



Issue Date: 11 December 2018

OALJ Case No.: 2018-MSP-00002  
MSPA Case No.: 2018-MSPA-P-00002

*In the Matter of:*

**BARRY CREEK FARMS, INC.,  
NEW PERSPECTIVE FARMS, LLC,  
and PARK STROUSE, an individual**  
*Respondents.*

**ORDER APPROVING CONSENT FINDINGS**

This matter arises under the Migrant and Seasonal Agricultural Worker Protection Act of 1983 (“MSPA”), 29 U.S.C. § 1801, *et seq.*, and the implementing regulations at 29 C.F.R. Part 500. The parties are hereby notified that this matter has been docketed by the U.S. Department of Labor, Office of Administrative Law Judges (“Office”). *See* 29 C.F.R. §§ 500.212, 500.224.

By notice dated March 15, 2017, the Wage and Hour Division of the U.S. Department of Labor, Grand Rapids, Michigan Office (“Plaintiff”) notified the above-named Respondents of its decision to assess civil monetary penalties in the amount of \$44,380.65 for violations of the MSPA.<sup>1</sup> Respondent requested a hearing by letter dated April 13, 2017. Plaintiff subsequently filed an *Order of Reference* dated November 1, 2017 with this Office, initiating these proceedings.

On November 24, 2017, I issued a *Notice of Docketing and Prehearing Order* instructing Respondent to file a *Statement of Intent to Continue Opposition to the Secretary’s Determination* (“Statement of Intent”) within thirty days. The order also instructed the parties to file and exchange certain prehearing documents<sup>2</sup> within thirty days of the filing of Respondent’s Statement of Intent. Respondent filed its Statement of Intent on December 21, 2017. On March 20, 2018, Plaintiff filed a joint request for an extension of time, which was granted by Order issued on March 26, 2018. On July 9, 2018, I granted a second request for extension to allow

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<sup>1</sup> Plaintiff found that during the period from January 31, 2015 to January 30, 2017, Respondent (i) failed to disclose conditions to workers; (ii) failed to make/keep employer records; (iii) failed to provide wage statements to workers; (iv) failed to pay wages when due; (v) failed to provide safe transportation; (vi) failed to obtain prescribed insurance coverage; and (vi) used services of unregistered FLC.

<sup>2</sup> The parties were instructed to exchange copies of proposed documents and exhibits; identify any other related proceeding; file a witness list with a summary of expected testimony; estimate the length of hearing and suggest a suitable location; and provide a simple statement of the issues to be decided and the relief sought.

Respondent additional time to provide Complainant with documentation to consider in ongoing settlement negotiations.

On December 3, 2018, Plaintiff filed a case status update stating that it had received signed *Consent Findings*, although it had not yet received the payment contemplated by the *Consent Findings*. On December 4, 2018, Plaintiff filed *Consent Findings* and a *[Proposed] Order*. The *Consent Findings* are signed by Park Strouse, counsel for Respondents, and counsel for Plaintiff. The *Consent Findings* include amending the March 15, 2017 penalty notification by reducing the civil money penalty to \$31,736.00. In exchange, Respondents have withdrawn their exceptions to the amended administrative determination.

A presiding Administrative Law Judge shall approve any agreement containing consent findings if he or she “is satisfied with its form and substance.” 29 C.F.R. 500.232(d). After reviewing the terms of the agreement, I am satisfied that the agreement conforms to the requirements set forth in §500.232(b)(1)-(4) and is a satisfactory resolution of the issues previously contested. The terms of the *Consent Findings* filed on December 4, 2018 are hereby adopted and incorporated in full into this Order. To the extent they have not already done so, the parties are hereby ordered to execute any remaining terms.

In light of the foregoing, the *Consent Findings* are hereby APPROVED and the case is hereby DISMISSED.

**SO ORDERED.**

**STEPHEN R. HENLEY**  
Chief Administrative Law Judge