Local Contractor Accused of Defrauding Day Laborers

District Attorney Kamala Harris announced charges Thursday against a man who allegedly hired day laborers and then withheld their pay.

Adam Martin, The Examiner
Mar 16, 2007 3:00 AM (7 hrs ago)

SAN FRANCISCO - An unlicensed San Francisco building contractor faces grand theft charges after allegedly swindling day laborers out of thousands of dollars in back wages, and in one case, allegedly hiring workers to put in a 14-hour day without breaks.

The criminal charges against Abdelmohssen Abozaid, who did business as Nilufar Construction and Maintenance Management Co., among other names, include the four counts of theft for "basically stealing labor from [the day laborers]," San Francisco District Attorney Kamala Harris said in a news conference after Abozaid appeared in court Thursday.

Day laborers are usually undocumented immigrants who work informally, standing on known corners and waiting for contractors, homeowners and other short-term employers to pick them up. They usually do not make a formal contract with their employers. Advocates say that, because of their unfamiliarity with the culture and language, and the fear of being deported, day laborers are susceptible to dishonest employers.

Abozaid is accused of threatening to call immigration services on workers who asked for their payment, a common threat, advocates say.

But the workers are covered by California's labor laws, and advocacy group La Raza Centro Legal has helped hundreds of San Francisco day laborers recover wages, said Hillary Ronan, the group's workers' rights unit director.

"We generally bring cases to the California labor commission, but if it makes more sense, we will sometimes litigate and bring the case before the superior court as well."

This is the first criminal case the advocacy group has undertaken, Ronen said. "I think it's a relatively new concept among advocates and district attorneys alike across the country."

Ronen said a common practice is for crooked employers to tell employees they need to get paid from another job before they can pay the employee for his or her labor. "They'll say here's $100 to get through the weekend," she said, then the employer will break off contact.

"There's very rarely a business front or office where they can go looking for the person and much of the contact is over the phone," Ronen said.

Abozaid allegedly hired two workers for multiple days and two for a single day, officials reported. He allegedly picked up the workers in San Francisco and took them to jobs around the

Bay Area. In one case, workers allegedly put in 14-hour days without breaks to complete a restaurant renovation in Santa Clara.

He also allegedly used their labor in remodels of fast-food restaurants in San Francisco and the Central Valley and residential remodels in Daly City and San Francisco, Harris' spokeswoman Bilen Mesfin said.

Mr. Abozaid is a "little guy, not one of the huge agribusiness and other corporations in this country who are abusing workers," wrote Abozaid's lawyer, Clifford Gould, in a statement Thursday. "Mr. Abozaid agrees with me that all workers who are owed money, including the workers involved in this case, should be fully compensated. Whether the allegations in this particular case should be the subject of a criminal prosecution subjecting Mr. Abozaid, himself an immigrant, to four years in prison, is entirely another question."

While Abozaid is only charged with four counts of grand theft against four individual workers, Harris indicated that he may have victimized more day laborers, who have not yet come forward. Harris alleged that workers' losses range from $445 to $3,535 per person.

"Let this case be a warning to employers - when you hire workers and knowingly fail to pay them, it is a crime and you will be held accountable," Harris said.

Abozaid is free on $100,000 bail. His next court date will be March 26.

amartin@examiner.com

http://www.examiner.com/a-622288~Local_contractor_accused_of_defrauding_day_laborers.html