

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 08 August 2023

OALJ No.: 2022-TNE-00003

In the Matter of:

**ADMINISTRATOR, WAGE AND HOUR DIVISION,
UNITED STATES DEPARTMENT OF LABOR,**
Prosecuting Party,

v.

**KDE EQUINE, LLC,
d/b/a STEVE ASMUSSEN STABLES,**
Respondent.

ORDER APPROVING CONSENT FINDINGS

This proceeding arises from the Administrator's enforcement of the Temporary Non-Agricultural Visa ("H-2B") provisions of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et seq.*, as amended, and the implementing regulations set forth at 20 C.F.R. Part 655, and 29 C.F.R. Part 503.

On November 24, 2021, the Administrator issued a *Determination Pertaining to Violations Involving H-2B Nonimmigrant Workers and Notice of Debarment* alleging numerous violations of the H-2B provisions. The Administrator assessed back wages totaling \$129,776.58 and \$164,505.47 in civil money penalties. The Administrator also sought debarment of Respondent from the H-2B program.

On August 4, 2023, counsel for the Administrator filed proposed *Consent Findings and Order* ("Consent Findings") indicating the parties had reached a resolution on all issues thereby obviating the need for a formal hearing. The Consent Findings specify Respondent has agreed to pay the \$129,776.58 in back wages. The Administrator has agreed to reduce the civil money penalties to \$75,223.42 and withdraw the debarment determination. Pursuant to the terms of the agreement, back wages and civil money penalties are to be paid within 30 days of the issuance of this Order.¹ Respondent also agreed to comply with the INA and all applicable regulations in the future and implement Enhanced Compliance Terms.²

¹ The Administrator will distribute the reimbursements to the persons outlined in Exhibit A to the Consent Findings.

² The Enhanced Compliance Terms can be found at Exhibit B to the Consent Findings.

The regulations relevant to the approval of consent findings are set forth at 29 C.F.R. § 503.49. After reviewing the terms of the agreement, I am satisfied that they conform to the requirements of 29 C.F.R. § 503.49(b) and are a satisfactory resolution of the issues previously contested. Accordingly, the Consent Findings are **APPROVED** and incorporated in full into this Order. Additionally, upon payment of the back wages and civil money penalties, this case is **DISMISSED**.³

SO ORDERED.

TIMOTHY J. McGRATH
Administrative Law Judge

Boston, Massachusetts

³ The dismissal of this matter before the Office of Administrative Law Judges does not affect Respondent's obligations to abide by the terms of the Consent Findings including the implementation of the Enhanced Compliance Terms.

SERVICE SHEET

Case Name: Wage_and_Hour_Divisi_v_KDE_Equine_LLC_

Case Number: **2022TNE00003**

Document Title: **ORDER APPROVING CONSENT FINDINGS**

I hereby certify that a copy of the above-referenced document was sent to the following this 8th day of August, 2023:

Claudia J. Buruca
Paralegal Specialist

Wage and Hour Division Administrator
Administrator
Wage and Hour Division
U. S. Dept. of Labor
Room S-3502, FPB
200 Constitution Ave., N.W.
WASHINGTON DC 20210
{Electronic - Regular Email}

FLS-Filings@dol.gov
Associate Solicitor
Division of Fair Labor Standards
U. S. Department of Labor
Room N-2716, FPB
200 Constitution Ave., N.W.
WASHINGTON DC 20210
{Electronic - Regular Email}

WHD-ALJ-Orders-Northeast@dol.gov
Regional Administrator
U. S. Department of Labor/ESA
Wage and Hour Division
The Curtis Center, Room 850 West
170 S. Independence Mall West
PHILADELPHIA PA 19106
{Electronic - Regular Email}

Regional Solicitor
U. S. Department of Labor
Room 983
201 Varick Street
NEW YORK NY 10014
{Electronic - Regular Email}

Jacob HeymanKantor
heymankantor.jacob@dol.gov
Office of the Solicitor, New York
201 Varick Street
NEW YORK NY 10014
{Electronic - Regular Email}

Ben Wilkinson
bwilkinson@barclaydamon.com
Barclay Damon LLP
80 State Street
ALBANY NY 12207
{Electronic - Regular Email}

Clark Brewster
hprescott@brewsterlaw.com
Brewster & De Angelis
2617 E. 21st St
TULSA OK 74114
{Electronic - Regular Email}

