

Local carnival co. faces suit over low wages

BY ANGELJEAN CHIARAMIDA Posted: Thursday, June 20, 2013 3:00 am

SEABROOK — Local businessman Gene Dean and his amusement park ride company is facing a potential class action civil suit claiming that for years he's failed to pay hundreds of his workers their required legal wages.

According to the court document filed Monday in Suffolk Superior Court in Massachusetts, the plaintiff charges that the defendants, Eugene J. Dean III and Norma Dean, work their employees seven days a week, sometimes for 14 to 22 hours a day, while paying a set, substandard salary instead of an hourly wage as is legally required.

Fiesta Shows employs approximately 200 individuals as maintenance workers responsible for assembling, dismantling and operating the company's amusement park rides, while paying a flat rate of pay on a weekly basis no matter how many hours employees work, according to court documents.

Contacted for comment on the claims lodged in the suit, Dean said his policy is not to comment on the specific allegations brought in pending litigation, but he released the following statement concerning Fiesta Shows policy in general.

"Our small family business has worked for more than 50 years to bring a fun-filled experience to our customers and a positive workplace to our employees."

Registered as E.J. Amusements of New Hampshire, Inc., but doing business as Fiesta Shows, the company named in the suit was incorporated by Eugene J., Mary and Norma Dean in 1996, according to N.H. Secretary of State's corporate records, with an address of 15 Pine St. in Seabrook. However, the Deans list their home addresses as Salisbury on those corporate documents.

In addition, Gene Dean has been a major business and property owner in Salisbury, including the Beach Center, for decades.

The case was brought to Boston law firm Lichten and Liss-Riordan by an organization in Mexico that represents Mexican workers who travel to the

United States to work and encounter problems, according to Shannon Liss-Riordan. Her firm specializes in wage and hour class action labor disputes, she said.

Should the case be accepted by the court as a class action suit, Liss-Riordan said, it will allow one plaintiff — in this case Jorge Pilar Garcia of Mexico — to come forward on behalf of all others who will benefit if the case is won or resolved. In addition, if won or resolved, the defendant must pay the plaintiff's legal costs, she added.

Interviewed yesterday, Liss-Riordan said many of the workers involved with carnival ride companies like this one are low-wage employees or immigrants who are often afraid to come forward because they need the money and the job, even though it doesn't pay well. Liss-Riordan said the suit was brought against Fiesta Shows because Garcia worked for that company, which she believes is the largest in New England.

"We're going after them because this case is pretty outrageous," Liss-Riordan said. "Do the math: If they're working seven days a week for 14 hours a day, they're making \$4 an hour. Massachusetts minimum wage is \$8 an hour, and that isn't enough, yet these people are getting half that."

According to the lawsuit, Garcia is a resident of Mexico who was employed by Fiesta Shows from March 2010 through October 2011. He performed maintenance jobs, put up, took down and ran the rides for the company that works throughout the region, including Massachusetts cities and towns of Lawrence, Beverly, Chelsea and Situate.

Instead of being paid according to the number of hours he worked, as the law requires, Garcia and others like him were paid less than \$400 a week, Liss-Riordan said. Neither were Garcia and others paid at the overtime rate of time and half when they worked beyond the 40-hour work week, again as the law requires.

The many immigrant workers hired by Fiesta Shows coming from Mexico need temporary work visas to be employed here in temporary, non-agricultural jobs, and according to the lawsuit, Fiesta Shows had its Mexican workers bear the related expenses, like travel and visa costs.

The plaintiff, on behalf of himself and other workers, is seeking compensation for lost wages, triple damages and interest, as well as attorneys' fees and all costs.

Liss-Riordan isn't sure exactly how many others will be encompassed by the suit, but in cases like this, employer records are subpoenaed to get the names and addresses of all those who may benefit if the case is won or resolved.

Fiesta Shows will have an opportunity to file a corresponding brief answering the allegations made in the suit. However, since the suit was filed so recently, the company has not had a chance to do so, Liss-Riordan said.