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## News Releases



DECEMBER 22, 2011 SAN DIEGO, CA

### **San Diego-area bakery owner, manager sentenced for employing illegal workers Defendants fined nearly \$400,000, including \$10,000 in restitution for injured employee**

SAN DIEGO – A La Jolla, Calif., bakery, along with its owner and manager, were sentenced in federal court Thursday on charges stemming from a four-year probe by U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) that the business hired illegal alien workers.

U.S. District Judge Thomas J. Whelan ordered The French Gourmet, Inc. to forfeit \$109,200 in illicit proceeds gained from the illegal hiring practices and pay \$277,375 for its felony conviction of employing more than 10 illegal alien workers in a 12-month period.

The company owner and president Michel Malecot, 59, was sentenced to five years of supervised probation after pleading guilty earlier this year to knowingly employing numerous illegal alien workers over an extended period of time. Malecot was also held liable to pay the total financial penalty of \$396,575.

In addition, Richard Kauffmann, 59, the bakery's manager who had also pleaded guilty to hiring illegal alien workers was sentenced to three years of supervised probation and fined \$2,500 for his role in knowingly employing more than 10 undocumented aliens in a one-year period.

"This worksite investigation demonstrates our intent to hold businesses accountable when they repeatedly ignore immigration laws," said Derek Benner, special agent in charge for ICE HSI in San Diego. "Employers who knowingly hire unauthorized workers are not only contributing to the magnet that fuels illegal immigration, but their hiring practices have a negative impact on job opportunities for our nation's lawful workforce."

The French Gourmet has operated a restaurant, bakery and catering business for decades at 960 Turquoise St. in La Jolla. All three defendants pleaded guilty in October to having hired numerous illegal alien workers between 2005 and 2008, and continued to employ the unauthorized workers knowing the aliens did not have legal authority to work in the United States. The defendants further admitted to hiring and employing illegal alien workers continuously as early as 2003, despite being fined in the 1990s by the former Immigration and Naturalization Service (INS) for employing illegal aliens.

The pattern of illegal activity continued until May 2008 when agents from HSI searched the restaurant and arrested 18 illegal alien workers. The company and Kauffman admitted they repeatedly rehired illegal alien workers, even after the company received "no-match" letters from the Social Security Administration advising employees' names did not match the Social Security numbers reported by the company on its tax returns.

Malecot admitted that 91 illegal aliens were employed unlawfully at the French Gourmet between 2005 and 2008, and that he knew at least seven of those individuals were not authorized to work in the United States.

"The willingness of corporations to employ undocumented aliens acts as a magnet to draw illegal immigrants to the United States," said U.S. Attorney Laura Duffy. "Employers, like The French Gourmet, who hire and continue to employ undocumented

aliens knowing they lack legal authorization to work in the United States undermine our nation's lawful immigration system. Today's conviction should remind all employers – including corporations, owners and upper management – that they are equally bound by this country's immigration laws and cannot simply disregard their legal obligations. When employers do not comply, we will take vigorous enforcement action to ensure they do not profit from this illegal tactic."

Criminal prosecutions are just one of many tools ICE HSI uses to reduce the demand for illegal employment and protect job opportunities for the nation's lawful workforce. That enforcement strategy also includes the expanded use of civil penalties, employer audits and debarment.

In fiscal year 2011, ICE criminally charged a record-breaking 221 owners, employers, managers and/or supervisors – up from 196 in fiscal year 2010. In addition, during fiscal year 2011, ICE HSI initiated audits involving 2,496 employers nationwide – surpassing the record number conducted in all of fiscal year 2010. That figure includes 83 businesses in the San Diego area. Likewise in fiscal year 2011, ICE issued 385 final fine notices totaling more than \$10 million to employers across the country, again surpassing the record fine total in fiscal year 2010.

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