

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*

CRIMINAL DOCKET NO.

15-156

v.

*

SECTION:

A

M.D. BASCIANI AND SONS, INC.

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FACTUAL BASIS

The defendant, **M.D. BASCIANI AND SONS, INC.**, has agreed to plead guilty as charged to the one-count bill of information, which charges it with harboring aliens in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii).

Should this matter have gone to trial, the government would have proven beyond a reasonable doubt, through the introduction of competent testimony and other admissible evidence, the following facts to support the allegations charged by the United States Attorney in the bill of information now pending against the defendant:

M.D. BASCIANI AND SONS, INC. is a family owned business that operates mushrooms farms, primarily in Pennsylvania. In September 2011, **M.D. BASCIANI AND SONS, INC.** entered into a lease and option to purchase agreement with Red Hill Mushroom Farm, LLC and its owners J.S. and C.S. to operate a mushroom farm called the Red Hill Mushroom Farm in Independence, Louisiana. **M.D. BASCIANI AND SONS, INC.** leased and operated the Red Hill Mushroom Farm at all times relevant herein. The actions attributed herein

___ Fee _____
___ Process _____
X Dktd _____
___ CtRmDep _____
___ Doc. No. _____

to **M.D. BASCIANI AND SONS, INC.** were undertaken by and through its agents and employees, including J.S. Jr., the manager of Red Hill Mushroom Farm, and O.B., who were acting within the scope of their employment and for the intended benefit of **M.D. BASCIANI AND SONS, INC.**

On April 9, 2013, Immigration and Customs Enforcement (“ICE”) commenced a Form I-9 inspection of the Red Hill Mushroom Farm. A Form I-9 Inspection is an administrative inspection process to verify employment eligibility for a business’s employees. By law, employers are required to maintain Forms I-9 for all current employees, and the Form I-9 Inspection is a review of the relevant forms. The initial investigation revealed that illegal aliens worked at the Red Hill Mushroom Farm. On June 24, 2013, ICE agents served on **M.D. BASCIANI AND SONS, INC.** at the Red Hill Mushroom Farm a Notice of Suspect Documents, which informed it that, based on the documentation provided, certain employees appeared not to be authorized for employment in the United States.

Instead of terminating the employees listed in the Notice of Suspect Documents, **M.D. BASCIANI AND SONS, INC.** made arrangements for the employees that wanted to continue working at the farm to continue working under different names. Employees were told to obtain false identification documents in other names. Once the employees had acquired the fraudulent documents, the employees were “rehired” under their new names. As a result, the employment records appear to reflect that the workers identified in the Notice of Suspect Documents were terminated and new workers were hired. In fact, many of the workers identified in the Notice of Suspect Documents, including J.M.H. and R.H., continued to work on the farm and were paid under different names.

ICE agents also identified a Source of Information (“SOI”) who previously worked at the Red Hill Mushroom Farm. The SOI told agents that following the I-9 inspection, many of the workers that should have been terminated were “rehired” under different names. Agents corroborated this information through subpoenaed bank records. On February 7, 2014, ICE agents received pay check history for **M.D. BASCIANI AND SONS, INC.** from Susquehanna Bank. The records included scanned copies of cashed paychecks (front and back). An analysis of one particular check dated May 31, 2013 revealed that a M.S.R. residing at the same address as the Red Hill Mushroom Farm¹ received a payment for \$630.52. The back of the check was endorsed by M.S.R. without a cursive signature. An analysis of another check dated September 6, 2013 revealed O.R.G. residing at the Red Hill Mushroom Farm received a payment of \$238.73. The check was endorsed by O.R.G. without a cursive signature. Agents compared the endorsement “signatures” from each check and found several similarities between them, indicating that the same person had signed both checks.

Under agent’s direction, the SOI attempted to be rehired at the Red Hill Mushroom Farm. On March 18, 2014, the SOI meet with J.M.H. at the farm and was told that J.S. Jr., the farm’s manager, would have to approve the hiring and that J.S. Jr. was out of town receiving medical treatment. On August 5, 2014, agents met with the SOI and provided him/her with a fictitious Lawful Permanent Resident (LPR) card and a fictitious Social Security card. Agents also equipped the SOI with a surreptitious video/audio recording device and requested he/she meet with J.S. Jr. to be rehired at the Red Hill Mushroom Farm. The SOI met with both J.S. Jr. and O.B. regarding being rehired. During the meeting, J.S. Jr. and O.B. agreed to rehire the SOI as

¹ There are trailers on the Red Hill Mushroom Farm property that housed some of the workers.

long as he/she did not have a “problem with [J.M.H.]” The SOI stated there were no problems with J.M.H., but wanted to know if he/she could be hired under his/her real name. J.S. Jr., with O.B. translating, stated that he “forgot about that” and stated that the SOI would need to come back with a different identification. The SOI provided J.S. Jr. and O.B. with the aforementioned fraudulent documents and asked if they were acceptable. O.B. looked at the documents and joked that the person on the identification card even looked like the SOI before informing J.S. Jr. that the identification card was a “green card” (LPR). J.S. Jr. informed the SOI that he would hire the SOI “back” and to expect a phone call in approximately two (2) days.

On September 3, 2014, the SOI provided the aforementioned fraudulent documents to J.S. Jr. to make copies for his/her hiring packet. The SOI told agents that the secretary at Red Hill Mushroom Farm informed J.S. Jr. that the documents were expired. The SOI reported that J.S. Jr. told the secretary that the documents were acceptable and to copy them anyways. The SOI told agents that O.B. returned the documents back to the SOI after they were copied.

On September 8-9, 2014, the SOI worked at the Red Hill Mushroom Farm, and on September 16, 2014, the SOI received a paycheck for \$134.83. The check is from **M.D. BASCIANI AND SONS, INC.** from an account held with Susquehanna Bank.

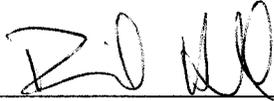
J.S. Jr. and O.B. pleaded guilty in the Eastern District of Louisiana to charges that they engaged in a pattern and practice of hiring aliens for employment at Red Hill Mushroom Farm knowing such aliens to be unauthorized aliens with respect to such employment. As part of their factual basis, they admitted that such practices began prior to January 1, 2013, and continued through October 15, 2014, and that during that time period they hired or assisted in hiring at least seventeen unauthorized workers.

J.M.H. and R.H., who were identified in the Notice of Suspect Documents discussed above, worked at a mushroom farm operated by **M.D. BASCIANI AND SONS, INC.** in Pennsylvania prior to working at the Red Hill Mushroom Farm. **M.D. BASCIANI AND SONS, INC.** made arrangements for J.M.H. and R.H. to move to Louisiana to work at the Red Hill Mushroom around 2012. During the initial years that J.M.H. and R.H. worked at the Red Hill Mushroom Farm, J.M.H. and R.H. worked under and were paid under their own names. After the Form I-9 inspection of the Red Hill Mushroom Farm revealed that J.M.H. and R.H. were unauthorized to work in the United States, they were not terminated by **M.D. BASCIANI AND SONS, INC.**

J.M.H. was approached by the farm manager, J.S. Jr., and the secretary, J.C., who told J.M.H. that he needed to get a new identification card and name because he was illegally in the United States. It took J.M.H. longer than expected to find fraudulent identification documents, but he continued to work at the farm in the meantime. Between the time when he was told he had to get a new ID and when he obtained the new ID, J.M.H. was paid off of **M.D. BASCIANI AND SONS, INC.**'s books. This went on for several months until J.M.H. obtained identification in the name of David Velasco. After obtaining the David Velasco identification, J.M.H. was "rehired" as David Velasco and paid on **M.D. BASCIANI AND SONS, INC.**'s books under that name. Even after J.M.H. acquired fraudulent documents under the alias David Velasco, all of the management of the farm continued to refer to him as "M."

Following the immigration inspection in July 2013, R.H. was also told to obtain false documents in another person's name if he wished to continue working at the farm. In order to continue working, R.H. obtained false identification with the alias Ramiro Guzman-Avila. R.H.

never stopped working at the farm; he only changed from receiving pay under his own name to receiving pay under the Ramiro Guzman alias.



DAVID HALLER
Assistant United States Attorney

6/11/2015

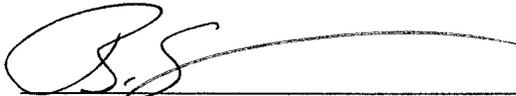
Date



M.D. BASCIANI AND SONS, INC.
Defendant

6/5/2015

Date



BRANDON M. SANTOS
Attorney for Defendant

6/9/15

Date