

Settlement Agreement between the Maine Department of Labor and Zhui Chen D/B/A Ninja House Inc., Teriyaki Ninja House Inc., and Bouzu Steakhouse Inc.

This Agreement is entered into by and between the Maine Department of Labor, Bureau of Labor Standards and Zhui Chen D/B/A Ninja House Inc., Bouzu Steakhouse Inc. (AKA Kobe Buddha House), and Teriyaki Ninja Inc. (hereinafter called "Employer") to address and resolve violations of Title 26 set forth in the attached citation letter with a revision date of November 22, 2021, Inspection # 448072.

RECITALS

Ninja House Inc., Bouzu Steakhouse Inc., and Teriyaki Ninja Inc. are corporations in good standing authorized to do business in Maine. Zhui Chen is the primary shareholder and President for each, and he is authorized to bind the corporations and enter into this Settlement Agreement.

TERMS

Compliance Monitoring

For two (2) years following the execution of this Agreement by the Director, the employer shall provide The Maine Department of Labor, hereinafter called "Agency", access to EMPLOYER'S place(s) of business, records necessary to establish compliance with state and federal wage & hour laws and this Agreement and contact information for employees upon request. EMPLOYER shall submit records to AGENCY within five (5) calendar days of a request for records under this Paragraph.

Internal complaint and investigatory procedure

EMPLOYER agrees that within sixty (60) days of the full execution of this Agreement, EMPLOYER shall create and implement procedures, subject to the AGENCY'S approval, (a) for employees to complain to EMPLOYER regarding violations of this Agreement or violations of any of the laws enforced by AGENCY; and (b) for the investigation and resolution of any complaints regarding such alleged violations.

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EMPLOYER agrees to maintain a written log of all formal or informal complaints by employees or their representatives that shall include a written record of at least the following information:

- (a) name of the complainant;
- (b) nature of the complaint;
- (c) person to whom the complaint was made;
- (d) date of complaint,
- (e) nature of the investigation into the complaint;
- (f) resolution of the complaint;
- (g) date of the resolution of the complaint; and
- (h) date the resolution was communicated to the complainant.

EMPLOYER agrees to maintain these records for a period of at least three (3) years after the Agreement is executed by the Director and to produce such documents to the AGENCY on the first day of each calendar quarter until January 1, 2024.

Acknowledgement and Admission of violations

Employer acknowledges and admits to the violations of 26 M.R.S. §621-A and 664 identified on the citation letter with a revised date of November 22, 2021, attached to this agreement.

Technical assistance

Offer of technical assistance

AGENCY invites EMPLOYER to contact Chief Labor & Safety Inspector, Bartlett Hutchinson, at 207-623-7951 for confidential technical assistance.

COMPROMISE OF PENALTIES

*EMPLOYER agrees to pay all outstanding wages owed to all employees identified on the citation letter with a revision date of November 22, 2021 and an equal amount to each employee as liquidated damages by December 17, 2021. EMPLOYER agrees to pay **\$1,180.00** of the assessed penalty upon execution of this Agreement. AGENCY agrees to suspend the remaining balance of **\$10,620.00** if EMPLOYER complies with the terms of*

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this Agreement and has no additional violations of 26 MRS sections §621-A and 664 for two years from the date of the Agreement.

By entering into this Settlement Agreement, EMPLOYER waives its right to appeal the findings of the violations set forth in the attached citation letter.

AGENCY agrees that in the event that any subsequent audit of EMPLOYER's records reveals any violations for acts or omissions that occurred on or before February 2020, AGENCY will not use the fact of this Agreement or any of the violations found in Inspection # 443706 and # 448072 as a basis for increasing or otherwise enhancing the penalty or penalties for any such violations.

In the event of any breach of this Settlement Agreement, AGENCY may enforce the entire amount of the penalties set forth in the attached citation letter, along with penalties for any additional violations subsequent to the date of this Agreement in State of Maine Superior Court.

Signature(s)



Michael Roland, Bureau Director

Date: November 22, 2021



Zhui Chen, Owner

Date: 12/6/2021