



# Maricopa County Attorney

ANDREW P. THOMAS

301 W. JEFFERSON, SUITE 800  
PHOENIX, AZ 85003  
www.maricopacountyattorney.org

PH. (602) 506-3411  
TDD (602) 506-4352  
FAX (602) 506-8102

## News Release

### FOR IMMEDIATE RELEASE

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For more information contact:

Mike Anthony Scerbo, Public Information Officer  
(602) 506-3170 (office) or (602) 489-6913 (cell)

### **Restaurant Agrees to Follow the Law Following Employer Sanctions Investigation** *Civil Case filed in Cooperation with Immigration and Customs Enforcement*

County Attorney Andrew Thomas announced today that a settlement had been reached in a third employer's sanctions case filed by his office. The settlement, reached with the owner of Danny's Subway in Phoenix, calls for a two day suspension of business, a first-violation finding, a three-year probationary period, and the filing of quarterly hiring reports.

According to an investigation by U.S. Immigration and Customs Enforcement (ICE), an unauthorized worker was initially employed at Danny's Subway between January of 2007 and July of 2008. The ICE Office of Investigations identified the employee as an unauthorized worker and so advised Danny's Subway, who then fired the employee in July of 2008. According to ICE, however, the employee was then re-hired in September of 2008 under a forged identity. When ICE learned of this re-hire, they arrested the employee and began administrative proceedings against the company which resulted in a fine of \$431. ICE then referred the matter to the office of the Maricopa County Attorney for civil prosecution under the Arizona Legal Worker's Act which resulted in these proceedings. Deputy County Attorney Peter Spaw prosecuted the case.

On March 9, 2010, the settlement agreement and related paperwork were filed with the superior court. In the Consent Agreement filed this date, Danny's Subway has agreed to:

- Accept a finding of a first violation under the Legal Arizona Workers Act;
- Accept a three year probation period during which the restaurant will submit quarterly reports to MCAO on all hires made during the reporting period; and,
- Close its business for two full business days.

Thomas stated, "We are pleased to have received this referral from ICE. Our mutual goal is to get businesses to follow the law. We are also pleased that we are able to work with businesses such as Danny's Subway and come to fair and appropriate dispositions. As part of this settlement, we will be monitoring, through quarterly reports, the hiring practices of this company. Everyone agrees that citizens and legal immigrants looking for work should not have to compete with unauthorized workers."

This case represents the first time ICE has submitted an employer sanctions case to the Maricopa County Attorney's Office.

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“Companies who knowingly hire illegal aliens are not only breaking the law, they are also creating a magnet that draws foreign nationals to enter Arizona illegally,” said Matt Allen, special agent in charge of ICE Investigations in Arizona. “ICE is committed to working with our law enforcement partners to hold companies accountable when they seek to circumvent state and federal laws to enhance their profits.”

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