PO Box 540  
Greensboro, NC 27402

by depositing a copy of the same in the United States Mail, Certified Mail, postage prepaid at Raleigh, North Carolina.

THIS THE 2d DAY of MARCH 2017.



---

Christine M. Ryan  
Administrator  
Hearing Officer  
North Carolina Department of Labor  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
919 807-2801

STATE OF NORTH CAROLINA )  
COUNTY OF Durham )

SWORN STATEMENT

1. I am Ioannis Dontas, and I hold the position of  
Manager with Verde Café, Inc., d/b/a Local 22  
(Respondent).

2. Respondent has enrolled in E-Verify.

3. Following enrollment in E-Verify, an E-Verify check was conducted on all employees working at the time of enrollment and all employees hired since then.

4. Pursuant to the provisions of 28 U.S.C. § 1746, I state under penalty of perjury that the foregoing is true and correct.

This the 11<sup>th</sup> day of October, 2016.

Print name:

Ioannis Dontas