

Day laborers allege they're being ripped off by unscrupulous employers

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The City of Los Angeles has the largest concentration of day laborers in the country. That number has grown as people who've lost steady jobs join the competition for temporary ones. Workers' rights advocates say many employers aren't paying for the work they commission. KPCC's Patricia Nazario helped to investigate one Southland business owner facing wage-exploitation charges, and sat down with the man who filed the claim.

Patricia Nazario: It was a couple of weeks after the new year on a cold and wet afternoon. Forty-year-old Federico Aguilar said he was looking for work, as usual, in front of the North Hollywood U-haul Moving Center. He was keeping his hands warm inside his jacket when a turquoise-colored Chevy pick-up pulled over – its driver was looking for workers.

Federico Aguilar (translated from Spanish): He asked for someone with a license to drive. I told him I have my license and I could drive. He chose two more guys.

Nazario: Aguilar said the man introduced himself as "Mike." He drove the three workers to his foreign auto parts junk yard – A-Plus Japanese in Sun Valley. Aguilar said the first few days were great. They worked and Mike paid in cash, every day, under the table.

Aguilar: Nos pago ochenta dolares.

Nazario: "He paid us \$80," Aguilar said, for eight-hour days of hard labor with short breaks. Aguilar said he disassembled salvaged cars, moved heavy pieces of scrap metal, and did some mechanic work. Mike asked Aguilar to permanently come on board.

Aguilar (translated from Spanish): He told me he was going to pay me \$365 a week.

Nazario: Aguilar said he worked one full week, but Mike never paid him for it. He went back a few times looking for Mike, and his money, but Aguilar said the junk yard owner was never around.

Aguilar (translated from Spanish): One of his friends in the front office gave me this business card. He told me I could call him at this number. Here's his name. I called that number, but nobody answered and a recording says the telephone number doesn't work.

Nazario: Aguilar said he felt violated. He used Mike's business card to file a wage claim with the state labor commissioner. The full name printed in small blue letters on the white paper stock was Mike Mardirossian.

But a couple of months after their oral work agreement, Mardirossian didn't show up for a scheduled conference with Federico Aguilar and a deputy labor commissioner. Aguilar left the state labor office outraged.

Aguilar (translated from Spanish): And now what? More time passes? And what about time I've wasted, who's going to pay me for that?

Nazario: Aguilar said the deputy talked about scheduling a hearing next, and investigating Mardirossian to see if the state could motivate him to pay up.

I posed that question to private detective Jan Tucker. The 30-year veteran is also chairman of the California Association of Licensed Investigators. Tucker checked out A-Plus Japanese at the L.A. County Registrar-Recorder's office in Norwalk. Turns out that Mike Mardirossian sold the junk yard to Mike *Knapp* last summer.

Jan Tucker: So, now we've established that these are definitely two different people.

Nazario: And it appears that Knapp's business associates gave Federico Aguilar Mardirossian's business card to send him on a wild goose chase. The private eye also discovered that Mike Knapp has at least a couple of judgments against *him*.

Tucker: It's gonna affect your ability to get loans. It's gonna affect the interest rate you get charged. Your credit score is gonna go to hell.

Nazario: That's probably why Knapp is avoiding paying Aguilar those back wages.

Angela Bradstreet: Where a worker has not been paid, they are entitled to their full wages and they would also be entitled to claim penalties.

Nazario: Angela Bradstreet is the state labor commissioner.

Bradstreet: And those penalties can often exceed the amount of the wages due.

Nazario: Bradstreet didn't speak specifically about Aguilar's complaint against A-Plus Japanese. She said her office handled about 46,000 similar cases last year. So far this year it's fielded close to 50,000. A wage complaint for \$100 could accrue fines and turn into a claim worth thousands.

Marco Amador: But unfortunately, because of the way the labor commissioner works, there is no collection mechanism, so it just becomes a paper win.

Nazario: *When* a worker wins, said Marco Amador. He's an L.A.-based organizer with the National Day Laborer Organization Network. At a recent orientation for UCLA students doing coursework with the non-profit, Amador used an overhead projector and slides to explain that of the 23,000 day laborers who look for work in the City of L.A., more than half get ripped off by unscrupulous employers.

Amador: I call them serial wage-theft criminals.

Nazario: And, he told the students, the recession is making things worse for the people who look for day jobs.

Amador: People that have lost their jobs at the factories, at the restaurants, the warehouses, and the docks. That kind of economic desperation creates a climate for these predatory employers.

Nazario: While UCLA students help day laborers file wage claims, they're also compiling information about workers who don't speak English, are undocumented, or are too intimidated to go directly to state officials as Federico Aguilar did in his claim against A-Plus Japanese.

Marco Amador said day laborer advocates plan to compile that data next month, prepare a report, and meet with city officials. Amador said they want to see unscrupulous employers go to jail and workers get more leverage in their fight to recoup wages.

Note: Federico Aguilar is still waiting for that final paycheck from A-Plus Japanese. Aguilar came to the United States 11 years ago from Honduras –he has the legal right to work in this country. California law says that all workers, regardless of their immigration status, have the right to collect payment for their work.