

Department of Justice
U.S. Attorney's Office
Eastern District of Louisiana

FOR IMMEDIATE RELEASE

Thursday, July 22, 2021

New Orleans Company Pleads Guilty to False Statements Charges

NEW ORLEANS, LOUISIANA – United States Attorney Duane A. Evans announced today that **B XPRESS-ELYSIAN FIELDS, LLC.**, a company that did business in New Orleans, entered a guilty plea on July 14, 2021 to making false statements in connection with a worksite employment investigation, in violation of Title 18, United States Code, Section 1001(a)(2).

In November 2015, Homeland Security Investigations received information that undocumented workers were possibly being employed at **B XPRESS-ELYSIAN FIELDS, LLC.** Based on that information, a worksite enforcement investigation was initiated in conjunction with the United States Department of Labor, Office of Inspector General.

Interviews were conducted of employees of the business and agents reviewed payroll records for a number of years. On August 11, 2016, Department of Labor, Wage and Hour investigators arrived at the company's location on Elysian Fields Avenue and identified themselves to the corporate representative, who identified himself as the person in charge of operations and activities at **B XPRESS-ELYSIAN FIELDS, LLC.** He confirmed that he was qualified to answer questions about business operations, including matters related to business operations, personnel, hours worked by staff, and payments made to workers. The investigation also revealed that this corporate representative met the definition of an employer as defined in section 3(d) of the FLSA since he performed duties which included but were not limited to: hiring and firing workers; assigning work to workers; setting and adjusting pay rates for workers; monitoring the performance of workers; determining whether work performance was acceptable.

On behalf of **B XPRESS-ELYSIAN FIELDS, LLC.**, the representative admitted to providing materially false statements to the agents. These materially false statements included that the company did not utilize a timekeeping system to record the hours that employees actually worked, that some workers were classified as independent contractors and that workers did not work more than 30 hours per week. The agents subsequently located records that proved that workers did in fact record their hours of work using the timekeeping system required by and maintained by the company. Interviews of employees also showed that workers did in fact routinely work in excess of 30 hours per week, with many staff members working significant numbers of overtime hours, which are defined by the Fair Labor Standards Act (FLSA) as hours worked in excess of 40 per work week.

The company faces up to 5 years of probation, a fine of up to \$500,000 and a \$100 mandatory special assessment fee. United States District Court Judge Martin L.C. Feldman set sentencing for October 13, 2021.

U.S. Attorney Evans praised the work of Homeland Security Investigations and the United States Department of Labor, Office of the Inspector General in investigating this matter. Assistant United States Attorney Jon Maestri is in charge of the prosecution.

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Attachment(s):

[Download b_xpress_factual_basis.pdf](#)

Topic(s):

Labor & Employment

Component(s):

[USAO - Louisiana, Eastern](#)