

Department of Justice
U.S. Attorney's Office
District of Minnesota

FOR IMMEDIATE RELEASE

Wednesday, January 25, 2017

Ohio Woman Sentenced to Five Years in Prison for Conspiring to Exploit Foreign Workers at Minnesota Farm

United States Attorney Andrew M. Luger today announced the sentencing of SANDRA LEE BART, 69, to five years in prison for requiring foreign workers on temporary H-2A work visas to pay illegal fees and kickbacks. BART was found guilty by a jury of conspiring with others to commit fraud.

Co-defendant WILIAN SOCRATE CABRERA pleaded guilty on July 14, 2016, to conspiracy to commit fraud in foreign labor contracting, and co-defendant JOHN JAMES SVIHEL pleaded guilty on June 16, 2016, to conspiracy to commit fraud in foreign labor contracting and agreed to pay more than \$974,000 in restitution, unpaid wages, and a forfeiture money judgment.

“The Diplomatic Security Service is pleased with the success of this case. This shows the positive outcome when federal agencies work together to stop criminals from exploiting U.S. visas and foreign workers for illegal profit,” said Diplomatic Security Service’s Minneapolis Resident Agent-In-Charge Daniel Bleakmore. “We’re committed to investigating U.S. business operators who cause criminal visa applications at overseas U.S. Embassies and Consulates.”

As proven at trial, from 2008 to May of 2015 BART and CABRERA operated an unregistered business called “Labor Listo,” which they used to recruit employers like SVIHEL, who ran Svihel Vegetable Farm in Foley, Minn., to hire seasonal workers from the Dominican Republic on temporary work visas. The visa programs require employers to pay for workers’ housing and travel expenses to and from their home country, and forbid employers from collecting recruitment fees or wage kickbacks. BART, CABRERA, and SVIHEL violated all of these rules.

As proven at trial, CABRERA charged the workers a one-time recruitment fee of between \$420 and \$2,385, as well as an annual fee of \$374, which he split with BART. The workers were told that if they didn’t pay the fees they would not be allowed to return for the following growing season. At the end of each season, SVIHEL collected a percentage of the workers’ wages along with full reimbursement from the workers for their flights. BART, CABRERA, and SVIHEL were clearly using the program to profit from the workers. “Costs – pass on to applicant,” was written on a business plan from a 2008 Labor Listo meeting between BART and CABRERA.

As proven at trial, BART and CABRERA recruited SVIHEL in 2010 to hire four Dominican workers using the H-2A visa program, which provides temporary visas to agriculture workers, falsely telling him that a church in the Dominican Republic would pay for workers' airfares for the first year. When the wage Svihel was required to pay the workers was increase from \$9.75 per hour to \$10.62 per hour in 2011, SVIHEL expressed hesitation in continuing to use the program. BART told SVIHEL that the workers would be willing to pay wage and airfare kickbacks to make up the difference. Over three farming seasons, SVIHEL kept a total of more than \$200,000 in kickbacks and spent it on travel and leisure expenses.

As proven at trial, when BART learned there was an investigation into the working conditions at Svihel Farm, she tried to have CABRERA talk the workers into signing a document retracting any statements they made to the Department of Labor about illegal fees. SVIHEL and BART exchanged a list of workers, labeling the workers "G" for good or "B" for bad, based on which workers they thought had spoken to the Department of Labor. The workers labeled "bad" were sent back to the Dominican Republic first in the 2014 season and were not invited back in 2015.

This case is the result of an investigation conducted by the U.S. Department of State Diplomatic Security Service, U.S. Department of Labor Wage and Hour Division, U.S. Department of Labor Office of the Inspector General, and the Homeland Security Investigations Document and Benefit Fraud Task Force.

This case is being prosecuted by Assistant United States Attorneys and Manda Sertich and David Maria.

Defendant Information:

SANDRA LEE BART, 69
Seven Hills, Ohio

Convicted:

- Conspiracy to commit false swearing in an immigration matter, 1 count
- Conspiracy to commit fraud in foreign labor contracting, 1 count
- Conspiracy to commit wire and mail fraud, 1 count

Sentenced:

- Five years in prison

WILIAN SOCRATE CABRERA, 44
Dominican Republic

Convicted:

- Conspiracy to commit fraud in foreign labor contracting, 1 count

Sentenced:

- 26 months in prison

JOHN JAMES SVIHEL, 53

Foley, Minn.

Convicted:

- Conspiracy to commit fraud in foreign labor contracting, 1 count

Sentenced:

- Six months in prison