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## News Releases



MAY 1, 2012 SEATTLE, WA

### **Wash. herb grower fined \$1 million for knowingly employing illegal aliens Company hired and concealed illegal workers while being audited by special agents**

SEATTLE — A Washington-based supplier of fresh organic herbs to nearly 2,700 grocers was sentenced Tuesday to \$1 million in criminal fines and probation for hiring illegal aliens in a case spurred by a tip to U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI).

In a plea agreement, HerbCo International, Inc., and three top executives admitted knowingly hiring illegal aliens at their Duvall packing facility in violation of the Immigration Reform and Control Act. The law requires employers to review documents from each worker they hire to verify they are legally present in the United States and authorized to be employed.

The corporation pleaded guilty to felony offences and was sentenced to a fine of \$1 million and five years' probation for harboring, concealing, shielding an illegal alien, and encouraging and inducing an illegal alien to reside. The executives, Edward Williamson "Ted" Andrews, III 58, of Seattle; David William Lykins Jr., vice president, 55, of Lake Stevens; and Debra Rae Howard, general manager, 56, of Woodinville, each pleaded guilty to a misdemeanor offence and were sentenced to one year probation for aiding and abetting a pattern or practice of employing illegal aliens.

Court documents say HerbCo rehired illegal aliens for a secret night shift and paid them in cash to conceal their crime from law enforcement. Company executives did this after informing HSI that they had laid off all their illegal workers following an HSI audit of the company's I-9 employment eligibility verification forms.

"In the midst of an I-9 administrative audit, HerbCo hired and concealed unauthorized workers," said Brad Bench, acting special agent in charge for HSI Seattle. "It was a brazen move that compelled us to initiate a criminal investigation. HSI is working to reduce the demand for illegal workers by targeting those who hire them. Businesses that engage in this unlawful practice should take note of the significant penalties and take proactive steps to comply with the law."

HSI conducted a review of the company's I-9 employment eligibility verification forms in early 2011. The audit found significant discrepancies. Of the more than 300 forms reviewed, more than 200 were suspect. In April 2011, HSI notified HerbCo of the discrepancies. Within days of the government's notice, HerbCo laid off 86 employees who reportedly couldn't produce valid documentation proving their U.S. employment eligibility.

HerbCo's officials told investigators their replacement labor didn't have the packing skills needed to keep pace with orders. To keep up with orders, HerbCo devised a plan to rehire about 25 of their most efficient workers who had been fired. They called them the "A-Team." The A-Team worked select nights from late April to early June 2011 during a secret night shift. They paid the workers in cash and ensured the "A-Team" worked after hours to avoid contact with the legal replacement workforce and avoid detection by HSI investigators. Company executives made about \$40,000 in cash withdrawals from company accounts to compensate the illegal workers.

"These company executives knew they were breaking the law. The secret night shift and the envelopes stuffed with cash are signs of illegal conduct that cannot be ignored," said U.S. Attorney Jenny A. Durkan. "Employers need to know there is a heavy price to pay – in this case a million dollars – for knowingly hiring those who are not authorized to work in the United States."

HSI special agents and forensic auditors worked closely with the U.S. Attorney's Office for the Western District of Washington in the criminal prosecution of this case.

Last fiscal year, employers nationwide were ordered to pay nearly \$10.5 million in civil fines for hiring violations. In addition, criminal charges were filed against a record-breaking 221 owners, employers, managers and/or supervisors – up from 196 in fiscal year 2010.

Officials say businesses can avoid facing these types of penalties by taking proactive steps to ensure their workforce is legal by making a good faith effort to verify employment eligibility.

"Employers aren't expected to be forensic document experts, that's why E-Verify was created," said Bench. "It's a free and relatively easy way to authenticate employment eligibility over the Internet."

E-Verify is an Internet-based system that compares information from an employee's I-9 employment eligibility verification form, to data from U.S. Department of Homeland Security and Social Security Administration records to confirm employment eligibility.

Bench says businesses around the country are participating in ICE's Mutual Agreement between Government and Employers (IMAGE) program. IMAGE participants volunteer for an I-9 audit, they receive training in I-9 compliance and documentation fraud detection, and commit to using E-Verify. Employers can find more information about IMAGE online at <http://www.ice.gov/image> (<http://www.ice.gov/image/>).

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