

**FOR IMMEDIATE RELEASE**

**News From:** *Iowa Legal Aid and Farmworker Justice*

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Farmworker Justice

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**\*\*\*Press Release\*\*\***

**Migrant Worker, represented by Iowa Legal Aid & Farmworker Justice,  
Files Racketeer Influenced and Corrupt Organizations Act (RICO)  
Complaint Against Iowa Trucking Companies Masquerading As Farmers**

CEDAR RAPIDS, IOWA – On November 14, 2023, a migrant worker, represented by Iowa Legal Aid (“ILA”) and Farmworker Justice (“FJ”) filed a lawsuit in the **Northern District of Iowa** (complaint attached) seeking actual and punitive damages from Kuchenbecker Excavating, Inc., H&S Farms -- Livestock, LLC, Golden Opportunities International, LLC, Kenneth Kuchenbecker, Heather Smidt and Steve Robinson for Civil Racketeer Influenced and Corrupt Organizations Act (“RICO”), and state law violations, including fraud. Plaintiff, a South African national, was admitted to work in the United States on an H-2A temporary agricultural worker visa. The complaint also seeks damages for contract and wage payment violations.

The Plaintiff alleges that Defendants have a scheme of bringing in foreign workers, including the Plaintiff, on the false promise of work on agricultural projects. These workers are instead put to work in trucking businesses, and therefore paid much less than owed for his trucking work. At the same time, the Defendants and companies like them undercut domestic workers as well as trucking businesses in Iowa and in the United States who follow the rule of law and pay the wages they should.

Together, the Plaintiff alleges that the Defendants engaged in a pattern of fraud on the United States government and on workers, securing these lower paying H-2A temporary agricultural worker visas. To evade the requirement of the H-2A program requiring that guest worker contracts roughly track various agricultural seasons. Plaintiff alleges that Kuchenbecker Excavating transferred Plaintiff, and other workers, to work on successive H-2A visas for related companies to perform the same non-agricultural, trucking work.

Instead of paying Plaintiff and his co-workers the minimum wage required for temporary foreign guest workers employed in trucking, Plaintiff alleges that he and his co-workers were paid the much lower wage applicable to agricultural guest workers. In addition, Defendants also failed to provide required meals for Plaintiff or his co-workers as required under federal regulations.

Unscrupulous farm labor contractors and the agricultural employers they operate for often utilize [recruitment practices](#) that involve deception and the imposition of unlawful expenses. These companies often do this in order to obtain cheaper labor and to avoid government restrictions on employing people from other parts of the world. These important regulations are designed to ensure that the working conditions of domestic workers are not adversely affected by the introduction of foreign workers. Both Farmworker Justice and Iowa Legal Aid have seen a rise in fraudulent practices being used by agricultural employers and their farm labor contractors to recruit and employ H-2A workers in non-agricultural work.

“In this case, we believe that the Defendants jointly conspired to operate an illicit business enterprise that benefited from the employment of foreign guest workers at sub-market wage rates. We intend to prove that the Defendants’ actions constituted a grand scheme of fraud which was perpetrated not only on Mr. Hanekom and his co-workers, but also upon the United States government,” **said Trent Taylor, Staff Attorney for Farmworker Justice.**

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Farmworker Justice is a national non-profit organization based in Washington, D.C. that aims to empower farmworkers and their families to improve their living and working conditions, immigration status, health, occupational safety, and access to justice. Farmworker Justice engages in policy advocacy, litigation, and capacity-building. Learn more at: [www.farmworkerjustice.org](http://www.farmworkerjustice.org).

Iowa Legal Aid is a not-for-profit organization that provides critical civil legal assistance to low-income, elderly, and other vulnerable persons, including farmworkers. The organization serves eligible clients in all of Iowa’s 99 counties from ten regional offices. Iowa Legal Aid helps the legal system to work for those who cannot afford an attorney. Typical cases include protecting victims of domestic violence, preventing illegal evictions and unsafe housing, securing income support such as VA benefits, SSI, Medicaid and disability benefits, preventing fraud, and protecting the rights of low-income workers. Learn more at: <https://www.iowalegalaid.org/>

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