

[Skip Navigation](#)

U.S. Immigration
and Customs
Enforcement

[U.S. Immigration and Customs Enforcement](#)

News Releases

April 21, 2010 

San Diego-area bakery, its owner and manager, indicted on federal charges for hiring undocumented workers

SAN DIEGO - A San Diego-area French bakery, along with its owner and a manager, are charged in a 16-count indictment unsealed Wednesday resulting from an investigation by U.S. Immigration and Customs Enforcement (ICE) into allegations the business knowingly hired undocumented workers.

The French Gourmet, Inc, of San Diego, Calif., together with its president and one of the company's managers, are accused in the indictment handed down by a federal grand jury here April 15. The indictment alleges the defendants conspired to engage in a pattern or practice of hiring and continuing to employ unauthorized workers, a misdemeanor, in addition to 14 felony counts, including making false statements and shielding undocumented alien employees from detection.

Also named in the indictment are the bakery's owner, Michel Malecot, 52, and a company manager, Richard Kauffman, 51, both of San Diego. The men are charged with 12 felony counts for making false statements and shielding undocumented alien employees working at the bakery from detection. They were arraigned Wednesday. If convicted, Malecot and Kauffman face a maximum of five years in prison and a \$250,000 fine on each count.

The indictment also seeks criminal forfeiture of proceeds gained from the corporation's unlawful activities.

"Employers have a responsibility for maintaining the integrity of their workforce," said Mike Carney, acting special agent in charge for ICE Office of Investigations in San Diego, "This indictment shows ICE's commitment to holding businesses accountable when they repeatedly ignore immigration laws as it relates to their workforce. The goal of our enforcement effort is two-fold, first to reduce the demand for illegal employment and, second, to protect job opportunities for the nation's lawful workforce."

According to the indictment, the company's managers, including Malecot and Kauffman, certified on the

firm's Employment Verification Forms (I-9) that the documents they examined appeared to be genuine, and to the best of their knowledge, the employees listed on the I-9 were eligible to work in the United States.

The managers then put the illegal workers on the company's payroll and paid them by paycheck until they received "no match" letters from the Social Security Administration (SSA) advising that the Social Security numbers being used by the employees did not match the names of the rightful owners of those Social Security numbers.

After receiving the "no match" letters, The French Gourmet, Inc., then allegedly conspired to pay the undocumented employees in cash until the workers produced a new set of employment documents with different Social Security numbers.

In May 2008, ICE agents executed a federal search warrant at The French Gourmet and arrested 18 undocumented workers. During the searches, ICE agents seized employee and payroll records as evidence in the criminal case.

In 2009, ICE implemented a comprehensive strategy to reduce the demand for illegal employment and protect employment opportunities for the nation's lawful workforce. Under this strategy, ICE is focusing its resources on auditing and investigating employers suspected of knowingly employing illegal workers. The goal of the enforcement strategy is to promote national security, protect critical infrastructure and ensure fair labor standards. ICE is using all available criminal and administrative tools, including civil fines and debarment, to penalize and deter illegal employment. In fiscal year 2009, ICE worksite investigations resulted in a total of 410 criminal arrests, including 114 management personnel.

-- ICE --

U.S. Immigration and Customs Enforcement (ICE) is the largest investigative arm of the Department of Homeland Security.

ICE comprises four integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities. For more information, visit www.ICE.gov. To report suspicious activity, call 1-866-347-2423.

Last Modified: Thursday, April 22, 2010