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Major restaurateur charged with illegal hiring

Landmark bakery targeted for seizure

By [Greg Moran](#), UNION-TRIBUNE STAFF WRITER

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FEDERAL COURT — The owner of the landmark restaurant and bakery The French Gourmet and a longtime manager pleaded not guilty Wednesday to federal charges that they hired illegal workers and falsely claimed to the government that the employees had the proper work documents.

Michel Malécot, who is also the president of The French Gourmet Inc., which owns the restaurant, bakery and catering business on Turquoise Avenue in Pacific Beach, and Richard Kauffmann, a manager and pastry chef, were charged with conspiracy, harboring illegal immigrants and false attestation. The corporation was charged with 14 counts of conspiracy, false attestation and harboring illegal immigrants.

While Malécot and Kauffmann could face prison time if convicted, the indictment also says the government is seeking forfeiture of the well-known restaurant, as well as an unstated amount of money.

The property includes two parcels and has an assessed valuation of about \$1.3 million, according to county records.

Eugene Iredale, the lawyer for Malécot, said the government was trying to make an example of Malécot and the restaurant as part of a crackdown on employers hiring illegal workers. Iredale said he had not heard of another instance in which the government said it wanted to seize the business property itself where the illegal hiring allegedly took place.

“We expect to vigorously contest all the charges, but especially the forfeiture,” Iredale said.

The French Gourmet has been in business since 1979.

The charges stem from a raid conducted by Immigration and Customs Enforcement agents at the business in May 2008.

Malécot posted a \$75,000 bond and Kauffmann a \$60,000 bond after entering pleas in front of U.S. Magistrate Judge Nita L. Stormes.

The indictment alleges nine specific instances where Kauffmann and other managers hired illegal workers and then certified on a government immigration form that they had examined their Social Security cards and other documents and they appeared to be genuine, and that the workers were eligible to work in the country.

The restaurant later received “no match” letters from the Social Security Administration saying the Social Security numbers submitted in the forms were not valid. The restaurant then would submit new forms with new Social Security numbers for the workers, falsely saying that the documents appeared genuine, the government charged.

Assistant U.S. Attorney Rebecca Canter said that under federal sentencing guidelines, each man could face up to 30 months in prison if convicted.

Jeremy Warren, the lawyer for Kauffmann, said after the hearing that both sides tried to resolve the case after the raids were conducted but could not reach an agreement.

In recent years, as the government has stepped up enforcement against employers who hire illegal workers, it also has increased its use of forfeiture laws to seize assets of companies that are criminally charged.

In 2006, the two principals in the Golden State Fence Co., a Riverside company that had an office in Oceanside, pleaded guilty to hiring illegal immigrants and forfeited \$4.7 million.

Josie Gonzalez, the lawyer who helped defend the company and its owner, said forfeiture — once largely used in narcotics or money laundering cases — is being used more often against employers who hire illegal workers.

“It’s a new enforcement tactic and a way that the government can get more money than what the fine in the statute calls for,” Gonzalez said.