

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASSACHUSETTS

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HILDA L. SOLIS, Secretary of Labor,  
United States Department of Labor,  
Plaintiff,

v.

BOSTON HIDES & FURS, LTD.,  
ANTHONY ANDREOTTOLA,  
ANGELO ANDREOTTOLA and  
ANTONIETTA ANDREOTTOLA PARISI,  
Defendants.

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CIVIL ACTION

FILE NO. 1:12-CV-11997

COMPLAINT

Plaintiff Hilda L. Solis, Secretary of Labor, U.S. Department of Labor, brings this action to enjoin defendants from violating the provisions of Sections 6, 7, 11, 15(a)(1), 15(a)(2), 15(a)(3), and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, 29 U.S.C. Section 201), hereinafter called "the Act," to recover unpaid wages and liquidated damages pursuant to the provisions of Sections 15(a)(2) and 16(c) of the Act, and to obtain legal and equitable relief to redress violations of Section 15(a)(3) of the Act.

I.

Jurisdiction of this action is conferred upon the Court by Section 17 of the Act and by 28 U.S.C. Section 1345.

II.

Defendant Boston Hides & Furs, Ltd. is, and at all times hereinafter mentioned was, a corporation having an office and place of business at 150 Marginal Street, Chelsea, Massachusetts 02150, within the jurisdiction of this Court, and is now, and at all times hereinafter mentioned was, engaged at that place of business, and elsewhere, in the operation of a wholesale animal hides business.

III.

Defendant Anthony Andreottola resides at 5 Stagecoach Lane, Lynnfield, Massachusetts 01940 within the jurisdiction of this court, and is now, and at all times hereinafter mentioned was, a Vice-President and manager of Boston Hides & Furs, Ltd., and as such actively manages, supervises and directs the day to day business affairs and operations of said company. The defendant has acted at all times material herein directly and indirectly in the interest of said company in relation to its employees and was, and is, therefore, an employer of said employees within the meaning of the Act.

IV.

Defendant Angelo Andreottola resides at 8 Oregon Street, Georgetown, Massachusetts 01833 within the jurisdiction of this court, and is now, and at all times hereinafter mentioned was, a Vice-President and manager of Boston Hides & Furs, Ltd., and as such actively manages, supervises and directs the day to day business affairs and operations of said company. The defendant has acted at all times material herein directly and indirectly in the interest of said company in relation to its employees and was, and is, therefore, an employer of said employees within the meaning of the Act.

V.

Defendant Antonietta Andreottola Parisi resides at 2 Horseshoe Drive, Lynnfield, Massachusetts 01940 within the jurisdiction of this court, and is now, and at all times hereinafter mentioned was, the Chief Operations Officer of Boston Hides & Furs, Ltd., and as such actively

manages, supervises and directs the day to day business affairs and operations of said company. The defendant has acted at all times material herein directly and indirectly in the interest of said company in relation to its employees and was, and is, therefore, an employer of said employees within the meaning of the Act. The defendant represented said company during plaintiff's investigation of defendants.

VI.

Defendants are, and at all times hereinafter mentioned were, engaged in related activities performed through unified operation or common control for a common business purpose, and they are, and at all times hereinafter mentioned were, an enterprise within the meaning of Section 3(r) of the Act.

VII.

At all times hereinafter mentioned, Defendants employed employees in the activities of said enterprise engaged in commerce or in the production of goods for commerce, including employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce. Said enterprise, at all times hereinafter mentioned, has had an annual gross volume of sales made or business done in an amount not less than \$500,000.00 (exclusive of excise taxes at the retail level that are separately stated). Accordingly, the said employees have been employed in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s) of the Act.

VIII.

Defendants have willfully and repeatedly violated and are violating the provisions of Sections 6 and 15(a)(2) of the Act by paying approximately fourteen (14) employees wages at rates less than the applicable minimum wage. Such employees normally worked approximately ten (10) hours per day, six days per week and were paid by the day at rates of \$50 to \$70 per day for all hours worked. As a result, these employees' effective hourly pay fell consistently below the applicable minimum wage, including, for some employees, regularly falling below \$5.00 per hour.

**IX.**

Defendants have willfully and repeatedly violated and are violating the provisions of Sections 7 and 15(a)(2) of the Act by employing employees for workweeks longer than forty (40) hours without compensating them at rates not less than one and one-half times the regular rate at which they were employed, for employment in excess of forty (40) hours in said workweeks over an extended period of time. In particular, approximately fourteen (14) employees who normally worked more than sixty (60) hours per week were not paid one and one-half times the regular rate for hours worked in excess of forty (40). Consequently, during the three year period on which the investigation focused, these employees were underpaid, on an aggregated basis, approximately \$465,000 on account of violations of both the minimum wage and overtime provisions of the Act.

**X.**

Defendants have willfully and repeatedly violated and are violating the provisions of Sections 11(c) and 15(a)(5) of the Act in that they failed to make, keep, and preserve adequate and accurate records of employees' wages, hours, and other conditions and practices of employment as prescribed by regulations duly issued pursuant to authority granted in the Act and found in 29 CFR 516. Defendants' records fail to show adequately and accurately, among other things, the names of many employees, their hours worked each workday and their total hours worked each workweek, and the regular rates at which they were employed.

**XI.**

Defendants have willfully and repeatedly violated the provisions of Section 15(a)(1) of the Act in that they shipped, delivered, transported, offered for transportation, and sold in commerce, and shipped, delivered or sold with knowledge that shipment, delivery, or sale thereof in interstate commerce was intended, goods in the production of which many of Defendants' employees were employed in violation of Sections 6, 7, and 15(a)(2) of the Act, as alleged. Defendants deliberately failed to pay the applicable minimum wage and overtime, as

alleged above, to many underpaid employees who processed hides and furs that defendants sold, shipped, and offered for transportation to tanneries outside of Massachusetts to be turned into leather goods.

## XII.

Defendants repeatedly violated the provisions of section 15(a)(3) of the Act by, on or about May 11, 2012, unlawfully discharging employees Jose Rene Alvarez, Santos Andres Argueta, Ronald De Jesus Escobar (Barrera), Mario Alberto Ardon Flores, Andres Avelino Landaverde, Jesus Eulises Landaverde, Jose Luis Roque Orellana, David Alfredo Pineda Cruz, Pablo Diaz Salmeron, immediately following, and on account of their actual or anticipated cooperation with, a U.S. Department of Labor Wage and Hour Division investigation, a proceeding under the Act. When Plaintiff's Wage and Hour investigators first visited Defendants' workplace on May 2, 2012, Defendants ordered the underpaid employees – who were not listed on Defendants' payroll records -- to hide in a nearby house, so as to prevent the investigators from learning that they were employees and from speaking with them. On May 9, 2012, the Wage and Hour investigators returned for an unannounced visit, found the underpaid employees at Defendants' workplace, and conducted interviews. Two days later, on May 11, 2012, Defendants discharged the underpaid workers named above. In addition, on or about May 25, 2012, Defendants, in violation of section 15(a)(3) of the Act, discharged Jose Lopez – an employee who had been listed on Defendants' payroll – on account of their having suspected him of filing a complaint with the Wage and Hour Division, and on account of his cooperation with the investigation.

## XIII.

Defendants' violations of the Act, as set forth above, were knowing, deliberate, and intentional. When Wage and Hour investigators first visited Defendants' workplace on May 2, 2012, a representative of Defendants falsely told Plaintiff's Wage and Hour investigators that all employees were listed on Defendants' payroll records. Those records indicated payments by check to the employees listed there, which payments indicated compliance with the minimum

wage and overtime requirements of the Act. As noted above, during the May 2 visit by Wage and Hour investigators, Defendants ordered the underpaid employees -- who were not listed on the payroll records and were paid in cash -- to hide in a nearby house so that the investigators would be unable to interview them, learn of their status as employees, and determine that they were paid in violation of the minimum wage and overtime requirements of the Act. During their employment by Defendants, these employees were threatened and subjected to verbally abusive treatment on an ongoing basis, including particularly when they questioned Defendants about their pay rates. One of the employees, who is disabled, was treated in a particularly abusive manner.

XIV.

During the relevant period beginning no later than May 9, 2009, defendants willfully and repeatedly violated and are violating the aforesaid provisions of the Act, as alleged, and a judgment enjoining such violations is expressly authorized by Section 17 of the Act.

WHEREFORE, cause having been shown, plaintiff prays judgment permanently enjoining and restraining defendants, their agents, servants, employees, and those persons in active concert or participation with them, or acting in their interest and behalf, from violating the provisions of Sections 6, 7, 11, 15(a)(1), 15(a)(2), 15(a)(3), and 15(a)(5) of the Act, and for such other and further relief as may be necessary or appropriate, including the restraint of any withholding of payment of minimum wage and overtime compensation found by the Court to be due employees under the Act, and ordering payment of compensatory and punitive damages on account of violations of section 15(a)(3) of the Act, and the costs of this action.

XV.

During the relevant period beginning no later than May 9, 2009, defendants willfully and repeatedly violated and are violating the aforesaid provisions of the Act. An award of actual and liquidated damages is specifically authorized by Section 16(c) of the Act.

WHEREFORE, cause having been shown, plaintiff demands judgment ordering payment of unpaid wages found by the Court to be due to the employees listed on the attached Exhibit A,

plus an equal amount as liquidated damages, and the costs of this action.

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