



# Department of Justice

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## **Eastern Kentucky Landscape Owner Sentenced for Violating the Fair Labor Standards Act and H-2A Visa Program**

**ASHLAND, Ky.** – Michael Anthony Wheeler, owner of Tri-State Lawn Care Inc. (Tri-State), has been sentenced to serve five years on unsupervised probation and ordered to pay \$327,087 in back wages to 17 employees, for violating requirements of the Fair Labor Standards Act (FLSA) and the H-2A visa program.

According to his plea agreement, Wheeler pleaded guilty to willful violations of the FLSA's overtime requirement and eight counts of making false statements on his H-2A applications. In addition, Tri-State and Wheeler agreed to a 10-year H-2A debarment, five years of third party monitoring, and \$125,000 in fines and money judgements.

Tri-State – a landscaping, construction, flooring, heating and air company – provides residential and commercial services to Ashland, Huntington, West Virginia, and Portsmouth, Ohio.

Robert M. Duncan, Jr., United States Attorney for the Eastern District of Kentucky; Cheryl M. Stanton, Wage and Hour Administrator, U.S. Department of Labor's Wage and Hour Division; Patrick S. Mills, Special Agent in Charge of the Chicago Field Office, U.S. State Department's Diplomatic Security Service; John Condon, Special Agent in Charge, Homeland Security Investigations and Richard Sanders, Commissioner, Kentucky State Police, jointly announced the sentence.

The investigation was conducted by the U.S. Department of Labor, including its Wage and Hour Division, Office of the Inspector General, and Office of the Solicitor, U.S. Department of State's Diplomatic Security Service, Homeland Security Investigations and the Kentucky State Police. The United States was represented by Assistant United States Attorneys Hydee Hawkins and David Marye.