

Former Maui Sands workers get wage settlement

Sometimes, a little of something is better than a whole lot of nothing.

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This past week -- four years after the prior owner of Maui Sands stiffed them on wages -- a group of former workers finally received their paychecks.

The 116 former employees will only receive about 44 cents of every dollar they're owed.

But that's OK by some.

"It was not right what was done to us," said Brian Jackson, one of the wronged workers and the lead plaintiff in a class-action lawsuit against former Maui Sands owner Scott Emerson. "I hope this is a lesson for business. I wanted businesses to know there are people who will take it as far as they can to get what they're owed."

The federal lawsuit was filed in 2008. Two years later, the former employees won a judgment for a collective \$550,000.

Emerson, in the waning days of owning Maui Sands, filed for bankruptcy.

It took another two years for the case to work its way through bankruptcy court. And now, the employees are finally seeing a small portion of their money.

End result: They recovered \$70,276 in wages.

Attorneys for Jackson and the other workers said the employees' reimbursement was based on minimum wage, not the actual wages they earned when the water park shut down.

Maui Sands closed on Thanksgiving Day four years ago. When the employees arrived that day, they fully expected to work as usual. They were greeted by locked doors, and managers telling them the business had closed.

The manager made no promises about their paychecks for their final three weeks of work, Jackson said.

For Jackson, the loss amounted to \$1,600.

His actual reimbursement this week: a check for about \$300.

"It was really exciting to get it," he said. "It was a good time of the year for it. Considering we got

screwed at Thanksgiving, he could pay us at Christmas."

He used the money to catch up on a few bills and buy some small Christmas gifts.

Still, he said he knows other employees in the lawsuit feel they should have received more -- much more.

"Essentially, we got paid for one week of wages," Jackson said. "It should have been two more, but something is better than nothing."

For most, it's simply a relief the court case is finished. It was like having a full-time job, keeping in contact with attorneys and staying up-to-date on the case's happenings, Jackson said.

He's also grateful for the attorneys who fought for the employees for four long years.

"If we hadn't won and then collected the money, they would not have received anything," Jackson said.

The attorneys, Jason Bristol and Anthony Lazzaro, estimate they invested about \$100,000 worth of work over the life of the lawsuit.

"I mailed them out on Friday, so they could hopefully get them for Christmas," Bristol said of the checks sent to employees. "It felt great, it really did."

The court case was adversarial the entire four years, Bristol said.

In the past five years, Lazzaro has represented an estimated 10,000 employees across the country in hundreds of cases involving payroll violations.

But this case was different.

"This was an egregious violation," Lazzaro said. "A lot of times we see employers skirting the law, shortchanging employees small amounts on wages over years, which is bad. But what is worse is non-payment. Three weeks of work, and they got nothing in return."

Attempts to contact Scott Emerson on his cell phone, work phone and home phone were unsuccessful.

Maui Sands has since been purchased by a new owner, Kirit Parmar, who has reopened the hotel and is working to re-open the actual water park.